

SECTION 1 - PURPOSE

The purpose of this Ordinance is: to promote the health, safety, morals and general welfare throughout Faribault County by lessening congestion in the public rights-of-way; securing safety from fire, panic and other dangers; providing adequate light and air; facilitating the adequate provision of water, sewage and other public requirements; conserving the value of properties and encouraging the most appropriate use of land, pursuant to "an act authorizing county planning and zoning activities, establishing a Board of Adjustment and authorizing the enactment of official controls and providing penalties for the violation thereof" as enabled by Minnesota State Statutes 103F and 394 and Rule 6120.2600.

SECTION 2 - TITLE

This Ordinance shall be known as the "Faribault County Zoning Ordinance" when referred to herein, it shall be known as "this Ordinance".

SECTION 3 - JURISDICTION, SCOPE AND INTERPRETATION

A. Jurisdiction

The jurisdiction of this ordinance shall apply to all the area of Faribault County outside the incorporated limits of municipalities.

B. Scope

From and after the effective date of this ordinance, the use of all land and every building or portion of a building erected, altered in respect to height and area, added to or relocated, and every use within a building or use accessory thereto in Faribault County shall be in conformity with the provisions of this ordinance. Any existing building or structure and any existing use of properties not in conformity with the regulations herein prescribed shall be regarded as non-conforming, but may be continued, extended or changed subject to the special regulations herein provided with respect to non-conforming properties or uses.

C. Interpretation

In interpreting and applying the provisions of this ordinance, they shall be held to the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of this ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

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SECTION 4 - RULES AND DEFINITIONS

A. RULES

1. Word Usage:

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; the word "lot" shall include the word "plot", and the word "shall" is mandatory and not discretionary.

2. Permitted Uses:

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

- a. Uses lawfully established prior to the effective date of this ordinance.
- b. Essential services are permitted uses in all zoning districts and are not subject to height, yard, or setback requirements, except for height limitations in any Airport Zone and except as provided in SECTION 15, Subdivision G.
- c. Public utility buildings not customarily considered industrial in use, are permitted in all zoning districts. However, no such building or essential service structures such as electric substations, gas regulator stations or waterworks shall be located within fifty (50) feet of any lot line of an abutting lot in any residential district or in conflict with setback requirements.
- d. Conditional uses allowed in accordance with SECTION 4, A.3.

3. Conditional Uses:

Conditional uses of land or buildings, as hereinafter listed, may be allowed in the districts indicated, subject to the issuance of Conditional Use Permits, in accordance with the provisions of SECTION 16.

4. All distances, unless otherwise specified, shall be measured horizontally.

B. Definitions

For the purpose of this ordinance, certain items and words are defined as follows:

1. Accessory Structure or Facility - Any building or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.
2. Agriculture - The art or science of cultivating the soil and activities incidental thereto; the growing of soil crops in the customary manner on open tracts of land; the accessory raising of livestock and poultry; farming. The term shall include incidental retail selling by the producer of products raised on the premises, provided that space necessary for parking of vehicles of customers shall be furnished off the public right-of-way. The term shall not include the processing or manufacturing of feed or foodstuffs not raised on the premises for sale or resale.
3. Animal Unit (AU)* - A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer.
Based on Minnesota Rules Chapter 7020, incorporated by reference as amended by the Minnesota Pollution Control Agency.

The number of AU shall be defined as the average weight of the animal divided by 1,000 pounds.

4. Automobile Wrecking - See Junk Yards
5. 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 (18) percent over a distance for fifty (50) feet or more shall not be considered part of the bluff):
 - a. Part or all of the feature is located in a shoreland area;
 - b. The slope rises at least twenty-five (25) feet above the OHWL of the water body;
 - c. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the OHWL averages thirty (30) percent or greater; and
 - d. The slope must drain toward the water body.
6. Bluff Impact Zone - A bluff and land located within twenty (20) feet from the top of a bluff.

7. Boathouse - A structure designed and used solely for the storage of boats or boating equipment.
8. Building - Any structure having a roof, for the shelter, support or enclosure of persons, animals, or chattel, or property of any kind; and when separated by party walls without openings, such portion of such building so separated shall be deemed a separate building.
9. 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.
10. Building Line - A line parallel to a lot line or the OHWL at the required setback beyond which a structure may not extend.
11. Commercial Use - The principal use of land or buildings for the sale, lease, rental or trade of products, goods and services.
12. Commissioner - The Commissioner of the Department of Natural Resources (DNR).
13. Community Water and Sewer Systems - Utilities systems serving a group of buildings, lots, or an area of the county, with the design and construction of such utility systems as approved by the county and the State of Minnesota.
14. Conditional Use - A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that (1) certain conditions as detailed in this ordinance exist, and (2) the use or development conforms to the Comprehensive Land Use Plan (CLUP) of the county and (3) is compatible with the existing neighborhood.
15. Corner Lot - A lot situated at the junction of and fronting on two or more roads or highways.
16. 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.
17. Depth of Lot - The mean horizontal distance between the mean front street and the mean rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.
18. Depth of Rear Yard - The mean horizontal distance between the rear line of the building and the centerline of an alley, where an alley exists, otherwise a rear lot line.
19. District - A section of the county for which the regulations governing the height, area, use of buildings and premises are the same.
20. Dwelling - A building or portion thereof, designed exclusively for residential occupancy; the term does not include hotels, motels, tents, tent trailers or recreational vehicles.

21. Dwelling, One (1) Family Detached - A dwelling designed for or occupied exclusively by one (1) family in a single building.
22. Dwelling, Multiple - A dwelling designed for or occupied by two (2) or more families.
23. Dwelling Site - A designated location for residential use by one (1) or more persons using temporary or movable shelter, including camping and recreational vehicle sites.
24. Dwelling Unit - Any structure or portion of a structure, or other shelter designed as short-term or long-term living quarters for one (1) or more persons, including rental or timeshare accommodations such as motel, hotel and resort rooms and cabins.
25. Easement - A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm drainage ways and gas lines.
26. Essential Services - Overhead or underground electrical, gas, steam or water transmission or distribution systems and structures, or collection, communication, supply or disposal systems and structures, used by public utilities, rural electric cooperatives or governmental departments or commissions or as are required for protection of the public health, safety, or general welfare, including towers, poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection therewith, but not including buildings.
27. Extractive Use - The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals other nonmetallic minerals, and peat not regulated under Minnesota Statutes Section 93.44 to 93.51.
28. Family - Any number of individuals living together on the premises or a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house or hotel.
29. Farming - The cultivation of the soil and all activities incidental thereto; agriculture.
30. Farmstead - That area which includes the farm dwelling and other buildings in close proximity to the farm dwelling.
31. Feedlot - A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for the feeding and rearing of poultry shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts.
32. Floor Area - The sum of the gross horizontal areas of the several floors of a building measured from the exterior walls.

33. Floodway - The channel and those portions of the flood plains adjoining the channel which are reasonably required to carry and discharge the flood water or flood flow of a specific size without unduly raising upstream water surface elevation.
34. Forest Land Conversion - The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.
35. Garage, Private - A garage which is erected as an accessory building.
36. Garage, Public - Any premises, except those described as a private garage, used for the storage or care of power-driven vehicles, or where any such vehicles are equipped for operation, repair or are kept for remuneration, hire or sale.
37. Hardship - As used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the ordinance.
38. See Building Height.
39. High Water Level (HWL) - The highest recorded water level.
40. Highway - Any public thoroughfare or vehicular right-of-way with a federal or state numerical route designation; any public thoroughfare or vehicular right-of-way with a Faribault County numerical route designation.
41. Home Occupation - Any occupation of a service character which is clearly secondary to the main use of the premises as a dwelling and does not change the character thereof or exhibit any exterior evidence of such secondary use. Such occupation shall be conducted or carried on only by the persons residing on the premises.
42. Intensive Vegetation Clearing - The complete removal of trees or shrubs in a contiguous patch, strip, row or block.
43. Junk Yard - A place or site where waste is discarded or salvaged materials are bought, sold, exchanged, stored, cleaned, packed, disassembled, or handled, including but not limited to scrap metal, rags, paper, rubber products, glass products, lumber products and residual parts and materials resulting from the wrecking of motor vehicles, farm machinery, and industrial equipment. A place or site where more than five (5) unlicensed and/or inoperable motor vehicles are stored at any one time will be presumed to be a junk yard.
44. Lake, Natural Environment - Waters which need a significant amount of protection because of their unique natural characteristics or their unsuitability for development and sustained recreational use.

45. Lake, Recreational Development - Waters which are capable of absorbing additional development and recreational use.
46. Lake, General Development - Waters which are at present highly developed or which, due to their location, may be needed for high density development in the future.
47. Landfill, Demolition - A place for the disposal of demolition wastes including waste building materials, packaging, and rubble resulting from construction, remodeling, repair and demolition.
48. Livestock Waste Lagoon - A diked enclosure for disposal of livestock waste by natural processes.
49. Lot - A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease or separation.
50. Lot Area - The lot area is the land within the lot lines.
51. Lot Area per Family - The lot area per family is the lot area required by this ordinance to be provided for each family in a dwelling.
52. Lot, Double Frontage - An interior lot having frontage on two streets.
53. Lot, Interior - A lot other than a corner lot.
54. Lot Lines - The lines bounding a lot, as defined herein. When a lot line abuts a road, street, avenue, park or other public property, except an alley, such line shall be known as a street line, and when a lot abuts an alley, it shall be known as an alley line.
55. Lot Width - The shortest distance between lot lines measured at the midpoint of the building line.
56. Lot Depth - The mean horizontal distance between the mean front road and the mean rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.
57. Lot, Substandard - A lot recorded with the County Recorder prior to the adoption of this ordinance which does not comply with the regulations or standards of the appropriate zoning district.
58. Manufactured Home - A structure, transportable in one(1) 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, or, when erected on site, is three hundred twenty(320) or more square feet, and which 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 standards established.

59. Manufactured Home Park - A contiguous parcel of land which has been planned for the placement of two (2) or more manufactured homes or manufactured home lots.
60. Motel - A building or group of buildings used primarily for the temporary residence of motorists or travelers.
61. Municipal Waste Lagoon - A diked enclosure for disposal of municipal wastes.
62. Non-Conformity - Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.
63. Ordinary High Water Level (OHWL)- 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 predominately aquatic to predominantly terrestrial. For watercourses, the OHWL is the elevation of the top of the bank of the channel. For reservoirs and flowages, the OHWL is the operating elevation of the normal summer pool.
64. Parking Space, Automobile - A space containing a minimum area of not less than three hundred(300) square feet, including access drives, a width of not less than nine(9) feet, and a depth of not less than twenty(20) feet.
65. Patio - An at-grade (no higher than six (6) inches) surface of wood, stone, brick, concrete, asphalt or other material.
66. Persons - Any individual, firm, partnership, corporation, company, association, joint stock association or body politic; includes any trustee, receiver, assignee, or other similar representative thereof.
67. Plot - A tract other than one (1) unit of a recorded plat or subdivision and occupied and used or intended to be occupied and used as an individual site and improved or intended to be improved by the erection thereon of buildings and having a frontage upon a public road or highway or upon a traveled or used road and including as a minimum such open spaces as required under this ordinance.
68. Premises - A lot or plot with the required front, side and rear yards for a dwelling or other use as allowed under this ordinance.
69. Public Waters - Any waters as defined in Minnesota Statutes, Section 103G.005.

70. Road - A public right of way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.
71. Salvage Operation, Temporary - 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. This operation may exist for a period of not more than one (1) year.
72. Semipublic Use - The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
73. 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.
74. Setback - The minimum horizontal distance between a structure, sewage treatment system, or other facility and an OHWL, sewage treatment system, top of a bluff, road, highway property line or other facility.
75. Sewage Treatment System - A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in this ordinance.
76. Sewer System - Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.
77. Shore Impact Zone - Land located between the OHWL of a public water and a line parallel to it at a setback of fifty (50) percent of the structure setback.
78. Shoreland - Land located within the following distances from public waters: one thousand (1,000) feet from the OHWL of a lake, pond or flowage; and three hundred (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.
79. 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 un-platted cemetery that falls under the provisions of Minnesota Statutes Section 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 un-platted cemeteries are automatically considered to be significant historic sites.

80. 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 (12) percent, as measured over horizontal distances of fifty(50) feet or more, that are not bluffs.
81. Story - That portion of a building included between the surface of any floor above it, the space between the floor and the ceiling next above it.
82. 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.
83. Structure - Any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.
84. Structural Alterations - Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.
85. Subdivision - A described tract of land which is to be or has been divided into two (2) or more lots or parcels or the division of a lot, tract or parcel of land into two (2) or more lots, tracts or parcels, none of which are greater than five (5) acres in area, (exclusive of road right of way) or greater than three hundred (300) feet in width for the purpose of transferring ownership or building development; or if a new street is involved, any division or development; or if a new street is involved, any division or development of a parcel of land. The term shall include re-subdivision of land provided, however, that the sale or exchange of small parcels of platted land to or between adjoining property owners shall not be considered as a subdivision, and provided the remaining acreage is not less than the minimum requirement of the appropriate zoning district. Existing farmsteads shall be exempt from platting requirements. In shoreland, all division of land for purpose of sale, rent or lease are considered subdivisions.
86. Toe of the Bluff - The lower point of a fifty (50) foot segment with an average slope exceeding eighteen (18) percent.
87. Top of the Bluff - The higher point of a fifty (50) foot segment with an average slope exceeding eighteen (18) percent.
88. Use - The purpose for which land or premises or a building thereon is designated, arranged or intended, or for which it is or may be occupied or maintained.
89. Use, Accessory - A use clearly incidental or accessory to the principle use of a lot, or a building located on the same lot as the accessory use.

90. Variance - Any modification or variation of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship.
91. Water-oriented Accessory Structure or Facility - 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 boathouses, gazebos, screen houses, fish houses, pump houses and decks. A water-oriented accessory structure or facility shall not be designed for human habitation nor shall they contain water supply or be connected to an individual sewage treatment facility.
92. Wetland - A surface water feature classified as a wetland in the United States Fish and Wildlife (USF&W) Service Circular No. 39 (1971 edition).
93. Yard - Any space in the same lot with a building open and unobstructed from the ground to the sky, except for fences five (5) feet or less in height and trees and shrubs.
94. Yard, Front - A yard extending across the front of the lot between the side yard lines and lying between the centerline of the road or highway and the nearest line of the building.
95. Yard, Rear - An open space unoccupied except for accessory buildings on the same lot with a building between the rear lines of the building and the rear line of the lot, for the full width of the lot.
96. Yard, Side - An open, unoccupied space on the lot with a building between the building and the side line of the lot and extending from the front lot to the rear of the back yard.

SECTION 5 - CLASSIFICATION OF DISTRICTS

A. Districts

For the purpose of this ordinance, Faribault County is hereby divided into classes of districts which shall be designated as follows:

1. Agricultural Districts

A-1 SHORELAND AGRICULTURE DISTRICT

A-2 GENERAL AGRICULTURE DISTRICT

2. Residence Districts

R-1 RURAL RESIDENCE DISTRICT

R-2 SHORELAND RESIDENTIAL DISTRICT

R-3 MANUFACTURED HOME PARK DISTRICT

3. Business Districts

B-1 HIGHWAY SERVICE BUSINESS DISTRICT

B-2 GENERAL BUSINESS DISTRICT

4. Industry Districts

I-1 LIGHT INDUSTRY DISTRICT

I-2 HEAVY INDUSTRY DISTRICT

B. Zoning Map

The location and boundaries of the districts established by this ordinance are hereby set forth on the Zoning Map, and said map is hereby made a part of this ordinance; said map shall be known as the "County Zoning Map". Said map and all notations, references and data shown thereon are hereby incorporated by reference into this ordinance and shall be as much a part of it as if all were fully described herein. It shall be the responsibility of the Zoning Administrator to maintain said map within thirty (30) days after official publication of amendments. The official Zoning Map shall be kept on file in the County Courthouse in the Office of the County Recorder.

C. District Boundaries

The boundaries between districts are, unless otherwise indicated, the centerlines of highways, roads, streets, alleys or railroad rights of way or such lines extended or lines parallel or perpendicular thereto; or plot lines or lot lines; or section, half-section, quarter-section, quarter-quarter section or other fractional section lines of United States public land surveys, as established by law where figures are shown on the Zoning Map between a road and a district boundary line, they indicate that the district boundary line

runs parallel to the road centerline at a distance there from equivalent to the number of feet so indicated, unless otherwise indicated.

D. Future Detachment

Any land detached from an incorporated municipality and placed under the jurisdiction of this ordinance in the future shall be placed in the A-2 GENERAL AGRICULTURE District until placed in another district by action of the Board of County Commissioners after recommendation of the County Planning Commission.

SECTION 6 - A-1 SHORELAND AGRICULTURE DISTRICT

The County Board of Faribault County Ordains:

A. Purpose

The intent of the A-1 SHORELAND AGRICULTURE DISTRICT is to provide a district that will: (1) allow limited agricultural activities because of topographic and physiographic characteristics and the public water resource; (2) retain major areas of natural ground cover and surface water for conservation purposes; (3) reduce scatter, non-farm growth and manage it to protect the water resource; and (4) secure economy in governmental expenditures for public services, utilities and schools.

B. Shoreland Regulations

All uses will be subject to applicable regulations found in SHORELAND REGULATIONS, Section 20.

C. Permitted Uses

The following uses shall be permitted in the A-1 SHORELAND AGRICULTURE DISTRICT:

1. Agriculture and incidental agricultural related uses including farm dwellings and agricultural buildings.
2. Feedlots located outside of one thousand (1,000) feet of lakes and three hundred(300) feet of river's OHWL, no larger than one thousand (1,000) AU.
3. Farm drainage systems, flood control and watershed structures, and erosion control structures.
4. Dwellings, where occupancies reside, and meet setbacks/regulations as outlined in this ordinance.
5. Home occupations when such use does not exceed one-third (1/3) of the main floor space of a dwelling and is conducted only in the principal dwelling and by persons residing in the home.
6. Open space, wildlife areas and sensitive resource management.

D. Conditional Uses

The following uses may be allowed in the A-1 AGRICULTURE SHORELAND DISTRICT, subject to the provisions of SECTION 16.

1. Forest management
2. Parks and recreational areas owned or operated by governmental agencies
3. Nurseries and tree farms
4. Riding academies and stables

5. Additions to organized group camps and other campgrounds provided they comply with the requirements in MN Shoreland Regulations 6120.3800
6. Home occupations
7. Churches
8. Cemeteries and memorial gardens
9. Water supply buildings, reservoirs, wells, elevated tanks, public sewage treatment facilities and similar essential public utility and service structures
10. Golf courses, golf club house, country club, public swimming pool, private swimming pool serving more than one (1) family
11. Feedlots located between one thousand (1,000) feet and three hundred (300) feet of the OHWL of lakes and any feedlot over a cumulative of one thousand (1,000) AU
12. Feedlot additions within three hundred (300) feet of lake's and river's OHWL and all livestock waste lagoons
13. Gun clubs
14. Railroad rights of way, but not including railroad yards
15. Facilities for the care and/or breeding of animals including kennels
16. Mineral extraction
17. Radio or television transmitting stations and towers
18. Schools having a curriculum equivalent to public schools
19. Uses determined by the Planning Commission to be of the same general character as the conditional uses above and found not to be detrimental to the general health and welfare of the county

E. Permitted Accessory Uses

The following uses shall be permitted accessory uses within the A-1 SHORELAND AGRICULTURE DISTRICT:

1. Private garage, shed, gazebo, deck, porch, boat house, patio
2. Keeping of not more than two (2) boarders by a resident family

3. Living quarters of persons employed on the premises
4. Structures for permitted business purposes
5. Other accessory uses customarily incidental to the uses permitted in this section

F. Height, Yard, Area, Lot Width and Depth, Setback & Elevation Regulations

1. Height Regulations:

- a. No height regulations shall be required for agricultural buildings.
- b. No other building hereafter erected or altered shall exceed two and one-half (2 1/2) stories or thirty (30) feet in height.

2. Front Yard Regulations:

- a. There shall be a minimum front yard setback of not less than two hundred (200) feet from the centerline of Interstate Highways; one hundred thirty (130) feet from the centerline of US Highways and State Highways; and one hundred (100) feet from the centerline of all County State Aid Highways and County Roads.
- b. There shall be a minimum front yard setback of not less than sixty-five (65) feet from the centerline of other public rights of way.
- c. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.
- d. Within existing developed areas, the above front yard setback requirements may be adjusted to coincide with average setbacks occurring on either side of proposed building within three hundred (300) feet, except that any building shall be located a minimum of twenty (20) feet from the right of way line.

3. Side Yard Regulations:

- a. No side yard regulations shall be required for agricultural buildings.
- b. For other buildings there shall be a side yard having a minimum width of not less than thirty (30) feet on each side of a building.

4. Rear Yard Regulations:

- a. No rear yard regulation shall be required for agricultural buildings.

- b. For other buildings there shall be a rear yard having a minimum depth of not less than fifty (50) feet.
5. Lot Area Regulations:
- a. Every lot or plot of land where a dwelling(s) is erected shall contain a minimum lot area of not less than five (5) acres.
6. Lot Width and Depth Regulations:
- a. Every lot or plot of land where a dwelling(s) is erected shall have a minimum width of not less than four hundred (400) feet at all points, including the waterline, and a minimum depth of not less than four hundred (400) feet.
7. Setback Regulations.
- a. All buildings shall have a minimum setback of one hundred fifty (150) feet from the OHWL.
 - b. Individual sewage treatment systems shall have a minimum setback of one hundred fifty (150) feet from the normal high water mark.
 - c. The placement of shrubs and trees for windbreaks shall have a minimum setback of not less than one hundred (100) feet from the centerline of public roads. (Does not apply to existing sites, 2/3/98)
- The foregoing minimum is not to apply to groves or shrubbery around building sites nor to any established windbreaks on the date hereof, 12/18/79.
8. Elevation Regulations:
- a. No buildings or structures shall be erected at an elevation of less and three (3) feet above the OHWL or the highest known water level, whichever is higher.

G. Dwelling Regulations

All dwellings must be attached to permanent foundations or have tie downs.

H. General Regulations

Additional requirements and other regulations in the A-1 SHORELAND AGRICULTURE DISTRICT are set forth in SECTION 15.

Chair
Faribault County Board of Commissioners

ATTEST:

Clerk to the Board

Amended: September 21st, 2021
Signed: October 5th, 2021

SECTION 7 - A-2 GENERAL AGRICULTURE DISTRICT

The County Board of Faribault County Ordains:

A. Purposes

The intent of the A-2 GENERAL AGRICULTURE DISTRICT is to provide a district that will:(1) allow suitable areas of Faribault County to be retained in agricultural use; (2) reduce scattered, non-farm development; and (3) secure economy in governmental expenditures for public services, utilities and schools.

B. Permitted Uses

The following uses shall be permitted within the A-2 GENERAL AGRICULTURE DISTRICT:

1. Agriculture and incidental agricultural related uses; including farm dwellings and agricultural buildings
2. Feedlots up to one thousand (1,000) AU
3. Parks, recreational areas, wildlife areas, game refuges and forest preserves owned by governmental agencies
4. Flood control, watershed structures, farm drainage systems and erosion control structures
5. Dwellings, where occupancies reside, and meet setbacks/regulations as outlined in this ordinance
6. Nurseries and tree farms
7. Public schools or private schools having a curriculum equivalent to a public elementary or public high school
8. Riding academies, stables
9. Churches
10. Cemeteries, memorial gardens
11. Hospital, convalescent or nursing homes
12. Home occupations when such use does not exceed one-third (1/3) of the main floor space of a dwelling and is conducted only in the principal dwelling and by persons residing in the home

C. Conditional Uses

The following uses may be allowed in the A-2 GENERAL AGRICULTURAL DISTRICT, subject to the provisions of section 16.

1. Extraction of minerals as regulated in SECTION 15
2. Golf and country clubs, gun clubs, miniature golf courses, golf driving ranges and race tracks
3. Dumping grounds, waste treatment lagoons, sanitary landfill operations and demolition landfills, as regulated by State and County Ordinances and similar essential public utility and service structures
4. Local and municipal administration and service buildings, airports and air facilities
5. Home occupations
6. Feedlots over one thousand (1,000) AU
7. Livestock waste lagoon as defined in SECTION 4
8. Grain and produce collection and storage as a primary use
9. Agricultural related retailers and/or business on existing farmsteads when the use is clearly incidental (secondary) to the normal farming operations
10. Dog kennels
11. Radio or television transmitting stations and towers
12. Commercial outdoor recreation areas and accessory buildings
13. Essential public utilities or services and service buildings, including storage yards
14. Junk yards
15. On existing farmsteads, all uses permitted under Section 13 of the I-1 LIGHT INDUSTRY DISTRICT
16. Uses determined by the Planning Commission to be of the same general character as the conditional uses above and found not to

be detrimental to the general health and welfare of the county

D. Permitted Accessory Uses

The following uses shall be permitted accessory uses within the A-2 GENERAL AGRICULTURE DISTRICT:

1. Private garage, shed, gazebo, deck, porch, boat house, patio
2. Keeping of not more than two (2) boarders by a resident family
3. Living quarters of persons employed on the premises
4. Structures for permitted business purposes
5. Other accessory uses customarily incidental to the uses permitted in this section

E. Height, Yard, Area, Lot Width, Depth, Setback and Dwelling Regulations

1. Height Regulations:
 - a. No height regulations shall be required for agricultural buildings.
 - b. No other building hereafter erected or altered shall exceed two and one- half (2 1/2) stories or thirty (30) feet in height.
2. Front Yard Regulations:
 - a. There shall be a minimum front yard setback of not less than two hundred (200) feet from the centerline of Interstate Highways; one hundred thirty(130) feet from the centerline of US Highways and State Highways; and one hundred(100) feet from the centerline of all County State Aid Highways and County Roads.
 - b. There shall be a minimum front yard setback of not less than sixty-five (65) feet from the centerline of other public rights of way.
 - c. Where a lot is located at the intersection of two (2) or more roads or highways, there shall be a front yard setback on each road or highwayside of each corner lot. No accessory buildings shall project beyond the front yard of either road.

- d. Within existing developed areas, the above front yard setback requirements may be adjusted to coincide with average setbacks occurring on either side of proposed building within three hundred (300) feet, except that any building shall be located a minimum of twenty (20) feet from the right of way line.
3. Side Yard Regulations:
- a. No side yard regulations shall be required for agricultural buildings.
 - b. For other buildings there shall be a side yard having a minimum width of not less than thirty (30) feet on each side of a building.
4. Rear Yard Regulations:
- a. No rear yard regulation shall be required for agricultural buildings.
 - b. For other buildings there shall be a rear yard having a minimum depth of not less than fifty (50) feet.
5. Lot Area Regulations:
- a. Every lot or plot of land where a dwelling(s) is erected shall contain a minimum lot area of not less than five (5) acres.
6. Lot Width and Depth Regulations:
- a. Every lot or plot of land where a dwelling(s) is erected shall have a minimum width of not less than four hundred (400) feet at all points, including the waterline, and a minimum depth of not less than four hundred (400) feet.
7. Setback Regulations.
- a. All buildings shall have a minimum setback of one hundred fifty (150) feet from the OHWL.
 - b. Individual sewage treatment systems shall have a minimum setback of one hundred fifty (150) feet from the normal high water mark.

- c. The placement of shrubs and trees for windbreaks shall have a minimum setback of not less than one hundred (100) feet from the centerline of public roads. (Does not apply to existing sites - 2/28/98.)

The foregoing minimum is not to apply to groves or shrubbery around building sites nor to any established windbreaks on the date hereof, 12- 18-79.

8. Elevation Regulations:

- a. No buildings or structures shall be erected at an elevation of less three (3) feet above the OHWL or the highest known water level, whichever is higher.

F. Dwelling Regulations

All dwellings must be attached to permanent foundations or have tie downs

G. General Regulations

Additional requirements for other regulations in the A-2 GENERAL AGRICULTURE DISTRICT are set forth in SECTION 15.

Additional requirements for junk yards are set forth in SECTION 19.

Chair
Faribault County Board of Commissioners

ATTEST:

Clerk to the Board

Amended: September 21st, 2021
Signed: October 5th, 2021

SECTION 8 - R-1 RURAL RESIDENCE DISTRICT

A. Purpose

The intent of the R-1 RURAL RESIDENCE DISTRICT is to provide a district that will allow low density residential development and on-lot utilities where municipal utilities are not available.

B. Permitted Uses

The following uses shall be permitted within the R-1 RURAL RESIDENCE DISTRICT:

1. One (1), one-family detached dwelling per lot.
2. Agriculture, farming and truck gardening, except feedlots and kennels operated for commercial purposes, provided that no agriculture building or be located within one hundred (100) feet of any lot line abutting residential property.
3. Farm drainage systems, flood control, watershed structures and erosion control structures.

C. Conditional Uses

The following uses may be allowed in the R-1 RURAL RESIDENCE DISTRICT subject to the provisions of SECTION 16:

1. Municipal administration buildings, police and fire stations, community center buildings, public libraries, museums, art galleries, post office and other municipal service buildings, except those customarily considered industrial in use and provided that no buildings shall be located within fifty (50) feet of any lot line of an abutting lot in any RESIDENCE DISTRICT.
2. Golf courses, clubhouses, miniature courses and driving tees operated for commercial purposes
3. Water supply buildings, reservoirs, wells, elevated tanks and similar essential service structures, except that no structure shall be located within fifty (50) feet of any lot line of an abutting lot in any RESIDENCE DISTRICT.
4. Country clubs, public swimming pool, private swimming pool serving more than one (1) family, provided that no principal structure shall be located within fifty (50) feet of any lot line of an abutting lot in any RESIDENCE DISTRICT.
5. Home occupations, when such use does not exceed one-third (1/3) of the main floor space of a dwelling and is conducted only in the principal dwelling.
6. Railroad rights of way, but not including railroad yards

7. Cemetery, memorial gardens
8. Parks and recreational areas owned or operated by governmental agencies
9. Churches and schools having a curriculum equivalent to public schools
10. Hospital, convalescent or nursing home
11. Wind electrical generators and towers, provided that there is at least a ratio of one (1) to one (1) between the distance from the closest property line to any part of the tower (excluding guy wires) to the height of the tower.
12. Uses determined by the Planning Commission to be of the same general character as the conditional uses above and found not to be detrimental to the general health and welfare of the county.

D. Permitted Accessory Uses

The following uses shall be permitted accessory uses within R-1 RESIDENCE DISTRICT.

1. Private garage, shed, gazebo, deck, porch, patio
2. Private swimming pool, when area is completely enclosed within fence five (5) feet high.
3. Keeping of not more than four (4) boarders or roomers by a resident family.
4. Living quarters of persons employed on the premises.
5. Accessory uses customarily incidental to the uses permitted.

E. Height, Yard, Area, Lot Width, Depth and Dwelling Regulations

1. Height Regulations: No Building hereafter erected or altered shall exceed two and one-half (2 1/2) stories or thirty (30) feet in height.
2. Front Yard Regulations:
 - a. There shall be a minimum front yard setback of not less than two hundred (200) feet from the centerline of Interstate Highways, one hundred and thirty (130) feet from the centerline of US Highways, and one hundred (100) feet from the centerline of all County State Aid Highways and County Roads.

- b. There shall be a minimum front yard setback of not less than sixty-five (65) feet from the centerline of all other public rights of way.

Where a lot is located at the intersection of two (2) or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory building shall project beyond the front yard line of either road.

3. Side Yard Regulations:

There shall be a side yard having a width of not less than ten (10) feet on each side of a building.

4. Rear Yard Regulations:

There shall be a rear yard having a depth of not less than fifty (50) feet.

5. Lot Area, Width and Depth Regulations:

Every lot or plot of land on which a dwelling is erected shall contain an area of not less than one (1) acre; have a minimum width of one hundred fifty (150) feet, have a minimum depth of one hundred fifty (150) feet.

6. Dwelling Regulations:

- a. All dwellings must be attached to permanent foundations or have tie downs.
- b. All dwellings shall have a minimum width of twenty (20) feet.

F. General Regulations

Additional requirements and other regulations in the R-1 RURAL RESIDENCE DISTRICT are set forth in SECTION 15.

SECTION 9 - R-2 SHORELAND RESIDENTIAL DISTRICT

A. Purpose

The purpose of the SHORELAND RESIDENTIAL DISTRICT is to provide a district which will (1) allow Shoreland residential development in compliance with the Laws of Minnesota, and (2) allow certain essential shoreland service activities under specified conditions and standards.

B. Shoreland Regulations

All uses shall be subject to applicable regulations found in Shoreland Regulations, Section 20.

C. Permitted uses

The following uses shall be permitted within the R-2 SHORELAND RESIDENTIAL DISTRICT:

1. One (1), one-family detached dwelling per lot.
2. Agriculture and incidental agricultural related uses, except commercial kennels and feedlots, including farm dwellings and agricultural buildings provided that no agricultural building shall be located within one hundred (100) feet of any lot line abutting residential property.
3. Farm drainage systems, flood control and watershed structures and erosion control structures
4. Open space, wildlife areas and sensitive resource management

D. Conditional Uses

The following uses shall be conditional uses within the R-2 SHORELAND RESIDENTIAL DISTRICT:

1. Parks and recreational areas owned or operated by governmental agencies
2. Water supply and other essential service structures, not including utility lines, provided that no essential service structure shall be located within fifty (50) feet of any lot line of an abutting residential property.
3. Golf courses, golf club house, country club, public swimming pool or private swimming pool serving more than one (1) family, provided that no principal structure shall be located within fifty (50) feet of any lot line of an abutting residential property.

4. Home occupations, when such use does not exceed one-third (1/3) of the main floor space of a dwelling and is conducted only in the principal dwelling
5. Temporary dwelling for a period of one (1) year, subject to no renewal
6. Forest management
7. Nurseries and tree farms
8. Riding academies and stables
9. Additions to organized group camps and other campgrounds, provided they comply with the requirements of MN Shoreland Regulations 6120.3800
10. Churches
11. Cemeteries and memorial gardens
12. Water supply buildings, reservoirs, wells, elevated tanks, public sewage treatment facilities and similar essential public utility and service structures
13. Gun clubs
14. Railroad right of way but not including railroad yards
15. Facilities for the care and/or breeding of animals including kennels
16. Uses determined by the Planning Commission to be of the same general character as the conditional uses above and found not to be detrimental to the general health and welfare of the county.

E. Accessory Uses

The following uses shall be permitted accessory uses within the R-2 SHORELAND RESIDENTIAL DISTRICTS:

1. Private garage, shed, gazebo, deck, porch, boathouse, patio
2. Private swimming pool, when area is completely enclosed within a fence five (5) feet high
3. Keeping not more than four (4) boarders or roomers by a resident family
4. Living quarters of persons employed on the premises
5. Accessory uses customarily incident to the uses permitted

F. Height, Frontage, Minimum Lot Size, Lot Width, Setbacks of Buildings, Elevations, Front, 30 Side, and Rear Yard Regulations, Sewage Treatment Setback Regulations.

1. Height Regulations:

- a. No building hereafter erected or altered shall exceed two and one-half (2 1/2) stories or thirty (30) feet in height.

2. Frontage, Minimum Lot Size, and Lot Width Regulations:

<u>Minimum Lot Size</u>	<u>Minimum Lot Width at Waterline</u>	<u>Minimum Lot Width at Bldg. Line</u>
40,000 sq. ft.	150 ft.	150 ft.

3. Setback Regulations:

Minimum setback from OHWL: Bass Lake (Public Water #74) Structures – seventy-five (75) feet; Sewage Treatment Systems – fifty (50) feet.

Rice Lake (Public water #7) and Minnesota Lake (Public water #33) Structures – one hundred (100) feet; Sewage Treatment Systems – seventy-five (75) feet.

4. Elevation:

- a. No building or structures shall be built at an elevation of less than three (3) feet above the OHWL or the highest known water level, whichever is higher.

5. Front Yard Regulations:

- a. There shall be a minimum front yard setback of not less than two hundred (200) feet from the centerline of Interstate Highways, one hundred thirty (130) feet from the centerline of us Highways and one hundred (100) feet from the centerline of all County State Aid Highways and County Highways.
- b. There shall be a minimum front yard setback of not less than sixty-five (65) feet from the centerline of all other public rights of way.
- c. Where a lot is located at the intersection of two (2) or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory building shall project beyond the front yard line of either road.

6. Side Yard Regulations:

- a. There shall be a side yard having a width of not less than ten (10) feet on each side of a building.

7. Rear Yard Regulations:
 - a. There shall be a rear yard having a depth of not less than fifty (50) feet.
8. Dwelling Regulations:
 - a. All dwellings must be attached to permanent foundations or have tie downs.
 - b. All dwellings shall have a minimum width of twenty (20) feet.

General Regulations

Additional requirements for other regulations in the R-2 SHORELAND RESIDENTIAL DISTRICT are set forth in SECTION 15.

SECTION 10 - R-3 MANUFACTURED HOME PARK DISTRICT

A. Purpose

The intent of the R-3 MANUFACTURED HOME PARK DISTRICT is to provide a district that will accommodate clustered manufactured home placement in accordance with state statutes.

B. Conditional Uses

1. Manufactured home parks

C. Permitted Accessory Uses

1. Accessory uses customarily incident to the use permitted in B of this SECTION.

D. General Regulations

Additional requirements for signs, parking, sewer and water systems, and other regulations in the R-3 MANUFACTURED HOME PARK DISTRICT are set forth in SECTION 15.

SECTION 11 - B-1 HIGHWAY SERVICE BUSINESS DISTRICT

A. Purpose

The intent of the B-1 HIGHWAY SERVICE BUSINESS DISTRICT is to provide a district for uses which require large concentrations of automobile traffic. The district is also designed to accommodate those commercial activities which may be incompatible with the predominantly retail uses permitted in other business districts, and whose service is not confined to any one neighborhood or community.

B. Permitted Uses

The following uses shall be permitted in the B-1 HIGHWAY SERVICE BUSINESS DISTRICT:

1. Agriculture and incidental agricultural related uses and retailers; including farm dwellings and agricultural buildings
2. Automobile laundries, car washes
3. Automobile service stations for the sale of gasoline, oil, and accessories
4. Bowling alleys
5. Building materials and lumber yards
6. Dance halls
7. Drive-in retail stores or service uses
8. Drive-in restaurants or similar uses that provide goods and services to patrons in automobiles
9. Drive-in theaters
10. Feed and fertilizer sales, except the by-products of farming operations
11. Landscape nursery, garden store
12. Marine and boat sales
13. Miniature golf course or archery or golf driving range
14. Motel, motor hotel or tourist camp
15. Professional office
16. Restaurant, tea room, cafe or tavern

17. Signs and billboards as regulated in SECTION 15
18. Upholstery shops
19. One (1), one-family detached dwelling per lot. Amended August 2, 2004.

C. Conditional Uses

The following uses may be allowed in the B-1 HIGHWAY SERVICE BUSINESS DISTRICT, subject to the provisions of SECTION 16.

1. Sales and storage of new and used automobiles
2. Sales and storage of new and used farm implements
3. Mobile home or trailer sales
4. Other highway oriented business activities of the same general character as listed in B of this SECTION
5. Single family residence, when attached to and associated with a highway business

D. Accessory Uses

The following uses shall be permitted accessory uses within a B-1 HIGHWAY SERVICE BUSINESS DISTRICT:

1. Accessory uses customarily incidental to the uses permitted in B and C of this SECTION

E. Height, Yard and Lot Width and Coverage Regulations

1. Height Regulations:
 - a. No building shall hereafter be erected or structurally altered to exceed two (2) stories or thirty (30) feet in height.
2. Front Yard Regulations:
 - a. There shall be a front yard setback of not less than two hundred (200) feet from the centerline of Interstate Highways, one hundred thirty (130) feet from the centerline of US Highways and one hundred (100) feet from the centerline of all County State Aid Highways and County Roads.

- b. There shall be a front yard setback of not less than sixty-five (65) feet from the centerline of all other public rights of way.
 - c. Where a lot is located at the intersection of two (2) or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard line of either road.
3. Side Yard Regulations:
- a. There shall be a side yard having a depth of not less than fifteen (15) feet on each side of a building, except that no building shall be located within thirty (30) feet of any side lot line abutting a lot in any RESIDENCE DISTRICT.
4. Rear Yard Regulations:
- a. There shall be a rear yard having a depth of not less than fifteen (15) feet, except that no building shall be located within thirty (30) feet of any rear lot line abutting a lot in any RESIDENCE DISTRICT.
5. Lot Width Regulations:
- a. Every lot or tract shall have a width of not less than one hundred (100) feet abutting a public right of way.
6. Lot Coverage Regulations:
- a. Not more than fifty percent (50%) of the lot or plot area shall be occupied by buildings.

F. General Regulations

Additional requirements for signs, parking, sewer and water systems, and other regulations in the B-1 HIGHWAY SERVICE BUSINESS DISTRICT are set forth in SECTION 15.

SECTION 12 - B-2 GENERAL BUSINESS DISTRICT

A. Purpose

The intent of the B-2 GENERAL BUSINESS DISTRICT is to provide a district that will retain and allow general commercial uses in the small, unincorporated urban communities in the county.

B. Permitted Uses

The following uses shall be permitted within the B-2 GENERAL BUSINESS DISTRICT:

1. Antique store
2. Apparel and accessory store
3. Appliance store, sales and service
4. Art supply store
5. Art gallery
6. Artist studio or school
7. Automobile laundries, car washes
8. Automobile service stations for the sale of gasoline, oil and accessories
9. Bakery retail
10. Bank, including drive-in bank
11. Bar, including lounges, night clubs, on sale liquor establishment
12. Barber and beauty shops
13. Bicycle sales and repair shop
14. Billboard and signs as regulated in SECTION 15
15. Book store, antique or gift shop, art and school supply
16. Bowling alleys
17. Business machines store
18. Cabinet or carpenter shop
19. Camera and photographic supply store

20. Candy, ice cream, soda pop or confectionery stores
21. Clinic, dental or medical
22. Clothing or ready-to-wear stores, dry goods or notion stores
23. Dairy store
24. Delicatessen store
25. Department store
26. Dressmaking, seamstress
27. Drive-in restaurants
28. Drug store
29. Dry cleaning or laundry collection stations
30. Floral sales
31. Frozen food lockers for industrial or family use
32. Furniture store and home furnishings
33. Garages (repair)
34. Garden, supplies store
35. Gift, novelty or souvenir store
36. Government or municipal buildings
37. Grocery store
38. Hardware store
39. Health equipment store
40. Hobby shop
41. Hotel
42. Interior decorator
43. Jewelry store

44. Laboratory, dental or medical
45. Laundromats, or self-service laundries
46. Liquor store (off sale)
47. Locksmith
48. Luggage store
49. Marine and boat sales
50. Meat markets
51. Mortuary
52. Motel
53. Music store
54. Office of any type
55. One (1) family dwellings as regulated in SECTION 8
56. Optician
57. Optical goods
58. Paint and wallpaper store
59. Photographic studio or picture processing
60. Postal sub-station
61. Repair, rental, and servicing of any article the sale of which is permitted in this DISTRICT
62. Restaurant, tea room, café
63. Shoe repair shop, or shoe store
64. Sporting goods store
65. Stationary store
66. Tailor
67. Telephone booth (outside) and telephone exchange

68. Theater not including drive-in theater
69. Toy store
70. Travel bureau or agency
71. Variety store
72. Vending machines

C. Conditional Uses

The following uses may be allowed in the B-2 GENERAL BUSINESS DISTRICT, subject to the provisions of SECTION 16.

Other business activities of the same general character as listed in B of this SECTION.

D. Accessory Uses

The following uses shall be permitted accessory uses within the B-2 GENERAL BUSINESS DISTRICT.

Accessory uses customarily incident to the uses permitted in B and C of this SECTION.

E. Height and Yard Regulations

1. Height Regulations:
 - a. No building hereafter shall be erected or structurally altered to exceed two (2) stories or thirty (30) feet in height.
2. Front Yard Regulations:
 - a. There shall be a front yard setback of not less than two hundred (200) feet from the centerline of Interstate Highways.
 - b. There shall be a front yard setback of not less than one hundred thirty (130) feet from the centerline of US Highways and State Highways.
 - c. There shall be a front yard setback of not less than eighty-five (85) feet from the centerline of County State Aid and County Roads.
 - d. A front yard setback of forty-five (45) feet from the centerline shall be required on other public rights of way.

3. Side Yard Regulations:

- a. No side yard shall be required, except that no building shall be located within fifteen (15) feet of any rear or side lot line abutting a lot in any RESIDENCE DISTRICT.

4. Rear Yard Regulations:

- a. No rear yard shall be required, except that no building shall be located within fifteen (15) feet of any rear or side lot abutting a lot in any RESIDENCE DISTRICT.

F. General Regulations

Additional requirements for signs, parking, sewer and water systems and other regulations in the B-2 GENERAL BUSINESS DISTRICT are set forth in SECTION 15.

SECTION 13 - I-1 LIGHT INDUSTRY DISTRICT

A. Purpose

The intent of the I-1 LIGHT INDUSTRY DISTRICT is to provide a district that will (1) allow light industrial development related to the existing development in the urban communities of the county, (2) encourage development that is compatible with surrounding or abutting districts, and (3) provide development standards that will not impair the traffic carrying capabilities of abutting roads and highways.

B. Permitted Uses

The following uses shall be permitted within the I-1 LIGHT INDUSTRY DISTRICT:

1. Aircraft rental, sale, servicing manufacturing, and related activities
2. Antennae for radio, television, and broadcasting facilities
3. Art equipment supplies - manufacture
4. Bags, boxes and paper containers, manufacturing and storage
5. Bakery products, wholesale
6. Billboards, signs as regulated in SECTION 15
7. Bottling establishments
8. Blank books, loose-leaf finders - fabrication and assembly
9. Books and bookbinding
10. Building materials, sales and storage, lumber yard
11. Cabinet and woodworking establishments
12. Camera and photographic supplies and manufacturing
13. Cartage and express facilities
14. Cartography and bookbinding
15. Clothing manufacture
16. Cold storage plants, commercial printing, publishing, engraving and reproduction firms
17. Confectionery and related products, manufacture and packaging

18. Contractor's offices, shops and yards for plumbing, heating, glazing, painting, paper hanging, roofing, ventilation, air conditioning, masonry, electrical and refrigeration
19. Dental instruments and supplies
20. Dry cleaning plants
21. Electric light or power-generating stations
22. Electric lighting and wiring equipment manufacture
23. Electrical and electronic products manufacturing
24. Electrical tubes and other components manufacture
25. Electrical service shops
26. Electrical measuring and testing equipment manufacture
27. Engraving, printing and publishing
28. Farm implement sales and storage
29. Footwear, manufacture and fabrication
30. Freight terminal
31. Frozen food lockers
32. Fuel sales and storage
33. Garages for storage, repair and servicing of motor vehicles and farm implements
34. Grain elevators
35. Hand and edge tools (except machine tools) manufacture and assembly
36. Hardware warehousing and distribution operations
37. Highway maintenance shops and yards
38. Ice plants and ice cream plants
39. Jewelry manufacture
40. Laboratory instruments and associated equipment, scientific and testing
41. Laundries, large scale

42. Luggage, handbags, and similar items manufacture and assembly
43. Mail order houses
44. Medical, dental and optical laboratories
45. Medical and surgical instruments and supplies
46. Monument works
47. Newspaper plants and offices
48. Office furniture and supplies
49. Optical instruments and lenses manufacture and assembly
50. Patterns - design and manufacture
51. Pottery shops
52. Precision instruments
53. Plastic extrusion and molding fixture
54. Plumbing fixture and equipment wholesale
55. Public service structures, including power sub-stations, gas regulator stations, sewage disposal plant, telephone exchange, police or fire station, elevated tanks and water works
56. Radio and television assembly and parts fabrication
57. Railroad rights of way, railroad yards
58. Sport equipment manufacture and assembly
59. Scientific and research instruments and equipment manufacture and assembly
60. Telephone and telegraph technical apparatus manufacture and assembly
61. Temperature controls
62. Trade schools
63. Warehousing facilities
64. Whole business facilities and office establishments

65. Other light manufacturing and component assembly clearly similar to uses permitted in this district

C. Conditional Uses

The following uses may be allowed in the I-1 LIGHT INDUSTRIAL DISTRICT, subject to the provisions of SECTION 16.

1. Any manufacturing, production, processing, cleaning, storage, servicing, repair and testing of materials, goods or products which conform with the performance standards set forth for this DISTRICT
2. Planned industrial parks

D. Accessory Uses

The following uses shall be permitted accessory uses within the I-1 LIGHT INDUSTRIAL DISTRICT:

Accessory uses customarily incidental to the uses permitted in B and C of this SECTION.

E. Height, Yard and Lot Width and Building Coverage Regulations

1. Height Regulations:
 - a. No building shall hereafter be erected or structurally altered to exceed four (4) stories or forty-five (45) feet in height.
2. Front Yard Regulations:
 - a. There shall be a front yard setback of not less than two hundred (200) feet from the centerline of Interstate Highways, one hundred thirty (130) feet from the centerline of US Highways and State Highways and eighty-five (85) feet from the centerline of all County State Aid and County Highways.
 - b. There shall be a front yard setback of not less than sixty-five (65) feet from the centerline of all other public rights of way.
 - c. Where a lot is located at the intersection of two (2) or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front line of either road.
3. Side Yard Regulations:

- a. There shall be a side yard of not less than fifteen (15) feet on each side of a building, except, no building shall be located within fifty (50) feet of any side lot line abutting a lot in any of the CLASSES OF RESIDENCE DISTRICTS.
4. Rear Yard Regulations:
 - a. There shall be a rear yard having a depth of not less than fifteen (15) feet.
 - b. Except, no building shall be located within fifty (50) feet of any rear lot line abutting a lot in any of the CLASSES OF RESIDENCE DISTRICTS.
5. Lot Width Regulations:
 - a. Every lot or tract shall have a width of not less than one hundred (100) feet abutting a public right of way.
6. Lot Coverage Regulations:
 - a. Not more than fifty percent (50%) of the total area of a lot shall be covered by buildings.

F. General Regulations

Additional requirements for signs, parking, sewer and water systems, and other regulations in the I-1 LIGHT INDUSTRY DISTRICT are set forth in SECTION 15.

SECTION 14 - I-2 HEAVY INDUSTRY DISTRICT

A. Purpose

The I-2 HEAVY INDUSTRY DISTRICT is intended to provide a district which will allow heavy industrial uses which, due to their size and nature, would not be compatible with general rural development patterns of Faribault County.

B. Permitted Uses

The following uses shall be permitted within the I-2 HEAVY INDUSTRY DISTRICT;

1. Any uses permitted within the I-1 LIGHT INDUSTRY DISTRICT.

C. Conditional Uses

The following uses may be allowed in the I-2 HEAVY INDUSTRY DISTRICT, subject to the provisions of SECTION 16.

1. Acid manufacture
2. Cement, lime, gypsum or plaster of paris manufacture
3. Distillation manufacture
4. Extraction, processing, storage of sand, gravel, stone or other raw materials
5. Fat rendering
6. Fertilizer manufacture
7. Gas, illuminating or heating, manufacture
8. Glue manufacture
9. Junk yards, salvage yards, dumping grounds
10. Petroleum refining
11. Planned industrial parks
12. Retail and service business establishments related to the operation of an I-2 HEAVY INDUSTRY DISTRICT
13. Smelting of ores

14. Tanneries
15. Temporary salvage operations
16. Any other use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise, or because of subjection of life, health or property to hazard
17. Any other use similar to those listed in C of this SECTION

D. Accessory uses

The following uses shall be permitted accessory uses within and I-2 HEAVY INDUSTRY DISTRICT.

1. Accessory uses customarily incidental to the uses permitted in B and C of this SECTION.

E. Height, Yard, Area and Lot Width and Coverage Regulations

1. Height Regulations:
 - a. No height restrictions except where hazardous conditions may exist.
2. Front Yard Regulations:
 - a. There shall be a front yard setback of not less than two hundred (200) feet from the centerline of Interstate Highways, one hundred thirty (130) feet from the centerline of US Highways and State Highways, and eighty-five (85) feet from the centerline of all County State Aid and County Highways.
 - b. There shall be a front yard setback of not less than sixty-five (65) feet from the centerline of all other public rights of way.
 - c. Where a lot is located at the intersection of two (2) or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front line of either road.
3. Side Yard Regulations:
 - a. There shall be a side yard of not less than fifteen (15) feet on each side of a building.
 - b. Except, no building shall be located within fifty (50) feet of any side lot line abutting a lot in any of the CLASSES OF RESIDENCE DISTRICTS.

4. Rear Yard Regulations:
 - a. There shall be a rear yard having a depth of not less than fifteen (15) feet.
 - b. Except, no building shall be located within fifty (50) feet of any rear lot line abutting a lot in any of the CLASSES OF RESIDENCE DISTRICTS.
5. Lot Width Regulations
 - a. Every lot or tract shall have a width of not less than one hundred (100) feet abutting a public right of way.
6. Lot Coverage Regulations:
 - a. Not more than fifty percent (50%) of the total area of a lot shall be covered by buildings.

F. General Regulations

Additional requirements for signs, parking, sewer and water systems, and other regulations in the I-2 HEAVY INDUSTRY DISTRICT are set forth in SECTION 15.

SECTION 15 - GENERAL REGULATIONS

A. Parking and Loading Regulations:

All parking hereafter constructed or maintained shall conform with the provisions of this SECTION and any other Ordinances or Regulations of Faribault County.

1. Minimum Size Regulations:

Each parking space shall contain a minimum area of not less than three hundred (300) square feet, including access drives, a width of not less than nine (9) feet and a depth of not less than twenty (20) feet. Each parking space shall be sufficient to meet the requirements for each use and shall provide adequate space for storage and maneuvering of the vehicles they are designed to serve.

2. Reduction and Use of Parking and Loading Space:

On-site parking facilities existing at the effective date of this ordinance shall not subsequently be reduced to an amount less than that required under this ordinance for a similar new building or use. On-site parking facilities provided to comply with the provisions of this ordinance shall not subsequently be reduced below the requirements of this ordinance. Such required parking or loading space shall not be used for storage of goods or for storage of vehicles that are inoperable or for sale or rent.

3. Computing Requirements

In computing the number of such parking spaces required, the following rules shall govern:

- a. Floor space shall mean the gross floor area of the specific use.
- b. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.
- c. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature, as determined by the Board of County Commissioners and the County Planning Commission.

4. Yards:

On-site storage parking spaces, loading spaces and facilities shall be in addition to the front yard, side yard and rear yard regulations for the zoned district in which parking is located, except that:

- a. In any of the AGRICULTURE or RESIDENCE DISTRICTS, a maximum of two (2) automobiles may be parked in front yards, and four (4) in rear yards.

- b. In a B-1 HIGHWAY SERVICE BUSINESS DISTRICT, no parking or loading space shall be located within ten (10) feet of any property line that abuts a road or highway right of way, or any RESIDENCE DISTRICT.
- c. In a B-2 GENERAL BUSINESS DISTRICT, no parking or loading space shall be located within ten (10) feet of any highway right of way.
- d. In a I-1 LIGHT INDUSTRY DISTRICT and I-2 HEAVY INDUSTRY DISTRICT, no parking or loading space shall be located within ten (10) feet of any property line that abuts a highway right of way line, or any RESIDENCE DISTRICT, except for railroad loading areas.

5. Screening and Landscaping

All open automobile parking areas containing more than four (4) parking spaces shall be effectively screened on each side adjoining or fronting on any property situated in a RESIDENCE DISTRICT or any institutional premises by a wall, fence, or densely planted compact hedge not less than four (4) feet in height. However, the County Board of Commissioners may waive this requirement if the closest point of such parking area is at least seventy-five (75) feet from the nearest residential or institutional property line. The screening and landscaping plan shall show plant materials, bed location, and other necessary information.

6. Access:

- a. Parking and loading areas shall have proper access from a public right of way.
- b. The number and width of access drives shall be so located as to minimize traffic congestion and abnormal traffic hazards.
- c. Vehicular access to business or industrial uses across property in any RESIDENCE DISTRICT shall be prohibited.

7. Location of Parking Facilities:

Acquired off-street parking space shall be provided on the same lot as the principal building or use, except as follows in subsection 8.

8. Combined Facilities:

Combined or joint parking facilities may be provided for one (1) or more buildings or uses in B-1 and B-2 BUSINESS DISTRICTS and in I-1 and I-2 INDUSTRIAL DISTRICTS, provided that the total number of spaces shall equal the sum of the requirements for each building or use.

9. Construction and Maintenance:
- a. In B-1 and B-2 BUSINESS DISTRICTS and in I-1 and I-2 INDUSTRIAL DISTRICTS, parking areas and access drives shall be covered with a dust-free all weather surface with proper surface drainage, as required by the County Engineer.
 - b. The operator of the principal building or use shall maintain parking and loading areas, access drives and yard areas in a neat and adequate manner.

10. Lighting:

Lighting shall be reflected away from the public right of way and nearby or adjacent RESIDENCE DISTRICTS.

11. Required Site Plan:

Any application for a building permit shall include a site plan or plot plan drawn to scale and dimensions, showing on-site parking and loading space to be provided in compliance with this ordinance.

12. Application of Parking and Loading Regulations:

Parking and loading regulations shall apply to all buildings and uses of land established after the effective date of this ordinance.

13. Required Number of On-site Parking spaces:

On-site parking areas of sufficient size to provide parking for patrons, customers, suppliers, visitors and employees shall be provided on the premises of each use. The minimum number of required on-site parking spaces for the following uses shall be as follows:

- a. One (1) Family Dwelling - One (1) parking space. No garage shall be converted into living space unless other acceptable on-site parking is provided.
- b. Manufactured Home - One (1) parking space per manufactured home.
- c. Hospital, Convalescent or Nursing Home - One (1) parking space for each four (4) beds for which accommodations are offered, plus one (1) parking space for each employee on the major shift.
- d. Churches - One (1) parking space for each four (4) seats, based on the design capacity of the main seating area.
- e. Public Senior High School or Private High School - One (1) parking space for each classroom, plus one (1) parking space for each ten (10) students, based upon design capacity.

- f. Public Elementary, Junior High School or Similar Private School - Two (2) parking spaces for each classroom.
- g. Municipal Administration Buildings, Community Center, Public Library, Museum, Art Gallery, Post Office and other Public Service Buildings – Ten (10) parking spaces, plus one (1) parking space for each five hundred (500) square feet of floor area in the principal structure.
- h. Golf Course, Golf Club House, Country Club, Swimming Club, Tennis Club, Public Swimming Pool - Twenty (20) spaces, plus one (1) space for each five hundred (500) square feet of floor area in the principal structure.
- i. Professional Offices, Medical and Dental Clinics and Animal Hospital – four (4) parking spaces, plus one (1) parking space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet of floor area.
- j. Office Buildings - Ten (10) parking spaces, plus one(1) parking space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet of floor area.
- k. Automobile Service Station - Four (4) parking spaces, plus two (2) parking spaces for each service stall; such parking spaces should be in addition to parking space required for gas pump areas.
- l. Auto Sales, Trailer Sales, Marine and Boat Sales, Implement Sales, Garden Supply Store, Building Materials Sale, Auto Repair - Six (6) parking spaces, plus one (1) space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet.
- m. Bowling Alley - Five (5) parking spaces for each bowling lane.
- n. Drive-in Restaurant - Twenty (20) parking spaces or one (1) space for each twenty (20) square feet of floor area, whichever is greater.
- o. Motel or Motor Hotel - One (1) parking space for each rental room or suite.
- p. Miniature Golf Course, Archery Range or Golf Driving Range - Ten (10) parking spaces.
- q. Assembly or Exhibition Hall, Auditorium, Theater or Sports Arena – One (1) parking space for each four (4) seats, based upon design capacity.
- r. Restaurant, Cafe, Nightclub, Tavern or Bar - One (1) parking space for each seventy-five (75) square feet of customer floor area.
- s. Retail Stores and Service Establishments - One (1) parking space for each one hundred (100) square feet of floor area, plus one (1) space for each employee on the major shift or one (1) off-street parking space for

each three hundred fifty (350) square feet of gross floor area within the building, whichever is greater.

- t. Research, Experimental or Testing Stations - One (1) parking space for each employee on the major shift or one (1) off-street parking space for each five hundred (500) square feet of gross floor area within the building, whichever is greater.
- u. Storage, Wholesale, or Warehouse Establishments - One (1) parking space for each two (2) employees on the major shift or one (1) space for each two thousand (2,000) square feet of floor area, whichever is larger, plus one (1) space for each company motor vehicle when customarily kept on the premises.
- v. Manufacturing or Processing Plant - One (1) off-street parking space for each two (2) employees on the major shift or one (1) off street parking space for each one thousand (1,000) square feet of gross floor area within the building, whichever is greater, plus one (1) space for each company motor vehicle when customarily kept on the premises.

14. Required Number of On-Site Loading Spaces:

The minimum number of off-street loading and unloading spaces are as follows:

- a. Retail Stores, Service Establishments and Office Buildings – One (1) space for the first ten thousand (10,000) square feet of gross floor area and one (1) space for each additional fifty thousand (50,000) square feet of gross floor area.
- b. Hospitals, Rest Homes, Nursing Homes, etc. - One (1) space plus one (1) additional space for each ten thousand (10,000) square feet of gross floor area.
- c. Restaurants - One (1) space for each structure over ten thousand (10,000) square feet of gross floor area.
- d. Manufacturing, Fabrication, Warehousing, Storing, etc. - One space for each thirty thousand (30,000) square feet of gross floor area.

B. Sign Regulations:

1. Purpose

This SECTION is established to protect and promote health, safety, general welfare and order within Faribault County through the establishment of comprehensive and uniform standards, regulations and procedures governing the type, numbers, size, structure, location, height, lighting, erection, use or display of devices, signs or symbols serving as a visual communications media to persons situated within or upon public rights of way or private properties. The provisions of this SECTION are intended to encourage opportunity for effective,

aesthetically compatible, and orderly communications by reducing confusion and hazards resulting from unnecessary or indiscriminate use of communication facilities. Hereafter, no sign shall be erected, constructed, altered or modified except as regulated by the provisions of this SECTION.

2. Definitions

The following terms, for purposes of this SECTION, shall have the meaning stated herein:

- a. Advertising (off premise) Signs: A billboard, poster panel, painted bulletin board, or other communicative device which is used to advertise products, goods, or services which are not exclusively related to the premise on which the sign is located.
- b. Address Sign: A sign communicating street address only, whether written or in numerical form.
- c. Alteration: Refers to any major alteration to a sign but shall not include routine maintenance, painting or change of copy of an existing sign.
- d. Architectural Projection: Any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building, but shall not include signs.
- e. Area Identification Sign: A free-standing sign which identifies a subdivision, a multiple residential complex consisting of three (3) or more structures, a shopping center consisting of three (3) or more separate business concerns, an industrial area, an office complex consisting of three (3) or more structures or any combination of the above.
- f. Awning: A temporary hood or cover which projects from the wall of a building, and of a type which can be retracted, folded or collapsed against the face of a supporting building.
- g. Banners: Attention getting devices which resemble flags and are of a paper, cloth or plastic-like consistency.
- h. Bench Signs: A sign which is painted on or affixed to a bench such as at a bus stop.
- i. Business Sign: Any-sign which identifies a business or group of businesses, either retail or wholesale, or any sign which identifies a profession or is used in the identification or promotion of any principal commodity or service, including entertainment, offered or sold upon the premise where such sign is located.
- j. Campaign Sign: A temporary sign promoting the candidacy of a person running for a governmental office, or promoting an issue to be voted on at a governmental election.

- k. Canopy Sign: Any message or identification which is affixed to a projection or extension of a building or structure; erected in such a manner as to provide a shelter or cover over the approach to any entrance of a store, building or place of assembly. Canopy signs are primarily intended to hold changeable copy.
- l. Construction Sign: A sign placed at a construction site identifying the project or the name of the architect, engineer, contractor, financier or other involved parties.
- m. Directional Signs: A sign erected on public or private property which bears the address and name of business, institution, church, or other use or activity plus directional arrows or information on location.
- n. Flashing Sign: An illuminated sign upon which the artificial light is not kept constant in terms of intensity or color at all times when the sign is illuminated. Excluded are time and temperature signs.
- o. Free-standing Sign: Any stationary or portable, self-supported sign not affixed to any other structures.
- p. Governmental Sign: A sign which is erected by a governmental unit.
- q. Illuminated Sign: Any sign which is lighted by an artificial light source either directed upon it or illuminated from an interior source.
- r. Information Sign: Any sign giving information to employees, visitors or delivery vehicles, but containing no advertising or identification.
- s. Institutional Sign: A sign or bulletin board which identifies the name and other characteristics of a public or private institution on the site where the sign is located.
- t. Integral Sign: A sign carrying the name of a building, its date of erection, monumental citations, commemorative tablets and the like carved into stone, concrete or similar material made of bronze, aluminum or other permanent type of construction and made an integral part of the structure.
- u. Marquee Sign: (See Canopy Sign).
- v. Name Plate: A sign indicating the name and address of a building or the name of an occupant thereof and the practice of a permitted occupation therein.
- w. Non-conforming Signs: A sign which lawfully existed at the time of the passage of this ordinance or amendment thereto but which does not conform with the regulations of this ordinance.
- x. Parapet: A low wall which is located on a roof of a building.

- y. Portable Sign: A sign so designated as to be movable from one location to another and which is not permanently attached to the ground, sales display device, or structure.
- z. Projecting Sign: A sign other than a wall sign, which is affixed to a building and which extends in a perpendicular manner from the building wall.
- aa. Real Estate Sign: A business sign placed upon a property advertising that particular property for sale, or for rent or lease.
- bb. Roof Line: The uppermost line of the roof of a building, or in the case of an extended facade, the uppermost height of said facade.
- cc. Roof Sign: Any sign which is erected, constructed or attached wholly or in part upon the roof of a building and which projects completely above the parapet wall.
- dd. Rotating Sign: A sign which revolves or rotates on its axis by mechanical means.
- ee. Sign: The use of any works, numerals, pictures, figures, devices or trademarks by which anything is made known such as are used to show an individual, firm, profession or business and are visible to the general public.
- ff. Sign Area: That area within the marginal lines of the surface which bears the advertisement or, in the case of messages, figures or symbols attached directly to the part of a building; that area which is included in the smallest connecting geometric figures which can be made to circumscribe the message, figure or symbol displayed thereon. Only changeable copy areas of marquee or canopies shall be considered in determining the total sign area.
- gg. Sign, maximum height of: The vertical distance measured from the base of the sign to the top of such a sign. An average grade will be taken on irregular terrain.
- hh. Sign, minimum height of: The vertical distance measured from the base of the sign to the top of such a sign. An average grade will be taken on irregular terrain.
- ii. Sign, privilege: A sign which advertises a major product or brand name and which the name of the establishment is incidental or clearly subordinate to the product advertised.
- jj. Sign Structure: The supports, uprights, bracing and framework for a sign including the sign area.
- kk. Temporary Sign: Any sign which is erected or displayed for a specified period of time.

- ll. Wall Sign: A sign which is affixed to the exterior wall or mansard roof of a building and which is parallel to the building.
 - mm. Wall Graphics: A sign which is painted directly on an exterior wall surface.
 - nn. Window Sign: A sign affixed to or inside of a window in view of the general public. This does not include merchandise on display.
3. General Sign Provisions
- a. Hazardous Signs: No sign permitted by this subdivision shall, by reason of its location, lighting, size, color or intensity, create a hazard to the safe, efficient movement of vehicular or pedestrian traffic. No private sign shall contain words which might be construed as traffic controls, such as "stop", "caution", "warning", etc., unless such sign is intended to direct traffic within the premises.
 - b. Sign Maintenance: All signs and sign structures shall be properly maintained and kept in a safe, orderly condition. In addition, all parts and supports shall be properly painted. Any sign or sign structure which is rotted, unsafe, deteriorated, defaced, or otherwise altered, shall be repainted, repaired, or replaced by the licensee, owner, or agent of the owner of the property upon which the sign is located, upon written notice by the county.
 - c. Interference: No sign, nor any guys, stay or attachment thereto shall be erected, placed or maintained by any person on rocks, fences or trees; nor in such a manner as to interfere with the effective use of fire fighting equipment or personnel, or any electric light, power, telephone, telegraph or TV cable wire or supports thereof.
 - d. Signs within Right of Way: No signs other than governmental signs shall be erected or temporarily placed within any public right of way except as may be specifically provided herein.
 - e. Temporary Signs: The temporary use of portable or moveable signs, search lights, banners, pendants and similar devices shall be allowed in excess of and in addition to the sign limitations of this SECTION for continuous periods of thirty (30) consecutive days. No business proprietor shall be allowed more than three (3) such periods in any twelve (12) month period. If any such temporary signage brings the total signage of the premises to more than one hundred twenty percent (120%) of permissible permanent signage otherwise allowed under this ordinance on the premises in question, such temporary signage shall require a conditional use permit. This SECTION shall not apply to the use of temporary window signs.
 - f. Clearance: All signs located over public right of way or any public or private access route (sidewalk, mall, etc.) shall be located a minimum of twelve (12) feet above grade level.

- g. Display of Information: All signs shall display in a conspicuous manner the permit number and such information required by law.
- h. Safe Ingress and Egress: No sign or sign structure shall be erected or maintained so as to prevent or deter free ingress and egress from any door, window or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.
- i. Signs Required by Law: All signs required by law shall be permitted in all districts.
- j. Back to Back Signs: If a freestanding sign or sign structure is constructed so that the faces are not back to back the angle shall not exceed thirty (30) degrees. If the angle is greater than thirty (30) degrees, the total area of both sides added together shall be the calculated area. Back to back signs (when less than 30 degrees) shall be considered as one (1) sign when debited against the total number of signs permitted on a zoning lot.
- k. Roof Signs: Roof signs shall not be permitted except for a business sign that is attached to the parapet wall and extending above the building height except where no alternative is available as determined by the Planning Commission.
- l. Obsolete Signs: Obsolete signs or signs which advertise an activity, business product or service which is no longer produced or conducted on the premises shall be removed within ninety (90) days from date of vacancy. Owner shall have ninety (90) days from date of vacancy to remove any such sign.
- m. Projecting Signs: No projecting sign may extend more than eighteen (18) inches from the face of the building over a public right of way except that marquees or canopies may extend within two (2) feet of the curb line.
- n. Illumination: All externally illuminated signs shall be constructed so as to direct the source of light away from adjacent properties.
- o. Flashing or Intermittently Lighted Signs: Notwithstanding paragraphs n. and q. of General Sign Provisions, all flashing, revolving and intermittently lighted signs are prohibited. Animated signs with approved intensity and location will require a Conditional Use Permit.
- p. Double Frontage: Lots having frontage on two streets or on a street and an alley shall be permitted to provide the maximum number and square footage of signs on each of the opposite ends of said lot, provided however, that not more than the maximum number of square footage of signs per frontage may be viewed simultaneously.
- q. Permit Required: No sign except permitted signs as identified herein shall be erected, altered, constructed or modified without first receiving a valid sign permit from the county.

- r. Sign Permit Application: The application for a sign permit shall contain such information as may be deemed necessary for the proper enforcement of this SECTION.
- s. Permit Fees: The County Board of Commissioners may from time to time set fees for sign permits.
- t. Privilege Sign: Not more than one (1) privilege sign per zoning lot is allowed in any district.

4. Permitted Signs

The following signs are allowed without a permit but shall comply with all other applicable provisions of this SECTION.

- a. Government Signs: Signs of a public, non-commercial nature to include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, when signs are erected by or on order of a public officer or employee in the performance of official duty.
- b. Director Signs: A wall sign which identifies the business, owners, manager, or resident occupant and sets forth the occupation or other address information but contains no advertising. There may be one (1) directory sign per zoning lot not to exceed two (2) square feet per business or resident occupant. Home occupations may display a directory sign.
- c. Directional and Parking signs (on site): On-site directional and parking signs intended to facilitate the movement of vehicles and pedestrians upon which the sign is located. Signs shall not exceed six (6) square feet.
- d. Integral Signs: Names on buildings, date of construction, commemorative tablets and the like, which are of the building or structure.
- e. Campaign Signs: Signs or posters announcing the candidate seeking political office, advertising political issues or the data pertinent thereto, not exceeding four (4) square feet in the Residential and Agricultural Districts nor eighteen (18) square feet in the Commercial and Industrial Districts. Every campaign sign must contain the name and address of person responsible for such sign and that person is responsible for its removal. These signs shall remain for no longer that forty-five (45) days prior and ten (10) days after the election for which they were intended. All signs shall be confined to private property and shall not be attached to trees, utility poles or rocks.
- f. Holiday Sign: Signs or displays which contain or depict messages pertaining to a national or state holiday and no other material. Such signs may be displayed for a period not exceeding thirty (30) days.
- g. Construction Signs: A non-illuminated sign announcing the names of architects, engineers, contractors, future use, and other individuals or

firms involved with the construction, alteration or repair of a building (but not including any advertisement of any product). Such signs shall be confined to the site of the construction, alteration or repair and shall be removed within two (2) years of the date of issuance of the first building permit or when the particular project is completed, whichever is sooner. One sign shall be permitted for each major street the project abuts. No sign may exceed twenty (20) square feet in the agricultural and residential Districts or fifty (50) square feet in all other districts.

- h. Real Estate Sign: Any on-premise sign announcing the owner, manager, realtor or other person directly involved in the sale or rental of the property. In the case of sale, signs shall be removed within ten (10) days after the sale. Signs shall not measure more than four (4) square feet in the R-1, R-2 and R-3 districts nor more than twenty (20) square feet in the other districts. There may be only one sign per frontage of the property.
- i. Bench Signs: Signs painted on benches or rest stop shelters. Such signs shall not exceed thirty (30) square feet.
- j. Community identification signs which are located within two miles of the community and do not exceed seven hundred fifty (750) square feet. "Community" means a county, town, or home rule charter or statutory city. Prior to the erection of a community sign, the community must:
 - 1) obtain approval from the governing body of the community.
 - 2) consult with local road authorities on placement and location of the sign;
 - 3) obtain the consent of the owner of the land on which the sign is to be erected; and
 - 4) advertising on sign is prohibited.

5. Permitted Signs Exempted:

Permitted signs as regulated herein shall not be debited against the total number of square footage of signs permitted on a zoning lot.

6. District Regulations

- a. Signs in All Districts: The following sign types shall be regulated or prohibited in zoning districts pursuant to the size, height, number, and similar regulatory provisions contained in this Ordinance.
 - 1. Wall signs
 - 2. Projecting signs
 - 3. Illuminated signs
 - 4. Free standing signs
 - 5. Marquee or canopy signs

- b. Signs in the A-1 SHORELAND AGRICULTURE and A-2 GENERAL AGRICULTURAL; R-1 RURAL RESIDENCE; R-2 SHORELAND RESIDENTIAL; and R-3 MANUFACTURED HOME PARK DISTRICTS:

No sign shall be erected or maintained in the AGRICULTURAL OR RESIDENTIAL ZONING DISTRICTS, except the following:

1. Permitted Signs: Permitted signs as regulated by Subdivision 4 of this SECTION.
2. Area Identification: One (1) free standing sign of not more than ninety-six (96) square feet in area and not higher than twelve (12) feet above grade.
3. Temporary signs: Temporary signs as regulated by Subdivision 3-5 of this SECTION.
4. Institutional Signs: Two (2) signs of which one (1) may be free standing, but not higher than twelve (12) feet and the single or combined surface area shall not exceed thirty (30) square feet.
5. Home Occupation Signs.
6. Agricultural Products Sign: Signs indicating that the proprietor of a farm is a dealer in seed, fertilizer and other agricultural products only when such dealership is incidental to the primary agricultural business of the farm.

- c. Signs in B-1 HIGHWAY SERVICE and B-2 GENERAL BUSINESS DISTRICT:

No sign shall be erected or maintained in the B-1 HIGHWAY SERVICE BUSINESS DISTRICT or B-2 GENERAL BUSINESS DISTRICT except the following:

1. Permitted Signs: Signs as regulated in subdivision 4 of this SECTION.
2. Business Signs: The gross area in square feet of all business signs on a zoning lot shall not exceed two (2) times the lineal feet of frontage of such zoning lot, except that no sign shall have a sign area in excess of two hundred fifty (250) square feet per zoning lot. In the case of a zoning lot having more than one frontage, the frontage designated by the mailing address shall be used. The total number of business signs on the zoning lot shall not exceed four (4) in number of which not more than two (2) shall be free standing. No signs shall exceed thirty (30) feet in height in a B-1 and forty-five (45) feet in a B-2 zone.
3. Advertising (off premise) Signs: Advertising (off premise) signs as regulated by Subdivision 8 of this SECTION.

d. Signs in I-1 LIGHT INDUSTRIAL DISTRICT and I-2 HEAVY INDUSTRIAL DISTRICT:

No sign shall be erected or maintained in the I-1 LIGHT INDUSTRIAL DISTRICT or I-2 HEAVY INDUSTRIAL DISTRICT, except the following:

1. Permitted Signs: Signs as regulated in subdivision 4 of this SECTION.
2. Business Signs: The gross area in square feet of all business signs on a zoning lot shall not exceed two (2) times the lineal feet of frontage on such zoning lot. In the case of a zoning lot having more than one (1) frontage, the frontage designated by the mailing address shall be used. The total number of business signs on the zoning lot shall not exceed three (3) in number of which not more than two (2) shall be free standing. No single business sign area shall exceed two hundred (200) square feet. The total business sign area on the zoning lot shall not exceed four hundred (400) square feet. No signs shall exceed thirty (30) feet in height.
3. Advertising Signs: As regulated in Subdivision 8 of this SECTION.

7. Signs - Shopping Centers

The total square footage of signs in a shopping center may not exceed the amount allowable for the zoning lot. Adjustments for each business may be made, provided that a sign plan for the entire shopping center is approved by the County Board of Commissioners prior to the initiation of construction.

8. Advertising (off-premise) Signs

Off premise signs may be erected on ground or wall locations (but not roof locations) in the B-1, B-2, I-1 and I-2 zones only, subject to the following regulations:

- a. Spacing: Off premise Signs on the same street facing the same traffic flow shall not be placed closer together than three hundred (300) feet.
- b. Double Face Signs: Off-premise signs can be double faced and each side shall be considered as facing traffic flowing in the opposite direction.
- c. Size, Height, and Length: In all zones in which off-premise signs are permitted, such signs shall not exceed seven hundred fifty (750) square feet in total area including all faces, except on back-to-back signs, nor shall the height exceed the permitted height of other free standing signs in the zone the sign is located. No off-premise sign shall exceed fifty-five (55) feet in length.
- d. Setbacks: No part of any off-premise sign shall be closer to any street line than the front line of any building within ten (10) feet, or the established building line, whichever is less.
- e. Exclusionary Areas: No off-premise sign shall be erected or maintained:

1. Within five hundred (500) feet of any park.
2. Within one hundred (100) feet of any residential zone, church, school or playground.

9. Provisions Governing Non-conforming Signs

A legal non-conforming sign may not be:

- a. Changed to another non-conforming sign.
- b. Structurally altered except to bring into compliance with the provisions of this SECTION.
- c. Expanded.
- d. Reestablished after its discontinuance for ninety (90) days.

10. Non-Conforming Sign Maintenance and Repair

Nothing in this ordinance shall be construed as relieving the owner or user of a legal non-conforming sign or owner of the property on which the legal non-conforming sign is located from the provisions of this Ordinance regarding safety, maintenance and repair of signs. Provided, however, that any repainting, cleaning, and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more non-conforming or the sign shall lose its legal non-conforming status.

11. Change of Ownership

If any property or business changes ownership, all structural sign changes on that property shall be in conformance with the requirement of this SECTION.

Amortization

Non-conforming signs shall be removed or brought into conformity with this SECTION within five (5) years from the date of the enactment of this ordinance.

13. Construction Standards and Inspection

- a. Construction Standards: The design and construction standards as set forth in Chapter 4, of the 1976 Edition of the Uniform Sign Code as amended from time to time are hereby adopted.
- b. Inspection: All signs for which a permit is required shall be subject to inspection by the Faribault County Zoning Administrator (FCZA). Any official of the county may enter upon any property or premises to ascertain whether the provisions of this ordinance are being obeyed. Such entrance shall be made during business hours unless an emergency exists. The county shall order the removal of any sign that is not maintained in accordance with the maintenance provisions of this

SECTION. Notice shall be given to the county of any change in sign user, sign owner or owner of the property on which the sign is located.

C. Individual Sewage Treatment Systems (Repealed 12/18/2012)

- ~~1. Installation, alteration, extension, or repair of Individual Sewage Treatment Systems (ISTS) in Faribault County shall comply with this ordinance.~~
- ~~2. Construction standards for ISTS shall comply with Minnesota Statutes 115.55 and the Minnesota Pollution Control Agency Rules Chapter 7080 and appendixes, as amended, hereby adopted by reference.~~
- ~~3. Disposal of all material pumped from ISTS shall comply with the rules and regulations of the MPCA and federal regulations 40 CFR 503 and appendixes amended, hereby adopted by reference.~~
- ~~4. No person, partnership, firm, or corporation shall engage in the business of installation, alteration, extension, inspection, design, pumping or repair of ISTS without MPCA certification, or as exempted (under part 7080.0700, subpart 1), and a Faribault County ISTS permit. Permit fees shall be established by the Faribault County Board of Commissioners of Commissioners.~~
- ~~5. Prior to any installation or construction or repair, a site evaluation, including items such as soil borings, setbacks and any others as required by Minnesota Chapter 7080, shall be conducted by one or more licensed Designer I or Designer II installers selected by the property owner prior to any ISTS construction activity or construction development of any new lot shall be submitted to the FCZA. Original site evaluation information forms will be on file and maintained in the FCZA office, and will serve as the initial construction design. All site changes to the original site evaluation must receive approval by the FCZA office or staff who must be a licensed Designer I or inspector,~~
- ~~6. Following receipt of notice of intent to inspect by the FCZA, a landowner or occupant of the property on which an ISTS is located shall allow the FCZA access to the property at reasonable times for the purpose of inspection.~~
- ~~7. Following receipt of notice from the FCZA that an ISTS is non-conforming, the landowner on whose property the ISTS is located shall be responsible to bring it into conformance.~~
- ~~8. Following receipt of notice of noncompliance that an ISTS is non-conforming or the system poses an imminent threat to public health or safety, within thirty (30) days, the landowner shall apply for a permit to bring it into conformance from the FCZA. Installation by a licensed installer and final inspection must be completed by the FCZA or licensed inspector and must be completed within ten (10) months.~~

9. ~~Following receipt of an ISTS permit application, the FCZA shall review the application, and either grant or deny preliminary approval.~~
10. ~~Before construction on an ISTS begins, the landowner shall give the FCZA notice in order to allow inspection during construction.~~
11. ~~Following completion of construction, but prior to covering the ISTS, the installer shall give the FCZA notice in order to allow inspection for final approval. If the FCZA is unable to be at the site within twenty four (24) hours of the normal work day, the licensed installer is responsible to take pictures of the septic tank, dropboxes, drainfield lines and other critical items along with a detailed drawing with measurements and setbacks prior to backfilling of the excavation~~
12. ~~Following receipt of notice of completion of construction, the FCZA shall inspect the ISTS, and either grant or deny final approval. A notice of noncompliance or a certificate of compliance and final inspection report along with the final drawing provided by the licensed installer who constructed the system will be sent to the property owner within thirty (30) days from the inspection.~~
13. ~~Covering an ISTS without notice to the FCZA, which prevents inspection and final approval, subjects the installer to a demand by the FCZA for excavation of the ISTS at the expense of the installer.~~
14. ~~An ISTS shall require a compliance inspection when any one of the following conditions occur:
 - a. ~~Any time that any zoning permit is applied for in shoreland zones.~~
 - b. ~~Any time the FCZA deems appropriate such as upon receiving a complaint or other information of a system failure.~~
 - c. ~~Addition of a bedroom on the property, or a variance request to an existing system.~~~~
15. ~~Failure to comply with the provision of this ordinance subjects an ISTS to summary action by the FCZA to achieve conformance at the expense of the landowner.~~
16. ~~Failure to comply with a provision of this ordinance is a misdemeanor.~~

D. Extraction of Materials and Minerals, Open Pits and Impounding of Water.

All excavations, extraction of materials and minerals, open pits and impounding of waters hereafter established or enlarged shall conform with the provisions of this SECTION and any other ordinance or regulations of Faribault County.

1. Definitions:

Excavations, as used in this SECTION, shall mean any artificial excavation of the earth, within the county dug, excavated or made by the removal from the natural surface of the earth of sod, soil, sand, gravel, stone or other matter or made by tunneling or breaking or undermining the surface of the earth. Excavations not exceeding fifty (50) square feet of surface area and two (2) feet in depth and agricultural, and public utility excavations are exempted, provided that nothing in this SECTION shall be construed to exempt public utilities from the necessity of obtaining a building permit for the construction of any underground storage facility.

2. Application:

Application for a conditional use permit for the extraction of minerals, open pits and impounding of waters shall be made in such form, and the applicant shall furnish such information, as shall be required by the Board of County Commissioners, and among other things shall state:

- a. His true name and address.
- b. A full description of the location of the land where the pit or excavation is or is to be or where the impounded waters are to be maintained and also full description of the location on such land of the pit, excavation or impounded waters.
- c. When required by the State of Minnesota, an approval by the State to impound such waters or make such excavations as described in the application.
- d. The purpose of the pit or excavation or the quantity of water impounded.
- e. The highways, roads or other public ways in the county upon and along which any material for removal is to be hauled or carried.
- f. The estimated time when building or removing will begin and be completed.

For any operation with a life expectancy of fifteen (15) years or less, the application shall contain a description of planned after-use of affected areas and the nature and extent of reclamation. A detailed reclamation map drawn at a scale of 1" = 100' or larger shall be provided designating which parts of the land shall be reclaimed for forest, pasture, crop, homesite, recreational, industrial, or other uses including food, shelter and ground cover for wildlife. The reclamation plan and map shall contain:

- a. Proposed contours after any proposed filling.
- b. Depth of restored topsoil if restoration is proposed.
- c. Type of fill, if fill is proposed.

- d. Type of planting or reforestation. Planting shall be in accordance with the desires of the property owner. If natural vegetation is proposed, it shall be so stated.
- e. Estimated progress and completion dates. Reclamation activities shall progress on a phased basis, that is, for every ten (10) acres of additional mining operations, the previous, exhausted ten (10) acres must be reclaimed.

In the event the operator finds the characteristics of the mining area to be different than what was previously determined, changes may be made in the original reclamation plan by mutual consent of the operator and the County Planning Agency. Such change shall preserve, as substantially as possible, the original reclamation plan, and shall also provide for the previously unknown variables.

A written statement containing an explanation of the character of the site to be mined and of the character of the surrounding territory; an explanation of the reclamation plan; and an explanation of the schedule of development which shall include phase development. If a development schedule cannot feasibly be prepared, it shall be so stated and written reasons submitted.

The FCZA shall determine whether the requirements of filing a reclamation plan have been met. Applications which propose no reclamation and reuse of an area shall be submitted to the Planning Commission accompanied by a report by the Planning Staff concerning the desirability of such reuse. The County Board of Commissioners shall have the ultimate authority to require a revised reclamation plan and reuse.

3. Filing of Map, Plat:

The Board of County Commissioners may require a map or plat of the proposed pit or excavation to be made showing the confines or limits thereof, together with the proposed depth thereof at different parts thereof. A similar map or plat may be required in regard to the proposed container for the impounded waters.

4. Conditions of Permit:

The FCZA, as a prerequisite to the granting of a permit or after a permit has been granted, may require the applicant to whom such permit issues or the owner or uses of the property on which the open pit or excavation or impounded waters are located, to provide or construct any or all of the following:

- a. Properly fence any pit or excavation.
- b. Slope the banks and otherwise properly guard and keep any pit or excavation in such condition as not to be dangerous from caving or sliding banks.
- c. Properly drain, fill or level any pit or excavation, after created, so as to make the same safe and healthful as the board shall determine.

- d. Keep any pit, excavation or impounded waters within the limits for which the particular permit is granted.
- e. Remove excavated material from any pit or excavation, away from the premises, upon and along such highways, streets, or other public ways as the board shall order and direct; and
- f. Provide, for the purpose of retaining impounded waters, a container of sufficient strength and durability and maintain such container in safe and proper condition.

5. Mining Operation Requirements

Each person, firm, or corporation to whom a mining operation permit is issued may engage in mining upon lands described in the permit, subject to the following regulations:

- a. The mining operations shall be conducted in compliance with the laws of the State of Minnesota and the Federal Government, especially as related to safety standards, and ordinances and resolutions of Faribault County, as amended from time to time, and in compliance with and furtherance of the approved reclamation plan for the affected land.
- b. Clearing of the mining site shall conform to the development and reclamation plan whenever possible. Existing trees and shrubs shall remain in their natural state and not be prematurely stripped.
- c. Adequate planting, fencing or berming shall be provided along all public roads adjacent to the property involved, sufficient to screen the operation from public view.
- d. Ingress and egress access points from or onto any road or highway shall be clearly indicated, and only those indicated access points shall be utilized. All access points must be approved by the appropriate Highway Agency having jurisdiction, and shall preferably be located so as to avoid the routing of vehicles to and from the mining operation over streets that primarily serve abutting residential development. Precautions must be taken to minimize the deposit of dirt and mined material from trucks onto the public roads or highways.
- e. Trucks used in hauling materials from the site of excavation shall be loaded in such manner as to minimize spillage onto public highways. Any spillage resulting from overloading or from adhering to truck tires shall be removed at regular intervals.
- f. The amount of overburden to be removed shall not be in excess of that required to undertake operations in an economically feasible manner. Less than ten (10) acres shall be considered economically feasible. Development toward the final plan shall be carried on as excavation progresses. Where ground cover or other planting is indicated on

approved plan, such planting shall be made in areas where excavation is completed and land is not being used for material storage.

6. Bond May Be Required:

The Board of County Commissioners may require either the applicant or the owner or user of the property on which the open pit or excavation or impounded waters are located to post a bond, in such form and sum as the board shall determine, with sufficient surety running to the county, conditioned to pay the county the extraordinary cost and expense of repairing, from time to time, any highways, streets or other public ways where such repair work is made necessary by the special burden resulting from hauling and travel, in removing materials for any pit, excavation or impounded waters, the amount of such cost and expense to be determined by the county engineer, and conditioned further to comply with all requirements of this SECTION and to pay any expense the county may incur by reason of doing anything required to be done by any applicant to whom a building permit is issued.

E. Performance Standards

It is the intent of this SECTION to provide that uses of land and buildings in ALL CLASSES OF BUSINESS AND INDUSTRY DISTRICTS shall be established and maintained with proper appearance from streets and adjoining properties and to provide that each permitted use shall be a good neighbor to adjoining properties by the control of the following:

1. Standards:

- a. Landscaping: All required yards shall be open landscaped and green areas or be left in a natural state. If any yards are to be landscaped, they shall be landscaped attractively with lawn, trees, shrubs, etc. Any areas left in a natural state shall be properly maintained in a sightly and well-kept condition. Yards adjoining any of the CLASSES OF RESIDENCE DISTRICTS shall be landscaped with buffer planting screens. Plans of such screens shall be submitted for approval as part of the site plan and installed prior to commencement of operation.
- b. Noise: Noise shall be measured on any property line of the tract on which the operation is located. Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, shrillness or intensity, except noises from agricultural sources.
- c. Odors: Odors from any use hereafter begun shall not be discernible at the property line to a greater degree than odors from plants for the manufacture or fabrication of books, textile weaves, electronic equipment or other plants in which operations do not result in greater degree of odors. Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a building permit, except odors from agricultural sources.
- d. Glare: Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible beyond any property line.

- e. Exterior Lighting: Any lights used for exterior illumination shall direct light away from adjoining properties.
- f. Vibration: Vibration shall not be discernable at any property line to the human sense of feeling for three (3) minutes or more duration in any one (1) hour.
- g. Smoke: Any use established, enlarged, or remodeled after the effective date of this ordinance shall be so operated to meet the minimum requirements of, the MPCA for the emission of smoke or other particulate matter.
- h. Hazard: Every operation shall be carried on with reasonable precautions against fire and explosion hazards.
- i. Toxic or Noxious Substances: Any use established shall be so operated as not to discharge across the boundaries of the lot or through percolation into subsoil beyond the boundaries of the lot wherein such use is located, toxic or noxious matter in such concentration as to be detrimental to or endanger the public health, safety, comfort or welfare, or cause injury or damage to property or business.
- j. Explosives: Any use requiring the storage, utilization, or manufacturing of products which could decompose by deterioration shall be located not less than four hundred (400) feet from the RESIDENCE DISTRICT line.

2. Compliance:

In order to insure compliance with the performance standards set forth above, the Board of County Commissioners may require the owner or operator of any permitted or conditional use to have made such investigations and tests as may be required to show adherence to the performance standards. Such investigation and tests as are required to be made shall be carried out by an independent testing organization as may be selected by the county.

F. Additional Requirements, Exceptions and Modifications

1. Height Regulations:

- a. Where the average slope of a lot is greater than one (1) foot rise or fall in seven (7) feet of horizontal distance from the established street elevation at the property line, one (1) story in addition to the number permitted in the District in which the lot is situated shall be permitted on the downhill side of any building.
- b. Height limitations set forth elsewhere in this ordinance may be increased by one hundred (100) percent when applied to the following:
 - 1. Monuments
 - 2. Flag poles
 - 3. Windmills

- c. Height limitations set forth elsewhere in this ordinance may be increased with no limitation where applied to the following:
 1. Church spires, belfries or domes which do not contain usable space.
 2. Water towers
 3. Chimneys or smokestacks
 4. Radio or television transmitting towers
 5. Grain elevators
 6. Essential service structures

2. Yard Regulations:

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

- a. Cornices, canopies or caves may extend into the required front yard a distance not exceeding four (4) feet, six (6) inches.
- b. Fire escapes may extend into the required front yard a distance not exceeding four (4) feet six (6) inches.
- c. A landing place or uncovered porch may extend into the required front yard a distance not exceeding six (6) feet, if the landing place or porch has its floor no higher than the entrance floor of the building. An open railing no higher than three (3) feet six (6) inches may be placed around such place.
- d. The above enumerated architectural features may also extend into any side or rear yard to the same extent, except that no porch, terrace or outside stairway shall project into the required side yard entrance.
- e. A wall, fence or hedge not exceeding five (5) feet in height may occupy part of the required front, side or rear yard, except on corner lots no wall, fence or hedge shall be located so as to create a traffic hazard through creation of a visual obstruction.
- f. On double frontage lots, the required front yard shall be provided on both streets.
- g. The required front yard of a corner lot shall not contain any wall, fence or other structure, tree, shrub, or other growth which may cause danger to traffic on a road or public road by obscuring the view.

- h. The required front yard of a corner lot shall be unobstructed above a height of three (3) feet in a triangular area, two (2) sides of which are the lines running along the side road lines between the road intersection and a point fifty (50) feet from the intersection, and the third side of which is the line between the latter two points.

3. Storage of Materials

In all CLASSES OF BUSINESS DISTRICTS and all CLASSES OF INDUSTRY DISTRICTS open storage of materials in any required front or side yard shall be prohibited. Any other outside storage shall be located or screened so as not to be visible from any of the CLASSES OF RESIDENCE DISTRICTS.

4. Area Regulations

No lot shall be so reduced that the area of the lot or dimensions of the open spaces shall be smaller than herein prescribed.

5. Accessory Uses:

The following accessory uses, in addition to those herein before specified, shall be permitted in any RESIDENCE DISTRICT, if the accessory uses do not alter the character of the premises in respect to their use for the purposes permitted in the District.

- a. The operation of necessary facilities and equipment in connection with schools, colleges, universities, hospitals and other institutions permitted in the DISTRICT.
- b. Recreation, refreshment and service buildings in public parks and playgrounds.
- c. Fallout shelters

6. Accessory Buildings

- a. In case an accessory building is attached to the main building, it shall be made structurally a part of the main building and shall comply in all respects with the requirements of this ordinance applicable to the main building. An accessory building shall not be closer than five (5) feet to the main building, except as otherwise provided in this ordinance.
- b. A detached accessory building shall not be located in any required front yard.
- c. A detached accessory building not over one (1) story and not exceeding twelve (12) feet in height shall occupy not more than thirty percent (30%) of the area of any rear yard, providing further that no detached accessory building shall be located within ten (10) feet of any rear lot line.

G. Permits and Information Filing Requirements for Essential Services

1. Since some essential and transmission services, as defined by this ordinance, may have an effect upon urbanizing areas of the county, county land uses, county highway locations, and county parks and recreation areas, the proposed location of major essential service structures and all transmission services in any zoning district shall be filed with the FCZA prior to the commencement of any condemnation action or construction by the owner.
2. Transmission services such as high voltage (35 KV or greater) electrical power or bulk gas or fuel being transferred from station to station and not intended for enroute consumption not located within County Highway or County State Aid Highway rights of way shall follow the following procedures:
 - a. The owner shall file with the FCZA such maps indicating the location, alignment, and type of service proposed as shall be requested.
 - b. If deemed necessary, maps and accompanying data on location and alignment of transmission service may be submitted to the Faribault County Planning Commission for review, and recommendations regarding the relationship to urban growth, land uses, highways and recreation and park areas.
 - c. Following such review, the County Planning Commission shall make a report of its findings and recommendations on the proposed transmission services and shall file such report with the County Board of Commissioners.
 - d. Upon receipt of the report of the County Planning Commission on the planned essential transmission services, the Board of County Commissioners shall consider the maps and accompanying data and shall indicate to the owner its approval or modifications considered desirable under this ordinance.
 - e. Recognizing a need for timely and adequate service by owners of essential service, the county shall act upon all information filing within forty five (45) days of receipt by the FCZA. Failure to act within such time shall constitute approval.

Essential services to be located within any County Highway or County State Aid Highway rights of way shall make an application for a permit under the following procedure:

- a. The applicant shall file with the county engineer, on forms supplied by the county, an application for such permit accompanied by maps indicating the location, alignment and type of service proposed.
- b. The application and accompanying data shall be reviewed by the county engineer, and the county engineer may issue the permit after determining that the application is acceptable and in the best interest of the county.
- c. The county engineer may require in conjunction with the issuance of such permit that:

1. The applicant submit as-built drawing of the essential service after construction.
 2. The applicant construct the essential service to take into consideration contemplated widening, re-grading, or relocation of a County Highway or County State Aid Highway, providing that the County owns such additional right of way.
- d. Recognizing the need for adequate and timely service by owners of essential services, the county engineer shall act upon all information filings or permit applications within five (5) working days. Failure to act within five (5) working days shall constitute approval.
4. No filing shall be necessary to maintain, reconstruct or relocate existing lines or facilities where the general line and configuration thereof remain essentially the same. Emergency work otherwise requiring a permit or filing may be accomplished provided such applications or filings are made as soon thereafter as possible.

H. ~~Feedlot Standards (Repealed 12/18/2012)~~

- ~~1. Feedlots shall be in conformance with the county/state feedlot permit process and requirements.~~
- ~~2. Feedlots shall not be located within one-half (1/2) mile of a municipality unless the affected municipality has given approval.~~
- ~~3. Feedlots over one thousand (1,000) AUs shall not be located within six hundred sixty (660) feet of any residence structure or within six hundred sixty (660) feet of any business or industrial district and shall not be located within one-half (1/2) mile of a concentration of ten (10) dwelling units located on ten (10) or less acres.~~

SECTION 16 CONDITIONAL USE PERMITS (amended 12-2012)

SUBDIVISION 1. CONDITIONAL USES

The board may by ordinance designate certain types of developments, including planned unit developments and certain land development activities as conditional uses under zoning regulations. Conditional uses may be approved upon a showing by an applicant that standards and criteria stated in the ordinance will be satisfied. Such standards and criteria shall include both general requirements for all conditional uses and, insofar as practicable, requirements specific to each designated conditional use.

SUBDIVISION 2. APPLICATION

An application for Conditional Use Permits shall be filed with the Zoning Administrator on forms provided by the county. The application shall be accompanied by a site plan showing such information as is necessary to show compliance with this Ordinance, including but not limited to:

1. Applicant Name, Address, Contact Information
2. Legal Description obtained from the Faribault County Recorder
3. Dimensions of the property with property corners identified
4. Location and use of all existing buildings including building dimensions
5. Proposed building uses, dimensions, and square footages
6. Existing Driveway and public roads (labeled)
7. Setback distances from:
8. All property lines
9. Center and/or right of way of nearest public road
10. Lake, river, stream, DNR protected area
11. Septic System (if not in compliance, will need a plan from licensed contractor)
12. Well
13. Public and Private Drainage
14. Any new driveways (does a 911 address need to be applied for?)
15. Identify any areas on the property where there will be materials, such as fill, stored on site.
 These activities are not allowed in the Floodplain (DNR)
16. Additional data requested by the FCZA

SUBDIVISION 3. NOTIFICATIONS AND PUBLIC HEARING

1. Upon receipt in proper form of the application and other required material, the Planning Commission shall hold at least one (1) public hearing in a location to be prescribed by the Planning Commission. Such public hearing may be continued from time to time and additional hearings may be held.
2. At least ten (10) days in advance of each hearing, notice of the time and place of such hearing shall be published in the official newspaper of the county.
3. All property owners of record within five hundred (500) feet of the incorporated areas and /or one-quarter (1/4) mile of the affected property or to the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners of unincorporated areas where the conditional use is proposed shall be notified by depositing a written notice in the U.S. mail, postage prepaid, as to the time and place of the public hearing. All municipalities within two (2) miles of the proposed conditional use shall be given proper notice.

SUBDIVISION 4. APPROVAL, DISAPPROVAL OR MODIFICATION

The Planning Commission shall make its decision upon the application and forward its recommendations to the County Board. In reporting its recommendations to the County Board, the Planning Commission shall report its findings with respect thereto and all facts in connection therewith, and may designate conditions and require guarantees deemed necessary for the protection of the public interest. Upon receipt of the report of the Planning Commission, the County Board shall make a decision upon the application for a Conditional Use Permit

SUBDIVISION 5. FINDINGS

No conditional use shall be recommended by the Planning Commission unless said Commission shall find:

1. That the proposed use will not have an adverse impact on health, safety and the general welfare or be injurious to the use and enjoyment of other properties for purposes already permitted in the surrounding neighborhood.
2. That the proposed use will not have an adverse impact on traffic conditions including parking, traffic congestion or traffic hazard?
3. That there are adequate public utilities, public services, roads, drainage, off-street loading space and other facilities to support the proposed use of the property.
4. That the proposed use will not have an adverse effect or diminish the property values or future development of land in the surrounding neighborhood.
5. That the proposed use meets the standards of the Zoning Ordinance including that the use is allowed with a Conditional Use Permit in the designated zoning district in which it is proposed.
6. That the proposed use will not have an adverse effect on the environment including impacts on groundwater, surface water, soils and air quality.
7. That the proposed use will not have an adverse effect on normal and orderly development and improvement of surrounding properties in the surrounding neighborhood for uses predominant to the area.
8. That the proposed use will have adequate measures in place to prevent or control offensive odors, fumes, dust, noise and vibration so that none of these will be a disturbance to neighboring properties.

SUBDIVISION 6. CONDITIONAL USE PERMITS WITHIN FLOODPLAIN AND SHORELAND AREAS

1. A copy of a request for a Conditional Use Permit within any designated floodplain or shoreland area shall be forwarded to the Minnesota Department of Natural Resources by the Zoning Administrator at least ten (10) days prior to a public hearing.
2. A copy of all decisions granting any Conditional Use Permit within any designated floodplain or shoreland areas shall be forwarded to the Department of Natural Resources with ten (10) days after such decision.

3. Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established countywide. The following additional evaluation criteria and conditions apply within shoreland areas:
 - A. Evaluation Criteria. A thorough evaluation of the water body and the topographic, vegetation and soils conditions on the site must be made to ensure:
 - 1.) The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
 - 2.) The visibility of structures and other facilities as viewed from public waters is limited;
 - 3.) The site is adequate for water supply and on-site sewage treatment; and
 - 4.) The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.
 - B. Conditions attached to conditional use permits. The Planning Commission, upon consideration of the criteria listed above and the purposes of this Ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may be include, but are not limited to, the following:
 - 1.) Increased setbacks from the normal high water level;
 - 2.) Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and
 - 3.) Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

SUBDIVISION 7. DURATION

A conditional use permit shall remain in effect for so long as the conditions agreed upon are observed, provided that nothing in this section shall prevent the board from enacting or amending official controls to change the status of conditional uses.

SUBDIVISION 8. REVIEW

A periodic review of the permit and its conditions shall be maintained. The permit shall be issued for a particular use on specific parcel and not for a particular person or firm.

SUBDIVISION 9. REVOCATION

A violation of any condition set forth in a Conditional Use Permit shall be a violation of this Ordinance and can be cause for the County Board to terminate the permit

SUBDIVISION 10. RECORDING and COPY FILED

1. A certified copy of any Conditional Use Permit, or resolution of the County Board shall be filed with the County Recorder for record. The Conditional Use Permit shall include the legal description of the property involved.
2. The Zoning Administrator shall be responsible for recording with the County Recorder, any Conditional Use Permit issued by the County Board.

SECTION 17 - NON-CONFORMING USES

A. Non-Conforming Signs

1. Signs existing on the effective date of this ordinance which do not conform to the regulations set forth in this ordinance shall become a non-conforming use and shall be discontinued within a reasonable period of amortization of the sign; uses of signs which become nonconforming by reason of a subsequent change in this ordinance shall also be discontinued within a reasonable period of amortization of the sign. The period of amortization for signs shall not be more than:
 - a. Advertising Signs - Five (5) years from the effective date of this ordinance.
 - b. Business Signs - Five (5) years from the effective date of this ordinance.
2. Business signs on the premises of a non-conforming building or use may be continued, but such signs shall not be increased in number, area, height, or illumination. New signs not to exceed thirty-five (35) square feet in aggregate sign area may be erected at the time of the adoption of this ordinance. Such signs may be illuminated, but no flashing, rotating or moving signs shall be permitted.
3. No sign erected before the passage of this ordinance shall be rebuilt, altered or moved to a new location without being brought into compliance with the requirements of this ordinance.

B. Non-Conforming Junk Yards

1. (The following provisions are an extension of the provisions in the Faribault County Zoning Ordinance dated May 7, 1968, as recorded and filed by the County Recorder.) No junk yard may continue as a non-conforming use for more than five (5) years after the effective date of this ordinance, except that a junk yard may continue as a non-conforming use if within that period it is completely enclosed within a building, fence or screen planting of adequate height and density to screen the junk yard completely from the public's view on adjoining roads within five (5) years after the adoption of this ordinance.
2. Within one (1) year after the adoption of this ordinance all non-conforming junk yards shall submit a site and screening plan to the Planning Commission and the Board of County Commissioners. This plan must be approved by the Planning Commission and Board of County Commissioners before any screening is erected or put into place.
3. In the event that a vegetative planting does not reach the necessary height and density to adequately screen the junk yard from the public's view, a fence shall be built and completed before the five (5) year deadline so that the junk yard is completely screened from the public's view on adjoining roads.

4. The Planning Commission and Board of County Commissioners have the authority to determine the types of materials or plantings to be used in each screening plan. This includes types of vegetation for natural screening and the types of building materials necessary to erect fences or building to completely screen the operation from the public's view on adjoining roads.
5. In the event of the sale of a non-conforming junk yard, the junk yard may continue operation if the conditions and provisions of this ordinance are maintained and complied with.
6. Any expansion of a non-conforming junk yard beyond the scale of the operation at the time of the adoption of the original County Zoning Ordinance on May 7, 1968 shall require a conditional permit.

C. Discontinuance

1. In the event that a non-conforming use of any building or premises is discontinued or its normal operations stopped for a period of one (1) year, the use of the same shall thereafter conform to the regulations of the District in which it is located.
2. In the event that the use of a non-conforming advertising sign structure is discontinued or its normal operation stopped for a period of six (6) months, said structure shall be removed by the owner or lessor at the request of the Board of County Commissioners.

D. Alterations, Moving

A non-conforming use or occupancy may be altered, provided such alterations do not intensify or physically expand or extend the non-conforming use. A non-conforming building or structure moved to a different location on a single lot or otherwise, shall be brought into conformance with this ordinance.

E. Residential Alterations

Alterations may be made to a residential building containing non-conforming residential units when they will improve the livability of such units, provided, however, that they do not increase the number of dwelling units in the building.

F. Restoration

No building which has been damaged by fire, explosion, act of God, or the public enemy to the extent of more than fifty (50) percent of its value shall be restored, except in conformity with the regulations of this ordinance.

G. Normal Maintenance

Maintenance of a building or other structure containing or used by a non-conforming use will be permitted when it includes necessary, nonstructural repairs and incidental alterations which do not extend or intensify the non-conforming building or use. Nothing in this Ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the FCZA.

H. Special Provisions

Nothing in this Section 17 shall be construed to validate a non-conforming use beyond the scale which existed at the time of the adoption of the original County Zoning Ordinance on May 7, 1968. Except in the case of non-conforming junk yards (as stated in paragraph B.1. of this Section), no existing non-conforming use that was unlawful before the adoption of this ordinance shall be made lawful by the adoption of this ordinance.

I. Construction On Nonconforming Lots or Record

1. 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 this ordinance may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this ordinance are met.
2. A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the Board of Adjustment shall consider sewage treatment and watery supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
3. If, in a group of two (2) or more contiguous lots under the same ownership, any individual lot does not meet the requirements of this ordinance the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of this ordinance as much as possible.

SECTION 18 - BUILDING PERMITS

A. Building Permit

1. Hereafter, no person shall erect, alter in respect to height or area, any building or sewage treatment system or part thereof without first securing a building permit. Also, grading and filling in shoreland areas are subject to regulations that may require a permit. See Section 20.
2. Application for a building permit shall be made to the FCZA blank forms to be furnished by the county. Each application for a permit to construct or alter a building shall be accompanied by a plan drawn to scale showing the dimensions of the lot to be built upon and the size and location of the building and accessory buildings to be erected. Applications for any kind of building permit shall contain such information as may be deemed necessary for the proper enforcement of this ordinance or any other ordinance or regulation. The FCZA shall issue the building permit only after determining that the building plans, together with the application, comply with the terms of this ordinance.
3. Building permit fees and other fees as may be established by resolution of the Board of County Commissioners shall be collected by the FCZA for deposit with the county and credited to the general revenue fund.
4. No permits shall be required for interior or exterior painting, decorating or patios.
5. A building permit is valid for a period of one (1) year after the date of issuance.

SECTION 19 - JUNK YARDS

No conditional use permit shall be granted unless:

1. The applicant first submits to the FCZA for submission to the Planning Commission a site and screening plan to include:
 - a. A map showing the relative location of the site to other property or properties within one (1) mile on a side. An ordinary plat map designating the location of the site will be acceptable.
 - b. An exact legal description describing the boundaries of the land to be occupied by the junk yard.
 - c. Proof of right of occupancy for the intended use of the land proposed to be used for the junk yard.
 - d. A screening plan which is reasonably designed to screen the junk yard operation from public view within five (5) years.
 - e. A consent to permit county employees or agents to enter upon the property for purposes of inspecting for compliance with this ordinance and state law and to enter upon the property with equipment to bring it into compliance if, after opportunity for a hearing the County Board of Commissioners finds the junk yard is not in compliance. This consent shall include the right to enter upon the property for purposes of enforcing Paragraph 5. hereof.
2. The County Board of Commissioners may require as a condition of the permit that the site shall be entirely screened from public view before the site is first used as a junk yard. When the site is remote from public view and not readily visible, the County Board of Commissioners may allow the site to be used as a junk yard immediately but may require the maintenance of existing screening and the planting or construction of additional screening where appropriate to more effectively screen the junk yard from public view.
3. If the owner/operator of the salvage operation elects to establish a vegetative screen, the area of the vegetative screen shall be maintained so as to promote the rapid growth of the vegetation which includes weeding, fertilization, and watering of the vegetation as necessary.
4. Any expansion of the salvage operation beyond the originally approved boundaries shall be considered a breach of conditions and shall be grounds in and of itself for revocation of the permit.
5. The Board of County Commissioners shall require that the owner/operator post a bond in such form and such sum as the Board of County Commissioners shall determine with sufficient sureties running to the county conditioned to pay the county the extraordinary costs, including legal expense of cleaning up the salvage operation if the conditional use permit has been lawfully revoked and the owner/operator fails or refuses to clean up the site. For this purpose, cleaning up

the site means restoring it to the condition that it was in prior to it's being used as a junk yard, but if that is not feasible or practical, to such condition as the County Board of Commissioners of Commissioners may reasonably specify.

6. The County Board of Commissioners may condition such a permit in any other way consistent with the safety, health and welfare of the inhabitants of the county.
7. A conditional use permit for a junk yard is personal to the owner/operator. It may not be transferred except upon application to the FCZA and approved by the County Board of Commissioners of Commissioners. The County Board of Commissioners of Commissioners may require a new or increased bond from the transferee pursuant to paragraph 5. hereof.

SECTION 20 - SHORELAND REGULATIONS

A. Non-Conforming Septic Systems

1. All septic systems not in conformity with this ordinance and MPCA Chapter 7080 shall be brought into conformity prior to issuance of any permit or variance related to the site. Systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, section 105.485, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by chapter 7080, shall be considered non-conforming.
2. All septic systems not in conformity with this ordinance and MPCA Chapter 7080 shall be upgraded within five (5) years of the passage of this ordinance to conform to the provisions hereof and MPCA Chapter 7080.
3. Publicly-owned sewer systems must be used where available.

B. Dimensional Standards

1. Minimum setback from un-platted cemeteries – fifty (50) feet
2. Minimum setback from top of bluff – thirty (30) feet and no structures except stairways and landings shall be permitted in the bluff impact zone.

C. Other Shoreland Standards

1. Each lot may have one (1) water oriented accessory structure encroach into the lake setback area as long as it does not encroach more than twenty percent (20%) of the setback regulation, is not over one hundred twenty (120) square feet in amount of encroachment and is not over ten (10) feet in height or over the height of the dwelling, if attached.
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. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical.
 - f. Facilities such as ramps, lifts or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.
3. Significant Historic Sites - No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.
 4. Steep Slopes – The county must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit 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 screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
 5. Height of Structures - All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed twenty-five (25) feet in height.

D. Shoreland Alterations

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

1. Vegetation Alterations
 - a. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by this ordinance are exempt from the vegetation alteration standards that follow.
 - b. Removal or alteration of vegetation, except for agricultural and forest management uses is allowed subject to the following standards:

Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed.

Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable if an erosion control and sedimentation plan is developed and approved by the Soil and Water Conservation District (SWCD) in which the property is located.

In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water -oriented accessory structures or facilities, provided that:

- the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
- along rivers, existing shading of water surfaces is preserved; and
- the above provisions are not applicable to the removal of trees, limbs or branches that are dead, diseased or pose safety hazards.

- c. Use of fertilizer and pesticides must be done in such a way as to minimize runoff by the use of earth, vegetation or both.

2. Topographic Alterations/Grading and Filling

- a. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.

- b. Public roads and parking areas are regulated by this ordinance.

- c. Notwithstanding Items a. and b. above, a grading and filling permit will be required for:

the movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and

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

- d. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:

Grading or filling in any type 2, 3, 4, 5, 6, 7 or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland**:

- sediment and pollutant trapping and retention; storage of surface runoff to prevent or reduce flood damage;
- fish and wildlife habitat;
- recreational use;
- shoreland or bank stabilization; and
- noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

** This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a Watershed District, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. The applicant will be so advised.

- * Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;
- * Mulches or similar materials must be used, where necessary or temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;
- * Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
- * Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local SWCD and the Natural Resources Conservation Service (NRCS);
- * Fill or excavated material must not be placed in a manner that creates an unstable slope;
- * 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 thirty (30) percent or greater;
- * Fill or excavated material must not be placed in bluff impact zones;
- * Any alterations below the OHWL of public waters must first be authorized by the Commissioner under Minnesota Statutes, section 103G.245;

- * Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
 - * Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three (3) feet horizontal to one (1) foot vertical, the landward extent of the riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three (3) feet.
- e. Connections to public waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the Commissioner has approved the proposed connection to public waters.

E. Placement and Design of Roads, Driveways and Parking Areas

1. 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. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local SWCD, or other applicable technical materials.
2. Roads, driveways and parking areas must meet structure setback 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.
3. 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. For private facilities, the grading and filling provisions of this ordinance must be met.

F. Stormwater Management

The following general and specific standards shall apply:

1. General standards:
 - a. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter and retain stormwater runoff before discharge to public waters.
 - b. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized

and protected as soon as possible and facilities or methods used to retain sediment on the site.

- c. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways and ponds may be used. Preference must be given to designs using surface drainage, vegetation and infiltration rather than buried pipes and man-made materials and facilities.

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 local SWCD.
- c. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

G. Agricultural Use Standards

1. 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 permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local SWCD or the NRCS, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and fifty (50) feet from the OHWL.
2. Animal feedlots must meet the following standards:
 - a. New feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of three hundred (300) feet from the OHWL of all public waters basins; and
 - b. Modifications or expansions to existing feedlots that are located within three hundred (300) feet of the OHWL or within a bluff impact zone are allowed if they do not further encroach into the existing OHWL setback or encroach on bluff impact zones.

H. Forest Management Standards:

1. The harvesting of timber and associated reforestation must be conducted consistent with the provisions of "Minnesota Non-point Source Pollution Assessment - Forestry" and the provisions of a Water Quality in Forest Management - Best Management Practices in Minnesota.

I. Extractive Use Standards:

1. Site Development and Restoration Plan. An extractive use site development and restoration plan must be developed, approved and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.
2. Setbacks for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from OHWL of public waters and from bluffs.

J. Standards for Commercial, Industrial, Public and Semipublic use

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. 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. Those with water-oriented needs must meet the following standards:

1. In addition to meeting impervious coverage limits, setbacks and other zoning standards presented elsewhere in this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.
2. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.
3. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
 - a. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the County Sheriff.

- b. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten (10) feet above the ground, and must not exceed thirty-two (32) square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters.
- c. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

K. Mining of Metallic Minerals and Peat

- 1. Mining of metallic minerals and peat, as defined in Minnesota Statutes, Section 93.44 to 93.51, shall be permitted use provided the provisions of Minnesota Statutes, Sections 93.44 to 93.51, are satisfied.

L. Conditional Uses

Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established community-wide. The following additional evaluation criteria and conditions apply with shoreland areas:

- 1. Evaluation Criteria. A thorough evaluation of the water body and the topographic, vegetation and soils conditions on the site must be made to ensure:
 - a. the prevention of soil erosion or other possible pollution of public waters, both during and after construction;
 - b. the visibility of structures and other facilities as viewed from public waters is limited;
 - c. the site is adequate for water supply and on-site sewage treatment; and
 - d. the types, uses and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.
- 2. Conditions attached to conditional use permits. The county, upon consideration of the criteria listed above and the purposes of this ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

- a. increased setbacks from the OHWL;
- b. limitations on the natural vegetation to be removed or the requirements that additional vegetation be planted; and
- c. special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

M. 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 (MDH) and the MPCA.

N. Subdivision/Platting Provisions in Shoreland Areas

1. Land Suitability. Each lot created through subdivision, authorized under this ordinance, 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 water based 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.
2. Consistency with other Controls. Subdivisions must conform to all official controls of this community. 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. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with this ordinance and MPCA Chapter 7080 can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of this ordinance, including at least a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two (2) standard soil treatment systems. Lots that would require use of holding tanks must not be approved.
3. Information Requirements in Shoreland Areas. Subdivision controls must require submission of adequate information to make a determination of land suitability. The information shall include at least the following:
 - a. Topographic contours at ten (10) foot intervals or less from United States Geological Survey Maps or more accurate sources, showing limiting site characteristics;

- b. The surface water features required in Minnesota Statutes, Section 505.02, Subdivision 1, to be shown on plats, obtained from United States Geological Survey Quadrangle Topographic Maps or more accurate sources;
- c. Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests or other methods;
- d. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities; and
- e. Location of 100 Year Floodplain areas from existing maps or data.
- f. Subdivisions shall be platted.

O. Variances

Variances may only be granted in accordance with Minnesota Statutes, Chapter 394, as applicable. They may not circumvent the general purposes and intent of the official controls. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of variances to ensure compliance and to protect adjacent properties and the public interest. In considering variance requests, Boards of Adjustment must also consider whether property owners have reasonable use of the lands without the variances, whether existing sewage treatment systems on the properties need upgrading before additional development is approved, whether the properties are used seasonally or year-round, whether variances are being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.

P. Notification

1. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten (10) days before the hearings. Notices of hearings to consider proposed plats must include copies of the plats.
2. A copy of approved amendments and plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the Commissioner or the Commissioner's designated Representative and postmarked within ten (10) days of final action.

SECTION 21 - TOWER ORDINANCE

A. INTENT AND PURPOSE

The purpose of this tower facilities ordinance is to ensure such facilities are designed, sited, and constructed in a manner consistent with the protection of the public health, safety, and general welfare of persons in the area surrounding such tower facilities, and for both public and private property within the jurisdiction of Faribault County.

B. APPLICABILITY

It shall be unlawful for any person, firm, or corporation to erect, construct in place, or place any tower facility without first receiving permit(s) from the Faribault County Planning and Zoning Office. Nor may any person, firm, or corporation alter, modify, transform, add to or change in any way an existing tower facility without first receiving permit(s) from the Faribault County Planning and Zoning Office.

C. DEFINITIONS

1. ANTENNA - Any structure or device used for the purpose of collecting or radiating electromagnetic waves including but not limited to directional antennas such as panels, microwave dishes, satellite dishes, and omni-directional antenna such as whip-antenna.
2. CONDITIONAL USE – A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that (1) certain conditions as detailed in the zoning ordinance exist, and (2) the use of development conforms to the comprehensive CLUP and (3) is compatible with the existing neighborhood.
3. FAA – Federal Aviation Administration
4. FCC – Federal Communication Commission
5. GUYED WIRE TOWER – A tower, constructed *with* guyed wires and ground anchors.
6. HEIGHT - The height of the tower is the vertical distance from the point of contact with the ground to the highest point of the tower including all antenna or other attachments.
7. SELF SUPPORTIVE/MONOPOLE TOWER - A single, self-supportive tower, constructed *without* guyed wires.
8. TEMPORARY TOWER – Any structure that is erected for less than twenty-four (24) months and is designed and constructed for the purpose of supporting one or more antennas or data collection equipment.

9. TOWER – Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas or data collection equipment. This does not include wind energy generation facilities.
10. TOWER FACILITY – Any structures that may include a tower, antenna(s), equipment building(s), anchor points and other related equipment used by broadcast services and/or wireless telecommunications services and/or data collection devices.
11. WIRELESS TELECOMMUNICATION - Any ground or roof mounted structure built for the purposes of supporting, elevating or attaching antenna(s) for broadcasting of cellular, personal communications, specialized mobilized radio, enhanced specialized mobilized radio, paging, and similar services. For all sections of this ordinance, wireless telecommunication shall not be considered a public utility.

D. EXEMPTIONS

1. The following will be generally allowed as exemptions within Faribault County without having to make application or meeting the general standards of this article:
 1. Antenna(s) incidental to residential use
 2. Routine maintenance of existing tower facilities or modification of lighting to meet the standards set forth by this ordinance
 3. The addition of antenna(s) to a tower facility that meet the standards of this article and do not increase the height of the tower facility
 4. Non-commercial amateur radio towers under one hundred fifty (150) feet
2. Existing Permitted Tower Facilities
Any existing permitted tower facility, is considered to be in compliance with this ordinance, and can be re-constructed or repaired to its original condition without obtaining a new conditional use permit.
3. Existing Non-Permitted Tower Facilities
Any existing non-permitted tower facility cannot be moved or altered without complying with the requirements of the current ordinance.

E. CONDITIONAL USE PERMITS

All towers not defined as exempt, shall require a Conditional Use Permit.

F. GENERAL STANDARDS

All tower facilities located within Faribault County shall comply with the following standards:

1. SETBACKS –
 - a. The tower facility shall have a *minimum* distance to the parcel and/or recorded easement boundary, equal to the height of the tower plus ten (10) feet.
 - b. No tower facility shall be located within the following Shoreland Districts:
 1. A-1 - (Shoreland Ag District)
 2. R-2 - (Shoreland Residential District)
 - c. No part of any antenna or tower, nor any lines, cable, equipment, wires, or braces shall at any time extend across or over any part of the right-of-way, public street, highway, public waters (county ditches, small creeks), or sidewalk, without approval of proper county department.
2. FENCING - The tower facility shall be protected by a security fence from six (6) feet to eight (8) feet in height to prohibit access by unauthorized persons. Temporary towers are exempted from this provision.
3. SIGNAGE – The owner's name, telephone number and site ID number shall be posted on the gate of a perimeter fence. No other advertising or identification sign of any kind is permitted on the tower facility, except applicable warning and equipment information as required by the manufacturer or by Federal, State, or local authorities.
4. LIGHTING / PAINTING - Tower facility owner shall reduce the impact of current and future obstruction lighting requirements, as much as technology, and Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) rule will allow. Visual impact shall be reduced by the use of techniques such as, but not limited to, directional lighting, tilting, shields, etc. Maximum intensity of lighting, if necessary, shall be the minimum required by FAA and/or FCC.
 1. In order of preference, a tower facility shall have:
 - a. Self Supportive / Monopole Tower – According to FAA regulations.
 - b. Guyed Wire Tower – All guyed wire towers must be painted aviation orange and white, alternating at 20% increments of total tower height, starting with aviation orange at the top of the tower.
 2. Penalty – After written notification by the county, the conditional use applicant will be allowed ten (10) days to come into compliance with the FAA/FCC lighting and painting regulations. For each day that this is not met, the applicant will be charged \$100.00 per day.
5. CROPPING - No row crops are permitted in the perimeter formed by the outer most anchors of the guyed wires.

G. PERMIT APPLICATION REQUIREMENTS:

Application for a Conditional Use Permit shall be submitted pursuant to the requirements of this chapter and shall be accompanied by the following:

A. Site Plan for the proposed tower facility site, which shall include the following:

1. Graphic scale of the plan, not less than one inch (1") to twenty feet (20')
2. North directional arrow
3. Location and size of the proposed tower facility, support structures, accessory buildings, access driveways, public roads, parking fences, signs and landscaped areas
4. Building setback lines
5. The location of watercourses, ravines, bridges, lakes, wetlands, wooded areas, rock outcroppings, bluffs, steep slopes, and other geological features within the site
6. Location of special features located within the site
7. All tower facilities shall be adequately insured for injury and property damage caused by collapse of the tower. A Certificate of Insurance shall be filed with the Planning and Zoning Office prior to commencing operation of the facility
8. If proposed removal of natural vegetation consists of one (1) acre or more, an MPCA Storm Water Permit must be obtained and verification of application shall be on file with the Planning and Zoning Office

B. Vicinity map showing land uses and existing residences and businesses within one-half (1/2) mile of the proposed tower facility. (Please attach aerial photo)

C. If erection of the tower or construction of any tower facility will disturb any part of a bluff or a steep slope, the applicant shall provide an erosion control plan prepared by a landscape architect or professional engineer.

D. A copy of the FAA determination or a signed statement that the proposed tower facility has not been found to be a hazard to air navigation under Part 77, Federal Aviation Regulations, or that no compliance with Part 77 is required, and the reasons therefore.

E. A copy of the FCC's license or a signed statement from the proposed operator of the tower facility attesting to the fact that the tower facility complies with current FCC regulations, including compliance with the regulations of the FCC with regard to maximum radio frequency and electromagnetic frequency emissions, or a statement from the applicant that no such compliance is necessary, and the reasons therefore.

H. ROUTINE MAINTENANCE

All tower facilities shall be maintained in a safe and clean manner. The tower facility owner/operator shall be responsible for maintaining a graffiti, debris and litter free site.

I. TIME LIMIT ON TOWER FACILITY CONSTRUCTION

Construction of an approved tower facility must be completed within one year of application.

J. UNUSED OR ABANDONED TOWER FACILITY

The owner of a tower facility shall file an annual notification in writing to the Planning and Zoning Office as to the current ownership of every tower facility constructed. Failure to do so shall be determined to mean that the tower facility is no longer in use and considered abandoned. A tower is also considered abandoned if owner fails to pay fees as required by the ordinance.

K. REMOVAL

A tower must be removed by the current landowner within one hundred eighty (180) days of abandonment, unless the FCZA provides a written exemption. Removal includes the complete tower facility including related infrastructures, footings and other underground improvements to a depth of thirty-six (36) inches below existing grade, and restoration to pre-existing vegetative cover. Failure to do so shall be just cause for Faribault County to seek legal avenues that will remove the tower facility and restore the site.

L. SEVERANCE CLAUSE

If any part of this section is rendered void, invalid, or unenforceable, such rendering shall not effect the validity and enforceability of the remainder of this section unless the part or parts which are void, invalid or otherwise unenforceable shall substantially impair the value of the entire section.

M. APPLICABLE FEES

All tower facilities constructed or erected within Faribault County will be subject to applicable fees. These fees are set forth by the County Commissioners. These fees will include, but are not limited to the following:

- a. Building Permit Application
- b. Conditional Use Application
- c. Maintenance Fee

SECTION 22 – FEEDLOT ORDINANCE

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SECTION 22 – FEEDLOT ORDINANCE

A. SECTION ONE - DEFINITIONS of FEEDLOT ORDINANCE

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

The word “shall” is mandatory, and not discretionary; the word “may” is permissive.

Words used in the present tense shall include the future; and words used in the singular shall include the plural, and the plural the singular.

Words shall be given their common usage if not defined.

The word “person” includes a firm, association, organization, partnership, trust, company, corporation or individual.

1. Abandoned Farmstead. Existing abandoned building site, with a minimum of five (5) acres, that is classified for the current payable year taxes as residential by the county assessor or applied for residential treatment with the county assessor’s office. An abandoned farmstead will be treated the same as an active farmstead.

2. Agency. The Minnesota Pollution Control Agency as established in Minnesota Statutes, Chapter 116.

3. Animal Manure. Poultry, livestock, or other animal excreta or mixture with feed, bedding, water, or other materials.

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

5. Board. The word “Board” includes the “County Commissioners”, the “Board of County Commissioners” or any other word or words meaning the “Faribault County Board of Commissioners”.

6. Building. Any structure of every kind for the shelter, support, or enclosure of animals, chattel, persons, or property of any kind.

7. Building, Agricultural. All buildings, other than dwellings, which are incidental to a farming operation.

8. Certificate of Compliance. A letter from the agency or the county feedlot officer to the owner of an animal feedlot stating that the feedlot meets agency requirements.

9. Commissioner. Commissioner means the Commissioner of the Minnesota Pollution Control Agency whose duties are defined in Minnesota Statutes, Section 116.03.

10. Ditch. An earthen structure used to convey water to another area.

11. Expansion. Any change in a feedlot operation that results in an increase in animal units.

12. Farm. A tract of land which is principally used for agricultural activities such as the production of cash crops, livestock, or poultry farming.

13. Farmstead. A tract of land with a segregated border and a residence.

14. Feedlot. A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Pastures shall not be considered feedlots under these rules. Open lots used for the feeding and rearing of poultry shall be considered animal feedlots.

15. Feedlot (New). An unpermitted feedlot, a feedlot constructed and operated at a site where no feedlot existed previously, or where a pre-existing feedlot has been abandoned or unused for a period of five years.

16. Feedlot Officer. The county employee, knowledgeable in agriculture, who is designated by the county board to receive and process feedlot permits and applications, and identified by MPCA as the Feedlot Pollution Control Officer.

17. Feedlot Operator. An individual, a corporation, a group of individuals, a partnership, joint venture, owner, or any other business entity having charge or control of one or more livestock feedlots, poultry lots, or other animal lots.

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

19. Flood Plain. The channel or beds proper and the areas adjoining a wetland, lake, or watercourse which have been or hereafter may be covered by the regional flood. Flood plain areas within Faribault shall encompass the 100 Year Flood Plain.

20. Floodway. The channel of the water course and those portions of the adjoining flood plains which are reasonably required to carry or store the regional flood discharge.

21. HEL. Highly Erodible Land.

22. Interim Permit. A permit issued by the county and, when required, the MPCA which expires no later than ten (10) months from the date of issuance, identifying the necessary corrective measures to abate potential pollution hazards.

23. Land Use Plan. An inventory and recording of land management practices and conditions for a comprehensive plan to protect the environment and maintain productivity for future generations. The form and content of land use plans shall be approved by the Faribault County SWCD.

24. Liquid Manure. Manure that contains less than 15 % solids content.

25. Manure Storage Structure. A structure where feedlot runoff, manure effluent, or other diluted animal waste is stored or treated, including earthen manure storage basins, earthen lagoons, and concrete or glass lined storage.

26. Modification. Any change in the feedlot operation that does not result in an increase in animal numbers.

27. MPCA. Minnesota Pollution Control Agency.

28. NRCS. Natural Resources Conservation Service.

29. OHWL. Ordinary High Water Level

30. Owner. Any person having possession, control, or title to a feedlot.

31. Parcel. A contiguous quantity of land legally described and recorded with the county recorder as the property of a person.

32. Pastures. Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetative ground cover is maintained during the growing season, except in the immediate vicinity of temporary supplemental feeding or water devices.

33. Permit, County. A document issued by the county which contains requirements, conditions, and compliance schedules relating to the discharge of animal manure pollutants and issued to the contractor, owner, or operator, stating that the feedlot meets the minimum standards as required by this ordinance and the MPCA. Certificates of Compliance previously issued by the MPCA or Faribault County shall be deemed permits for purposes of this ordinance. An MPCA permit may also be required.

34. Permit, State. A document issued by the agency which contains requirements, conditions, and compliance schedules relating to the discharge of animal manure pollutants. A Faribault County permit must also be issued before any operation may commence activity.

35. Potential Pollution Hazard. A condition which indicates a potential for pollution of land and waters including:

- (1) Allowing a discharge of pollutants; or
- (2) A feedlot or manure storage area located within a shoreland or flood plain.

36. Public Well. As regulated by Minnesota Chapter 4720 and as administered by the Minnesota Department of Health.

37. Residential Area. Any area containing over ten (10) homes with a segregated boundary.

38. Residence. Any structure of every kind for the shelter, support, or enclosure of persons.

39. Setback. Minimal horizontal distance between a structure, sewage treatment system, or other facility and an OHWL, top of bluff, center line of road, center line of highway, property line, or other entity.

40. Site. Feedlot.

41. Shoreland. Areas that are three hundred (300) feet from any river or stream and one thousand (1,000) feet from any lake.

42. Short Term Uncomposted Poultry Manure Stockpiling. Uncomposted poultry manure that is stockpiled in other than approved storage facilities for up to three months from the date when the stockpile was initially established.

43. Solid Manure. Manure which has at least 15 % solids content and contains added fibrous material excluding mineral solids.

44. Suckling Pig. An unweaned piglet.

45. Surface Waters. Waters which include but are not limited to rivers, streams, creeks, ponds, intermittent streams, and wetlands of Type III - Type VIII as defined in Department of Natural Resources Circular 39.

46. SWCD. Faribault County Soil and Water Conservation District.

47. Tract. A field with a designated border or USDA tract number.

48. USDA. United States Department of Agriculture.

49. Wetlands. A surface water feature of Type III - Type VIII consistency as identified by Minnesota Wetland Conservation Act Administrator.

50. Wildlife Area. State or federal designated wildlife area.

B. SECTION TWO - NEW FEEDLOTS

(MUST ALSO REFER TO SECTION FOUR - GENERAL GUIDELINES)

1. NEW FEEDLOT PERMIT REQUIREMENTS

Permits shall be required for all feedlots not having a current feedlot permit, certificate of compliance or interim feedlot permit from Faribault County or the MPCA. For this purpose, MPCA SW-A permits shall be voided.

A permit application shall be made available by the feedlot officer. The following information shall be included for application:

- (1) Names of all owners and/or operators;
- (2) Type of livestock and number of animal units;
- (3) Description of operation including a site plan and manure management plan.

A. Permit Required

Any person proposing to own or operate a feedlot of less than fifty (50) animal units shall not be required to have a feedlot permit, if an inspection by the agency staff or the county feedlot officer determines that the feedlot does not pose a potential pollution hazard and shoreland requirements of this ordinance are met.

Any person proposing to own or operate a feedlot of fifty (50) animal units or more shall make application to the feedlot officer for a feedlot permit and, if applicable a state permit, if any of the following conditions exist:

- (1) A new feedlot is proposed;
- (2) A National Pollutant Discharge Elimination System (NPDES) permit application is required under state or federal rules and regulations;
- (3) A state permit is required by Minnesota Rules Chapter 7020.

B. Notice Of Application

As regulated by Minnesota Statutes 1996, Section 116.07, Subdivision 7a. A person who applies to the MPCA or the county board for a permit to construct or expand a feedlot with a capacity of five hundred (500) animal units or more shall, not later than ten (10) business days after the application is submitted, provide notice to each resident and each owner of real property within five thousand (5,000) feet of the perimeter of the proposed feedlot. The notice may be delivered by first class mail, in person, or by the publication in a newspaper of general circulation within the affected area and must include information on the type of livestock and the proposed capacity of the feedlot. Notification under this subdivision is satisfied under an equal or greater notification requirement of a county conditional use permit.

Township officials located within Faribault County, shall be notified by the applicant when application has been made for feedlot permit of two hundred and fifty (250) animal units or more within township boundaries. Mailed notice shall be sent at least fourteen (14) days prior to issuance of a feedlot permit but in no case later than ten (10) days from receipt of the completed application.

2. NEW FEEDLOT PERMIT ISSUANCE

A feedlot permit may be issued if:

1. There is demonstrated compliance with this ordinance, manure is used as a domestic fertilizer, and no potential pollution hazard exists; or
2. There is demonstrated compliance with this ordinance, manure is used as a domestic fertilizer, and a potential pollution hazard has been mitigated.

A. Interim Permit Issuance

When a potential pollution hazard has been identified but not mitigated by a permit applicant, an interim permit valid for ten (10) months may be issued if:

1. There is demonstrated compliance with this ordinance, manure is used as domestic fertilizer, and the potential pollution hazard will be mitigated within ten (10) months; or
2. The feedlot permit application includes a manure storage structure; A new feedlot is proposed where a potential pollution hazard is identified.

B. Interim Permit Extension

An interim permit may be extended up to an additional ten (10) months if there is demonstrated progress toward mitigating the pollution hazard or construction of the waste facility and there is evidence provided that the project will be completed within the new time set.

3. NEW FEEDLOT and EXPANSION MANURE MANAGEMENT PLANS, NEW FEEDLOT NOTIFICATIONS, SHORT TERM UNCOMPOSTED POULTRY MANURE STOCKPILING and SETBACKS – (12-01-2004)

A. Manure Management Plans for New Feedlots and Expansions

New feedlots and feedlot expansions will be required to complete a manure management plan.

B. Manure Management Plan Required for Manure Transported Into the County

In lieu of a permit, an approved manure management plan shall be required prior to the transportation of manure into Faribault County and subject to applicable county setbacks. All Short Term Uncomposted Poultry Manure Stockpiling sites must be inspected by the Faribault County Feedlot Officer prior to any stockpiling activities, and will be reviewed annually.

C. Notification of New Sites over 1,000 animal units

Feedlot Officer will notify the Faribault County Board of Commissioners of all new and expanding feedlot sites over 1,000 animal units.

4. NEW FEEDLOT MANURE STORAGE STRUCTURES, ASSOCIATED LIVESTOCK ENCLOSURE, SHORT TERM UNCOMPOSTED POULTRY MANURE STOCKPILING, AND ALL OUT OF COUNTY SHORT TERM UNCOMPOSTED POULTRY MANURE STOCKPILING (AS OF 12-01-2004)

1. The following shall be the minimum setback requirements:

An Existing Feedlot	1,500 feet
A Rural Residence	1,500 feet
A Rural Residence (short term uncomposted poultry manure stockpiling)	2,640 feet
A river, creek, small stream, drainage ditch, or types III-VIII wetlands	500 feet
A Residential Area or Municipality	5,280 feet
County Parks	2,640 feet
Ordinary high water mark of Bass Lake	5,280 feet
Wildlife Areas	500 feet
County, Township, State Roads (from the c/l of road)	250 feet
County, Township, State Roads (short term stockpiling)	Current 7020 rules
Churches	2,640 feet
Lakes	1,500 feet
Cemeteries	500 feet
Airport (FAA approved)	2,640 feet
Airport (FAA approved, short term uncomposted poultry manure stockpiling)	1,500 feet

2. Distances shall be calculated from the nearest point on the feedlot structure to the nearest point on each feature listed. Any new non-farm residences would be required to have a fifteen hundred (1,500) foot setback from feedlots.

3. Permitted feedlots that exist as of (12-01-2004), are subject to 7020 short-term stockpiling setbacks only.

4. Short Term Uncomposted Poultry Manure Stockpiling must apply annually for and receive a conditional use permit.

5. ANIMAL UNITS, PARCEL SIZE, AND AREA REQUIREMENTS

1. Maximum Animal Units

A maximum of two thousand (2,000) animal units per feedlot may be allowed for all new and expanding feedlots. (Please refer to General Guidelines for Animal Unit Specifications.)

2. Minimum Parcel Size and Area Requirements

New feedlots in non-shoreland areas of less than one thousand (1,000) A.U. shall be located on a parcel of not less than five (5) acres.

New feedlots in non-shoreland areas of one thousand (1,000) A.U. to two thousand (2,000) A.U. shall be located on a parcel of not less than ten (10) acres.

C. SECTION THREE - EXISTING FEEDLOTS INCLUDING MODIFICATION AND EXPANSION

(MUST ALSO REFER TO SECTION FOUR- GENERAL GUIDELINES)

1. EXISTING FEEDLOT PERMIT REQUIREMENTS

Permits shall be required for all feedlots not having a current feedlot permit, certificate of compliance or interim feedlot permit from Faribault County or the MPCA. For this purpose, MPCA SW-A permits shall be voided.

A permit application shall be made available by the feedlot officer. The following information shall be included for application:

- (1) Names of all owners and/or operators;
- (2) Type of livestock and number of animal units;
- (3) Description of operation including a site plan and manure management plan.

A. Permit Required

Any person owning or operating an existing feedlot of less than fifty (50) animal units shall not be required to have a feedlot permit if an inspection by the agency staff or the county feedlot officer determines that the feedlot does not pose a potential pollution hazard and shoreland requirements of this ordinance are met.

Any person owning or operating an existing feedlot of fifty (50) animal units or more shall make application to the feedlot officer for a feedlot permit and, if applicable, a state permit if any of the following conditions exists:

- (1) A change in the operation of an existing feedlot is proposed including:
 - (A). An increase beyond the maximum number of animal units allowed by the current feedlot permit; or
 - (B). An increase in the number of animal units which are confined at a permitted feedlot or an unpermitted feedlot and requiring a construction investment; or
 - (C). A change in the construction or operation of any feedlot that would affect the storage, handling, utilization, or disposal of animal manure.
- (2) A change in ownership of an existing feedlot is proposed including:
A change in animal buildings and/or when land transfers constitute a change in ownership; or when a lessee commences operating on leased land the lessee shall be considered the owner for purposes of the feedlot permit.
- (3) A National Pollutant Discharge Elimination System (NPDES) permit application is required under state or federal rules and regulations;
- (4) A state permit is required by Minnesota Rules Chapter 7020.

2. EXISTING FEEDLOT PERMIT REQUIREMENTS WITHIN SHORELAND AREAS

1. In shoreland areas, feedlots of ten (10) animal units or more shall be required to have a feedlot permit.
2. Modifications to existing feedlots that are located within shoreland, flood plains, or floodways may be allowed, and will require a conditional use permit.
3. Modifications shall not further encroach into the shoreland, flood plain, or floodway.
4. Transfer of ownership shall not invalidate this exception.

A. Notice of Application

As regulated by Minnesota Statutes 1996, Section 116.07, Subdivision 7a.

A person who applies to the MPCA or the county board for a permit to construct or expand a feedlot with a capacity of five hundred (500) animal units or more shall, not later than ten (10) business days after the application is submitted, provide notice to each resident and each owner of real property within five thousand (5,000) feet of the perimeter of the proposed feedlot. The notice may be delivered by first class mail, in person, or by the publication in a newspaper of general circulation within the affected area and must include information on the type of livestock and the proposed capacity of the feedlot. Notification under this subdivision is satisfied under an equal or greater notification requirement of a county conditional use permit.

Township officials located within Faribault County shall be notified by the applicant when application has been made for a feedlot permit of two hundred and fifty (250) animal units or more within township boundaries. Mailed notice shall be sent at least fourteen (14) days prior to issuance of a feedlot permit but in no case later than ten (10) days from receipt of the completed application.

3. EXISTING FEEDLOT PERMIT ISSUANCE

A feedlot permit may be issued if:

There is demonstrated compliance with this ordinance, manure is used as a domestic fertilizer, and no potential pollution hazard exists; or

There is demonstrated compliance with this ordinance, manure is used as a domestic fertilizer, and a potential pollution hazard has been mitigated.

A. Existing Feedlot Interim Permit Issuance

When a potential pollution hazard has been identified but not mitigated by a permit applicant, an interim permit valid for ten (10) months may be issued if:

1. There is demonstrated compliance with this ordinance, manure is used as domestic fertilizer and the potential pollution hazard will be mitigated within ten (10) months; or
2. The feedlot permit application includes a manure storage structure;
3. A new feedlot is proposed where a potential pollution hazard is identified; or an existing feedlot that is not currently permitted is seeking to become permitted and is a potential pollution hazard.

B. Interim Permit Extension

An interim permit may be extended up to an additional ten (10) months if there is demonstrated progress toward mitigating the pollution hazard or construction of the waste facility and there is evidence provided that the project will be completed within the new time set.

C. Manure Management Plan Required for Manure Transported Into the County

In lieu of a permit, an approved manure management plan shall be required prior to the transportation of manure into Faribault County and subject to applicable county setbacks. All Short Term Uncomposted Poultry Manure Stockpiling sites must be inspected by the Faribault County Feedlot Officer prior to any stockpiling activities, and will be reviewed annually.

D. National Pollutant Discharge Elimination System (NPDES) Permit Requirement

If it is determined during the review process that a feedlot must obtain a National Pollutant Discharge Elimination System permit, the applicant shall be notified and a permit will be processed and issued by MPCA as prescribed in Chapter 7070.

E. Environmental Assessment Worksheet

The county board may require an Environmental Assessment Worksheet. The feedlot officer shall notify the county board of all applications over one thousand (1,000) A.U. so they may make their determination.

4. EXISTING FEEDLOT ANIMAL UNITS, PARCEL SIZE, AREA REQUIREMENTS and EXPANSION

1. Maximum Animal Units

A maximum of two thousand (2,000) animal units per feedlot may be allowed for all new and expanding feedlots. (Please refer to General Guidelines for Animal Unit Specifications.)

2. Minimum Parcel Size and Area Requirements

Existing permitted livestock or poultry feedlots, or expansions to less than one thousand (1,000) A.U. shall be deemed conforming in their present parcel size and area.

3. Existing Feedlots Outside of Shoreland

Feedlots that pose a potential pollution hazard shall conform to the permitting requirements of this ordinance and, if appropriate, the regulations of the MPCA.

4. Feedlots that are Not in Possession of Current Feedlot Permit

Feedlots that are not in possession of a current feedlot permit shall be subject to the provisions of this ordinance as if they were a new feedlot one (1) year after adoption of this ordinance (9/24/1997) unless a closure plan is on file with the feedlot officer.

5. Expansion within One Mile of City Limits

Expansion within one mile of city limits is allowed after notifying the affected city government.

6. Expansion or Modification of Existing Permitted Feedlots over One Thousand (1,000) Animal Unit

Expansion or modification of an existing permitted feedlot resulting in a feedlot of one thousand (1,000) animal units or more may be allowed subject to the following conditions:

- (1) The feedlot expansion does not exceed the maximum animal unit limitation of two thousand (2,000) A.U. per feedlot.
- (2) A conditional use permit is obtained.

7. Existing Permitted Feedlots

An existing permitted feedlot shall not be subject to the minimum area and building setback requirements of this ordinance. An existing facility is the area within five hundred (500) feet of a segregated area that has a well, building, or windbreak at the time of approval of this ordinance (9/24/1997).

- A. Any person owning or operating an existing feedlot without a current Faribault County or state feedlot permit shall bring the operation into compliance within one (1) year from the date of enactment of this ordinance (9/24/1997) or shall be subject to all requirements of this ordinance including area and all setback requirements.

D. SECTION FOUR - GENERAL GUIDELINES

1. ANIMAL UNITS, AREA REQUIREMENTS, AND SETBACK REGULATIONS

Based on Minnesota Rules Chapter 7020, incorporated by reference as amended by the Minnesota Pollution Control Agency.

The number of AU shall be defined as the average weight of the animal divided by 1,000 pounds.

Abandoned wells on the feedlot site shall be sealed pursuant to Minnesota Rule 4725.

2. ADDITIONAL LAND

The feedlot permit holder shall own or have sufficient additional land under lease or contract to meet the manure utilization requirements for spreading of manure produced in the feedlot. The feedlot officer shall retain copies of all written spreading agreements. Such agreement shall be a condition of the feedlot permit or interim permit.

No more than one manure spreading agreement shall be allowed on a tract of land. The agreement shall be valid for a period of not less than three (3) years and recorded with the feedlot officer. The agreement shall include a brief description and a map of the spreading area.

Sales contracts for land application of manure may be substituted for the additional land requirement for the feedlot subject to such additional standards as the state shall require. Sales contracts need not be recorded with the county recorder but must be submitted to the feedlot officer prior to manure transport. Manure sold under a sales contract shall be subject to the requirements of this ordinance including all land application, storage standards, setback requirements, and application rates.

Upon termination of the agreement, a feedlot operator shall provide the feedlot officer with written proof that sufficient new land is owned or under lease or contract to meet the manure utilization requirement for spreading of manure produced in the feedlot. Failure by the feedlot operator to provide sufficient land for manure management shall result in termination of the Faribault County Feedlot Permit and interim permit. A new agreement approved by the feedlot officer may be substituted in the feedlot permit or interim permit for an expired or canceled agreement.

3. LAND APPLICATION OF MANURE

A. Application Methods

The following requirements shall apply to the land application of manure in Faribault County.

Irrigation type disposal of manure, including but not limited to the use of a traveling gun or center pivot irrigation, is prohibited on HEL fields and on frozen soils.

Liquid manure shall be injected or incorporated within forty-eight (48) hours of application with the following exceptions:

- (1) When applied in the winter months of December through March.
- (2) When applied to hay and pasture land.

Solid manure may be spread without incorporation, but incorporation is recommended.

Manure application hoses are prohibited in, or along side, standing or running water with the following exceptions:

- (1) Manure application hoses may cross standing or running water if supported by a rigid structure; and
- (2) Hose connections shall not be placed over or near standing or running water.

B. Estimating Manure Application Rates

Application rates shall be based on nitrogen requirements and may be estimated for feedlots having less than one thousand (1,000) animal units. Such application rates shall be based upon soil type, crop nitrogen requirements, and crop yield goals utilizing the following procedure:

- (1) Estimate nitrogen/phosphorus concentration of manure based upon the current official guidelines developed for use by the NRCS, MPCA, and the Minnesota Extension Service.
- (2) Calculate the amount of nitrogen/phosphorus generated in livestock manure.
- (3) Utilize Minnesota Extension Service fertilizer recommendations to determine crop nitrogen requirements.
- (4) Divide the total amount of nitrogen the livestock is generating by the crop nitrogen requirements to determine the acreage needed for manure utilization.
- (5) The operator shall maintain a record of land application sites, application rates, crop nutrient requirements, and of any additional fertilizer used on the site. Copies of these records shall be available for inspection at the feedlot and records shall be maintained by the feedlot operator for a minimum of three (3) years.

C. Testing for Nutrient Levels

A feedlot owner or operator having one thousand (1,000) animal units or more shall use actual manure and soil test results in place of estimated nutrient values.

Samples shall be taken from:

- (1) the manure holding facility;
- (2) the soil of the proposed application site.

The samples shall be sent to a state certified laboratory.

The actual nitrogen shall be used in place of estimated nitrogen values.

Application rate shall be based on a site-specific agronomic analysis that includes:

- (1) all plant available nutrient inputs from manure, legumes, residual soil nutrient, and soil organic matter;
- (2) site specific soil and manure analyses; and
- (3) previous year's analyses of applied manure and application site. These data, plus the yield goal for the crop to be grown, will be used to calculate appropriate manure and supplemental fertilizer nutrient additions.

Management factors such as manure handling, application method, tillage, cropping, grazing pattern, and site factors such as soil texture, slope, and aspect will be used to modify the manure application rates.

The operator shall maintain copies of the agronomic analyses, which are being relied upon for the purpose of limiting land application rates of manure. These analyses shall be carried out each year before land application takes place and the analysis and conclusions forwarded to the county feedlot officer. Copies of such analyses shall be available for inspection at the facility and records shall be maintained by the feedlot operator for a minimum of three (3) years.

4. RESTRICTIONS ON LAND APPLICATION SITES

A. Required Setbacks for Land Application of Manure

All feedlots shall meet the following setbacks for the land application of manure unless a land use plan approved by the SWCD recommends alternative distances. Feedlots in Faribault County shall comply with the minimum standards set forth within the Minnesota Pollution Control Agency (MPCA) Chapter 7020 rules and updates. Unless Faribault County has established more restrictive standards.

<u>Location</u>	<u>Surface Applied</u>	<u>Incorporation or Injection</u>
Watercourses, streams, rivers, lakes,		
Wetlands and ditches	300 feet	100 feet
Municipal Well	1,000 feet	1,000 feet
Private Wells	200 feet	200 feet
Residential Area or Municipality	500 feet	200 feet
Uncomposted Poultry Manure from Municipality	5,280 feet	5,280 feet
Residence, neighboring residence	300 feet	200 feet
Cemeteries	300 feet	200 feet
100 Year Flood Plain	Prohibited	200 feet
Field Tile Intake	300 feet	10 feet
Drainage Ditches (with one rod buffer)	50 feet	Edge/buffer
Drainage Ditches (without buffer)	300 feet	25 feet

-Irrigation applied manure will need to be approved by the Faribault County SWCD Board in a land use plan

B. Soils

Land application of manure may be prohibited on hydric soils previously occupied by natural wetlands (**525**) Muskego muck and (539) Palms muck.

Land application of manure may be prohibited on soils that exceed 6% slopes as classified by the Soil Survey of Faribault County as described in the site plan.

Liquid manures shall not be applied on slopes of greater than 6 % during the winter months of December through March.

C. Right-of-Way

Manure shall not be applied to the right-of-way of public roads.

D. Residences

Manure may be applied closer to a residence than prescribed by this ordinance if permission is granted by the resident in the form of a written agreement. Agreements shall not bind subsequent residents. When determining the distance between a residence and manure application the distance shall be measured from the residence, not property lines, to manure application.

E. Treatment or Disposal

Any manure not utilized as domestic fertilizer shall be treated or disposed of in accordance with applicable state and county rules.

5. *MANURE TRANSPORTATION AND STORAGE*

A. Compliance with State and Local Standards

All animal manure shall be stored and transported in conformance with MPCA Rule 7020 and the feedlot ordinance.

B. Potential Pollution Hazard Prohibited

No manure storage area shall be constructed, located, or operated so as to create or maintain a potential pollution hazard unless a certificate of compliance, feedlot permit, or interim permit has been issued by the MPCA and Faribault County setting out the requirements for mitigating or abating the potential pollution hazard.

C. Vehicles, Spreader

All vehicles used to transport animal manure on county, state, and interstate highways or through municipalities shall be leak proof. Manure spreaders with end gates shall be in compliance with this provision provided the end gate works effectively to restrict leakage and the manure spreader is leak proof. This shall not apply to animal manure being hauled to fields adjacent to feedlots or fields divided by roadways provided the animal manure is for use as domestic fertilizer.

D. Utilization as Domestic Fertilizer

Animal manure, when utilized as domestic fertilizer, shall not be stored for longer than eighteen (18) months.

E. Stacking of Manure on Site

1. Solid manure that is stacked for more than six (6) months shall be stored on a concrete containment pad designed with a water containment and diversion plan approved by the feedlot officer as addressed in the site plan.
2. Uncomposted Poultry Manure shall not be stacked for more than three (3) months from the date the stockpile was initially established.

F. Run-Off Control Structures

All outside manure storage areas shall have run-off control structures to contain the liquid.

G. Manure Storage and Utilization

The manure management plan shall provide for twelve (12) months of storage and utilization capacity for new or expanding feedlots. The plan must be approved by the feedlot officer.

H. Storage Design Approval

All plans for manure storage structures shall be reviewed and approved by the county. Plans for all earthen manure storage structures and all structures of 500,000 gallons capacity or larger shall be approved by the state.

Plans for manure storage structures may be reviewed by the SWCD and/or NRCS. All new manure storage structures shall have a minimum storage capacity of six (6) months.

I. Earthen Manure Storage Structures

Earthen storage basins may be utilized for mitigation of feedlot facilities that could pose a potential pollution hazard. Earthen storage basin plans will be designed by a certified engineer, and will be addressed in a land use plan developed by the SWCD.

J. Concrete Pit Requirements

MPCA concrete pit requirements will be Faribault County requirements. Concrete storage over 500,000 gallons needs a licensed engineered designed plan and Attachment C for the minimum requirements.

Under 500,000 gallons of manure storage must meet the requirements of Attachment C, unless the feedlot officer deems more guidelines are needed due to a potential pollution hazard.

K. Steel Tanks

Unlined steel tanks for underground manure storage shall be prohibited.

L. Odor Control Plan

Odor control plans will be developed when proven technology is available.

M. Good Neighbor Plan

All feedlots shall have a good neighbor plan with their feedlot application. See Attachment A.

6. FEEDLOT CLOSURE

A. Closure Plan

If a feedlot ceases operation, the owner shall submit to the county feedlot officer a closure plan. See Attachment B.

The closure plan shall be submitted at least sixty (60) days prior to the final day of operation. This plan will be according to MPCA closure and abandonment guidelines.

Closure may be postponed for a period of five (5) years or longer if the county feedlot officer has a plan on file. However, pollution hazards must be remedied immediately.

7. INSPECTIONS

A. Permit Review

The feedlot officer shall conduct review or compliance inspections.

The feedlot officer shall make reasonable efforts to carry out the permit review within the written biosecurity guidelines established by the operator at the time of permit application. A copy of the written biosecurity guidelines submitted by the operator shall be kept on file by the feedlot officer.

Reviews may be conducted on a more frequent basis if deemed necessary by the MPCA, feedlot officer, or county board.

B. Complaint or Emergency Inspection

In addition to the enforcement inspections, the feedlot officer shall have the right to undertake inspections, upon notice at a reasonable time, based upon a signed written complaint or the reasonable belief of the existence of a material violation of the ordinance.

C. Interference Prohibited

No person shall hinder or otherwise interfere with the feedlot officer in the performance of duties and responsibilities required pursuant to this ordinance.

D. Access to Premises

Upon request of the feedlot officer, the applicant, permittee, or any other person shall allow access to the affected premises for the purposes of regulating and enforcing this ordinance. Refusal to allow access to the feedlot officer shall be deemed a separate and distinct offense, whether or not any other specific violations are cited.

E. Fees

Application, permit, or review and compliance inspection fees, and such other fees required by this ordinance may be set by resolution of the county board.

8. VIOLATIONS AND ENFORCEMENT

A. Violations

Any person, firm, or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor. Each day that a violation continues shall constitute a separate offense.

B. Abandonment

Owners and operators of feedlots shall have joint and several liability for clean-up, closure, or emptying of abandoned feedlot sites.

C. Disposal of Animal Carcasses

Dead animal disposal shall be consistent with the Minnesota Board of Animal Health Regulations Minnesota Rules Chapter 1719.

9. COMPLAINTS

A. Written Complaints

Any person may submit a signed written complaint about any feedlot in Faribault County. After three (3) written and verified complaints, the feedlot operator's permit may be subject to revocation. Within sixty (60) days, the operator shall submit a new application for a feedlot permit including a plan to mitigate any problems identified by the feedlot officer. Revocation grievances shall be heard by the county board.

B. Anonymous Complaints

Any person may submit an anonymous complaint about any feedlot in Faribault County. These complaints will be evaluated on a case by case basis.

10. ADMINISTRATION AND ENFORCEMENT

A. Feedlot Officer

The Faribault County Board of Commissioners shall appoint a county feedlot officer to administer and discharge the duties of this feedlot ordinance.

1. Duties and Powers - The feedlot officer shall have the following duties and powers:

- (1) Administer and enforce the feedlot ordinance;
- (2) Review permits as set forth in this ordinance;
- (3) Assist feedlot operators with the Faribault County permitting process including applications for a state certificate of compliance, feedlot permit or interim permit;
- (4) Process applications to ensure compliance with county and state regulations; Issue permits, interim permits or certificates of compliance; When appropriate, forward applications for state feedlot permits along with recommendations, and the county feedlot permit or interim permit to the MPCA;
- (5) Maintain records including all certificates of compliance, interim permits, feedlot permits and spreading agreements;
- (6) Provide and maintain a public information bureau relative to this ordinance;
- (7) Educate the public and feedlot operators concerning provisions of this ordinance;
- (8) Inspect feedlot operations to insure compliance with the standards of this ordinance;
- (9) To receive and review application requests for action by the board of adjustments and/or the county planning commission and provide such information as may be necessary for action to be taken.

B. Stop Work Orders

Whenever any work is being done contrary to the provisions of this ordinance, the feedlot officer may order the work stopped by written notice personally served upon the owner or operator of the feedlot. All activities shall cease and desist until subsequent authorization to proceed is received from the feedlot officer.

C. Revocation

Any person who fails to comply with the conditions set forth on the permit, interim permit or certificate of compliance may be subject to revocation upon written notice personally served upon the owner or operator of the feedlot.

D. Injunctive Relief and Other Remedies

In the event of a violation of this ordinance, the county may institute appropriate actions or proceedings including requesting injunctive relief to prevent, restrain, correct, or abate such violations. All costs incurred for corrective action may be recovered by the county in a civil action in any court of competent jurisdiction or, at the discretion of the county, the costs may be certified to the county auditor as a special tax against the real property. These and other remedies, as determined appropriate by the county, may be imposed upon the applicant, permittee, installer, or other responsible person either in addition to or separate from other enforcement actions.

E. Costs of Enforcement

In the event that the feedlot officer is required to take action to abate a violation of this ordinance or undertake regular monitoring of a regulated feedlot to ensure compliance with the requirements of this ordinance the costs of that abatement action and/or monitoring may be certified to the county auditor as a special tax against the real property.

11. SEVERABILITY AND VALIDITY

It is hereby declared to be the intention that the several provisions of this ordinance are severable in accordance with the following:

- (1) If any court of competent jurisdiction shall adjudge any provisions of this ordinance to be invalid, such judgment shall not affect any other provisions of the ordinance not specifically included in said judgment.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building, or structure, such judgement shall not affect other property, buildings or structures.

12. PRIOR ENVIRONMENTAL INFRACTIONS

Any feedlot operator, or potential applicant for the same, who has been the subject of an investigation or who has been a party to any legal action involving a violation of this ordinance or other environmental law in conformity with the same, in this state or otherwise, shall be subject to a special review prior to being granted a permit to operate in Faribault County, and upon review, may be denied that permit by the Faribault County Board of Commissioners.

13. INTERPRETATION

In interpreting and applying the provisions of this ordinance, they shall be held to the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. Where the provisions of this ordinance impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of the ordinance shall be controlling. Where the provisions of any statute, other ordinance, or regulation impose greater restrictions than this ordinance, the provisions of such statute, other ordinance, or regulations shall be controlling.

14. ORDINANCE REPEALED

The Faribault County Feedlot Interim Ordinance dated July 1, 1997 and amendments thereto is repealed in its entirety.

15. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and approval, as provided by law. Passed and approved this 24th day of September, 1997 by the County of Faribault.

Amendment to this ordinance was approved on December 1, 2004

Amendment to this ordinance was approved on March 7th, 2023.

Amendment to this ordinance was approved on May 2nd, 2023.

YOUR FEEDLOT AND THE GOOD NEIGHBOR PLAN

1. What are your plans as a feedlot operator in minimizing or controlling odors?

2. What are your plans as it applies to informing your neighbor on manure application and making a good faith effort to please and appease them?

Note: It is highly recommended that all types of liquid manure be injected into the active top soil at agronomic rates whenever possible for the following reasons:

1. **Less volatilization of nitrogen**
 2. **Minimization of odors**
 3. **Aid in runoff control**
-
3. As a feedlot operator how will you be addressing township, county, and state weight restrictions on public roads?

CLOSURE AND ABANDONMENT OF MANURE STORAGE STRUCTURES

Earthen Holding Basins

Background Information

The concern over these abandoned structures is that trees and other deep rooted vegetation start to grow on the basin walls. This creates cracks in the liner and allows manure to seep into the ground water. Also, unless the basin is emptied regularly, it fills with rain and snow melt water and overflows. Any manure remaining in the basin mixes with the water and could potentially overflow to a nearby surface water. If the fences are not maintained, safety is added to the list of concerns. The steep interior sides of the basin make it difficult to climb out of.

How to Close/Abandon

When an earthen basin will no longer be used the following steps should be taken to close the basin:

1. Agitate the basin thoroughly. Remove and land apply all manure at agronomic rates. A drag line may be needed to remove solids if there is not an adequate amount of liquid.
2. The sludge layer left in the bottom of the basin should be scraped out and land applied at agronomic rates.
3. Backfill the basin with material from the dikes and other soils that may be available. Only material allowed to be buried under federal, state, and local regulations may be used as fill. Backfilling the basin is necessary to prevent it from being a safety hazard.

The MPCA issues an interim permit for abandonment of earthen basins which contains a more specific description of the requirements for proper closure.

Concrete Pits

Background Information

Concrete pits located under barns or with covers do not represent as much of a safety hazard as earthen basins. However, if the barns are removed or the cover weakens, it can be dangerous. If the pit develops cracks or holes, the manure could seep out into the ground water.

How to Close/Abandon

Concrete pits may be filled in the same manner as earthen holding basins. The owner shall, if possible, break up the concrete and may remove it. This will prevent rain and snow melt waters from pooling in the abandoned pits. The pits may then be backfilled in a fashion similar to an earthen basin.

Steel Tanks

Background Information

Steel tanks are **not allowed** to be used for manure storage.

Unfortunately, there are feedlot owners who have installed used fuel tanks underground for storing manure. This type of tank is not designed for this type of use and is usually removed from a gas station because of potential leaking. The tank may be damaged further during transport and installation. Without ground water monitoring it is difficult to determine if manure is leaking out of the tank.

How to Close/Abandon

All manure is to be removed and field spread at agronomic rates. The tank shall then either be removed completely and the hole filled in, or punctured and filled with clean earthen fill.

Open Lots

Background Information

As long as there are livestock on an earthen open lot, soil compaction is occurring and preventing seepage through the feedlot soils. When livestock are removed from the lot there is no longer any hoof action to maintain this compacted layer.

Freeze and thaw cycles, root growth from weeds and drying will deteriorate the compacted layer. The manure left on the lot can then seep through the cracks into the ground water, or erode with soil to surface water.

How to Close/Abandon

All manure should be scraped off of the lot and field spread. A vegetative cover should be established on the area to take up remaining nutrients. This vegetation should be harvested to remove nutrients from the lot area.

**MINNESOTA POLLUTION CONTROL AGENCY
CONCRETE PIT REQUIREMENTS
September 1992**

According to the Minnesota Pollution Control Agency (MPCA) regulations, all livestock or poultry producers are required to apply for and receive a MPCA feedlot permit or certificate of compliance prior to construction of a below ground concrete manure pit.

The following information is to accompany a completed application:

1. A soils investigation report at the site of the proposed structure.
2. Information regarding the construction of the concrete pit.

SOILS INVESTIGATION CRITERIA

A record of the soil at the site is used to determine depth of the seasonal high water table, saturated soils and/or bedrock, and identifies soil textures at the site.

A soil record is not the same as a soils map or a soils interpretation record. A soils map does not consider areas smaller than three (3) acres in detail and is not adequate for selecting a manure storage site.

Required Depth of Boring

A record of the soils is needed at the pit site to a depth of at least one (1) foot below the bottom of the pit to determine the depth of the seasonal high water table, saturated soil conditions and/or bedrock.

Soils record must include:

1. Listing of soils in the profile using the Unified Soils Classification System.
2. Description of soil features as outlined in Agricultural Handbook 436 (USDA-SCS), "Soil Taxonomy: A Basic System of Soil Classification for Making and Interpreting Soil Surveys."
3. Depth to any seasonal high water tables as interpreted using the soil colors in accordance with the Soil Survey Manual (USDA).
4. Depth to saturated soil conditions.
5. Depth to any bedrock layer, with an interpretation of type of bedrock.
6. Date investigation is done.
7. Location of boring or investigation.

Who can do soils investigation:

1. A qualified soils analyst.

2. A person who is qualified to do percolation tests for the drainfield of a septic system.

Alternative equipment:

1. A backhoe may be used instead of soil boring equipment to dig a hole to the required depth. The Soil Conservation Service, Soil and Water Conservation District, or soil analyst can then record the depth to the seasonal high water table and soil types by looking at the soil profile exposed by the excavation.
2. Take the necessary safety precautions to prevent the excavation walls from caving in on the investigator. The United States Department of Labor, Occupational Safety and Health Administration excavation standards (29 CFR 1926, Subpart P) require the sides of an excavation to be sloped to prevent cave-ins. A slope not steeper than one and one-half horizontal to one vertical (34 degrees measured from the horizontal) is considered safe for any excavations less than 20 feet deep.

ALTERNATIVE TO SOIL INVESTIGATION

Drain Tile

1. Install a drain tile with an outlet around the perimeter of the concrete pit -the drain tile should be located at least one (1) foot deeper than the pit bottom.

NOTE: Drain tile will be required if the soil boring report indicates a seasonal high water table located at an elevation above the bottom of the pit floor.

MINIMUM INFORMATION REQUIRED FOR REVIEW OF CONCRETE PITS

Include the following information with the application:

1. Thickness of concrete in walls and floor
2. Blend of concrete mix
3. Size and location of reinforcement rods in walls and floor
4. Volume of structure
5. Total depth of structure below natural ground level
6. Structure depth, width, and length

7. Location of boring or investigation (Optional)
8. Location of perimeter tile (Optional)
9. Corner detail showing reinforcement rod
10. Footing details
11. Wall to floor connection
12. Contractor name, address, and phone
13. Brief job description
14. Authorized agent original signature and date

NOTE: Pit contractors must submit a final construction report that details pit was constructed in accordance with submitted specs. This report must include contractors authorized signature and be dated.

Section 23 – SUBSURFACE SEWAGE TREATMENT SYSTEM ORDINANCE (SSTS)

SECTION 1 - TITLE

The title of this ordinance is the Faribault County Subsurface Sewage Treatment System (SSTS) ordinance.

SECTION 2 - PURPOSE

The purpose of the Subsurface Sewage Treatment System Ordinance shall be to provide minimum standards for and regulation of Subsurface Sewage Treatment Systems (SSTS) including the proper location, design, installation, use, and , maintenance within Faribault County. This Ordinance outlines the responsibility of Faribault County and property owners as it pertains to MN Statutes 115.55 and MN Rules Chapters 7080 thru 7083.

SECTION 3 - JURISDICTION

The regulations of this ordinance shall apply to all the area of Faribault County outside the incorporated limits of municipalities unless authority has been delegated.

SECTION 4 - INTERPRETATION

Faribault County's goal is to protect public health, safety, and general welfare by the discharge of adequately treated sewage to groundwater pursuant to the authority granted under MN Statutes Chapter 115.55,145A.01 thru 145A.08, 375.51 and MN Rules Chapters 7080, 7081, 7082, and 7083, as amended, that may pertain to sewage and wastewater treatment.

Faribault County hereby adopts by reference MN Rules Chapter 7080 thru 7083 in their entirety now constituted and as amended from time to time. This adoption does not supersede the County's right or ability to adopt local standards that are in compliance with MN Statute 115.55.

Faribault County requires any persons, businesses, firms, or corporations providing designs, performing installations, performing inspections, or providing maintenance to possess an appropriate and valid license or licenses issued by the State of Minnesota unless exempted by MN Rules Chapter 7083.0700.

SECTION 5 - DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and facilitate the most reasonable application of the ordinance as amended.

Agency – Pollution Control Agency

Applicant - Individual or entity applying for a permit under Section 23

As-Built - Drawings and documentation specifying the final in-place location, size, and type of system components.

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

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.

Compliance Inspection - An evaluation, investigation, inspection, or other such process for the purpose of issuing a Certificate of Compliance or Notice of Noncompliance.

County – Faribault County

County Board - The Faribault County Board of Commissioners

County Loan Program – Loan program available to qualifying Faribault County property owners which provides funding to upgrade SSTS administered by County Commissioners.

Delay of SSTS Construction Form – Legal document which delays construction and permit requirements during winter months. This document provides specific dates when criteria must be met regarding SSTS compliance and must be signed by affected property's legal owner.

Department - The Faribault County Planning and Zoning Department, or other entity designated by the County Board to administer and implement the SSTS program.

Existing Structures – Any completed or partially completed structure that existed prior to June 19, 2007 and can be verified by the Department through documentation, photography, or other methods deemed acceptable by the Department.

Failing - Systems that fail to meet groundwater separation requirements, or have not received proper maintenance.

ISTS – Individual Sewage Treatment System.

ITPHS - Imminent Threat to Public Health or Safety.

Management Plan – A plan that describes necessary and recommended routine operational and maintenance requirements, periodic examination, adjustment, and testing, and the frequency of each to ensure system performance meets the treatment expectations, including a planned course of action to prevent an illegal discharge.

MPCA - Minnesota Pollution Control Agency

MSTS - Midsize Sewage Treatment System

New Structures - Any completed or partially completed structure that did not exist prior to June 19, 2007 which can be verified by the Department through documentation, photography, or other methods deemed acceptable by the Department.

Noncompliant – Any Subsurface Sewage Treatment System which cannot receive a valid Certificate of Compliance.

NPDES - National Pollution Discharge Elimination System.

Operating Permit – Department issued permit, based on manufacturer recommendations and understood best management practices, for the operation and maintenance of SSTS components.

Ordinance - Refers to Section 23 of the Faribault County Zoning Ordinance.

Owner - Person who owns property or their legal agent.

Permittee - Person who is named on a permit issued pursuant to local ordinance.

Private Septage Storage – A secondary storage facility utilized for the purpose of temporarily collecting septage resulting from maintenance activities offsite.

Property Transaction Form – Faribault County Document disclosing the condition of any SSTS on properties of which ownership is being transferred.

Scarification – Refers to the act of roughening the absorption area preparing for the installation of an At-Grade or a Mound system.

Scum - Layer of soap, grease and undigested food, which form in the upper layer of a properly functioning septic tank.

Septic Permit Application – Submittal of documentation and approved forms for review by the Department requesting the approval of a Septic (SSTS) Permit.

Septic Permit – Faribault County document issued by the Department allowing the construction or modification of an approved SSTS.

Septage - Solids and liquids removed from an SSTS.

Sludge - Layer of heavy material, in the lower level of the tank that cannot be broken down by the bacteria.

Straight Pipe – Sewage disposal system that transports raw or partially settled sewage directly to a lake or stream, to a drainage system, or onto the ground.

Structural Improvement - An improvement to a property that requires a permit to alter a structure's height and/or footprint including the building of a new structure.

SSTS - Subsurface Sewage Treatment System

SWF- SSTS in shoreland areas or wellhead protection areas or systems serving food, beverage, or lodging establishments.

System Types –

Type I – *ref* MN Rules Chapter 7080.2200

Type II – *ref* MN Rules Chapter 7080.2250

Type III – *ref* MN Rules Chapter 7080.2300

Type IV – *ref* MN Rules Chapter 7080.2350

Type V – *ref* MN Rules Chapter 7080.2400

Zoning Ordinance – Faribault County Zoning Ordinance

SECTION 6 - REGULATORY ADMINISTRATION RESPONSIBILITIES

Subdivision 1 County Administration

The Faribault County Planning and Zoning (Department) shall administer the SSTS program and all provisions of this section. At appropriate times, the County shall review, revise, and update this section as necessary. The County shall employ adequate personnel to properly conduct SSTS technical and administrative functions as required by MN Rules Chapter 7082.0040. The Department shall administer and implement all record keeping requirements as outlined in MN Rules Chapter 7082.0500, Subp.4.

Subdivision 2 Cities and Townships

Cities and Townships with SSTS ordinances must effectively administer and enforce an ordinance that conforms with chapter MN Rules Chapters 7080 thru 7083 and is administratively and technically as strict as the county ordinance. Other options available are described in part MN Rules Chapter 7080.0050.

Subdivision 3 State of Minnesota

It is the states responsibility for providing the framework for local SSTS ordinances along with providing minimum administrative procedure or strategies to ensure effective permitting and inspection of SSTS. State of Minnesota permits systems which are identified as having large flows, these systems are subject to the requirements of MN Rules Chapter 7081.0040.

SECTION 7 - GENERAL REQUIREMENTS

Subdivision 1 General Requirements for Subsurface Sewage Treatment System (SSTS)

1. Discharge of sewage without NPDES permit issued by MPCA will be considered an ITPHS and is prohibited.
2. An SSTS that is determined to be an ITPH in accordance with MN Rules Chapter 7080.1500 shall be upgraded, replaced, repaired, or discontinued within ten (10) months after the owner received a notice of noncompliance.
3. Identified Failing systems shall be brought into compliance within ten (10) months of identification.
4. All SSTS not in compliance with this Ordinance and MN Rules Chapters 7080 and 7081 shall be brought into compliance prior to issuance of any permit or variance related to the site unless listed as exempt in Section 8 Subp. 3 of this Ordinance.
5. Systems identified by Transfer of Property shall be brought into compliance within ten (10) months except in the case of an exempt transaction, see Section 13.
6. Publicly owned sewer systems shall be utilized when available.

Subdivision 2 Seepage Pits, Drywells, and Leaching Pits

Seepage Pits, Drywells, and Leaching Pits are regulated by MN Rules Chapter 7080.2550 and Faribault County adopts no alternative standards to allow their continued use.

Subdivision 3 Abandonment

Abandonment or removal of all SSTS, or any part thereof, that will no longer be used, shall be in accordance with MN Rules Chapter 7080.2500, system abandonment. The person or business abandoning the system must complete and sign a record of abandonment that states the system was abandoned accordingly. The record must be sent to the Department within ninety (90) days of abandonment.

Subdivision 4 Access to Premises and Records

Upon the request of the Department the applicant, permittee, owner, or an agent of the owner, shall allow access to the affected premises as well as any related records for the purposes of regulating and enforcing this ordinance.

Subdivision 5 Interference Prohibited

No person shall hinder or otherwise interfere with the Department in the performance of their duties and responsibilities pursuant to this ordinance. Refusal to allow reasonable access to the Department shall be deemed a separate and distinct offense, whether or not any other specific violations are cited.

Subdivision 6 Property Owners Doing Their Own Work

Whenever allowable by this ordinance, property owners may install their own SSTS on owned property serving as their primary residence providing a licensed designer designs the system. Property owners are prohibited from altering an approved design during installation unless approved by the designer and the Department. Any unapproved alterations shall cause the

permit to be revoked. The designer is responsible to provide supervision to ensure proper application of their design. Failure to provide supervision shall cause the permit to be revoked until such time that issues are resolved with the Department. The designer shall provide a signed As-Built to the Department upon completion. Property owners doing their own work shall notify the Department before installation of a SSTS and comply with this ordinance.

Subdivision 7 Fees

The County Board shall establish, by resolution, fees for activities required by this ordinance. If SSTS work commenced prior to obtaining the required permit, the fee shall be doubled unless the Department deems work necessary to negate an imminent threat to public health or safety. Fees are due and payable at the time of permit application. Fees are non-refundable either in whole or in part unless otherwise authorized by the Department.

SECTION 8 - PERMITTING

No person, business, firm, or corporation shall construct, install, modify, replace or operate an SSTS in Faribault County without first obtaining a septic permit from the Department.

Such permits shall only be obtained by the owner or an agent of the owner. The purpose of this septic permit is to ensure that the proposed construction is done in accordance with MN Rules Chapters 7080 thru 7083 by an appropriately certified and/or licensed individual or business.

A copy of the permitted design shall be available at the work site until such work is completed by the permittee and approved by the Department.

Subdivision 1 Activities Requiring a Septic Permit

1. New Construction
2. Replacement of an existing SSTS
3. Repair or Replacement of components that will alter the original function of the system
4. Change in the treatment capacity
5. Change in the location
6. Any change to the original systems design, layout or function

Subdivision 2 Activities Not Requiring a Septic Permit

1. Repair or replacement of pumps, floats, baffles, manholes, risers, effluent filters, other electrical devices or actions upon approval by the Department.
2. Maintenance of sewage tanks.

Subdivision 3 Building and Zoning Permits

All applications for Building Permits and/or Zoning Permits shall submit documentation demonstrating compliance with all applicable standards of MN Rules Chapters 7080 thru 7081, Section 23 of the Faribault County Zoning Ordinance, or a completed application for a Septic Permit.

1. Exemptions:

- a. Tract of land is without buildings or contains no dwellings or other buildings with plumbing fixtures.
- b. Existing dwelling(s) or other building(s) that are not habitable, based upon documentation submitted by the owner(s) to the Department.
- c. Any dwelling(s) or other building(s) with running water are connected to a municipal wastewater or treatment system.
- d. Non-Structural improvements to the property not requiring a Building or Zoning Permit.
- e. County issued Delay of SSTS Construction Form is signed by the owner, and approved by the Department.

Subdivision 4 Septic Permit Application Requirements

Septic Permit Applications are not transferrable and shall be made on forms provided by the Department. The application shall include, but is not limited to, the following information:

1. All Sections of the Septic Permit Application Form.
2. Field Evaluation Worksheet, including required soils information. (*Soils observations reviewed by the Department are valid for the duration of the permit or a maximum of twenty-four (24) months.*)
3. Newly developed sites must identify a viable alternate SSTS location in addition to a proposed primary location.
4. Management Plan as required in part by MN Rules Chapter 7080.1100, subparts 51 and 66.
5. Operating Permit application is required for a Type IV or Type V system.
6. Additional information required by the Department to ensure compliance of this ordinance, and MN Rules Chapters 7080 thru 7083.

Subdivision 5 Septic Permit Application Approval

The Department shall notify the SSTS designer and/or installer once a Septic Permit Application and site specific design is approved and a Septic Permit will be issued.

A Septic Permit must be approved before installation can commence.

Subdivision 6 Septic Permit Application Denial

The Department may deny any Septic Permit Application for failure to comply with this ordinance, or other pertinent ordinances. Written notice stating reason for denial shall be mailed to the applicant, licensed designer, installer, and County Commissioner of the district. The permit application may be revised or corrected and resubmitted to the Department.

Subdivision 7 Septic Permit Suspension or Revocation

The Department may revoke or suspend any Septic Permit for failure to comply with this ordinance or other pertinent ordinances. Written notice stating reason for revocation shall be mailed to the permittee, licensed designer, installer, and County Commissioner of the district.

Permits can be revoked or suspended for, but not limited to, the following reasons:

1. Septic permit issued based upon erroneous or inaccurate data supplied by the permittee or licensed designer.
2. Unapproved alteration of the site or design by the permittee, licensed designer, and/or installer without prior approval of the Department.
3. Re-interpretation of rule by MPCA or the Department.

Septic permits shall be revoked or suspended until such time that issues are resolved with the Department.

Subdivision 8 Septic Permit Expiration

The septic permit is valid for a period of one (1) year from its date of issue.

An extension to permit expiration can only be authorized by the Department.

SECTION 9 - DESIGN STANDARDS

SSTS must be designed in accordance with MN Rules Chapters 7080, 7081, and this ordinance.

Designs submitted to the Department shall be of sufficient detail and to scale as to allow adequate review for compliance by the Department.

Type IV and Type V SSTS designs are allowed only by approval of the Department.

Holding Tanks must meet requirements for MN Rules Chapter 7080.2290. Holding Tank designs shall include a buoyancy calculation based on soil observations and a signed monitoring and disposal contract.

Privies must meet the design requirements of MN Rules Chapter 7080.2280 and are not allowed in floodplains.

A licensed designer is responsible to develop a management plan for all SSTS.

If applicable, a licensed designer is responsible to develop a operation plan and obtain an operating permit from the Department.

Subdivision 1 Acceptable and Prohibited Discharges

Discharges to an ISTS are limited by MN Rules Chapter 7080.1550.

Discharges to a MSTS must meet the requirements of MN Rules Chapter 7080 and 7081.

Subdivision 2 Evaluations

1. New Structures
 - a. All SSTS sites shall be identified before construction activities begin and be staked and fenced to prevent construction traffic from altering soil conditions. If

construction traffic results in alteration of the soils, a revised design and septic permit application proposing another site shall be submitted to the Department along with the soils data and required fees.

- b. Holding Tank designs are not allowed.
- c. SSTS designs are not allowed in floodplains.

2. Existing Structures

- a. The primary SSTS site for existing construction shall be adequately marked or fenced to keep the area secure until the system is installed. If construction traffic results in alteration of the soils, a revised design and Septic Permit Application proposing another site shall be submitted to the Department along with the soils data and required fees.
- b. All SSTS designed for installation in Floodplains must meet the requirements of MN Rules Chapter 7080.2270.

Subdivision 3 Design Variances

An affected property owner or designated representative may request a setback variance from the specific requirements of this ordinance. The Department shall have the authority to grant variances when the purposes and intent of the variance are consistent with this ordinance, Faribault County's Zoning Ordinance, and the Faribault County Comprehensive Local Water Management Plan.

No Variance shall be granted except under the following circumstances:

- 1. That there are unique conditions affecting the property as a result of lot size, layout, shape, topography, soil conditions or other circumstances which the landowners have no control of.
- 2. Variance approval shall not adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or damaging to property or improvements in the area adjacent to the property of the applicant, and that granting of the variance will not adversely impact water quality.
- 3. Variances pertaining to well setbacks are governed by MN Rules Chapters 4720 and 4715 and may only be approved by the Minnesota Department of Health.

Subdivision 4 Flow Determination

Flows for ISTS are determined by MN Rules Chapters 7080.1850, 7080.1880, 7080.1885, or any combination thereof.

Flows for MSTs are determined by MN Rules Chapter 7081.0110.

Subdivision 5 Sewage Tanks

Sewage tanks must be sized in accordance to MN Rules Chapters 7080 and 7081.

Sewage tanks for new structures shall be limited to the maximum depth certified by manufacturer and no more than six (6) feet from final grade.

All designs requiring/utilizing multiple compartmented tanks or multiple tanks must employ an effluent screen with an alarm device

Subdivision 6 Distribution System

Distribution of effluent must conform to MN Rules Chapter 7080.2050.

Systems classified as MSTs must meet the requirements of MN Rules Chapter 7080.2050 and 7081.0250.

Subdivision 7 Final Treatment

All Type I, II, and III SSTS designs will be based on MPCA soil texture and structure Table IX values, or standard soil sizing values acceptable to the Department.

SECTION 10 - SYSTEM MANAGEMENT

Subdivision 1 Management Plans

The licensed designer is responsible to develop management plans for all ISTS and MSTs prior to issuance of a permit by the Department.

Subdivision 2 Operating Permits

Type IV and Type V systems must receive an operating permit from the Department prior to system installation.

SECTION 11 - INSPECTIONS FOR NEW CONSTRUCTION

Subdivision 1 Compliance Inspections for New Construction, Repair, or Replacement

It is the Department's responsibility to inspect new and replacement SSTS construction, repair, and replacement in accordance with MN Rules Chapter 7082.0700.

It shall be the responsibility of the installer that the entire system is installed in strict accordance with the design as approved by the Department. Installation inspections shall be made by the Department prior to any work being covered by backfill.

Inspections or evaluations may be specified for the repair, replacement of an existing system, or construction of a new system at the time the SSTS permit is issued.

These requirements shall be provided by the Department to the installer at the time the permit is issued.

If the system is not or cannot be constructed as designed, it shall be the responsibility of the installer to inform the designer and the Department. If proposed changes are approved by the designer and the Department it shall be the responsibility of the installer to submit new or amended designs to the Department before completing construction.

1. General construction inspection requirements:

- a. Above Ground Systems
 - i. When sewage tanks are installed
 - ii. When construction material is delivered
 - iii. Before scarification is covered.
 - iv. When installation is completed.
- b. Below Ground Systems
 - i. When sewage tanks are installed
 - ii. After placement of the distribution medium but prior to cover.
 - iii. When installation is completed.
- c. Holding Tanks
 - i. When sewage tanks are installed
 - ii. When installation is completed.

Work which is backfilled prior to a required inspection may be ordered to be uncovered whenever necessary to determine compliance.

The installer is required to make an As-Built of the SSTS and keep this record for a minimum of five (5) years.

Failure of the Department to inspect the system shall not relieve or lessen the responsibility or liability of any person owning, operating, controlling, monitoring, installing, or repairing any SSTS.

Subdivision 2 Certificate of Compliance

Upon completion of construction a final inspection shall determine compliance with 7080, 7081, and design detail of Septic Permit. After the final inspection, a Certificate of Compliance will be issued by the Department.

If the Department is unable to complete an inspection, it shall be the responsibility of the licensed installer to take photographs of each phase of the installation. A Certificate of Compliance will not be issued until the Department has reviewed and approved the installation photographs.

All documentation including As-Built , Soil Boring Logs, Maintenance Plans, and SSTS abandonment record (if applicable) shall be submitted to the Department prior to the issuance of a Certificate of Compliance.

Certificates of compliance for new construction or a replacement system remain valid for five (5) years from the date of issuance unless the Department finds evidence of noncompliance. MN Rules Chapter 7082.0700 Subp.3

SECTION 12 - INSPECTIONS FOR EXISTING

Subdivision 1 Compliance Inspections for Existing SSTS

All inspections are required to be completed by a licenced inspector and shall be submitted on an MPCA compliance form, as amended.

Certificate of Compliance or Notice of Noncompliance provided to the property owner shall be submitted to the Department within fifteen (15) days of the inspection.

Inspection Requirements:

1. All existing SSTS shall meet the requirements of MN Rules Chapter 7080.1500.
2. SSTS built after March 31, 1996 and not serving an "SWF" may allow for a reduction in vertical separation not to exceed 15%.

Subdivision 2 Disagreements

The Department shall arbitrate any disputes between SSTS professionals, SSTS owners, or any combination of the above.

Soil dispute resolution shall follow guidelines in MN Rules Chapter 7082.0700 Subp. 5.

Subdivision 3 Certificate of Compliance

Certificate of Compliance issued as a result of a completed compliance inspection of an existing SSTS shall be valid for three (3) years unless the Department finds evidence of noncompliance.

SECTION 13 - PROPERTY TRANSACTIONS

A completed SSTS Property Transaction Form, along with any required attachments, shall be provided by the seller to the buyer at or before closing.

A completed SSTS Property Transaction Form along with any required attachments shall be filed with the County Auditor.

Inspections conducted to determine SSTS compliance for the disclosure as required by MN Statute 115.55, subp. 6, amended from time to time, must be completed by a business or individual licensed in accordance with MPCA rules and regulations.

If a Certificate of Compliance is indicated, it shall be included with the SSTS Property Transaction form.

Documentation demonstrating compliance with all applicable standards of MN rules Chapter 7080/7081 and this ordinance shall be submitted to the Department.

Owners with systems that are considered to be a Class V Injection Well, shall submit appropriate information as required by the EPA.

All lots created after January 23, 1996 shall have a minimum of two (2) soil treatment and dispersal areas that can support either trenches, seepage beds, mounds, or at-grade systems as described in MN Rules Chapters 7080.2200 thru 7080.2230 or site conditions described in MN Rules Chapter 7081.0270, Subp.3 through 7.

In the event that one of the exemptions apply; the SSTS Property Transaction Form shall indicate the specific exemption and be signed by both parties to the transaction.

Subdivision 1 Exemptions:

A Compliance Inspection need not be completed if the sale or transfer involves the following circumstances:

1. Tract of land is without buildings or contains no dwellings or other buildings with plumbing fixtures.
2. The existing dwelling or other building(s) are not habitable, based upon documentation submitted by the owner(s) to the Department.
3. The transfer is a foreclosure or tax forfeiture.
4. A refinance of a property.
5. The sale or transfer completes a Contract for Deed entered into prior to June 19, 2007. This division applies only to the original vender and vendee on such a contract.
6. All dwellings or other buildings with running water are connected to a municipal wastewater or treatment system.
7. Any transfer that does not require a Certificate of Real Estate Value (CRV).

SECTION 14 - MAINTENANCE AND REPAIR

Subdivision 1 Maintenance

The owner of any SSTS shall have their septic system maintained to the minimum standard of MN Rules Chapter 7080.2450 in addition to any additional management plan requirements provided to the Department at issuance of permit.

Maintenance of sewage tanks should only be done by an MPCA licensed professional.

Farmers may only maintain sewage tanks on owned homesteaded property that serves as their primary residence.

Maintenance records shall be maintained by the owner of the system. The owner may choose to have the records maintained by the Department and retains the responsibility of providing records to the Department.

Subdivision 2 Repair

The owner of any SSTS shall be responsible to repair and maintain the system in accordance with MN Rules Chapters 7080 and 7081.

Written management plans shall be required for new and replacement SSTS by the Department.

Repairs are not allowed on non-compliant SSTS.

SECTION 15 - SEPTAGE

Subdivision 1 Removal of Septage

All septage removed from sewage tanks shall be removed from the site in sealed containers and shall be disposed of in accordance with state, federal, and local requirements. Handling and disposal of septage shall meet Chapter 40 Code of Federal Regulations pt.503, as amended.

Land application of septage shall meet setback requirements identified in the Faribault County Feedlot Ordinance for the application of manure, as amended.

Septage may be disposed of in a municipal sewage treatment plant only with the authorization of the plant operator. The government entity owning such a plant may also require a permit or other written authorization before disposal of septage at their facility.

Subdivision 2 Private Septage Storage Structures

Private storage structures intended for the storage of septage shall meet the minimum requirements of MN Rules Chapters 7080.1910 thru 7080.2020.

Sizing of structures are limited by MN Rules Chapter 7081.

Structures shall meet the minimum separation setbacks for manure storage structures as outlined in the Faribault County Feedlot Ordinance, as amended.

All sites shall obtain a Conditional Use Permit (CUP) from Faribault County.

All Private Septage Storage Structures are required to obtain a Faribault County Septic Permit.

SECTION 16 - ADMINISTRATION AND RECORD KEEPING

Subdivision 1 Duties of the Department

The Department has the authority to administer and enforce this ordinance. The Department's authority includes, but is not limited to, the following:

1. Inspect new, repaired, or replaced SSTS and septage disposal sites in Faribault County as provided in this ordinance.
2. Issue Certificates of Compliance for new, repaired, or replaced systems.
3. Investigate complaints of violations of this ordinance including MN Rules Chapters 7080 and 7081.
4. Recommend that legal proceedings be initiated by the Faribault County Attorney to compel compliance with the provisions of this ordinance.

5. Advise, consult, and cooperate with the public and other governmental agencies in the furtherance of this ordinance.
6. Issue order:
 - a. To suspend or revoke permits issued under this ordinance;
 - b. To stop actions which constitute a violation of this ordinance;
 - c. To correct systems determined by the Department to be in a state of failure or determined to be otherwise in violation of this ordinance;
 - d. To cease and prevent from use any system which is operating in a manner creating a hazard to public health, safety or welfare.
7. Perform various compliance inspections periodically to assure that the requirements of this ordinance are met.
8. Maintain record of all permitted systems.
9. Public Education and Outreach
10. Provide an annual report to MPCA as required.

Failure of the Department to inspect the system shall not relieve or lessen the responsibility or liability of any person owning, operating, controlling or installing any SSTS. Any appeals of a Department order shall be filed with the Department within thirty (30) days of issuance of the order.

SECTION 17 - ENFORCEMENT

Subdivision 1 Responsibility

It is the responsibility of the owner of a noncompliant SSTS to notify the Department and submit a plan for the abatement of the failure to the Department.

Subdivision 2 Time Frame

When the Department becomes aware of a failing or ITPHS SSTS, the Department may require the following:

1. The owner of the SSTS shall respond to the Department within five (5) working days of notification by the Department by submitting a plan for abating the discharge.
2. The owner of the SSTS shall repair or replace the noncompliant system consistent with Section 23 and Chapter 7080/7081.
3. The Department may require that the owner of a noncompliant system pump the septic tank as an interim abatement measure if the Department determines that the failing system is an ITPHS.

Subdivision 3 Misdemeanor

Any person who fails to comply with the provisions of this Ordinance is guilty of a misdemeanor. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Subdivision 4 Stop Work Orders

Whenever any work is being done contrary to the provisions of this Ordinance, the Department may order the work stopped by written notice personally served upon the owner or installer of

the SSTS. All activities shall cease and desist until subsequent authorization to proceed is received from the Department.

Subdivision 5 Injunctive Relief and Other Remedies

In the event of a violation or a threat of a violation of this Ordinance, Faribault County may institute appropriate actions or proceedings, including injunctive relief, to prevent, restrain, correct or abate such violations or threat of violations. The County may recover costs incurred for corrective action in a civil action in any court of competent jurisdiction, and such costs may be certified by court order to the County Auditor as a special tax against the real property. These and other remedies, as determined appropriate by the county, may be imposed upon the applicant, permittee, installer, or other responsible person either in addition to or separate from other enforcement actions.

Subdivision 6 Financial Sanction

After all appeal rights have been used, any septic system that is in violation with the provisions of this Ordinance shall be assessed a \$250.00 per month penalty by the Department.

Subdivision 7 Appeals

1. **Hearing** - An appeal from a Department order shall be heard by the Faribault County Board of Adjustment within sixty (60) days from the date of filing the appeal. The Board of Adjustment shall give due notice thereof to the appellant and the officer, from whom the appeal is taken, and to the public and decide the same within ninety (90) days of the hearing.
2. **Stay of Action** – An appeal stays all proceeding and furtherance of the action appealed from unless the Board of Adjustment certifies that by reason of the facts stated in the certificate the stay would cause imminent peril to life or property.

Subdivision 8 Action to Faribault County Board of Adjustment

The Board of Adjustment may reverse or affirm wholly or partly or may modify the order appealed from and to that end shall have all of the power of the officer from whom the appeal was taken. The reasons for the Board of Adjustment's decision shall be stated in writing.

Subdivision 9 Fees

Fees shall be set by the County Board.

SECTION 24 - 911 RURAL SIGNING ORDINANCE

A. INTENT AND PURPOSE

The purpose of these regulations is to provide for the establishment of an official plan for the implementation of "911" signing and to provide for the administration thereof. This ordinance has been designed to be compatible with the Enhanced 911 Emergency Telephone System established by Minnesota Statutes, Chapter 403. The 911 Rural Signing Ordinance of Faribault County is hereby adopted pursuant to authority contained in Minnesota Statutes, Chapter 394, commonly known as the County Planning and Zoning Enabling Legislation. The effective date of the herein ordinance is the date of adoption by the County Board.

B. APPLICABILITY

It shall be unlawful for any person, firm, or corporation to erect or construct a building within the confines of Faribault County without applying for and maintaining a 911 Rural Sign.

C. DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and to facilitate the most reasonable application of the ordinance.

- a. County. Faribault County, Minnesota
- b. 911 Rural Signing Ordinance Committee. The committee will be comprised of two County Commissioners; two members from the County Highway Department; County Planning and Zoning; and the Sheriff's Department.
- c. County Board. The Faribault County Board of Commissioners.
- d. County Engineer. The Registered Professional Engineer employed by the County unless otherwise stated.
- e. Emergency Services Agency, Public or Private. Any agency providing police, fire, rescue, or emergency medical services; whose service area boundaries are established by Minnesota Statute or the Commissioner of Public Safety, and which is dispatched through the Public Safety Answering Point (PSAP).
- f. Emergency Service Number or Area (ESN). The area included within the boundaries of a specified area served by a public or private emergency services agency(ies).
- g. Planning & Zoning Department. The organization of the Planning Commission and staff of the Planning & Zoning Department.

- h. Pedestrian Way. A public right-of-way across or within a block to be used by pedestrians.
- i. Person. Any individual, firm, association, syndicate or partnership, corporation trust, or any other legal entity.
- j. Right-of-Way. The land covered by a public road or other land dedicated for public use or for certain private use such as land over which a power line passes.
- k. Sub-divider. Any person proceeding under the ordinance to effect a subdivision of land for themselves or for another.
- l. Subdivision. A platted development of small lots, out lots, and streets approved by the County Board and recorded in the County Recorder's office that may not be based on a generalized base of grid pattern street systems.
- m. Utilities. Shall refer to all utility service providers, whether the same be government owned facilities or furnished by private utility companies.

D. EXEMPTIONS

- a. Bare farmland will be exempt from 911 numbering and signing.

E. GENERAL STANDARDS

- a. Faribault County shall charge back to each township the cost of sign/post relating to the initial procurement and installation of the numbering system located within each township in the year of 2004. The property owner for residential signs shall pay for replacement costs or new installations from the effective date of the herein ordinance on the date of adoption by the County Board.
- b. All persons, firms, corporations, and other legal entities constructing new structures in unincorporated areas of the County, shall obtain an address notification form, issued by the office of Planning & Zoning Department.
- c. No utility company operating in the county shall furnish its utility services to any new structure until it has been issued a valid address by the office of Planning & Zoning Department.
- d. The office of Planning & Zoning Department shall furnish the applicant with sufficient copies of the address notification form. The office of Planning & Zoning Department will notify the Faribault County Law Enforcement Center representatives for 911 updates and the Faribault County Highway Department. The applicant must notify the United States Post office, telephone service, Faribault County Assessor's Department, and Faribault County Auditor- Treasurer's Department and the utility companies as needed. The office of Planning & Zoning Department shall maintain a record of all addresses issued.

- e. In the event that a building site is removed for whatever reason the property owner is responsible to notify the County Planning & Zoning Department. Planning & Zoning will notify the County Highway Department to remove the 911 Rural Address Sign. Failure to notify the Planning & Zoning Department will constitute a disregard of this ordinance will follow the same guidelines as determined in the Compliance Section.

F. IMPLEMENTATION

The Faribault County Sheriff's Department by authority of the County Board of Commissioners shall administer the Rural Addressing Ordinance. The Planning Commission, Faribault County Law Enforcement Center, Faribault County Highway Department, Faribault County Assessor's Department, Faribault County Attorney's Office and the Faribault County Auditor-Treasurer's Department shall provide technical assistance to the Planning & Zoning Department.

- a. Within a reasonable period of time after the receipt or notification of such number, a sign or number post shall be erected by the Highway Department. This sign will be of the conditions or descriptions as set forth in Section I of the Faribault County Zoning Ordinance. If in the case of a new subdivision being approved for house signs the following conditions or description will be as set forth in Section I of the Faribault County Zoning Ordinance.
- b. The applicant shall remove any different number or signs that might be mistaken for or confused with the number assigned to said structure by the issuing authority.
- c. The applicant shall assume costs of individual rural address numbers and other related signing materials. (except the initial cost which was absorbed by the townships). The applicant shall pay the costs for 911 signing materials to Planning & Zoning Department as part of the building permit fee. These fees are set forth by the County Commissioners yearly.

G. COMPLIANCE

- a. All persons, firms, corporations, and other legal entities constructing new structures in unincorporated areas of the county, shall obtain an address notification form, issued by the office of the Planning & Zoning Department. Coordinates shall be verified and addresses issued by the office of Planning & Zoning Department as part of the construction permit issuance process when application is made to locate a new residence or other commercial venture within the County.
- b. No utility company operating in the county, shall furnish its utility services to any new structure until it has been issued a valid address by the office of the Planning & Zoning Department.

- c. When a new subdivision plat is recorded or whenever a new road is established by other means it shall be the responsibility of the sub-divider or individual petitioning to establish the road to provide a sign which conforms to the County Design and Placement Standards for street signs as set forth in this ordinance. It shall be determined if a new subdivision plat is to have individual house numbers or street signs. 911 Rural Signing Ordinance Committee shall determine the means of 911 signing to new subdivisions.
- d. In the event that the owner or occupant or person in charge of any house or building refuses to comply with the terms of this ordinance said owner or occupant shall be subject to criminal penalties by legal means deemed under this ordinance.
- e. Every owner of a structure shall be responsible to maintain the original location as placed by the County Highway Department in this ordinance. It will be the responsibility of every owner to maintain visual sight of the 911 sign in all directions. The sign must remain clear of weeds, brush, trees, etc.
- f. The cost of replacement if destroyed by accident will be solely that of the landowner.
- g. Willful disregard or repeated violation of the ordinance after written notice of the violation and failure to perform the duties described in (d.) and (e.) may result in the criminal prosecution as a misdemeanor as defined by Minnesota Statutes.
- h. The owner of the structure will be notified in writing that missing or illegible signs must be replaced within ten (10) days after written notice requesting such replacement. The County Highway Department should be contacted if Gopher One assistance is required to return the sign to the correct location. After the ten (10) day notice has expired the owner of the property will be notified in writing of the failure to comply with the terms of this ordinance and shall be assessed all cost for any work by county employees, necessary to comply with this ordinance. The replacement of the sign will be performed by the County Highway Department within (60) days of the second notice. Criminal penalties by legal means will also be implemented at this time as stated in (g).

H. SIGNING

- a. The County Board shall adopt a standard for 911 Rural Sign design and a standard for sign placement as designated by this ordinance. Said adopted Sign Design Standard shall be designated as:
 - 1. Steel U-shaped channel post shall conform to SP 80 ASTM 1-91# rail minimum, ST100 and shall have a minimum yield tensile strength of 60,000 psi. The posts shall have a unit weight of 1.12 lb. per foot and be manufactured from hot-dip galvanized steel conforming to ASTM A-525 or AASHTO M-120 coating requirements. All posts shall have 7/16-inch diameter pre-drilled or pre-punched holes on 1 inch centers for the full length of the post. Hole fabrication shall be performed prior to coating. Posts shall be eight (8) feet in length. Posts shall be driven four (4) feet into the ground.

2. Signs shall be fastened to posts with the appropriate sized stainless steel hex head cap screws and stainless steel nylon insert lock coarse thread nuts (nylon washers included). Two (2) fasteners and nylon washers per sign are required.
 3. Sign blanks shall be 0.080 inch aluminum flat blade. Blanks shall be made of aluminum conforming to ASTM B 209 for Alloy 5-052-H38 or 6061-T6 and the following:
 - Sign blanks shall be 6" X 16" and punched for one (1) post mounting for residential address signs. Sign mounting holes shall be 7/16-inch diameter and located one-half (½) inch from the top and bottom edge at one and onehalf (1-1/2) inches from one end of the blank.
 - All sign blanks shall be etched and degreased prior to the application of retro-reflective sheeting.
 - All sign blanks shall be completely free from defects including wind and twist.
 4. All retro-reflective sheeting applied to the blanks supplied for this project shall meet or exceed the requirements of High Intensity Grade and the following:
 - Colors shall be white numbers on a green background without a border.
 - All numbers shall be 4 inch Upper Case Series C.
 - Fabrication of sign faces may be screen print, by pre-cut characters or by colored transparent overlay film.
 - Signs shall be double faced so the residential number is visible from both sides.
- b. The County Board shall adopt a standard for 911 House Number Signs as designated by this ordinance for subdivisions. Said adopted 911 House Number Sign Design Standard shall be designated as:
1. A minimum of a seven (7) inch in height with a color contrast to the color of the house.
 2. Each 911 House Number must be in Arabic numerals.
 3. The cost for this 911 House Number Sign will be entirely the responsibility of the homeowner.

I. SIGN PLACEMENT

- a. The placement of the 911 Rural Sign will be as follows:
 1. Placement at the discretion of the Faribault County Highway Department.
 2. Must be visible from both sides of the sign on the right of way.
- b. The placement of the 911 House Number Sign will be as follows:
 1. Each owner of the building in the subdivision must post the correct 911 house number of the building in a conspicuous place on the front of the building.
 2. The numbers must be lighted or of a reflective material.
 3. The numbers must be posted on the building surface nearest the street or avenue.
 4. These numerals must be at a height and position so that the numerals can be easily read by a person of normal vision while seated in an emergency vehicle located in the street.

SECTION 25 - ADMINISTRATION AND ENFORCEMENT

A. Faribault County Zoning Administrator (FCZA)

1. The office of the FCZA is hereby established, for which the Board of County Commissioners may appoint such employee or employees of the county as it may deem proper. The term of the office of the FCZA shall be indefinite and shall terminate at the pleasure of the Board of County Commissioners.
2. The duties of the FCZA shall include the following:
 - a. Enforce and administer this ordinance;
 - b. Issue building permits and maintain records thereof;
 - c. Receive and forward to the Board of County Commissioners and the County Planning Commission all applications for conditional use permits, and issue such permits upon the order of the board.
 - d. Receive and forward all applications and petitions for matters to come before the Board of Adjustment.
 - e. File certified copies of any conditional use permit or order issued by the Board of Adjustment acting upon a request for a variance or appeal with the County Recorder for record;
 - f. Receive and forward to the Board of County Commissioners and County Planning Commission all applications for amendments to this ordinance;
 - g. Inspect all construction and development to ensure that the standards of this ordinance are being complied with;
 - h. Provide and maintain a public bureau relative to matters arising out of this ordinance; and
 - i. Maintain the County Zoning Map as required in SECTION 5.

B. Enforcement

1. It shall be the duty of the FCZA to enforce this ordinance through the proper legal channels.
2. When any work shall have been stopped by the FCZA for any reason whatsoever, it shall not again be resumed until the reason for the work stoppage has been completely removed.

SECTION 26 - PLANNING COMMISSION *Amended December 18, 2012*

SUBDIVISION 1. CREATION AND MEMBERSHIP

The Faribault County Board of Commissioners hereby establishes the Faribault County Planning Commission. Such Planning Commission shall consist of no less than five (5) nor more than eleven (11) members, appointed by the Chair of the Board of Commissioners and ratified by the Board.

1. No more than one voting member of the Planning Commission shall be an officer or employee of the County. The County Board may also designate any county officer or employee as a non-voting member of the Commission. No voting member of the Planning Commission shall have received, during the two years prior to appointment, any substantial portion of his or her income from business operations involving the development of land within Faribault County for urban and urban related purposes.
2. At least two members shall be residents of the portion of the county outside the corporate limits of municipalities.
3. The term of each member shall be for three (3) years with staggered terms so that no more than (4) four appointments are made in any one year. There shall be no limitation on the number of terms which an appointee may serve.
4. 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 year, it shall be recommended to the County Board to replace that member. The County Board shall appoint a replacement for the unexpired term, as if the member had resigned.
5. Should any vacancy occur among the members by reason of death, resignation, disability or otherwise, immediate notice thereof shall be given to the Chair of the County Board and they shall appoint a replacement.
6. The Planning Commission shall elect a chair, and a vice-chair from among its members and the zoning office shall assume the duties of secretary.
7. The meetings of the Planning Commission shall be held at the call of the Chair and/or Zoning Administrator and at such other times as the Commission specifies.
8. 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 Commission.

SUBDIVISION 2. AUTHORITY AND DUTIES OF COMMISSION

1. Advisory Body. The Planning Commission shall act as an advisory body to the County Board. The Commission shall forward all findings and recommendations to the County Board within sixty days of the date of the application.
2. Duties. The Planning Commission shall have the following duties and any other duties and responsibilities as may be assigned by the County Board from time to time.

- A. The Planning Commission shall cooperate with the Zoning Administrator and other employees of the County in preparing and recommending to the County Board, updates of the County Comprehensive Land Use Plan and any amendments to the Ordinance as well as any additional forms of official controls which may be adopted pursuant to the provisions of Section 394.21 to 394.27, Minnesota Statutes, as amended.
- B. The Planning Commission shall review all applications and hold public hearings for platting, rezoning, subdivisions of land, and make recommendations to the County Board regarding such applications.
- C. The Planning Commission shall review applications and hold public hearings for Conditional Use Permits and make recommendations to the County Board regarding such applications.

SUBDIVISION 3 ADDITIONAL DUTIES

The board may by ordinance assign additional duties and responsibilities to the planning commission including but not restricted to the conduct of public hearings, the authority to order the issuance of some or all categories of conditional use permits, the authority to approve some or all categories of subdivisions of land, and the authority to approve some or all categories of planned unit developments. The planning commission may be required by the board to review any comprehensive plans and official controls and any plans for public land acquisition and development sent to the county for that purpose by any local unit of government or any state or federal agency and shall report thereon in writing to the board.

SECTION 27 - BOARD OF ADJUSTMENT (BOA)

Amended December 2012

SUBDIVISION 1 CREATION AND MEMBERSHIP

A Board of Adjustment (BOA) is hereby established and vested with such authority as is hereinafter provided and as provided by Minnesota Statutes, Chapter 394.21 through 394.37, as amended.

1. The BOA shall consist of no less than (3) three members, and no more than (7) seven members, including at least one member from the unincorporated area of the county. One member shall be appointed from each of the five commissioner districts. At least one member shall also be a member of the Planning Commission. No elected official of the County or any employee of the County shall serve as a member of the BOA.
2. Member Terms. Each member shall serve for a period of three years, and the terms of the members shall be staggered so that no more than two terms expire in any one year. The term of each member shall begin on January 1 and continue through December 31 of the last year of the term; provided, however, that any member shall continue to serve after the expiration of their term until a successor is appointed. Any member who misses three consecutive meetings without a reasonable excuse may be replaced by the Board.
3. Compensation. The members of the BOA may be compensated in an amount determined by the Board for their necessary expenses to attend meetings and conduct business of the BOA including mileage and trainings.
4. The BOA shall elect a chairman and a vice-chairman from among its members. It shall adopt rules for the transaction of its business and shall keep a public record of the proceedings, findings and determinations. The Zoning Office Staff shall act as secretary of the Board.
5. Meetings and Quorum. The meeting of the BOA shall be held at the call of the Zoning Administrator or the BOA Chair. A majority of the BOA shall constitute a quorum, and a majority vote of that quorum is sufficient to conduct business and take action. The BOA Chair has full voting privileges at all times, may vote on any issue, and need not confine his/her voting to break ties.
6. Conflict of Interest. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a regular board member from voting thereon shall be decided by majority vote of all regular board members except the member who is being challenged

SUBDIVISION 2. DUTIES AND RESPONSIBILITIES

1. Administrative Appeals. The BOA shall have the exclusive authority to hear and decide administrative appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator.
2. Variances. The BOA shall have the exclusive power to order the issuance or denial of Variances from the terms of any official control including restrictions placed upon nonconformities.

SUBDIVISION 3. PROCEDURE

1. Notice and Hearing Procedures.

- A. Upon receipt of an application that contains all required information, the Zoning Administrator shall refer the matter to the BOA and establish a date and time for a public hearing on the application.
- B. The BOA shall hold a public hearing for all Variances and Administrative Appeals. Notice of time, place, and purpose of the public hearing shall be given by publication in a newspaper of general circulation serving the town, municipality or other area concerned and in the official newspaper of the county at least 10 calendar days prior to the date of the hearing. Notice of the public hearing shall also be given to the affected Board of Township Supervisors and the City Council of any municipality within two miles of the affected property. In unincorporated areas of the County, property owners of record within 500 feet of the affected property shall be notified in writing of the public hearing for any application for a Variance or Administrative Appeal.
- C. All written notices shall be mailed no less than 10 calendar days prior to the hearing. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate any proceedings provided a bona fide attempt to comply with this section has been made.
- D. The applicant or his/her representative shall appear before the BOA in order to address questions regarding the proposed application.
- E. The BOA and Department shall have the authority to request additional information from the applicant in the case of an administrative appeal or application for a Variance that is declared necessary to verify information or establish performance conditions in relation to all pertinent sections of this Ordinance. Failure of the applicant to supply all necessary supportive information may be grounds for the denial of the request or administrative appeal.

2. BOA Findings of Fact and Certification of Final Action

- A. In conducting a public hearing in a case of an administrative appeal or application for a Variance, the BOA shall prepare written findings of fact setting forth its findings and reasons for its decision.
- B. The BOA shall forward to the Zoning Administrator the written findings of fact and its order regarding the administrative appeal or Variance application. The Zoning Administrator shall then file a certified copy of the BOA's resolution with the County Recorder. After recording, a copy of the BOA's resolution shall be sent to the affected applicant.

SUBDIVISION 4. ADMINISTRATIVE APPEALS

- 1. A decision by the Zoning Administrator may be appealed by any aggrieved party within 10 calendar days from the date of the order, requirement, decision or determination by filing with the Zoning Administrator a written notice of administrative appeal. The notice of administrative appeal shall state:
 - A. The particular order, requirement, decision, or determination from which the administrative appeal is taken.
 - B. The name and address of the appellant.
 - C. The grounds for the administrative appeal.

- D. The relief requested by the appellant.
2. The BOA shall follow the appeals process as outlined in Subdivision 3 of this Section in making a decision on an administrative appeal. The BOA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and to that extent shall have all the powers of the officer from whom the administrative appeal was taken and may direct the issuance of a permit.

SUBDIVISION 5. VARIANCES

Please refer to Section 25 of this ordinance.

SUBDIVISION 6. RECORD OF BOA RESOLUTION

A certified copy of any resolution issued by the BOA for an appeal or a request for a Variance shall be filed with the County Recorder. The resolution issued by the BOA shall include the legal description of the property involved. The Department shall maintain a record of all resolutions issued by the BOA and a copy of the filed resolution shall be mailed to the applicant.

SUBDIVISION 7. APPEALS TO DISTRICT COURT

All decisions by the board of adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision, or determination shall be final except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right to appeal within 30 days, after receipt of notice of the decision, to the district court in the county in which the land is located on questions of law and fact.

SUBDIVISION 8. FEES

To defray administrative costs of processing requests for variances and appeals, a fee shall be paid by the applicant. Such fee shall be established by the Board of County Commissioners.

FARIBAULT COUNTY BOARD OF ADJUSTMENT (BOA) POLICY

- ❖ **As of May 7th, 2019, and per the County Ordinance, all members shall continue to be appointed by the County Board of Commissioners. Members will increase from three to five, one from each of the five commissioner districts**

Creation and Membership - A Board of Adjustment is established by Minnesota Statutes, Chapter 394.21 through 394.37. See Section 27 of the Faribault County Ordinance for details including member terms. The term of each Board of Adjustment member shall follow the term of their Planning Commission appointment.

Procedure and Qualifications - The Board of Adjustment shall consist of six (6) members (5 regular and 1 Alternate). One member shall be appointed from each of the five commissioner districts and may be members of the Planning Commission. The alternate may also be the alternate for the Planning Commission. The Board of Adjustment may follow the Planning Commission meeting and will have its own elected chairman from among its members.

Officers - The BOA shall elect a chairman and a vice-chairman from among its members. It shall adopt rules for the transaction of its business and shall keep a public record of the proceedings, findings and determinations. The Zoning Office Staff shall act as secretary of the Board.

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 business of the Board.

Meetings – Held on the 2nd Tuesday after the Planning Commission meeting which starts at 7:00 p.m. or may be held at the call of its Chairman and/or Zoning Administrator

Duties and Responsibilities:

1. Administrative Appeals. The BOA shall have the exclusive authority to hear and decide administrative appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator.
2. Variances. The BOA shall have the exclusive power to order the issuance or denial of Variances from the terms of any official control including restrictions placed upon nonconformities.

SECTION 28 VARIANCES; PRACTICAL DIFFICULTIES

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 as provided by Minnesota Statutes, Chapter 394.27, Subdivision 7; as amended.

SUBDIVISION 1. VARIANCE CRITERIA

1. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the comprehensive plan
2. A Variance may be granted only where the strict enforcement of County zoning controls will result in "practical difficulties." A determination that a "practical difficulty" exists is based upon the consideration of the following criteria:
 - A. The property owner proposes to use the property in a reasonable manner not permitted by an official control;
 - B. The plight of the landowner is due to circumstances unique to the property not created by the landowner;
 - C. And the variance, if granted, will not alter the essential character of the locality.
 - D. Economic considerations alone do not constitute practical difficulties.
 - E. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
3. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the official controls.
4. 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.

SUBDIVISION 2. VARIANCE CONDITIONS.

The BOA may impose conditions in the granting of Variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the Variance.

SUBDIVISION 3. EXPIRATION OF VARIANCE.

A Variance shall expire and be considered null and void one year after the Board Of Adjustments final decision to grant the Variance if the use or construction for which the Variance was granted has not begun. For the purposes of this section, construction shall include significant site preparation work including land clearing, excavation, and the installation of utilities necessary for the placement, assembly, or installation of facilities or equipment, the installation of footings, slab, foundation, posts, walls, or other portions of a building.

SUBDIVISION 4. USE VARIANCE.

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.

SUBDIVISION 5. APPLICATION

1. An application for a Variance shall be filed with the Zoning Administrator on forms provided by the County. The application shall be accompanied by a copy of the deed or certified survey of the property, a site plan, and any other information the Zoning Administrator may require for the purposes of administering this Ordinance.

2. An applicant must have an ownership interest in the property for which the application is made.
3. If the application does not contain all required information, the Zoning Administrator, upon receipt of the application, shall notify the applicant, in writing, within the time specified in Minnesota Statutes Section 15.99, noting what information is missing.
4. Re-application. No application for the same Variance as ruled upon by the Board of Adjustments shall be resubmitted for a period of 12 months from the date of denial of the previous application unless there has been a substantial change in circumstances as it relates to the request

SUBDIVISION 6. NOTIFICATIONS

1. The Board of Adjustment upon receipt of a proper application for a variance shall set a time and place for a public hearing before the Board on such application. At least ten (10) days in advance of any such hearing, notice of the time, place and purpose of the hearing shall be published in the official newspaper of the County and in a newspaper of general circulation in the town, municipality, or other area concerned, if there be such a newspaper.
2. An application for a variance shall be sent to all property owners of record within five hundred (500) feet of the incorporated areas and/or five hundred (500) feet of the affected property or to the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners of unincorporated areas where the variance is proposed. Such written notice shall be sent postage prepaid in the U.S. mails and shall state the time and place of the public hearing. All municipalities within two (2) miles of the proposed variance shall be given proper notice.
3. For the purpose of the foregoing notice provision, the term "affected property" shall mean whatever number of one-sixteenth (1/16) of a section that are required to totally encompass the area subject to the variation from the terms of this ordinance.

SUBDIVISION 7. PUBLIC HEARINGS

The Board of Adjustment may continue the hearing concerning the application for a variance, or it may hold such additional hearings as it deems advisable. The Board of Adjustment shall issue its order concerning the application within ten (10) days of the conclusion of the hearing relating to any given application.

SUBDIVISION 8. RECORD OF BOARD OF ADJUSTMENT ORDERS

A certified copy of an order issued by the Board of Adjustment either granting or denying an application for a variance shall be filed by the FCZA with the County Recorder for record. The order issued by the Board shall be in writing, giving the reasons for the Board's decision and shall include a legal description of the property involved.

SUBDIVISION 9. FEES

To defray administrative costs of processing requests for variances, a fee shall be paid by the applicant. Such fee shall be established by the Board of County Commissioners.

SECTION 28 VARIANCES; PRACTICAL DIFFICULTIES

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2. A Variance may be granted only where the strict enforcement of County zoning controls will result in "practical difficulties." A determination that a "practical difficulty" exists is based upon the consideration of the following criteria:
 - A. The property owner proposes to use the property in a reasonable manner not permitted by an official control;
 - B. The plight of the landowner is due to circumstances unique to the property not created by the landowner;
 - C. And the variance, if granted, will not alter the essential character of the locality.
 - D. Economic considerations alone do not constitute practical difficulties.
 - E. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
3. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the official controls.
4. 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.

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SUBDIVISION 5. APPLICATION

1. An application for a Variance shall be filed with the Zoning Administrator on forms provided by the County. The application shall be accompanied by a copy of the deed or certified survey of the property, a site plan, and any other information the Zoning Administrator may require for the purposes of administering this Ordinance.

2. An applicant must have an ownership interest in the property for which the application is made.
3. If the application does not contain all required information, the Zoning Administrator, upon receipt of the application, shall notify the applicant, in writing, within the time specified in Minnesota Statutes Section 15.99, noting what information is missing.
4. Re-application. No application for the same Variance as ruled upon by the Board of Adjustments shall be resubmitted for a period of 12 months from the date of denial of the previous application unless there has been a substantial change in circumstances as it relates to the request

SUBDIVISION 6. NOTIFICATIONS

1. The Board of Adjustment upon receipt of a proper application for a variance shall set a time and place for a public hearing before the Board on such application. At least ten (10) days in advance of any such hearing, notice of the time, place and purpose of the hearing shall be published in the official newspaper of the County and in a newspaper of general circulation in the town, municipality, or other area concerned, if there be such a newspaper.
2. An application for a variance shall be sent to all property owners of record within five hundred (500) feet of the incorporated areas and/or five hundred (500) feet of the affected property or to the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners of unincorporated areas where the variance is proposed. Such written notice shall be sent postage prepaid in the U.S. mails and shall state the time and place of the public hearing. All municipalities within two (2) miles of the proposed variance shall be given proper notice.
3. For the purpose of the foregoing notice provision, the term "affected property" shall mean whatever number of one-sixteenth (1/16) of a section that are required to totally encompass the area subject to the variation from the terms of this ordinance.

SUBDIVISION 7. PUBLIC HEARINGS

The Board of Adjustment may continue the hearing concerning the application for a variance, or it may hold such additional hearings as it deems advisable. The Board of Adjustment shall issue its order concerning the application within ten (10) days of the conclusion of the hearing relating to any given application.

SUBDIVISION 8. RECORD OF BOARD OF ADJUSTMENT ORDERS

A certified copy of an order issued by the Board of Adjustment either granting or denying an application for a variance shall be filed by the FCZA with the County Recorder for record. The order issued by the Board shall be in writing, giving the reasons for the Board's decision and shall include a legal description of the property involved.

SUBDIVISION 9. FEES

To defray administrative costs of processing requests for variances, a fee shall be paid by the applicant. Such fee shall be established by the Board of County Commissioners.

SECTION 30 - VIOLATIONS, PENALTIES, AND ENFORCEMENT

A. Violations and Penalties

1. Any person, firm or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor. Each day that a violation continues shall constitute a separate offense.

B. Enforcement

1. This ordinance shall be administered and enforced by the FCZA, who is hereby designated the enforcing officer.
2. In the event of a violation or a threatened violation of this ordinance, the Board of County Commissioners or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the County Attorney to institute such action.
3. Any taxpayer or taxpayers of the county may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by this ordinance.

SECTION 31 - VALIDITY

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

SECTION 32 - REPEAL

The existing zoning regulations (text and map) of Faribault County, adopted May 7, 1968, as amended, are hereby repealed. The adoption of this ordinance, however, shall not affect nor prevent any pending or future prosecution of, or action to abate, any existing violation of said Faribault County Zoning Ordinance adopted May 7, 1968, as amended, if the violation is also a violation of the provisions of this Ordinance.

SECTION 33 - DATE OF EFFECT

This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and approved this 27th day of December, 1994.

Chairman, Board of County Commissioners

Attest: _____, County Auditor

Recommended by: The County Planning Commission

Dated December 14, 1994.

FLOODPLAIN ORDINANCE

SUBDIVISION 1 STATUTORY AUTHORIZATION

The Legislature of the State of Minnesota in Minnesota Statutes, Chapter 103F, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses.

SUBDIVISION 2 STATEMENT OF PURPOSES

The development of the flood hazard areas of the County of Faribault could result in the potential loss of life and property, create health and safety hazards, and lead to extraordinary public expenditures for flood protection and relief. Since development of these areas is not essential to the orderly growth of the county and since these lands are suitable for open space uses that do not require structures or fill, the Board of Commissioners of the County of Faribault does ordain as follows:

SUBDIVISION 3 DESIGNATION OF THE FLOODPLAIN DISTRICT

The Flood Insurance Study for the County of Faribault prepared by the Federal Insurance Administration and dated May 17, 1982 and the Flood Boundary and Floodway Map and Flood Insurance Rate Map contained therein are hereby adopted by reference and declared to be a part of this ordinance. The Floodplain District for the County of Faribault shall include those areas which lie within the 100 Year Flood Boundary on the Flood Boundary and Floodway map.

SUBDIVISION 4 PERMITTED USES IN THE FLOODPLAIN DISTRICT

The following uses have a low flood damage potential and do not obstruct flood flows. These uses shall be permitted within the Floodplain District to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill (except for agricultural dikes as noted in 4.1 below,) or storage of materials and equipment.

1. Agricultural uses such as general farming, pasture, grazing, forestry, sod farming and wild crop harvesting. Agricultural flood control dikes may be constructed in the Floodplain District if authorized by a (development permit) obtained from the county. In reviewing permit applications for agricultural dikes, the county shall make their permit decision based on the following criteria:
 - a. Whether the dike location is in the floodway, floodway fringe, or general floodplain district. For purposes of this section, the general floodplain district is the same as unnumbered "A Zones" on the Flood Insurance Rate Map contained in the Faribault County Flood Insurance Study.

- b. If the dike location is in the floodway fringe, the county may issue the development permit. If the dike location is in the floodway or the general floodplain district, the county may issue the development permit if the dike does not cause an increase in the stage of the 100 year flood. The determination of stage increase caused by the proposed dike shall be made utilizing accepted engineering methods consistent with the Statewide Standards and Criteria for Management of Floodplain Areas of Minnesota (MN Rules 6120.5100 – 6120.6200).

The county shall notify the Minnesota Department of Natural Resources (DNR) at least ten (10) days in advance of consideration by the County Planning Commission of a permit for an agricultural dike in order that the DNR can provide technical assistance in evaluating the impact of the dike.

2. Industrial-Commercial uses such as parking areas and airport landing strips.
3. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.
4. Residential uses such as lawns, gardens, parking areas and play areas.

All other uses and all uses that require structures, fill, or the storage of materials or equipment shall be prohibited.

SUBDIVISION 5 ADMINISTRATION

1. Development Permits Required. No person shall erect, construct, enlarge, alter, repair, improve or move any building or structure until a permit has been obtained from the County. Mining, dredging, filling, grading, excavation and drilling operations are activities that require permits obtained from the county, and are governed in part by Section 15D of the Faribault County Zoning Ordinance in addition to this ordinance.
2. Duties of the Zoning Administrator. The Zoning Administrator shall review all development and permit applications to determine whether the proposed use lies in the Floodplain District. Permit applications for uses to be located in the Floodplain District shall not be granted unless they comply with provisions of Section 4.0.
3. Interpretation of District Boundaries. Where interpretation is needed as to the exact location of the boundaries of the Floodplain District as shown on the Flood Boundary and Floodway maps, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the

Zoning Administrator shall make the necessary interpretation based on elevations on the regional (100 year) flood profile contained in the Flood Insurance Study and other available technical data.

4. Variances. Applications for variances to the provisions of this ordinance shall be evaluated in accordance with the procedures in the Faribault County Zoning Ordinance. The Zoning Administrator shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances so that the Commissioner will receive at least ten (10) days notice of hearing.

No variance shall have the effect of allowing any uses prohibited in that district, permit a lower degree of flood protection than the Regulatory Flood Protection Elevation, or permit standards lower than those required by state law.

5. Amendments. All amendments to this ordinance must be submitted to and approved by the Commissioner of Natural Resources prior to adoption.

SUBDIVISION 6 DEFINITIONS

Unless specifically defined below, words or phrases used in the Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and to as to give this Ordinance its most reasonable application.

1. Development – Any manmade change to improved or unimproved real estate including, but not limited to, buildings and other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of materials or equipment.
2. Flood Fringe – That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for Faribault County.
3. Floodplain – The areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.
4. 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 store the regional flood discharge.
5. 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 the magnitude of the 100 year recurrence interval. Regional flood is synonymous with the term “base flood” used in the Flood Insurance Study.

6. Regulatory Flood Protection Elevation – The Regulatory Flood Protection Elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.
7. Structure – Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, detached garages, cabins, mobile homes, and other similar items.
8. Variance – A modification of a specific permitted development standard required in an official control including this ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation.

SUBDIVISION 7 WARNING AND DISCLAIMER OF LIABILITY

This ordinance does not imply that areas outside the floodplain district or land uses permitted within such district will be free from flooding or flood damages. This ordinance shall not create liability on the part of Faribault County or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.



HUNTLEY (SSD) SEWER SERVICE DISTRICT SEWER ORDINANCE

This ordinance is hereby created for the purpose of defining how the Subordinate Service District, known as the Huntley (SSD) Sewer Service District will handle wastewater issues.

This ordinance will reference the City of Winnebago Sewer Ordinance and will adhere to whichever ordinance is more restrictive.

A. SECTION ONE - PURPOSE

Faribault County (on behalf of the Residents of Huntley), and the City of Winnebago have entered into a Sanitary Sewer Connection and Treatment Agreement that was approved by the Faribault County Board of Commissioners on September 4, 2007, and the City of Winnebago on December 18, 2007.

Item 12 within the Sanitary Sewer Connection and Treatment Agreement identifies that Faribault County will develop and adopt an appropriate sewer ordinance for the Huntley SSD regulating connection and the use of and discharge into the collection system, and that the ordinance would require that all flows entering the City's sanitary sewer system are in conformance with the current Winnebago City sanitary sewer codes.

B. SECTION TWO – DEFINITIONS

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

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal, also referred to as a house connection or service connection.

CITY. City of Winnebago, MN

COUNTY. Faribault County, MN

DEPARTMENT. Faribault County Planning and Zoning and/or City of Winnebago, MN, or its representative, and employees.

EASEMENT. An acquired legal right for the specific use of land owned by others.

INDUSTRIAL WASTE. Gaseous, liquid and solid wastes resulting from industrial or manufacturing processes, trade or business or from the development, recovery and processing of natural resources, as distinct from residential or domestic strength waste.

INDUSTRY. Any non-governmental or nonresidential user of a publicly owned treatment system.

INFILTRATION. Water entering the sewage system (including building drains and pipes) from the ground through such means as defective pipes, pipe joints, connections and manhole walls.

INFILTRATION/INFLOW (I/I). The total quality of water from both infiltration and inflow.

INFLOW. Water other than wastewater that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, yard and area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, catch basins, surface runoff, street wash waters or drainage.

MPCA. Minnesota Pollution Control Agency.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT. A permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge into navigable waters of the United States pursuant to Section 402 and 405 of the Act.

NATURAL OUTLET. Any outlet, including storm sewers and combined sewers, which overflow into a watercourse, pond, ditch, lake or other body of surface water or ground water.

NON-CONTACT COOLING WATER. The water discharged from any use such as air conditioning, cooling or refrigeration or during which the only pollutant added is heat.

NORMAL DOMESTIC STRENGTH WASTE. Wastewater that is primarily introduced by residential users, with a BOD₅ concentration not greater than 225 mg/l, and a Total Suspended Solids (TSS) concentration not greater than 250 mg/l.

SEWAGE. The spent water of a community. The preferred term is **WASTEWATER**.

SEWER. A pipe or conduit that carries wastewater or drainage water.

- (1) **COLLECTION SEWER.** A sewer whose primary purpose is to collect wastewaters from individual point source discharges and connections.
- (2) **COMBINED SEWER.** A sewer intended to serve as a sanitary sewer and a storm sewer.
- (3) **FORCE MAIN.** A pipe in which wastewater is carried under pressure.
- (4) **INTERCEPTOR SEWER.** A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.
- (5) **PRIVATE SEWER.** A sewer which is not owned and maintained by a public authority.
- (6) **PUBLIC SEWER.** A sewer owned, maintained and controlled by a public authority.
- (7) **SANITARY SEWER.** A sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions,

together with minor quantities of ground, storm and surface waters which are not admitted intentionally.

- (8) **STORM SEWER** or **STORM DRAIN**. A drain or sewer intended to carry storm waters, surface runoff, ground water, sub-surface water, street wash water, drainage and unpolluted water from any source.

SSD. Subordinate Service District

SSTS. Subsurface Sewage Treatment System

UNPOLLUTED WATER. Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities.

USER. Any person who discharges or causes or permits the discharge of wastewater into the city's wastewater disposal system.

WASTEWATER. The spent water of a community and referred to as sewage. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any ground water, surface water and storm water that may be present.

WASTEWATER TREATMENT WORKS or **TREATMENT WORKS**. An arrangement of any devices, facilities, structures, equipment or processes owned or used by the city for the purpose of the transmission, storage, treatment, recycling and reclamation or municipal sewage, domestic sewage or industrial wastewater or structures necessary to recycle or reuse water, including interceptor sewers, outfall sewers, collection sewers, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

WATERCOURSE. A natural or artificial channel for the passage of water, either continuously or intermittently.

C. SECTION THREE - GENERAL PROVISIONS

- 1. CONTROL BY DEPARTMENT.** The Department shall have control and general supervision of all public sewer and service connections within the SSD and shall be responsible for administering all provisions of this chapter to the end that a proper and efficient public sewer is maintained.
- 2. DAMAGE OF WASTEWATER FACILITIES.** No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment, which is part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under the charge of a misdemeanor.

3. SEWER SERVICE CHARGES.

- a. For current sewer services, monthly user fees will apply to each user of the sewer service, and will be determined by Faribault County.
- b. Monthly bills for sewer service charges shall be rendered to the property owners within the SSD on a monthly basis succeeding the period for which the service was rendered and shall be due 30 days from the date of rendering. Any bill not paid in full after the due date will be considered delinquent. At that time, the process that is currently in place for the City will be utilized to collect payment.
- c. New connection sewer service charges will be as follows: Monthly user fees plus a Base fee (determined by County) plus a Connection fee (determined by City).

4. POWERS AND AUTHORITY OF INSPECTORS.

- a. The Department shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing pertinent to the discharge to the sewer system in accordance with the provisions of this chapter. The Department may disconnect the property from the sewer system if a person refuses to permit an inspection, observation, measurement, sampling or testing.
- b. Department employees are authorized to obtain information concerning industrial processes, which have a direct bearing on the type and source of discharge to the wastewater collection system. An industry may withhold information considered confidential; however, the industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.
- c. While performing necessary work on private properties, the Department shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Department and the Department shall indemnify the company against loss or damage to its property by the department and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required.
- d. The Department shall be permitted to enter all private properties through which the SSD holds a duly negotiated easement for the purposes of but not limited to inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

D. SECTION FOUR - SEWER REGULATIONS

- 1. SSTS PROHIBITED.** It shall be unlawful to construct or maintain any privy, privy vault, septic tank, holding tank, cesspool or other facility intended or used for the disposal of wastewater as defined in Section 23 – Faribault County Subsurface Sewage Treatment System Ordinance.

2. **CONNECTION TO PUBLIC SANITARY SEWER REQUIRED.** The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes from which wastewater is discharged and which is situated within the SSD and adjacent to any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the SSD shall be required at the owner's expense to install a suitable service connection to the public sewer in accordance with provisions of this code within 30 days of the date the public sewer is operational. If sewer connections are not made pursuant to this section, an official 30-day notice shall be served instructing the affected property owner to make the connection.

E. SECTION FIVE - BUILDING SEWERS AND CONNECTIONS

1. **CONNECTIONS RESTRICTED.** Any new connection to the sanitary sewer system must be within the established boundaries of the SSD. No person shall erect, alter in respect to height or area, any structure within 10 feet of the public sanitary sewer system.
2. **APPLICATION FOR PERMIT.** Applications for permits shall be made by the owner or authorized agent and the party employed to do the work and shall state the location, name of owner, street number of the building to be connected and how occupied with the City. No person shall extend any private building beyond the limits of the building or property for which the service connection permit has been given. The City may charge for obtaining necessary permits.
3. **PERMITS.** For any new sewer service, the application shall be supplemented by any plans, specifications or any other information considered pertinent in the judgement of the department. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics and type of activity.
4. **COST AND EXPENSE OF CONNECTION.** All cost and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city, the county, and the SSD from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.
5. **SEPARATE BUILDING SEWERS REQUIRED; EXCEPTION.** A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway. The building sewer from the front building may be extended to the rear building and the whole considered one building sewer. The SSD, city, or county do not and will not assume any obligation or responsibility for damage caused by or resulting from any such connection aforementioned.
6. **EXISTING BUILDING SEWERS.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Department, to meet all requirements of this ordinance.
7. **HIGH VOLUME BUILDING SEWERS.**
 - a. New high volume building sewers will be required, at user expense, to install and maintain a water meter to monitor water usage, and will be required to comply

with the City of Winnebago Sewer Ordinance.

- b. Current users may be required to install and maintain a water meter at the request of the Department.

8. **COMPLIANCE.** The size, slope, alignment, materials of construction of a building sewer and the method to be used in excavating, placing of the pipe, jointing, testing and backfilling of the trench shall all conform to the requirements of the City of Winnebago Sewer Ordinance.
9. **ELEVATION.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, the sanitary sewer carried by the building drain shall be lifted by an approved means and discharged to the building sewer.
10. **PROHIBITED CONNECTIONS.** No person shall make connection of roof downspouts, foundation drains, sump pumps, areaway drains or other sources of surface runoff or ground water to a building sewer or indirectly to the wastewater disposal system.
11. **SPECIFICATIONS.** The connection of the building sewer into the public sewer shall conform to the requirements of the City of Winnebago Sewer Ordinance. All such connections shall be made gastight and watertight and verified by proper testing to prevent the inclusion of infiltration/inflow. Any deviation from the prescribed procedures and materials must be approved by the city prior to installation.
12. **INSPECTION.** The applicant for the building sewer permit shall notify the city when the building sewer is ready for inspection and connection to the public sewer. The connection and inspection shall be made under the supervision of the Department.
13. **INSTALLATION GUARDED WITH BARRICADES AND LIGHTS.** All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Department.
14. **CONNECTION TO BE MADE BY LICENSED PERSON ONLY.** No person shall make a service connection with any public sewer unless regularly licensed under the City of Winnebago Sewer Ordinance to perform such work, and no permit shall be granted to any person except such regularly licensed person.
15. **APPLICATION FOR CONNECTION LICENSE.** Any person desiring a license to make a service connection with public sewers shall apply in writing and follow the process that is currently in place through the City of Winnebago.
16. **SUSPENSION OR REVOCATION OF LICENSE.** The City of Winnebago, City Council may suspend or revoke any license issued under this subchapter for any of the following causes:
 - a. Giving false information in connection with the application for a license;

- b. Incompetence of the licensee;
- c. Willful violation of any provision of this subchapter or any rule or regulation pertaining to the making of service connections

F. SECTION SIX - USE OF PUBLIC SERVICES

- 1. UNPOLLUTED WATER DISCHARGES PROHIBITED.** No person shall discharge or cause to be discharged any unpolluted water such as storm water, ground water, including sump pump water, roof runoff, surface drainage or non-contact cooling water to any sanitary sewer.
- 2. NATURAL OUTLETS INCLUDING COUNTY TILE.** Storm water and all other unpolluted drainage shall be discharged to such outlets designed to handle storm water, or to a natural outlet approved by the Department and other regulatory agencies. Industrial cooling water of unpolluted process waters may be discharged in this manner upon approval of the Department and upon approval and the issuance of a discharge permit by the MPCA.
- 3. PROHIBITED and LIMITED DISCHARGES.** No person shall discharge or cause to be discharged any waters or wastes to any public sewers. Please refer to the Winnebago City Sewer Ordinance.

G. SECTION SEVEN - VARIANCES

The Department shall have the authority to grant a variance when the purpose and intent of the variance is consistent with this Ordinance, Winnebago Sewer Ordinance, Faribault County Zoning Ordinance, and the Faribault County Comprehensive Local Water Management Plan.

1. No variance shall be granted except under the following circumstances:
 - a. That there are unique conditions affecting the property as a result of lot size, layout, shape, topography, or other circumstances that the landowner has no control of.
 - b. Wells - Variances pertaining to well setbacks are governed by MN Rules Chapter 4720 and 4715 and may only be approved by the Minnesota Department of Health.

H. SECTION EIGHT – ADMINISTRATION AND ENFORCEMENT

1. Duties of the Department
 - a. The Department has the authority to administer and enforce this Ordinance.
 - b. The Department's authority includes, but is not limited to, the following:
 - i. Inspect new, repaired, or replaced sewer connections.
 - ii. Investigate complaints of violations of this Ordinance.
 - iii. Recommend that legal proceedings be initiated by the Faribault County Attorney to compel compliance with the provisions of this Ordinance.
 - iv. Advise, consult and cooperate with the public and other governmental agencies in the furtherance of this Ordinance.
 - v. Issue order:
 1. To suspend or revoke permits issued under this Ordinance;
 2. To stop actions which constitute a violation of this Ordinance;

3. To correct systems determined by the Department in violation of this Ordinance;
 4. To cease and prevent from use any system which is operating in a manner creating a hazard to public health, safety or welfare.
2. Failure of the Department to inspect the system shall not relieve or lessen the responsibility or liability of any person owning, operating, controlling or installing connection.
 3. Any appeals of a Department order shall be filed with the Department within thirty (30) days of issuance of the order.
 4. Access to Premises and Records – Upon the request of the Department, the applicant, permittee or any other person shall allow access at any reasonable time to the affected premises as well as any related records, for the purpose of regulating and enforcing this Ordinance.
 5. Interference Prohibited – No person shall hinder or otherwise interfere with the Department in the performance of duties and responsibilities pursuant to this Ordinance. Refusal to allow reasonable access to the Department shall be deemed a separate and distinct offense, whether or not any other specific violations are cited.
 6. Penalties
 - a. Responsibility – It is the responsibility of the property owner to correct or repair any violation of this ordinance.
 - b. Time Frame –The owner of the property shall respond to the Department within five (5) working days of notification by the Department by submitting a plan for abating the violation.
 - c. Misdemeanor – Any person who fails to comply with the provisions of this Ordinance is guilty of a misdemeanor. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
 - d. Stop Work Orders – Whenever any work is being done contrary to the provisions of this Ordinance, the Department may order the work stopped by written notice, personally served. All activities shall cease and desist until subsequent authorization to proceed is received from the Department.
 - e. Injunctive Relief and Other Remedies – In the event of a violation or a threat of a violation of this Ordinance, Faribault County may institute appropriate actions or proceedings, including injunctive relief, to prevent, restrain, correct or abate such violations or threat of violations. The County may recover costs incurred for corrective action in a civil action in any court of competent jurisdiction, and such costs may be certified by court order to the Faribault County Auditor as a special tax against the real property. These and other remedies, as determined appropriate by the county, may be imposed upon the applicant, permittee, installer, or other responsible person either in addition to or separate from other enforcement actions.
 - f. After all appeal rights have been used, any property system that is in violation with the provisions of this Ordinance shall be assessed a \$250.00 per month penalty by the Department.
 7. Appeals
 - a. Hearing - An appeal from a Department order shall be heard by the Faribault County Board of Adjustment within sixty (60) days from the date of filing the appeal. The Board of Adjustment shall give due notice thereof to the

appellant and the officer, from whom the appeal is taken, and to the public and decide the same within ninety (90) days of the hearing.

- b. Stay of Action – An appeal stays all proceeding and furtherance of the action appealed from unless the Board of Adjustment certifies that by reason of the facts stated in the certificate the stay would cause imminent peril to life or property.
- c. Action to Faribault County Board of Adjustment – The Board of Adjustment may reverse or affirm wholly or partly or may modify the order appealed from and to that end shall have all of the power of the officer from whom the appeal was taken. The reasons for the Board of Adjustment’s decision shall be stated in writing.
- d. Fees for the Variance process shall be set annually by the Faribault County Board of Commissioners.

FARIBAULT COUNTY SUBDIVISION REGULATIONS

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PREAMBLE

SUBDIVISION ORDINANCE OF FARIBAULT COUNTY, MINNESOTA

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE SUBDIVISION AND PLATTING OF LAND WITHIN FARIBAULT COUNTY AND LYING OUTSIDE THE BOUNDARIES OF MUNICIPALITIES, DEFINING CERTAIN TERMS USED HEREIN, PROVIDING FOR THE PREPARATION OF PLATS: PROVIDING FOR THE INSTALLATION OF STREETS, ROADS, AND OTHER IMPROVEMENTS: ESTABLISHING PROCEDURES FOR THE APPROVAL AND THE RECORDING OF PLATS: AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

I. SHORT TITLE

A. This Ordinance shall be known, cited, and referred to as the Faribault County Subdivision Ordinance, except as referred to herein, where it shall be known as "This Ordinance".

II. PURPOSE AND INTERPRETATION

A. Each new subdivision becomes a permanent unit in the basic physical structure of the County, a unit with which the future County will of necessity be forced to reckon with. Piecemeal planning of such subdivisions, without correlation to the County Plan, can bring a disconnected patchwork of plats, a poor circulation of traffic, and an undesirable atmosphere. In order that new subdivisions will contribute toward an attractive, orderly, stable, and wholesome community environment, adequate services and efficient movement of traffic, all subdivisions hereafter platted within the jurisdiction of Faribault County shall, in all respects, fully comply with the regulations hereinafter set forth in this Ordinance. In their interpretation and application the provisions of this Ordinance shall be the minimum requirements adopted for the protection of the public health, safety, and general welfare.

III. RULES AND DEFINITIONS

A. Rules

1. All subdivisions as defined and under the jurisdiction of this Ordinance are subject to the provisions of this Ordinance and to the Minnesota Statutes which regulate subdivisions (Chapter 505).

B. Definitions

1. For the purpose of these regulations, the following terms, phrases, words, and their definitions shall have the meaning given in this section. When inconsistent with the context, words used in the present tense shall include the future tense; words in the singular number shall include the plural and words in the plural shall include the singular. The masculine gender includes the female and neuter genders.
 - a. Administrator: See Zoning Administrator.
 - b. Alley: A public right-of-way which affords a secondary means of access to abutting property.
 - c. Attorney: The Faribault County Attorney.
 - d. Block: An area of land within a subdivision that is entirely bounded by streets or a combination of streets, exterior boundary lines of the subdivision, and/or bodies of water.
 - e. Boulevard: That portion of a street right-of-way between the curb (or curb line) and the property line.
 - f. Building: Any structure having a roof which may provide shelter or enclosure of persons, animals, or chattel. When said structure is divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.
 - g. Building Setback Line: A line within a lot or other parcel of land parallel to a public road, street or highway right-of-way line defining that minimum distance between the building and property line within which buildings or structures may not be placed.

- h. Comprehensive Plan: Unless otherwise stated, it is the general plan for land use, transportation, and County facilities prepared by Nason, Wehrman, Knight, and Chapman in 1967.
- i. County Board: The Faribault County Board of Commissioners.
- j. County Surveyor: The surveyor duly appointed by the County Board to serve in the capacity of county surveyor as specified by State Statutes.
- k. Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.
- l. Engineer: The Faribault County Engineer.
- m. Final Plat: A drawing, in final form, showing a proposed subdivision containing all information and detail required by State Statute and by this Ordinance to be presented to the Planning Commission and County Board for approval, and which if approved, may be duly filed with the Faribault County Recorder.
- n. Licensed Engineer: A person licensed as a professional engineer by the State of Minnesota.
- o. Lot: A parcel, piece, or portion of land abutting a private or public street, designated by metes and bounds, registered land survey, auditor's plat, or other means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof.
- p. Lot, Corner: A lot situated at the junction of, and abutting on, two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

- q. Lot, Interior: A lot other than a corner lot, including through lots.
- r. Lot, Through: Any other lot than a corner lot which abuts more than one street.
- s. Lot Area: That area located within the lot lines and not including that portion of the platted lot which is presently being used as or dedicated for street or public right-of-way.
- t. Lot Depth: The shortest horizontal distance between the front line and the rear lot line measured at a 90 degree angle from the street right-of-way and within the lot boundaries.
- u. Lot Line: A lot line is the property line bounding a lot, except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line.
- v. Lot Line, Front: That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public street except that a corner lot in a non-residential area shall be deemed to have frontage on both streets.
- w. Lot line, Rear: That boundary of a lot which is opposite the front lot line. If the rear lot line is less than 10 feet in length or if the lot forms a point at the rear, the rear lot line shall be a line 10 feet in length within the lot, parallel to the front lot line.
- x. Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.

- y. Lot of Record: A platted lot, or metes and bounds parcel, which has been recorded in the office of the Faribault County Recorder prior to the adoption of this Ordinance.
- z. Lot Width: The shortest horizontal distance between the side lot lines of a lot, measured parallel to the front line of the lot at the setback line.
- aa. May: Means permissive.
- bb. Official Map: The map established by the County Board, in accordance with State Statutes, showing streets, highways, and parks and drainage, both existing and proposed.
- cc. Owner: Any individual, firm, association, syndicate, co-partnership, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.
- dd. Person: An individual; to include both male and female, and shall also extend and be applied to political and corporate bodies, and to partnerships and other unincorporated associations.
- ee. Planning Commission (or Commission): The duly appointed Planning Commission of the County Board, i.e. the Faribault County Planning Commission.
- ff. Preliminary Plat: A drawing clearly marked "preliminary plat" showing the salient features of a proposed subdivision as specified in Section VIII A.
- gg. Public Land: Land owned and/or operated by a governmental unit.

- hh. Publication: An official notice as prescribed by State Statutes.
- ii. Shall: Means mandatory.
- jj. Standards and Specifications for Improvements: The standards and specifications for construction of required improvements in new subdivisions.
- kk. Street: A public right-of-way which affords a primary means of access to abutting property.
- ll. Street, Collector: A street which serves, or is designed to serve, as a trafficway for a neighborhood or as a feeder to a major street.
- mm. Street, Dead End or Cul-de-Sac: A street with only one vehicular traffic outlet.
- nn. Street, Major or Thoroughfare: A street which serves, or is designed to serve, heavy flows of traffic, and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.
- oo. Street, Major Township: A street under township jurisdiction which is generally considered a section line or $\frac{1}{2}$ section line road.
- pp. Street, Local: A street intended to serve primarily as an access to abutting properties.
- qq. Street, Private: A street which is not dedicated to the community for public use.
- rr. Street, Service: A marginal access street which is generally parallel and adjacent to a major street.
- ss. Street, Half: A street designed to provide access to only one side of the right-of-way.

- tt. Street Pavement: The wearing surface of a street.
- uu. Street Width: The width of the right-of-way measured at right angles to the center line of the street.
- vv. Subdivider: Any person, firm, corporation, partnership, or association, who shall lay out any subdivision or part thereof as defined herein, either for himself or for others.
- ww. Subdivision: A described tract of land which is to be or has been divided into two or more lots or parcels or the division of a lot, tract or parcel of land into two (2) or more lots, tracts or parcels, none of which are greater than five (5) acres in area (exclusive of road right-of-way) or greater than 300 feet in width, for the purpose of transferring ownership or building development; or if a new street is involved, any division or development of a parcel of land. The term shall include resubdivision of lands provided, however, that the sale or exchange of small parcels of platted land to or between adjoining property owners shall not be considered as a subdivision, and provided the remaining acreage is not less than the minimum requirement of the appropriate zoning district. Existing farmsteads shall be exempt from platting requirements.
- xx. Surveyor: A person duly registered as a land surveyor by the State of Minnesota.
- yy. Used for: To include the phrases: "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- zz. Zoning Administrator: The duly appointed Faribault County Zoning Administrator.
- aaa. Zoning District: An area as prescribed by the Faribault County Zoning Ordinance.

IV. PLATTING PROCEDURES

A. Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures.

B. Preliminary Plat

1. Prior to subdividing or resubdividing land, the owner of the land shall file with the Zoning Administrator, at least two weeks prior to the next regularly scheduled Planning Commission meeting, 10 copies of the Preliminary Plat which has been prepared in accordance with the regulations set forth in Section VIII A of this Ordinance. At the time of submission of the Preliminary Plat, any required fees shall be paid by the subdivider.
2. The Zoning Administrator shall place the proposal on the agenda of the next meeting of the County Planning Commission.
3. Prior to the public hearing, the Zoning Administrator shall refer copies of the Preliminary Plat to the County Engineer, the County Recorder, appropriate utility companies, and other agencies as the County Board desires to have an opinion on the proposal.
4. A public hearing date shall be set to be held within 45 days of the filing date. The required legal publication shall be made and notices shall be sent to all property owners within one-half mile of the exterior boundary of the proposed plat in an unincorporated area, or 500 feet of the exterior boundary of the proposed plat in an incorporated area;

the affected township board of supervisors, and the municipal council of any municipality within two miles of the affected property.

5. The Planning Commission meeting may serve as the public hearing provided the legal requirements pertaining to same are met.
6. The subdivider or a duly authorized representative shall attend the Planning Commission meeting at which his proposal is scheduled for consideration.
7. The Planning Commission shall study the practicability of the Preliminary Plat taking into consideration the requirements of the county and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Comprehensive Plan, the Official Map and the Zoning Ordinance.
8. At the public hearing all persons interested in the proposed plat shall be heard and the Planning Commission shall within 15 days of the hearing, approve, modify and approve, or disapprove the Preliminary Plat, and submit to the County Board, the applicant and Zoning Administrator, their findings and recommendations.
9. The County Board shall act upon the Preliminary Plat and notify the Planning Commission, Zoning Administrator, and the applicant of their action.
10. Should the subdivider desire to amend the Preliminary Plat as approved, he shall resubmit the amended plat following the

original procedures set forth. The public hearing and fees shall be exempted unless the Planning Commission considers the scope of the revisions to constitute a new plat which will then require a new public hearing and fees.

C. Final Plat

1. The Final Plat shall be prepared by a surveyor and said plat shall conform to all State and County requirements.
2. The subdivider shall, within 6 months after the approval of the Preliminary Plat, file with the Planning Commission 10 copies of the Final Plat; the Preliminary Plat and Final Plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the Planning Commission and the County Board.
3. Any construction plans for required improvements may be ordered submitted to the County Engineer at the discretion of the County Board, for his estimate of construction costs. If so ordered, a copy of the estimated construction costs shall be submitted to the County Attorney for the preparation of the agreement required in Section IV G of this Ordinance.
4. At the discretion of the County Board, the certification of title or registered property report and abstract of title shall be referred to the County Attorney for examination and report, which shall be returned within 15 days.
5. The reports required in this section shall be forwarded to the Planning Commission for their consideration.

6. Prior to the final approval of the Final Plat the financial arrangements for required improvements (if so ordered) under Section IV D of this Ordinance shall be complied with.
7. Upon completion of the requirements above and notation to the effect upon the Final Plat, it shall be deemed to have final approval and shall be properly signed by the Chairman of the Planning Commission and the appropriate officials of the County as required by Minnesota Statutes and may be filed by the applicant in the Faribault County Recorder's Office. A Final Plat not so filed and recorded within 90 days of the date upon which such plat is approved or considered approved by reasons of the failure of the County Board to act, shall become null and void, unless the particular circumstances of said applicant warrant the County Board to grant an extension which shall not exceed 180 days.
8. The subdivider shall furnish the Zoning Administrator one copy of the recorded Final Plat showing evidence of the recording and also make payment for the costs, if any, accrued during the verification of the Final Plat materials.
9. No changes, erasures, modifications or revisions shall be made in any Final Plat after approval has been given by the County Board and endorsed in writing on the Plat, unless the said Plat is first resubmitted to the County Board and such body approves any modifications. In the event that any such Final Plat is recorded without complying with this requirement, the

same shall be considered null and void, and the County Board shall institute proceedings to have the Plat stricken from the records of the county.

D. Required Improvements

1. Prior to approval of the Final Plat, the subdivider shall agree in the manner set forth in this Section, to install or pay for the installation of improvements in conformity with construction plans approved by the County Engineer and in conformity with the requirements of this Ordinance.

E. Payment for Improvements

1. The required improvements which are listed and described in this Ordinance are to be furnished and installed at the sole expense of the subdivider and at no expense to the County, unless otherwise stated. In the case of an improvement, the cost of which would by general policy be assessed only in part to the improved property and the remaining cost paid out of the general tax levy, provision must be made for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the County, and provided further, that if any improvement installed within the subdivision will be of substantial benefit to lands beyond its boundaries, the County Board may make provision for causing a portion of the cost of the improvement, representing the benefit to such lands, to be assessed against the same and in such case the subdivider will be required only to pay for such portion of the whole cost of said improvement as will represent the benefit to the property within his subdivision.

F. Construction Plans

1. If so ordered, construction plans for the required improvements

conforming with adopted standards of this Ordinance shall be prepared at the subdivider's expense by a professional engineer. Such plans, together with the quantities of construction materials, shall be submitted to the County Engineer for his estimate of the total cost of the improvements. Upon approval, the plans shall be the basis for the cost portion of contract required by Section IV G of this Ordinance. The tracings of the plans approved by the County Engineer, plus two prints shall be submitted and placed on file with the County Engineer.

2. Plans for the installation of gas and electric facilities shall be submitted to the County Engineer and Zoning Administrator upon their submission and approval by the appropriate agencies. The appropriate agencies shall have approved the plans prior to the approval of the Final Plat. Financial arrangements for these facilities shall be between the subdivider and the appropriate utility agency.

G. Contract for Installation of Improvements

1. Prior to installation of any required improvements and prior to approval of the Final Plat at the discretion of the County Board, the subdivider shall enter into a contract in writing with the appropriate unit of government which shall require the subdivider to furnish and construct the improvements at his sole expense in accordance with plans, specifications and normal contract conditions approved by the County Board. The contract, if ordered, shall include provisions for supervision of construction details by the County Engineer and grant to the County Engineer authority to coordinate the work to be done under said contract by the subdivider and/or any sub-contractor

authorized to proceed thereunder and with any other work being done or contracted by the community in the vicinity. The agreement shall require the subdivider to make an escrow deposit or to furnish a performance bond as specified in this Ordinance.

H. Financial Guarantee

1. At the option of the County Board, the board may exercise one or more of the following financial guarantees to assure completion of minimum necessary required improvements.
 - a. Escrow Deposit: An amount equal to 125 percent of the County Engineer's cost estimate and the costs of inspection of the improvements to be furnished and/or installed by the subdivider per his contract shall be deposited with the County Treasurer by the subdivider. The county shall be entitled to reimbursement from said deposit for cost and expense incurred by the county for the inspection of the construction and for the completion of work not approved by the County Engineer and for any damages sustained by the breach of contract. Upon completion of the work and termination of any liability, the remaining balance of the escrow deposit shall be refunded to the subdivider.
 - b. Performance Bond: The subdivider may furnish a public contractor's performance bond as prescribed by Minnesota Statutes, with corporate surety in a penal sum equal to 125 percent of the County Engineer's cost estimate for the required improvements to be furnished and/or installed by the subdivider. The performance bond shall be approved by the County Attorney

prior to its acceptance. A certified check shall be submitted by the subdivider for the estimated inspection costs of the required improvements to be furnished and/or installed by the subdivider. Said check is to be submitted at the time of the submission of the performance bond.

I. Completed Improvements

1. Improvements within a subdivision which have been completed prior to the application for approval of the Final Plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements of this Ordinance, only if the County Engineer shall certify that he is satisfied that the existing improvements conform to the applicable standards.

J. Inspection of Improvements

1. At least 10 days prior to commencing construction of required improvements the subdivider shall notify the Zoning Administrator and the County Engineer in writing of the time when he proposes to commence construction of such improvements so that they may cause inspection to be made to assure that all specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required.

K. Modification of the Design of Improvements

1. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the County Engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements,

the County Engineer may, upon approval by a previously delegated member of the Planning Commission, authorize modifications provided these modifications are within the spirit and intent of the original approval and do not extend to the waiver or substantial alteration of the function of any improvements required.

The County Engineer shall issue any authorization under this Section in writing and shall transmit a copy of such authorization to the Planning Commission and the County Board.

L. Proper Installation of Improvements

1. If the County Engineer shall find, upon inspection of the improvements performed before the expiration date of any performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the County Board and Planning Commission. The Zoning Administrator then, shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the county's rights under the bond. No plat shall be approved by the Planning Commission as long as the subdivider is in default on a previous approved plat.

M. Public Acceptance of Recreation Areas

1. Where a park, playground, or other recreation area shall have been shown on a Final Plat, the Planning Commission may also require the filing of a written agreement between the applicant and the County Board covering the cost of grading, development, equipment and maintenance of any such recreation area.

N. Public Acceptance of Streets

1. The approval by the Planning Commission of a Final Plat shall not

be deemed to constitute or be evidence of any acceptance
by any municipality, town, county, or the state of any street,
easement, or other right-of-way shown on such Final Plat.

V. GENERAL REQUIREMENTS

A. Conformity to Official Map and Comprehensive Plan

All subdivisions shall conform to the adopted Official Map and be in harmony with the Comprehensive Plan.

B. Delayed Approval of Subdivisions:

Where a proposed park, playground, school site or other public site as shown in the Comprehensive Plan and/or Official Map is embraced in part or in whole by the boundaries of a proposed subdivision, such public land shall be reserved and no action shall be taken towards approval of a Preliminary Plat for a period not to exceed six (6) months to allow the opportunity to consider and take action towards acquisition of such land by the appropriate jurisdiction.

C. Conformity to Zoning Ordinance:

All subdivisions shall conform to the Faribault County Zoning Ordinance and the zoning map.

D. Character of the Land:

The land to be subdivided shall be of such character that it can be used safely for the building proposed without danger to health or peril from fire, flood or other menaces.

E. Established Monuments:

All international, federal, state, county and other official monuments, benchmarks, triangulation points, and stations shall be preserved in their precise locations; and it shall be the responsibility of the subdivider to insure that these markers are maintained in good condition during and following construction and development. All section, quarter section, and sixteenth section corner monuments shall be completely and adequately described on the final plat and new or updated corner ties shall be taken and furnished to the County Surveyor.

F. Preservation of Natural Features:

The Planning Commission may establish for preservation the natural features which add value to all developments, and to the community, such as trees, or groves, water courses and falls, beaches, historic spots, vistas and similar irreplaceable assets.

G. Erosion Prevention:

The subdivider shall be required to institute measures as determined and directed by the County Engineer to insure the prevention of wind and water erosion during and upon the completion of construction.

VI. MINIMUM SUBDIVISION DESIGN STANDARDS

All plats shall conform to the following standards:

A. Conformity with the County Plan

The proposed subdivision shall conform to the County Comprehensive Plan.

B. Street Plan

1. The arrangement, character, width, grade, and location of all streets shall conform to the Comprehensive Plan and to these regulations and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
2. Continuation of Existing Streets:
 - a. The arrangement of streets in new subdivisions shall make provision for the appropriate continuation of the existing streets in adjoining areas.
3. Future Projection of Streets:
 - a. Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets in a new subdivision shall make provisions for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the subdivision of appropriate locations.

C. Streets

1. Widths: All right-of-way widths (street widths) and road widths (pavement widths) shall conform to the following minimum dimensions: (street classification, R-O-W width, road width)
Major or Thoroughfare Street and Collector Street, 100 feet, 32 feet; Major Township and Local Streets, 66 feet, 26 feet;

Service Streets, 50 feet, 20 feet; Cul-de-Sacs, 75 foot radius, 60 foot radius.

2. Deflections: When the center line of connecting streets or the center line of a single street deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius of not less than 275 feet.
3. Grades: All center line gradients shall be at least 0.4 percent and shall not exceed the following: (Street classification, gradient percent) Major or Thoroughfare Streets, Collector Streets, and Major Township Streets, 5 percent; Local and Service Streets, Half Streets and Cul-de-Sacs, 8 percent.
4. Street Jogs: Street Jogs shall have a center line off-set of 150 feet or more when applied to local or service streets, in all other cases they shall be avoided.
5. Minor Streets: Local and service streets (minor streets) shall be so aligned that their use by through traffic will be discouraged.
6. Cul-de-Sacs: Maximum length of cul-de-sac streets shall be 500 feet measured along the center line from the intersection of origin to the end of right-of-way.
7. Service Streets: Where a subdivision abuts or contains an existing or planned major thoroughfare or a railroad right-of-way, the County Board may require a street approximately parallel to and on each side of such right-of-way for adequate protection of residential properties and to afford separation of through and local traffic. Such service streets shall be located at a distance from the major thoroughfare or railroad right-of-way suitable for the appropriate use of intervening land, as for park purposes in residential districts, or for commercial purposes

in the appropriate district. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

8. Half Streets: Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and except where the County Board finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever there is a half street adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract prior to the granting of access.
9. Reserve Strips: Reserve strips controlling access to streets shall be prohibited, except under conditions approved by the County Board.
10. Private Streets: Private streets shall not be approved, nor shall public improvements be approved for any private street, except in relation to integrated districts.
11. Hardship to Owners of Adjoining Property Avoided: The street arrangements shall be such so as not to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

D. Intersections:

1. Angle of Intersection: The angle formed by the intersection of streets shall not be less than 80 degrees, with 90 degree intersections preferred.
2. Size of Intersections: Intersections of more than four corners shall be prohibited.

3. Corner Radii: Roadways of street intersections shall be rounded by a radius of not less than 15 feet. Corners at the entrances to the turn around portions of cul-de-sacs shall be rounded by a radius of not less than 15 feet.

E. Trees

1. Trees shall not be planted within the right-of-way, and should preferably be placed three to six feet inside the property line.

F. Street Names

1. Proposed streets obviously in alignment with existing and named streets shall bear the names of such existing streets. In no case shall the name of the proposed street duplicate existing street names including phonetical similarities.

G. Lots

1. Layout: Where possible, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Lots with frontage on two parallel local residential streets shall be avoided.
2. Size and Dimension: Minimum lot areas and lateral dimensions shall be as set forth in the Faribault County Zoning Ordinance.
3. Corner Lots: Corner lots shall be platted at least 10 percent wider than the minimum lot width required.
4. Lot Remnants: Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel unless the owner can show plans for the future use of such remnant.
5. Water Courses: Lots abutting upon a water course, drainage way, channel, or stream shall have an additional depth or width, as

required to assure house sites that are not subject to flooding. In addition, all lakeshore and stream regulations shall be strictly adhered to.

VII. PARKS, OPEN SPACE, AND NATURAL FEATURES

A. Existing or Proposed Areas

1. Where a proposed park, playground or open space shown on the Comprehensive Plan is located in whole or in part in a subdivision, the Planning Commission may require that such area or areas be shown on plats in accordance with the requirements specified in this section. Such area or areas shall be dedicated to the township or county by the subdivider if the governing body approves such dedication.

B. Proposed Subdivision Areas

1. The Planning Commission may require that plats show sites of a character, extent and location suitable for the development of a park, playground, or other recreation purposes. The Planning Commission may require that the developer satisfactorily grade any such recreation areas shown on the plat.
2. In all new subdivisions, the county may require 10% of the gross area of the subdivision to be dedicated for public recreation space, school sites or other public use with such percentage being in addition to property dedicated for streets, alleys, easements, or other public ways. When a subdivision is too small for the practical dedication of public land or if no land in the subdivision is suitable for such use, the subdivider may be required to pay a fee equal to 10% of the gross land value of the subdivision. This payment-in-lieu of the park dedication shall be made to the County Park Fund and used in a manner as seen fit by the County Board.
3. If a new subdivision is designed to be platted in several additions, all public recreation space, school sites or other

public use lands in the total subdivision except streets, alleys,
or easements other than those leading directly to such sites
shall be dedicated at the time of platting of the first addition.

VIII. DOCUMENTS TO BE FILED

A. Preliminary Plat

Shall contain the following items:

1. Scale: No less than one inch equals 100 feet.
2. Identification and Description:
 - a. Proposed name of subdivision
 - b. Location by section, township, range or by other legal description.
 - c. Names and addresses of the owner, subdivider, surveyor, and designer of the plan.
 - d. Graphic scale
 - e. North point
 - f. Date of preparation
 - g. General location map
3. Existing conditions in tract and in surrounding area to a distance of 300 feet.
 - a. Boundary line of proposed subdivision, clearly indicated.
 - b. Total approximate acreage.
 - c. Platted streets, railroad right-of-way and utility easements.
 - d. Boundary lines and ownership of adjoining unsubdivided land.
 - e. Sewers, water mains, culverts, or other underground facilities.
 - f. Existing permanent buildings and structures
 - g. Topography, showing water courses, lakes, marsh areas, and contours at vertical intervals of no more than ten feet for extremely flat areas. (Topographic mapping scale

for areas of pronounced relief or for problem areas to be at the discretion of the County Board or the Planning Commission).

h. Other information, water supply, sewage disposal, drainage, flood control and soil tests, if requested by the Planning Commission or County Board to aid in its review.

4. Plan of the Entire Area

a. Where a tract of land is proposed for subdivision that is a part of a larger logical subdivision unit, the Planning Commission or County Board may order to be prepared a "Plan of the Entire Area", such plan to be used by the Planning Commission and the County Board to aid in judging the proposed plat.

Final Plat - Shall Contain the Following Items:

1. Scale: No less than one inch equals 100 feet.
2. Identification: Same as for Preliminary Plat
3. Boundaries of the property; lines of all proposed streets and alleys, with their width, and any other areas intended for public use.
4. Lines of adjoining streets and alleys, with their width and names.
5. All lot lines and easements, with figures showing their dimensions.
6. An identification system for all lots and blocks.
7. Data required under regulation by the Faribault County Surveyor, i.e. accurate angular and linear dimensions for all lines, lot areas, angles and curvatures used to describe boundaries, streets, easements, and other important features.

8. Plans for water supply, sewage disposal, drainage, and flood control.**
9. Soil borings.**
10. Certification by a registered land surveyor to the effect that the Plat represents a survey made by him and that monuments and markers thereon exist as located and that all dimensional and geodetic details are correct.
11. Notarized certification by Owner, and by any mortgage holder of record, of the adoption of the Plat and the dedication of streets and other public areas.
12. Certification showing that all taxes currently due on the property to be subdivided have been paid in full.
13. Examples of signature block:

a. Form for approval by the Planning Commission:

This _____ day of _____, 19_____.

Signed _____
Chairman

Signed _____
Secretary

b. Form for approval by the County Board:

Board of Commissioners of Faribault County, Minnesota

This _____ day of _____, 19_____.

Signed _____
Chairman

Signed _____
Secretary

c. Form for acceptance by owner(s):

This _____ day of _____, 19_____.

Signed _____, owner (co-owner)

_____, (co-owner)

**Provide as attachments to the Final Plat, if required by County Board or Planning Commission

d. Form for acceptance by mortgage holder(s):

This _____ day of _____, 19 ____.

Signed _____
Mortgage Holder

e. Form for acceptance by registered land surveyor:

This _____ day of _____, 19 ____.

Signed _____
Registered Land Surveyor

f. Form for acceptance by County Recorder:

This _____ day of _____, 19 ____.

Signed _____
County Recorder

14. Supplemental Document Required (At the discretion of the County Board or Planning Commission.)

1. An attorney's opinion of title showing title or control of the property to be subdivided.

IX. ADMINISTRATION AND ENFORCEMENT

A. Responsible Official(s):

1. It shall be the duty of the Faribault County Board of Commissioners to see that the provisions of this Ordinance are properly enforced.

B. Jurisdiction:

1. The regulations herein governing plats and the subdivision of land shall apply to all the areas of the County lying outside the incorporated limits of municipalities.

C. Building Permits and Public Improvements:

1. No building permit shall be issued by any governing official for the construction of any building, structure, or improvement on any land henceforth subdivided until all requirements of this Ordinance have been fully complied with. No public improvements are to be installed and service shall not be provided until approval of the final plat is granted and same has been duly recorded.

D. Appeals:

1. Any person or persons, corporation, or public officer, aggrieved by any order, requirement, decision or determination made by the Faribault County Board of Commissioners pursuant to the provisions of this Ordinance may appeal such grievance to the Faribault County Board of Adjustments by filing with the Board of Adjustments a notice of appeal specifying the grounds therefore. Such notice shall be filed within ten days after any such decision. The decision of the Faribault County Board of Adjustment shall be subject to appeal to the District Court in Faribault County as provided by law. The Faribault County Board of Adjustment

shall consist of from 3 to 7 persons, at least one of whom must be from an unincorporated area of the County. The Board of Adjustment shall function in compliance with State Law.

E. Amendments

1. This Ordinance may be amended whenever the public necessity and convenience, and the general welfare require such amendment.

F. Violation, a Misdemeanor:

1. Any violation of this Ordinance shall constitute a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$300 or both. Time is not an essential characteristic of any offense under this Ordinance, and each act performed without complying with all restrictions and requirements of this Ordinance shall constitute a separate offense.

X. MISCELLANEOUS

A. Variances:

1. Where the County Board and the Planning Commission find that extraordinary and unnecessary hardship may result from strict compliance with this Ordinance, it may vary the regulations so that the general intent may be preserved and the public interest protected; provided that such variations will not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Official Map, or the Zoning Ordinance.
2. Where the County Board and the Planning Commission find that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety, and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions.
3. Application for a variance shall be made in writing by the subdivider when the Preliminary Plat is filed for consideration by the Planning Commission, and shall state all fact relied upon by the applicant and be supplemented with maps, plans, and additional data. The plans for variances shall include such covenants and other provisions necessary to guarantee the full achievement of the plan.
4. In the granting of variances from this Ordinance, the County Board and Planning Commission shall require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements so varied.

5. Any variance granted shall be made by resolution and entered into the minutes setting forth the reasons which justified the resolution.

B. Fees:

1. Fees for subdividing may be established by the County Board. The County Board may review and revise the fee schedule periodically. The required fee shall be paid by the subdivider to the Zoning Administrator at the time of submission of the materials required by this Ordinance. Fees permitted by State Statute for filing of plats with the County Recorder are excluded from the provisions of this section.

C. Validity:

1. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

D. Effective Date:

1. This Ordinance shall become effective immediately upon its passage and publication.

Adopted this _____ day of _____, 19____.

Chairman of the Faribault County Board of
Commissioners

Attest:

Faribault County Auditor

BOLTON & MENK, INC.
Consulting Engineers & Surveyors

Airport Safety Zoning Ordinance for Blue Earth Municipal Airport



Adoption Date – March 10th, 2011

Approved by the Joint Airport Zoning Board

This ordinance amends and replaces Blue Earth Municipal Airport Zoning Ordinance adopted July 1977.

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1 **TITLE AND INTRODUCTION**

2
3 BLUE EARTH MUNICIPAL AIRPORT ZONING ORDINANCE
4 BLUE EARTH MUNICIPAL JOINT AIRPORT ZONING BOARD

5
6 AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND
7 OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY,
8 IN THE VICINITY OF THE BLUE EARTH MUNICIPAL AIRPORT BY CREATING THE
9 APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR
10 CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING
11 CERTAIN TERMS USED HEREIN; REFERRING TO THE BLUE EARTH MUNICIPAL AIRPORT
12 ZONING EXHIBITS WHICH ARE INCORPORATED IN AND MADE A PART OF THIS
13 ORDINANCE; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF
14 ADJUSTMENT; AND IMPOSING PENALTIES.

15
16 IT IS HEREBY ORDAINED BY THE BLUE EARTH MUNICIPAL AIRPORT JOINT AIRPORT
17 ZONING BOARD PURSUANT TO THE AUTHORITY CONFERRED BY MINNESOTA STATUTES
18 SECTION 360.061 THROUGH 360.074, AS FOLLOWS:
19

20 **SECTION I: PURPOSE AND AUTHORITY**

21 The Blue Earth Municipal Airport Joint Airport Zoning Board, created and established by joint action of
22 the City Council of the City of Blue Earth, the Board of Commissioners of Faribault County, and the
23 Town Board of Blue Earth Township pursuant to the provisions and authority of Minnesota Statutes
24 Section 360.063, hereby finds and declares that:

- 25 A. An airport hazard endangers the lives and property of users of the Blue Earth Municipal Airport, and
26 property or occupants of land in its vicinity; and also if of the obstructive type, in effect reduces the
27 size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy
28 or impair the utility of said Airport and the public investment therein.
- 29 B. The creation or establishment of an airport hazard is a public nuisance and an injury to the region
30 served by the Blue Earth Municipal Airport.
- 31 C. For the protection of the public health, safety, order, convenience, prosperity, and general welfare,
32 and for the promotion of the most appropriate use of land, it is necessary to prevent the creation or
33 establishment of airport hazards.
- 34 D. The prevention of these airport hazards should be accomplished, to the extent legally possible, by the
35 exercise of the police power without compensation.
- 36 E. The prevention of the creation or establishment of airport hazards, and the elimination, removal,
37 alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for
38 which political subdivisions may raise and expend public funds.
- 39 F. The Blue Earth Municipal Airport is an essential public facility that serves an important public
40 transportation role and provides a public good.
- 41 J. This Ordinance amends and replaces the Blue Earth Municipal Airport Zoning Ordinance adopted
42 July 1977.

43

44 **SECTION II: SHORT TITLE**

45 This Ordinance shall be known as the “Blue Earth Municipal Airport Zoning Ordinance.” Those sections
46 of land affected by this Ordinance are indicated in Exhibit “A”, which is attached to this Ordinance.

47 **SECTION III: DEFINITIONS**

48 As used in this Ordinance, unless the context otherwise requires:

49 “*AIRPORT*” means the Blue Earth Municipal Airport located in Sections 32, Township 102 North, Range
50 27 West.

51 “*AIRPORT ELEVATION*” means the established elevation of the highest point on the usable landing area
52 which elevation is established to be 1,108 feet above mean sea level.

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

56 “*COMMISSIONER*” means the Commissioner of the Minnesota Department of Transportation.

57 “*CONFORMING USE*” means any structure, tree, or object of natural growth, or use of land that
58 complies with all the applicable provisions of this Ordinance or any amendment to this ordinance.

59 “*DWELLING*” means any building or portion thereof designed or used as a residence or sleeping place of
60 one or more persons.

61 “*ESTABLISHED RESIDENTIAL NEIGHBORHOOD IN A BUILT UP URBAN AREA*” (ERN - BUUA)
62 means an area which, if it existed on or before January 1, 1978 shall be considered a conforming
63 use that shall not be prohibited.

64 “*HEIGHT*,” for the purpose of determining the height limits in all zones set forth in this Ordinance and
65 shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

66 “*LANDING AREA*” means the area of the airport used for the landing, taking off, or taxiing of aircraft.

67 “*LOW DENSITY RESIDENTIAL STRUCTURE*” means a single-family or two-family home.

68 “*LOW DENSITY RESIDENTIAL LOT*” means a single lot located in an area which is zoned for single-
69 family or two-family residences and in which the predominant land use is such type of residences.

70 “*NONCONFORMING USE*” means any pre-existing structure, tree, natural growth, or land use which is
71 inconsistent with the provisions of this Ordinance or an amendment hereto.

72 “*NONPRECISION INSTRUMENT RUNWAY*” means a runway having an existing or planned straight-in
73 instrument approach procedure utilizing air navigation facilities with only horizontal guidance, and for
74 which no precision approach facilities are planned or indicated on an approved planning document.

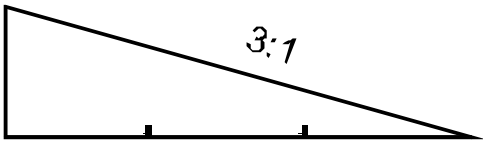
75 “*OTHER THAN UTILITY RUNWAY*” means a runway that is constructed for and intended to be used by
76 jet aircraft or aircraft of more than 12,500 pounds maximum gross weight; or is 4,900 feet or more in
77 length.

78 “*PERSON*” means an individual, firm, partnership, corporation, company, association, joint stock
79 association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian,
80 or other representative.

81 “*PLANNED*,” as used in this Ordinance, refers only to those proposed future airport developments that
82 are so indicated on a planning document having the approval of the Federal Aviation Administration,
83 Minnesota Department of Transportation Office of Aeronautics and the City of Blue Earth.

84 *RUNWAY*” means any existing or planned paved surface or turf covered area of the airport which is
85 specifically designated and used or planned to be used for the landing and/or taking off of aircraft.

86 *SLOPE*” means an incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to
87 vertical magnitude.



88
89 Slope = 3:1 = 3 feet horizontal to 1 foot vertical

90 “*STRUCTURE*” means an object constructed or installed by man, including, but without limitations,
91 buildings, towers, smokestacks, earth formations, and overhead transmission lines.

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

97 “*TREE*” means any object of natural growth.

98 “*UTILITY RUNWAY*” means a runway that is constructed for, and intended to be used by propeller-driven
99 aircraft of 12,500 pounds maximum gross weight and less; and is less than 4,900 feet in length.

100 “*VISUAL RUNWAY*” means a runway intended solely for the operation of aircraft using visual approach
101 procedures, with no straight-in instrument approach procedure and no instrument designation indicated on
102 an approved planning document.

103 “*WATER SURFACES*” for the purpose of this ordinance, shall have the same meaning as land for the
104 establishment of protected zones.

105

106 **SECTION IV: AIRSPACE OBSTRUCTION ZONING**

107 A. AIRSPACE ZONES: In order to carry out the purpose of this Ordinance, as set forth above, the
108 following airspace zones are hereby established: Primary Zone, Horizontal Zone, Conical Zone,
109 Approach Zone, Precision Instrument Approach Zone, and Transitional Zone, and whose locations
110 and dimensions are as follows:

111

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

- 114 a. Extending 200 feet beyond each end of Bituminous Runway 16-34 at 4,600’.
- 115 b. Coinciding with the end of Turf Runway 3-21 at 2,790’

116

117 The elevation of any point on the primary surface is the same as the elevation of the nearest point
118 on the runway centerline.

119 The width of the primary surface is:

- 120 a. 500 feet for Runway 16-34.
- 121 b. 250 feet for Runway 3-21.

122

123 2. HORIZONTAL ZONE: All that land which lies directly under an imaginary horizontal surface
124 150 feet above the established airport elevation, or a height of 1,258 feet above mean sea level,
125 the perimeter of which is constructed by swinging arcs of specified radii from the center of each
126 end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to
127 those arcs. The radius of the horizontal surface arc is 10,000 feet for Runway 16-34 which
128 encompasses the arc of the crosswind runway.

129

130 3. CONICAL ZONE: All that land which lies directly under an imaginary conical surface extending
131 upward and outward from the periphery of the horizontal surface at a slope of 20:1 for a
132 horizontal distance of 4,000 feet as measured outward from the periphery of the horizontal
133 surface.

134

135 4. APPROACH ZONE: All that land which lies directly under an imaginary approach surface
136 longitudinally centered on the extended centerline at each end of a runway. The inner edge of the
137 approach surface is at the same width and elevation as, and coincides with, the end of the primary
138 surface. The approach surface inclines upward and outward at a slope of

139 a. 40:1 for Runway 16-34 at the 4,600 foot alignment expanding uniformly to a width
140 of 3,500 feet at a distance of 10,000 feet, then continuing at the same rate of
141 divergence to the periphery of the conical surface.

142 b. 20:1 for Turf Runway 3-21 at the 2,790 foot alignment expanding uniformly to a
143 width of 1,250 feet at a distance of 5,000 feet, then continues at the same rate of
144 divergence to the periphery of the conical surface.

145

146 5. TRANSITIONAL ZONE: All that land which lies directly under an imaginary surface extending
147 upward and outward at right angles to the runway centerline and centerline extended at a slope of

148 7:1 from the sides of the primary surfaces and from the sides of the approach surfaces until they
149 intersect the horizontal surface or the conical surface.

150
151 B. HEIGHT RESTRICTIONS: Except as otherwise provided in this Ordinance, and except as necessary
152 and incidental to airport operations, no structure or tree shall be constructed, altered, maintained, or
153 allowed to grow in any airspace zone created in SECTION IV A so as to project above any of the
154 imaginary airspace surfaces described in said SECTION IV A hereof. Where an area is covered by
155 more than one height limitation, the more restrictive limitation shall prevail.

156
157 C. BOUNDARY LIMITATIONS: The airspace obstruction height zoning restrictions set forth in this
158 section shall apply for a distance not to exceed one and one half miles beyond the perimeter of the
159 airport boundary and in that portion of an airport hazard area under the approach zone for a distance
160 not exceeding two miles from the airport boundary.

161

162 SECTION V: LAND USE SAFETY ZONING

163 A. SAFETY ZONE BOUNDARIES: In order to carry out the purpose of this Ordinance, as set forth
164 above, to restrict those uses which may be hazardous to the operational safety of aircraft operating
165 to and from the Blue Earth Municipal Airport, and, furthermore, to limit population and building
166 density in the runway approach areas, thereby creating sufficient open space to protect life and
167 property in case of an accident, there are hereby created and established the following land use
168 safety zones:

169

170 1. SAFETY ZONE A: All land in that portion of the approach zones of a runway, as defined in
171 SECTION IV A hereof, which extends outward from the end of the primary surface a distance
172 equal to two-thirds of the existing or planned length of the runway, which distance shall be:

- 173 a. 2,267 feet for the 3,400 foot alignment of Runway 16-34.
- 174 b. 3,067 feet for the 4,600 foot alignment of Runway 16-34.
- 175 c. 1,527 feet for the 2,290 foot alignment of turf Runway 3-21.
- 176 d. 1,860 feet for the 2,790 foot alignment of turf Runway 3-21.

177

178 2. SAFETY ZONE B: All land in that portion of the approach zones of a runway, as defined in
179 SECTION IV A hereof, which extends outward from Safety Zone A a distance equal to one-
180 third of the planned length of the runway, which distance shall be:

- 181 a. 1,133 feet for the 3,400 foot alignment of Runway 16-34.
- 182 b. 1,533 feet for the 4,600 foot alignment of Runway 16-34.
- 183 c. 763 feet for the 2,290 foot alignment of Runway 3-21.

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d. 930 feet for the 2,790 foot alignment of Runway 3-21.

3. SAFETY ZONE C: All land which is enclosed within the perimeter of the horizontal zone, as defined in SUBSECTION IV A hereof, and which is not included in Safety Zone A or Safety Zone B.

4. EXCEPTIONS - ESTABLISHED RESIDENTIAL NEIGHBORHOODS:

There are no areas designated as Established Residential Neighborhoods in Built up Urban Areas based upon the status of development existing on January 1, 1978.

B. USE RESTRICTIONS:

1. GENERAL: Subject at all times to the height restrictions set forth in SECTION IV B, no use shall be made of any land in any of the safety zones defined in SECTION V 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.

2. ZONE A: Subject at all times to the height restrictions set forth in Subsection IV B and to the general restrictions contained in Subsection V B 1, 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, light outdoor recreation (non-spectator), cemeteries, and automobile parking.

3. ZONE B: Subject at all times to the height restrictions set forth in Subsection IV B, and to the general restrictions contained in Subsection V B 1, 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.

220 d. A building plot shall be a single, uniform, and non-contrived area, whose shape is
 221 uncomplicated and whose area shall not exceed the following minimum ratios with
 222 respect to the total site area:
 223

Site Area		Ratio of Building Site Area to Bldg. Plot Area	Max. Site Plot Area (sq. ft.)	Population (15 persons/acre)
At least (acres)	But Less Than (acres)			
3	4	12:1	10,900	45
4	6	10:1	17,400	60
6	10	8:1	32,600	90
10	20	6:1	72,500	150
20	and up	4:1	218,000	300

224
 225 e. The following uses are specifically prohibited in Zone B: churches, hospitals, schools,
 226 theaters, stadiums, hotels, motels, trailer courts, campgrounds, and other places of frequent
 227 public or semi-public assembly.
 228

229 4. ZONE C: Zone C is subject only to height restrictions set forth in SECTION IV B, and to the
 230 general restrictions contained in SECTION V B 1.
 231

232 5. EXEMPTIONS – ESTABLISHED RESIDENTIAL NEIGHBORHOODS
 233 There are no areas designated as Established Residential Neighborhoods in Built up Urban
 234 Areas based upon the status of development existing on January 1, 1978.
 235

236 C. BOUNDARY LIMITATIONS: The land use zoning restrictions set forth in this section shall apply
 237 for a distance not to exceed one mile beyond the perimeter of the airport boundary and in that
 238 portion of an airport hazard area under the approach zone for a distance not exceeding two miles
 239 from the airport boundary.
 240

241 D. BOUNDARY ASSURANCES: A certified survey prepared by a licensed land surveyor shall be
 242 required to be submitted with a building permit application for properties that are entirely or
 243 partially contained within Land Use Safety Zones A and B, unless the Zoning Administrator
 244 determines the proposed building site is clearly outside said Safety Zones. For any location within
 245 the airspace jurisdiction of this ordinance, the Zoning Administrator may require a survey that

246 shows the elevation of a proposed structure will conform to the airspace requirements of this
247 ordinance.

248

249 **SECTION VI: AIRPORT MAP**

250 The several zones herein established are shown in Exhibit 1 – Land Use Safety Zones Map and Exhibit 2
251 – Airspace Map Full View & 2.1 – Airspace Map Close View and have been prepared by Bolton &
252 Menk, Inc., and dated January 7th, 2011, said exhibits are attached hereto and made a part hereof, which,
253 together with such amendments thereto as may from time to time be made, and all notations, references,
254 elevations, data, zone boundaries, and other information thereon, shall be and the same is hereby adopted
255 as part of this Ordinance. Refer to the local land use authority for underlying land use and zoning
256 designations, as well as Section XVI for guidance on conflicts between regulations.

257

258 **SECTION VII: NONCONFORMING USES**

259 Regulations not retroactive. The regulations prescribed by this Ordinance shall not be construed to
260 require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the
261 regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of any
262 nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or
263 intended use of any structure, the construction or alteration of which was begun prior to the effective date
264 of this Ordinance, and is diligently prosecuted and completed within two years thereof.

265

266 **SECTION VIII: PERMITS**

267 A. FUTURE USES: Except as specifically provided in Paragraphs 1 and 2 hereunder, no material
268 change shall be made in the use of land and no structure shall be erected, altered, or otherwise
269 established in any zone hereby created unless a permit therefore shall have been applied for and
270 granted by the Zoning Administrator, hereinafter, provided for. Each application for a permit shall
271 indicate the purpose for which the permit is desired, with sufficient particularity to permit it to
272 conform to the regulations herein prescribed. If such determination is in the affirmative, the permit
273 shall be granted.

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

279 2. Nothing contained in this foregoing exception shall be construed as permitting or intending to
280 permit any construction, alteration, or growth of any structure or tree in excess of any of the

281 height limitations established by this ordinance as set forth in SECTION IV and the land use
282 limitations set forth in SECTION V.

283

284 B. EXISTING USES: Before any existing use or structure may be replaced, substantially altered or
285 repaired, or rebuilt within any zone established herein, a permit must be secured authorizing such
286 replacement, change, or repair. No permit shall be granted that would allow the establishment or
287 creation of an airport hazard or permit a nonconforming use, structure, or tree to become a greater
288 hazard to air navigation than it was on the effective date of this Ordinance or any amendments
289 thereto, or than it is when the application for a permit is made. Except as indicated, all applications
290 for such a permit shall be granted.

291

292 C. NONCONFORMING USES ABANDONED OR DESTROYED: Whenever the Zoning
293 Administrator determines that a nonconforming structure or tree has been abandoned or more than
294 80% torn down, deteriorated, or decayed, no permit shall be granted that would allow such structure
295 or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
296 Whether application is made for a permit under this paragraph or not, the Zoning Administrator
297 may order the owner of the abandoned or partially destroyed nonconforming structure, at his own
298 expense, to lower, remove, reconstruct, or equip the same in the manner necessary to conform to
299 the provisions of this Ordinance. In the event the owner of the nonconforming structure shall
300 neglect or refuse to comply with such order for ten days after receipt of written notice of such order,
301 the Zoning Administrator may, by appropriate legal action, proceed to have the abandoned or
302 partially destroyed nonconforming structure lowered, removed, reconstructed, or equipped and
303 assess the cost and expense thereof against the land on which the structure is or was located.
304 Unless such an assessment is paid within ninety days from the service of notice thereof on the
305 owner of the land, the sum shall bear interest at the rate of eight percent per annum from the date
306 the cost and expense is incurred until paid, and shall be collected in the same manner as are general
307 taxes.

308

309 **SECTION IX: VARIANCES**

310 Any person desiring to erect or increase the height of any structure, permit the growth of any tree, or use
311 his property not in accordance with the regulations prescribed in this Ordinance may apply to the Board
312 of Adjustment, hereinafter provided for, for a variance from such regulations. If a person submits an
313 application for a variance by certified mail to the members of the Board and the Board fails to grant or
314 deny the variance within four months after the last member receives the application, the variance shall be
315 deemed to be granted by the Board. When the variance is granted by reason of the failure of the Board to

316 act on the variance, the person receiving the variance shall notify the Board and the Commissioner, by
317 certified mail, that the variance has been granted. The applicant shall include a copy of the original
318 application for the variance with this notice to the Commissioner. The variance shall be effective sixty
319 days after this notice is received by the Commissioner subject to any action taken by the Commissioner
320 pursuant to Minnesota Statutes Section 360.063, Subdivision 6a. Such variances shall be allowed where
321 it is duly found that a literal application or enforcement of the regulations would result in practical
322 difficulty or unnecessary hardship, and relief granted would not be contrary to the public interest but do
323 substantial justice and be in accordance with the spirit of this Ordinance provided any variance so allowed
324 may be subject to any reasonable conditions that the Board or Commissioner may deem necessary to
325 effectuate the purpose of this Ordinance.

326
327 The respective Zoning Administrator shall forward the request to the Minnesota Department of
328 Transportation Office of Aeronautics for review and comment prior to consideration of the request by the
329 Board of Adjustment. If the request is located within Faribault County's jurisdiction, the request shall also
330 be sent to the City of Blue Earth's Zoning Administrator.

331

332 **SECTION X: HAZARD MARKING AND LIGHTING**

333 A. NONCONFORMING USES: The owner of any nonconforming structure or tree is hereby required
334 to permit the installation, operation, and maintenance thereon of such markers and lights as shall be
335 deemed necessary by the Zoning Administrator, to indicate to the operators of aircraft in the
336 vicinity of the airport the presence of such airport hazards. Such markers and lights shall be
337 installed, operated, and maintained at the expense of the City of Blue Earth.

338

339 B. PERMITS AND VARIANCES: Any permit or variance deemed advisable to effectuate the
340 purpose of this Ordinance and be reasonable in the circumstances, and granted by the Zoning
341 Administrator or Board, shall require the owner of the structure or tree in question, at his own
342 expense, to install, operate, and maintain thereon such markers and lights as may be necessary to
343 indicate to pilots the presence of an airport hazard.

344

345 **SECTION XI: AIRPORT ZONING ADMINISTRATOR**

346 It shall be the duty of the City of Blue Earth and Faribault County Zoning Administrators to administer
347 and enforce the regulations prescribed herein, based on the area they have land use authority.

348 Applications for permits and variances shall be made to the appropriate jurisdiction's Zoning
349 Administrator upon a form furnished by them. Permit applications shall be promptly considered and
350 granted or denied by them in accordance with the regulations prescribed herein. Variance applications

351 shall be forthwith transmitted by the appropriate jurisdiction's Zoning Administrator to the Board of
352 Adjustment for action as hereinafter provided for.

353

354 **SECTION XII: BOARD OF ADJUSTMENT**

355 A. ESTABLISHMENT: The Board of Adjustment for the Blue Earth Municipal Zoning Ordinance
356 shall exclude elected officials and be defined as follows:

357 1. City of Blue Earth Planning Commission for requests in the corporate City limits or within the
358 boundary of an orderly annexation agreement area.

359 2. Faribault County Board of Adjustments for requests in the unincorporated area.

360

361 B. POWERS: The Board of Adjustment shall have and exercise the following powers:

362 1. Hear and decide appeals from any order, requirement, decision, or determination made by the
363 administrator in the enforcement of this Ordinance.

364 2. Hear and decide special exceptions to the terms of this Ordinance upon which such Board of
365 Adjustment under such regulations may be required to pass.

366 3. Hear and decide specific variances.

367

368 C. PROCEDURES:

369 1. A request for a variance or an appeal to the Zoning Administrator's ruling shall be filed with
370 the Zoning Administrator. The Zoning Administrator shall forward the request to the
371 Minnesota Department of Transportation Office of Aeronautics for review and comment prior
372 to consideration of the request by the Board of Adjustment. The Faribault County Zoning
373 Administrator shall also forward the request to the Blue Earth Zoning Administrator for review
374 and comment prior to consideration of the request by the Board of Adjustment.

375 2. Rules governing the Board of Adjustment shall be consistent with those established by the body
376 serving as the Board of Adjustment and the provisions of this Ordinance. Meetings of the
377 Board of Adjustment shall be held at the call of the Zoning Administrator or chairperson and at
378 such other times as the Board of Adjustment may determine as necessary. The chairperson, or
379 in his absence the acting chairperson, may administer oaths and compel the attendance of
380 witnesses. All hearings of the Board of Adjustment shall be public. The Board of Adjustment
381 shall keep minutes of its proceedings showing the vote of each member upon each question or,
382 if absent or failing to vote, indicating such fact, and shall keep records of its examinations and
383 other official actions, all of which shall immediately be filed in the office of the respective
384 Zoning Administrator, City Zoning Administrator (if variance or appeal is within the
385 unincorporated area), and County Recorder's Office and shall be a public record.

- 386 3. The Board of Adjustment shall make written findings of facts and conclusions of law giving the
387 facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or
388 modifying any order, requirement, decision, or determination which comes before it under the
389 provisions of this ordinance.
- 390 4. The concurring vote of a majority of the members of the Board of Adjustment shall be
391 sufficient to reverse any order, requirement, decision, or determination of the Zoning
392 Administrator or to decide in favor of the applicant on any matter upon which it is required to
393 pass under this Ordinance, or to effect any variation in this Ordinance.
- 394

395 **SECTION XIII: APPEALS**

- 396 A. Any person aggrieved, or any taxpayer affected by any decision of the Zoning Administrator made
397 in his administration of this Ordinance may appeal to the Board of Adjustment. Such appeals may
398 also be made by any governing body of a municipality, county, or airport zoning board, which is of
399 the opinion that a decision of the Zoning Administrator is an improper application of this Ordinance
400 as it concerns such governing body or board.
- 401
- 402 B. All appeals hereunder must be commenced within 30 days of the Zoning Administrator's decision,
403 by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The
404 Zoning Administrator shall forthwith transmit to the Board of Adjustment all the papers
405 constituting the record upon which the action appealed from was taken. In addition, any person
406 aggrieved, or any taxpayer affected by any decisions of the Zoning Administrator made in his
407 administration of this Ordinance who desires to appeal such decision shall submit an application for
408 a variance, by certified mail, to the Zoning Administrator in the manner set forth in Minnesota
409 Statutes Section 360.068, Subdivision 2.
- 410
- 411 C. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning
412 Administrator certifies to the Board of Adjustment after the notice of appeal has been filed with it,
413 that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril
414 to life or property. In such case, proceedings shall not be stayed except by order of the Board of
415 Adjustment on notice to the Zoning Administrator and on due cause shown.
- 416 D. The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due
417 notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing,
418 any party may appear in person, by agent, or by attorney.

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

SECTION XIV: JUDICIAL REVIEW

Any person aggrieved, or any taxpayer affected by any decision of the Board of Adjustment, or any governing body of a municipality, county, or airport zoning board, which is of the opinion that a decision of the Board of Adjustment is illegal may present to the District Court of Faribault County a verified petition setting forth that the decision or action is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the decision is filed in the office of the Board of Adjustment. The petitioner must exhaust the remedies provided in this Ordinance before availing himself of the right to petition a court as provided by this section.

SECTION XV: PENALTIES

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

SECTION XVI: CONFLICTS

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

452 **SECTION XVII: SEVERABILITY**

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

459
460 B. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or
461 invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof
462 other than the parts so declared to be unconstitutional or invalid.

463

464 **SECTION XVIII: EFFECTIVE DATE**

465 This ordinance shall take effect on the 5th day of May, 2011. Copies thereof shall be filed with the
466 Commissioner through the Office of Aeronautics, State of Minnesota, and the Register of Deeds,
467 Faribault County, Minnesota.

468

469 Passed and adopted after public hearing by the Blue Earth Municipal Joint Airport Zoning Board this 10th
470 day of March, 2011.

**RESOLUTION OF THE
BLUE EARTH JOINT AIRPORT ZONING BOARD
AS TO FINAL ADOPTION OF A ZONING ORDINANCE**

At the second public meeting for airport zoning held by the above Board held on March 10, 2011,
Member David Classon, seconded by Member Ross Kempf,
introduced the following Resolution and moved its adoption.

WHEREAS, A public hearing has been held on a proposed zoning ordinance pursuant to
Minnesota Statutes Section 360.065; and

WHEREAS, No changes in said proposed ordinance are necessary;

NOW, THEREFORE, It is hereby resolved as follows:

1. That the Zoning Ordinance and Map attached thereto are hereby adopted.

ROLL CALL

Member	Voted Aye	Voted Nay	Absent from Voting
Chair Ellwood Bentley	X		
Catherine Fletcher	X		
Dave Classon	X		
Ross Kempf	X		
Loren Lein	X		
Rodney Anderson		X	
Don Krieger		X	

Resolution declared passed: Ellwood Bentley
Ellwood Bentley, Chair

Attest: Kathy Bailey
Secretary

I hereby certify that the foregoing resolution is a true and correct copy of the original resolution.

SEAL OR
NOTARY STAMP

Kathy Bailey
Kathy Bailey, City Clerk

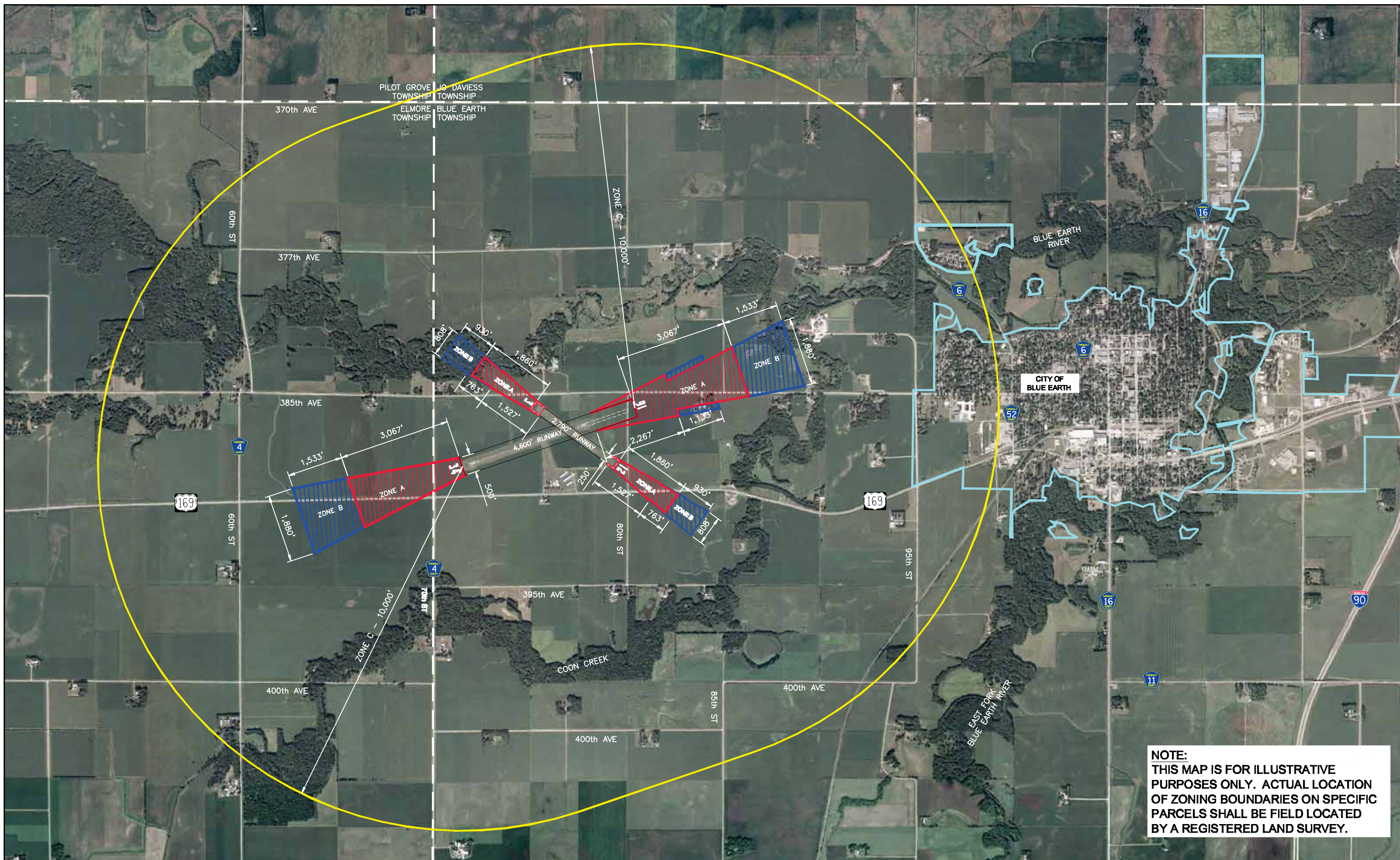
3/10/11
Date

EXHIBIT A

BLUE EARTH MUNICIPAL AIRPORT ZONING ORDINANCE

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

NAME AND NUMBER	AIRSPACE OBSTRUCTION ZONING: Section IV of Ordinance; Exhibit 2 - Airspace Map	LAND USE SAFETY ZONING: Section V of Ordinance; Exhibit 1 - Land Use Safety Zones Map.
Blue Earth Township T102N R27W	Sections:16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35	Sections: 19, 20, 21, 27, 28, 29, 30, 31, 32, 33, 34, 35
Elmore Township T101N R27W	Sections:2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 15, 16, 17, 18	Sections: 3, 4, 5, 6, 7, 8, 9, 10
Jo Davies Township T___102N R___28W	Sections:24, 25, 26, 35, 36	Sections: 24, 25, 36
Pilot Grove Township T___101N R___28W	Sections:1, 12	Section:1



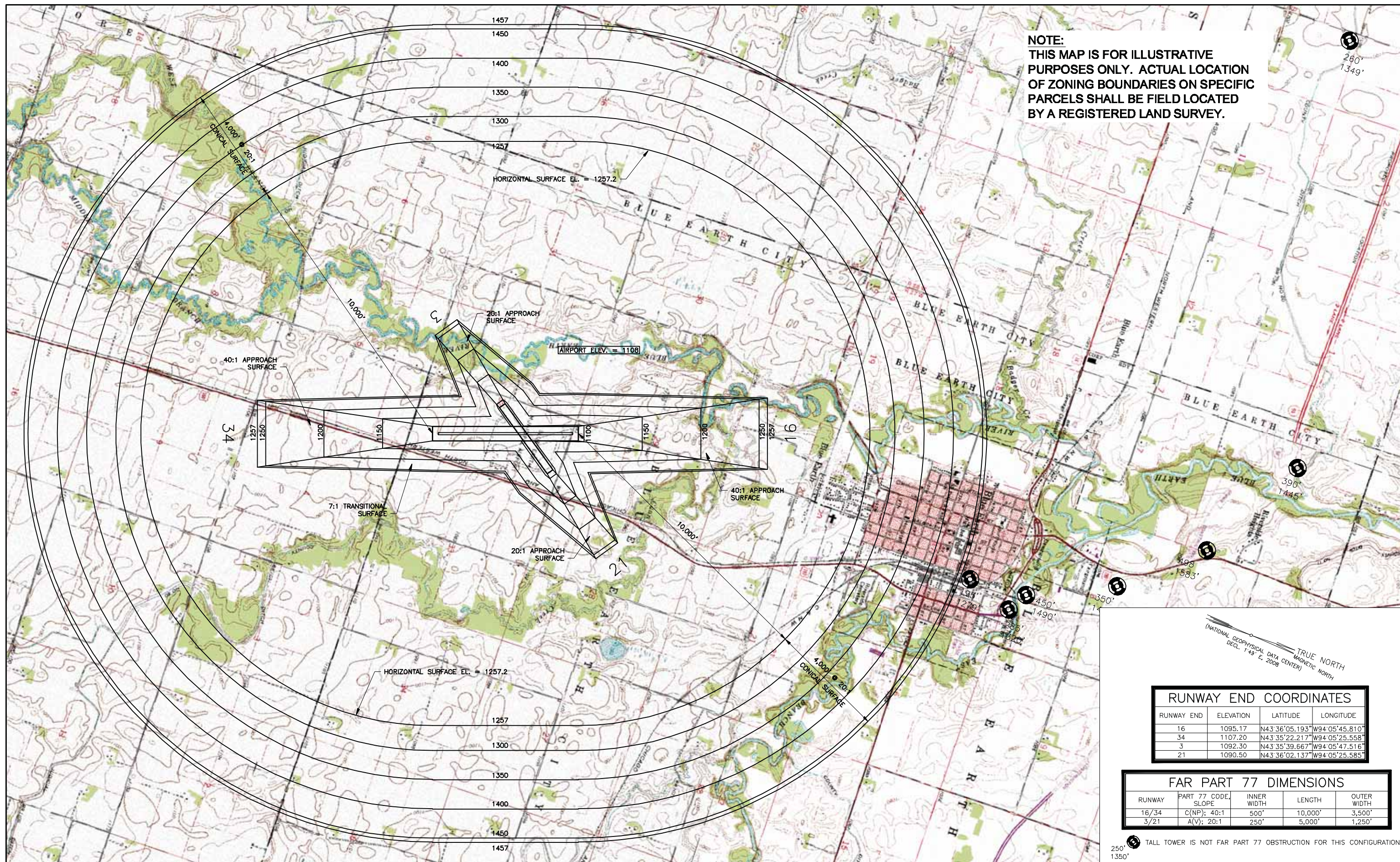
NOTE:
 THIS MAP IS FOR ILLUSTRATIVE
 PURPOSES ONLY. ACTUAL LOCATION
 OF ZONING BOUNDARIES ON SPECIFIC
 PARCELS SHALL BE FIELD LOCATED
 BY A REGISTERED LAND SURVEY.



BOLTON & MENK, INC.
 Consulting Engineers & Surveyors
 MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN
 BURNSVILLE, MN WILLMAR, MN CHASKA, MN
 RAMSEY, MN MAPLEWOOD, MN BRAINERD, MN AMES, IA

BLUE EARTH MUNICIPAL AIRPORT
 AIRPORT ZONING ORDINANCE
 LAND USE ZONING MAP

NOTE:
 THIS MAP IS FOR ILLUSTRATIVE
 PURPOSES ONLY. ACTUAL LOCATION
 OF ZONING BOUNDARIES ON SPECIFIC
 PARCELS SHALL BE FIELD LOCATED
 BY A REGISTERED LAND SURVEY.

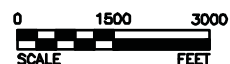


TRUE NORTH
 MAGNETIC NORTH
 (NATIONAL GEOPHYSICAL DATA CENTER)
 DECL. 1°49' E, 2008

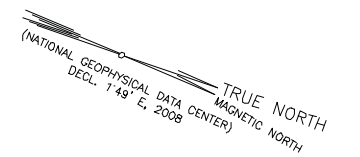
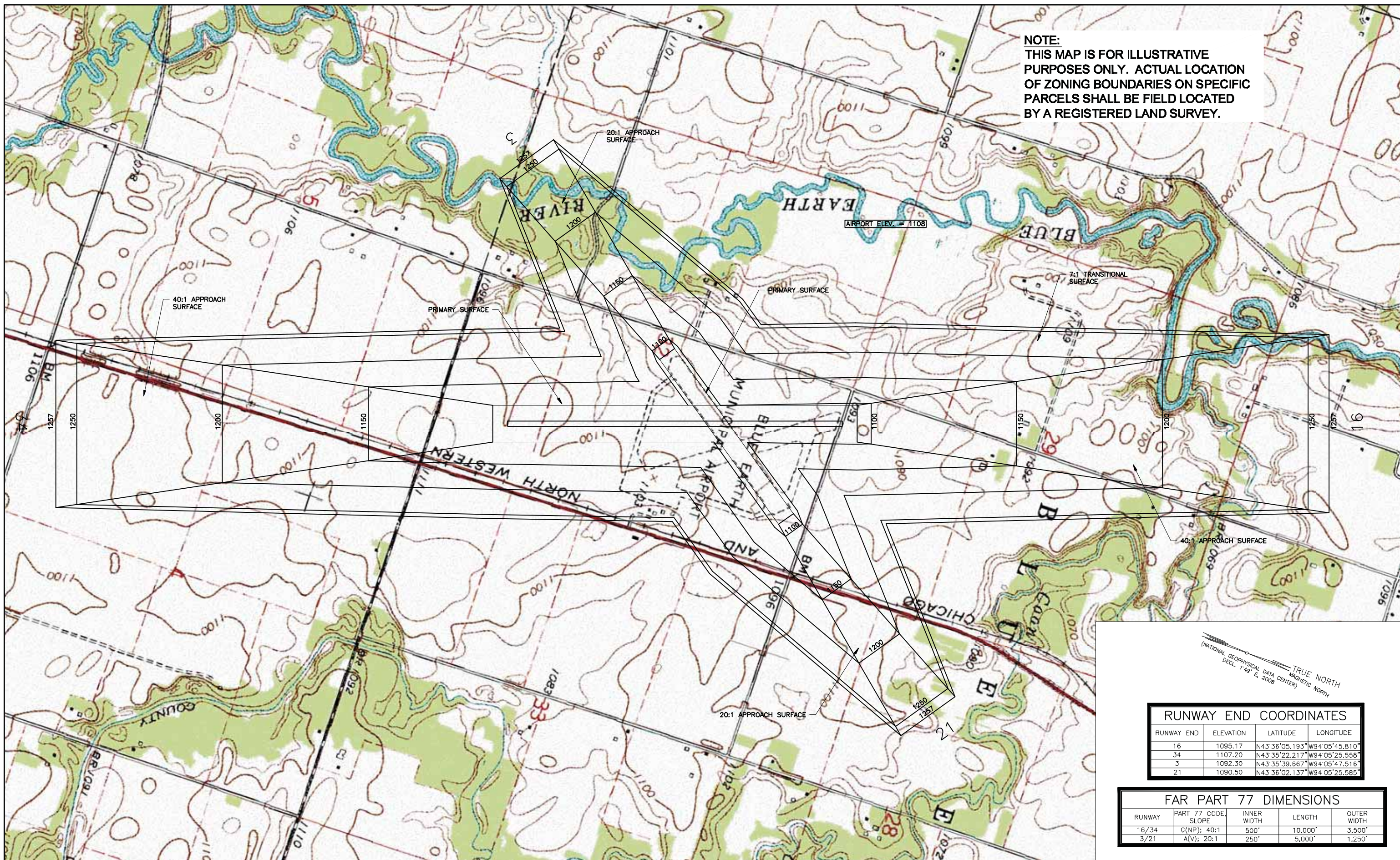
RUNWAY END COORDINATES			
RUNWAY END	ELEVATION	LATITUDE	LONGITUDE
16	1095.17	N43°36'05.193"W	W94°05'45.810"E
34	1107.20	N43°35'22.217"W	W94°05'25.558"E
3	1092.30	N43°35'39.667"W	W94°05'47.516"E
21	1090.50	N43°36'02.137"W	W94°05'25.585"E

FAR PART 77 DIMENSIONS				
RUNWAY	PART 77 CODE, SLOPE	INNER WIDTH	LENGTH	OUTER WIDTH
16/34	C(NP): 40:1	500'	10,000'	3,500'
3/21	A(V): 20:1	250'	5,000'	1,250'

250'
1350'
TALL TOWER IS NOT FAR PART 77 OBSTRUCTION FOR THIS CONFIGURATION

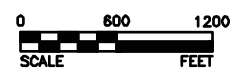


NOTE:
 THIS MAP IS FOR ILLUSTRATIVE
 PURPOSES ONLY. ACTUAL LOCATION
 OF ZONING BOUNDARIES ON SPECIFIC
 PARCELS SHALL BE FIELD LOCATED
 BY A REGISTERED LAND SURVEY.



RUNWAY END COORDINATES			
RUNWAY END	ELEVATION	LATITUDE	LONGITUDE
16	1095.17	N43°36'05.193"	W94°05'45.810"
34	1107.20	N43°35'22.217"	W94°05'25.558"
3	1092.30	N43°35'39.667"	W94°05'47.516"
21	1090.50	N43°36'02.137"	W94°05'25.585"

FAR PART 77 DIMENSIONS				
RUNWAY	PART 77 CODE, SLOPE	INNER WIDTH	LENGTH	OUTER WIDTH
16/34	C(NP); 40:1	500'	10,000'	3,500'
3/21	A(V); 20:1	250'	5,000'	1,250'



1 **SECTION 35 – RENEWABLE ENERGY ORDINANCE**

2
3
4 **SECTION 1 TITLE**

5
6 The title of this ordinance is the Faribault County Renewable Energy Ordinance, and will be
7 referred to herein as “THIS ORDINANCE”.

8
9 The existing Faribault County Wind Energy Conversion Systems Ordinance previously adopted
10 on August 19, 2010, is hereby repealed. The adoption of this Ordinance, however, shall not
11 affect nor prevent any pending or future prosecution or legal action to abate, any existing
12 violation of the previous Faribault County Wind Energy Conversion Systems Ordinance provided
13 the violation is also a violation of this Ordinance. Nor shall this relieve any person or entity from
14 obligations imposed under the previously adopted ordinance.

15
16
17 **SECTION 2 PURPOSE**

18
19 This Ordinance is established to regulate the installation and operation of Renewable Energy
20 Systems within Faribault County not otherwise subject to siting and oversight by the State of
21 Minnesota pursuant to Minnesota Statutes Chapters 216F, 216C.25, and 500.30, and Minnesota
22 Rules Chapter 1325.1100, as amended. In no case shall the provisions of this Ordinance
23 guarantee rights to renewable energy development.

24
25 Faribault County’s goal is to promote the effective and efficient use of Renewable Energy
26 Systems and to facilitate economic opportunities for local residents consistent with public health,
27 safety and general welfare.

28
29
30 **SECTION 3 JURISDICTION**

31
32 The regulations of this Ordinance shall apply to all the area of Faribault County outside the
33 incorporated limits of municipalities.

34
35
36 **SECTION 4 INTERPRETATION**

37
38 Where the provisions of this Ordinance impose greater restriction than those of any statute, other
39 ordinance or regulations, the provisions of this Ordinance shall be controlling. Where the
40 provisions of any statute, other ordinance or regulation impose greater restrictions than this
41 Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

42
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46 **SECTION 5 DEFINITIONS**

47
48 **Accessory Structure or Facility** – Any building or improvement subordinate to a principal use
49 which, because of the nature of its use, can reasonably be located at or greater than normal
50 structure setbacks.

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Accessory Use – A use clearly incidental or subordinate to the principle use of a lot or a building located on the same lot as the principle use.

Aggregated Project – 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.

Airfoil – A part such as a blade, with a flat or curved surface, designed to provide a desired reaction force when in motion relative to the surrounding air.

Airport Influence Zone – All land which lies within 10,000 feet of any part of Runway 16/34 and 3/21 at the Blue Earth Municipal Airport, and 5,000 feet of any part of the Wells Municipal Airport.

Applicant – Any person, provider, firm, partnership or company who files an application for any permit required for the construction, replacement, or alteration of WECS or any component thereof.

Array (solar) – Any number of solar photovoltaic modules or panels connected together to provide a single electrical output.

Array (photovoltaic) – A group of solar photovoltaic modules connected together to increase voltage and/or power to the level required for a given system.

Array (tracking) – A solar array that follows the path of the sun during the day to maximize the solar radiation it receives.

Awning – A sheet of material stretched on a frame and used to keep the sun or rain off a storefront, window, doorway, patio, or deck.

Azimuth – A clockwise measurement around the horizon in degrees, beginning and ending at true north.

Board of Adjustment – An officially constituted quasi-judicial body appointed by the County Board whose principle duties are to hear appeals from decisions of the Zoning Administrator and, where appropriate, grant variances from the strict application of this Ordinance.

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

C-BED (Community-Based Energy Development) Project – As defined in Minnesota Statutes 216B.1612, as amended. Based on the total name plate generating capacity, C-BED Projects are considered to be (1) Micro-WECS, (2) Non-Commercial WECS or (3) Commercial WECS as defined in this Section.

100 **Campground** – A facility licensed by the Minnesota Department of Health for the purpose of
101 camping.

102
103 **Church** – As defined in Minnesota Statute 272.02.

104
105 **Comprehensive Land Use Plan** – Means the policies, statements, goals, and interrelated
106 plans for private and public land and water use, transportation, and community facilities
107 including recommendations for plan execution, documented in texts, ordinances and maps
108 which constitute the guide for the future development of the unincorporated areas of the County.

109
110 **Conditional Use** – Means a specific type of structure or land use listed in the official control that
111 may be allowed but only after an in-depth review procedure and with appropriate conditions or
112 restrictions as provided in the official zoning controls or building codes and upon a finding that:
113 (1) certain conditions as detailed in the Zoning Ordinance exist and (2) the structure and/or land
114 use conform to the Comprehensive Land Use Plan, if one exists, and are compatible with the
115 existing neighborhood.

116
117 **County** – Faribault County, Minnesota.

118
119 **County Board** – Faribault County Board of Commissioners.

120
121 **Decibel** – A unit of measure of sound pressure.

122
123 **Department** – The Faribault County Planning and Zoning Department, or other entity
124 designated by the County Board to administer and implement this Ordinance.

125
126 **Development Agreement** – A written agreement that may incorporate a Road Use and Repair
127 Agreement, a Public Drainage System Agreement, or other project specific provisions as
128 required to address a project’s impact on the County’s public infrastructure.

129
130 **Drainage System** – “Drainage system” means a system of ditch or tile, or both, to drain
131 property, including laterals, improvements, and improvements of outlets, established and
132 constructed by a drainage authority. Drainage system includes the improvement of a natural
133 waterway used in the construction of a drainage system and any part of a flood control plan
134 proposed by the United States or its agencies in the drainage system, as defined in Minn. Statute
135 103E.005.

136
137 **Dwelling** – A building, or portion thereof, designed exclusively for residential occupancy; the
138 term does not include hotels, motels, tents, tent trailers or recreational vehicles.

139
140 **Electromagnetic Communications** – The use of an electromagnetic wave to pass information
141 between two points.

142
143 **FAA** – Federal Aviation Administration.

144
145 **Fall Zone** – The area, defined as the furthest distance from the tower base, in which a guyed
146 tower may collapse in the event of a structural failure.

147
148 **Feeder Line** – Power line that transports electrical power from one or more wind turbines or
149 individual transformers associated with individual wind turbines to the point of interconnection

150 with the electric power grid. In the case of interconnection with the high voltage transmission
151 systems, the point of interconnection shall be the substation serving the WECS.

152
153 **Flicker** – The moving shadow cast by the rotating blades of a WECS, or any intermittent,
154 repetitive, or rhythmic lighting effect that is a direct result of rotating WECS blades.

155
156 **Flicker Analysis** – A study showing the duration and location of flicker potential.

157
158 **Generator Nameplate Capacity** – The maximum rated output of electrical power production of
159 a generator under specific conditions designated by the manufacturer with a nameplate
160 physically attached to the generator.

161
162 **Maximum Design Tilt (Solar Energy Systems)** – Maximum tilt, or angle, is vertical, or ninety
163 (90) degrees for a solar energy system designed to track daily or seasonal sun position or
164 capable of manual adjustment on a fixed rack.

165
166 **Meteorological Towers** – For the purposes of this ordinance, meteorological towers which are
167 erected primarily to measure wind speed and directions plus other data relevant to siting
168 WECS. Meteorological towers do not include towers and equipment used by airports, the
169 Minnesota Department of Transportation, or other similar applications to monitor weather
170 conditions. These are considered tower facilities and are included in Section 21 – Tower
171 Ordinance of the Faribault County Zoning Ordinance.

172
173 **Micro-WECS** – A WECS which is less than one hundred (100) feet in hub height.

174
175 **Minimum Design Tilt (Solar Energy System)** – Minimum tilt, or angle, is horizontal, or zero (0)
176 degrees for a solar energy system designed to track daily or seasonal sun position or capable of
177 manual adjustment on a fixed rack.

178
179 **Modular (Solar)** – A number of individual solar cells connected together in an environmentally
180 protected housing producing a standard output voltage and power. Multiple modules/panels can
181 be assembled into an array for increased power and/or voltage.

182
183 **Nameplate Capacity** – The total maximum rated output of a solar energy system.

184
185 **Noise Profile** – A study certifying the WECS is in compliance with Minnesota Chapter 7030, as
186 amended, of the Minnesota Pollution Control Agency noise standards.

187
188 **Non-Participating Property Boundaries** – Property where the landowner has control of wind
189 and land rights. Not part of a developer WECS project.

190
191 **Non-Prevailing Wind** – The non-dominant wind direction in the County.

192
193 **Owner** – Entity or entities with any equity interest in the WECS, including their respective
194 successors and assigns. Owner does not mean the landowner from whom the land is leased for
195 locating the WECS, or any person holding a security interest in the WECS solely to secure an
196 extension of credit, or a person foreclosing on such security interest provided that after
197 foreclosure such person seeks to sell the WECS at the earliest practicable date.

198
199

200 **Participating Property Boundaries** – Developer has site control of wind and land rights for the
201 purpose of installation of WECS. This control may be attained through fee title ownership,
202 easement, or other appropriate contractual relationship.
203

204 **Photovoltaic Device** – A system of components that generates electricity from incident sunlight
205 by means of the photovoltaic effect, whether or not the device is able to store the energy
206 produced for later use.
207

208 **Power Line** – An overhead or underground conductor and associated facilities used for the
209 transmission or distribution of electricity.
210

211 **Power Purchase Agreement (PPA)** – Legally enforceable agreement between two or more
212 persons where one or more of the signatories agrees to provide electrical power and one or
213 more of the signatories agrees to purchase the power.
214

215 **Preliminary Acoustic Study** – A study certifying the WECS will be in compliance with
216 Minnesota Chapter 7030, as amended, of the Minnesota Pollution Control Agency.
217

218 **Prevailing Wind** – The predominant wind direction in the County.
219

220 **Project** – A WECS or combination of WECS.
221

222 **Project Owner** – An individual or entity with legal ownership of a WECS project.
223

224 **Public Conservation Lands** – Land owned in fee title by State or Federal agencies and
225 managed specifically for grassland conservation purposes, including but not limited to State
226 Wildlife Management Areas, State Parks, State Scientific and Natural Areas, Federal Wildlife
227 Refuges and Waterfowl Production Areas. For the purposes of this section, public conservation
228 lands will also include lands owned in fee title by non-profit conservation organizations. Public
229 conservation lands do not include private lands upon which conservation easements have been
230 sold to public agencies or non-profit conservation organizations.
231

232 **Public Drainage System** – Those drainage systems established or under the jurisdiction of a
233 Drainage Authority under MN Statutes 103D or 103E.
234

235 **Renewable Energy** – Energy from sources that are not easily depleted such as moving water
236 (hydro, tidal and wave power), biomass, geothermal energy, solar energy, wind energy, and
237 energy from solid waste treatment plants.
238

239 **Renewable Energy System Permit** – Permit developed by the Department, and approved, as
240 needed, by the County Board.
241

242 **Roof Pitch** – The final exterior slope of a building roof calculated by the rise over the run,
243 typically but not exclusively expressed in twelfths, such as 3/12, 9/12, or 12/12.
244

245 **Rotor** – A system of airfoils connected to a hub that rotates around an axis.
246

247 **Rotor Blades** – See Airfoil.
248

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

250
251 **School** – As defined in Minnesota Statute 120A.05, as amended, and private schools excluding
252 home school sites.
253
254 **Solar Cell** – The basic unit of a photovoltaic solar panel.
255
256 **Solar Collector** – A device, structure, or part of a device or structure for which the primary
257 purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical
258 energy.
259
260 **Solar Daylighting** – A device specifically designed to capture and redirect the visible portion of
261 the solar spectrum, while controlling the infrared portion, for use in illuminating interior building
262 spaces in lieu of artificial lighting.
263
264 **Solar Easement** – A right, whether or not stated in the form of a restriction, easement,
265 covenant, or condition, in any deed, will, or other instrument executed by or on behalf of any
266 owner of land or solar sky space for the purpose of ensuring adequate exposure of a solar
267 energy system as defined in Section 216C.06, Subdivision 17, to solar energy. Required
268 contents of a Solar Easement are defined in Minnesota Statute Section 500.30.
269
270 **Solar Energy** – Radiant energy received from the sun that can be collected in the form of heat
271 or light by a solar collector.
272
273 **Solar Energy Device** – A system or series of mechanisms designed primarily to provide
274 heating, cooling, electrical power, mechanical power, solar daylighting or to provide any
275 combination of the foregoing by means of collecting and transferring solar generated energy into
276 such uses either by active or passive means. Said systems may also have the capacity to store
277 energy for future utilization. Passive solar energy systems shall clearly be designed as a solar
278 energy device, such as a trombe wall, and not merely part of a normal structure, such as a
279 window. A solar energy device shall not be considered an agricultural building.
280
281 **Solar Energy System** – A set of devices that the primary purpose is to collect solar energy and
282 convert and store it for useful purposes including heating and cooling buildings or other energy-
283 using processes, or to produce generated power by means of any combination of collecting,
284 transferring, or converting solar energy. This definition also includes structural design features,
285 the purpose of which is to provide daylight for interior lighting.
286
287 **Solar Energy System, Accessory Use** – A solar energy system that is secondary to the
288 primary use of the parcel on which it is located and which is directly connected to or designed to
289 serve the energy needs of the primary use. Excess power may be sold to a power company.
290
291 **Solar Energy System, Active** – A solar energy system whose primary purpose is to harvest
292 energy by transforming solar energy into another form of energy or transferring heat from a
293 collector to another medium using mechanical, electrical, or chemical means.
294
295 **Solar Energy System, Building Integrated** – An active solar energy system that is an integral
296 part of a principal or accessory building, rather than a separate mechanical device, replacing or
297 substituting for an architectural or structural component of the building. Such systems include,
298 but are not limited to, solar energy systems that function as roofing materials, windows,
299 skylights, wall mounted, and awnings.

300
301 **Solar Energy System, Grid-Intertie** – A photovoltaic solar energy system that is connected to
302 an electric circuit served by an electric utility company.
303
304 **Solar Energy System, Ground-Mounted** – A solar collector, or collectors, located on the
305 surface of the ground. The collector or collectors may or may not be physically affixed, or
306 attached to the ground. Ground-mounted systems include pole-mounted systems. These
307 systems are not considered an agricultural structure for purposes of this Ordinance.
308
309 **Solar Energy System, Large** – A solar energy system with a nameplate capacity of forty (40)
310 kilowatts or more. Also may be considered a Solar Farm.
311
312 **Solar Energy System, Off-Grid** – A photovoltaic solar energy system in which the circuits
313 energized by the solar energy system are not electrically connected in any way to electric
314 circuits that are served by an electric utility company.
315
316 **Solar Energy System, Passive** – A solar energy system that captures solar light or heat
317 without transforming it to another form of energy or transferring the heat via a heat exchanger.
318
319 **Solar Energy System, Photovoltaic** – An active solar energy system that converts solar
320 energy directly into electricity.
321
322 **Solar Energy System, Primary Use** – A solar energy system which is the primary land use for
323 the parcel on which it is located and which generates power for sale to a power company, or
324 other off-premise consumer.
325
326 **Solar Energy System, Reflecting** – A solar energy system that employs one or more devices
327 designed to reflect solar radiation onto a solar collector. This definition includes systems of
328 mirrors that track and focus sunlight onto collectors located at a focal point. The collectors may
329 be thermal or photovoltaic.
330
331 **Solar Energy System, Roof-Mounted** – A solar collector, or collectors, located on the roof of a
332 building or structure. The collector or collectors may or may not be physically affixed, or
333 attached to the roof.
334
335 **Solar Energy System, Small** – A solar energy system with a nameplate capacity of forty (40)
336 kilowatts or less.
337
338 **Solar Farms** - A solar array composed of multiple solar panels on ground-mounted rack or
339 poles which is not directly connected to or designed to serve the energy needs of the primary
340 use but rather for the primary purpose of wholesale sales of generated electricity. Solar farms
341 include but are not limited to community solar gardens which are defined as a solar-electric
342 (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to
343 multiple community members or businesses residing or located off-site from the location of the
344 solar energy system, consistent with Minn. Statutes 216B.1641 or successor statute. A
345 community solar system may be either an accessory or a principal use. Also may be considered
346 a large solar energy system.
347
348 **Solar Heat Exchanger** – A component of a solar energy device that is used to transfer heat
349 from one substance to another, either liquid or gas.

350
351 **Solar Hot Air System** – Also referred to as solar air heat; or a solar furnace. An active solar
352 energy system that includes a solar collector to provide direct supplemental space heating by
353 heating and re-circulating conditioned building air. The most efficient performance typically
354 means vertically mounted on a south-facing wall.
355
356 **Solar Hot Water System** – Also referred to as a solar thermal. A system that includes a solar
357 collector and heat exchanger that heats or preheats water for building heating systems or other
358 hot water needs, including domestic hot water and hot water for commercial or industrial
359 purposes.
360
361 **Solar Mounting Devices** – Devices that allow the mounting of a solar collector onto a roof
362 surface, wall, or the ground.
363
364 **Structure** – Any building or appurtenance, including decks, except aerial or underground utility
365 lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other
366 supporting facilities.
367
368 **Substations** – Any electrical facility designed to convert electricity produced by wind turbines
369 for interconnection with transmission lines.
370
371 **Total Name Plate Capacity** – The total of the maximum rated output of the electrical power
372 production equipment for a WECS project.
373
374 **Total Height** – The highest point, above ground level, reached by a rotor tip or any other part of
375 the WECS.
376
377 **Tower Facility** – Any structure that may include a tower, antenna(s), equipment buildings,
378 anchor points and other related equipment used by broadcast services and/or wireless
379 telecommunications services and/or data collection devices. These facilities are regulated in
380 Section 21 of the Faribault County Zoning Ordinance.
381
382 **Transmission Line** – Those electrical power lines that carry voltages of at least 69,000 volts
383 (69 KV) and are primarily used to carry electric energy over medium to long distances rather
384 than directly interconnecting and supplying electric energy to retail customers. (Substation to
385 grid intersection) would be required to follow General Regulations, **Section 15 – General**
386 **Guidelines** of the Zoning Ordinance.
387
388 **Wind Easement** – A right, whether or not stated in the form of a restriction, easement,
389 covenant, or condition, in and deed, will, or other instrument executed by or on behalf of any
390 owner of land or airspace for the purpose of ensuring adequate exposure of a wind power
391 system to the winds.
392
393 **Wind Energy Conversion System or WECS** – Any device such as a wind charger, windmill, or
394 wind turbine which converts wind energy to a form of usable energy.
395
396 **Wind Energy Conversion System – Commercial** – A WECS of equal to or greater than 100
397 kW (10MW) in total name plate generating capacity and/or any WECS over 200’.
398
399 **Wind Energy Conversion System - Non-Commercial** – A WECS of less than 100 kW (.01

400 MW) in total name plate generating capacity, and under 200’.

401

402 **Wind Energy Conversion Systems, Large - LWECS** – Large Wind Energy Conversion
403 Systems, or “LWECS” means any combination of WECS with a combined nameplate capacity of
404 5,000 kilowatts (5MW) or more

405

406 **Wind Energy Conversion Systems, Small - SWECS** – Small Wind Energy Conversion
407 Systems, or “SWECS” means any combination of WECS with a combined nameplate capacity
408 of 5,000 kilowatts (5MW) or less. These systems are permitted by the local government unit.

409

410 **Wind Energy Conversion System Tower** – Towers include vertical structures to which the
411 nacelle and rotor are attached.

412

413 **Wind Energy Conversion System Tower Height** – The distance from the top of the WECS
414 foundation to the rotor blade at its highest point.

415

416 **Wireless Telecommunication** – Any ground or roof mounted structure built for the purposes of
417 supporting, elevating or attaching antenna(s) for broadcasting of cellular, personal
418 communications, specialized mobilized radio, enhanced specialized mobilized radio, paging,
419 and similar services. For all sections of this Ordinance, wireless telecommunication shall not be
420 considered a public utility.

421

422 **Wind Turbine** – A wind turbine is any piece of electrical generating equipment that converts the
423 kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices
424 to capture the wind.

425

426 **Zoning Ordinance** – The Faribault County Zoning Ordinance.

427

428 **Conversion Chart –**

429

Power (kilowatts)	Power (megawatts)
0 kW	0 MW
1 kW	0.001 MW
10 kW	0.01 MW
100 kW	0.1 MW
1000 kW	1 MW
10000 kW	10 MW
100000 kW	100 MW
1000000 kW	1000 MW

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SECTION 6 PERMITTING PROCEDURES

Renewable Energy System Permits, Conditional Use permits, and Variances shall be applied for and reviewed under the procedures established in the Faribault County Zoning Ordinance and Minnesota Statutes Chapter 394, except where noted below.

Subdivision 1 Permit Requirements

No person, business, firm or corporation shall construct, install, alter, or expand any Renewable Energy System in Faribault County without first obtaining the required permits. A Renewable Energy System Permit is required for all systems.

1. A Conditional Use Permit is required for all systems in the following categories:
Wind Energy Conversion System Non-Commercial and Commercial
Solar Energy Systems, Large and Reflecting
2. Refer to Section 7, Subdivision 1 and Subdivision 2 for a detailed chart.

Subdivision 2 Permit Standards

A Renewable Energy System Permit will be amended, as necessary, and approved by the County Board. These permits will be supplied to the applicant by the Department.

Subdivision 3 General Standards

All Renewable Energy Systems must follow all General Standards listed in Section 8 and Section 9 of this Ordinance.

Subdivision 4 Fees

The fee schedule shall be established, and may be reviewed and revised periodically, by the County Board.

Subdivision 5 Development Agreement

A Development Agreement will be required for any Large or Commercial Wind Energy Conversion System and for any Large Solar Energy System.

482 **SECTION 7 DISTRICT REGULATIONS FOR WECS AND SOLAR ENERGY SYSTEMS**

483
484 **Subdivision 1 Permitted, Conditionally Permitted, and Not Allowed WECS**

485 WECS will be Permitted (P), Conditionally Permitted (CP) or Not Allowed (NA) based on the
486 generating capacity and land use district as established in the table below:
487
488

DISTRICT	NON-COMMERCIAL WECS	COMMERCIAL WECS
Agricultural Districts:		
A-1 Shoreland	Conditionally Permitted	Not Allowed
A-2 General	Permitted	Conditionally Permitted
Residential Districts:		
R-1 Rural	Conditionally Permitted	Not Allowed
R-2 Shoreland	Conditionally Permitted	Not Allowed
R-3 Manufactured Home Park	Conditionally Permitted	Not Allowed
Business Districts:		
B-1 Highway Service	Conditionally Permitted	Conditionally Permitted
B-2 General	Conditionally Permitted	Conditionally Permitted
Industry Districts:		
I-1 Light	Conditionally Permitted	Conditionally Permitted
I-2 Heavy	Conditionally Permitted	Conditionally Permitted
Floodplain:	Not Allowed	Not Allowed

489
490 **Subdivision 2 Permitted, Conditionally Permitted, and Not Allowed Solar Energy**
491 **Systems**

492 Non-Reflecting Solar Energy Systems will be Permitted (P), Conditionally Permitted (CP) or Not
493 Allowed (NA) based on the generating capacity and land use district as established in the table
494 below:
495
496

DISTRICT	SMALL	LARGE	REFLECTING
Agricultural Districts:			
A-1 Shoreland	Permitted	Conditionally Permitted	Not Allowed
A-2 General	Permitted	Conditionally Permitted	Conditionally Permitted
Residential Districts:			
R-1 Rural	Permitted	Not Allowed	Not Allowed
R-2 Shoreland	Permitted	Not Allowed	Not Allowed
R-3 Manufactured Home Park	Conditionally Permitted	Conditionally Permitted	Conditionally Permitted
Business Districts:			
B-1 Highway Service	Permitted	Conditionally Permitted	Not Allowed
B-2 General	Permitted	Conditionally Permitted	Not Allowed
Industry Districts:			
I-1 Light	Permitted	Conditionally Permitted	Not Allowed
I-2 Heavy	Permitted	Conditionally Permitted	Not Allowed
Floodplain:	Not Allowed	Not Allowed	Not Allowed

497
498 **Subdivision 3 Permitted and Conditional Uses for Reflecting Solar Energy Systems**

499 Reflecting Solar Energy Systems are only allowed in the A-2 General Agriculture Zoning District
500 through the Conditional Use Process.
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SECTION 8 SETBACKS AND GENERAL STANDARDS FOR WECS

Subdivision 1 WECS SETBACKS **The setback shall be measured from future road easement/rights-of-way if a planned change or expansion is known.

All WECS shall adhere to the setbacks established in the following table:

	Non-Commercial	Commercial
Participating Property Boundaries	1.1 times the total height	1.25 times the total height
Non-Participating Project Boundaries	3 x 5 rotor diameter	3 x 5 rotor diameter
Dwelling(s) (Residence)(s)	750 feet minimum or sufficient distance to meet noise standards. Whichever is greater	1,000 feet minimum or sufficient distance to meet noise standards. Whichever is greater
Road Easement/Rights-of-Way (ROW)**] Trails	250' from edge of Public Road Easement/ROW or 1.1 times the total height, whichever is greater	250' from edge of Public Road Easement/ROW or 1.1 times the total height, whichever is greater
Other Rights-of-Way (Railroads, power lines, communication towers, etc)	1.1 times the total height	To be considered by the Planning Commission
Public conservation lands managed as grasslands	50'	600 feet or as determined by the Planning Commission
Wetlands, USFW Types III, IV, and V	50'	600 feet or as determined by the Planning Commission
Public Drainage Systems	30' from the centerline of any buried public drainage tile system, and 50' from the top edge of an open public ditch	As specified in the Public Drainage System Protection Agreement
Noise Standard	Minnesota Rule 7030	Minnesota Rule 7030

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Subdivision 2 Additional Setbacks

1. Public and Private Airports including Heliports – No turbines or associated facilities shall be located so as to create an obstruction to navigable airspace of public and private airports or helipads. Setbacks or other limitations determined in accordance with MN/DOT Office of Aeronautics and FAA Requirements, and the Airport Zoning Ordinances as established throughout the county.
2. The setback for new dwellings (unless it is owned by the applicant) shall be reciprocal in that no dwelling shall be constructed within the same setback as a new turbine would need to meet to an existing dwelling.
3. Substations and Accessory Structures or Facilities not located within the road easement/right-of-way, must have a centerline of road setback of 100' and are required to be consistent with the filing requirements outlined in Section 15, General Regulations of the Zoning Ordinance. These shall not be considered Essential Services.

529 **Subdivision 3 Safety and Design Standards**

- 530
- 531 1. Engineering Certification is required within the Development Agreement. Manufacturer's
- 532 engineer or another qualified engineer shall certify that the turbine, foundation and tower
- 533 design of the WECS is within accepted professional standards, given local soil and
- 534 climate conditions.
- 535
- 536 2. Clearance – Rotor blades or airfoils must maintain at least 30 feet of clearance between
- 537 their lowest point and the ground.
- 538
- 539 3. Warnings – For all Commercial WECS, a sign or signs shall be posted on the tower,
- 540 transformer and substation warning of high voltage. Signs with emergency contact
- 541 information shall also be posted on the turbine or at another suitable point.
- 542

543 **Subdivision 4 Height Standards**

- 544
- 545 1. All WECS 200' and over will be required to meet the FAA Tall Tower Standards.
- 546
- 547 2. Review Title 14, Code of Federal Regulations, FAA, Part 77.13, as amended,
- 548 Construction or Alteration Requiring Notice.
- 549

550 **Subdivision 5 Tower Configuration Standards**

- 551
- 552 1. All WECS shall be installed with a tubular, monopole type tower.
- 553
- 554 2. Color and Finish – All wind turbines- that are part of WECS shall be white, grey, or
- 555 another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes
- 556 shall be matte or non-reflective.
- 557
- 558 3. Lighting must comply with FAA Advisory Circular 70/7460-1K, as amended, Obstruction
- 559 Marking and Lighting.
- 560
- 561 4. Other Applicable Standards:
- 562
- 563 a. Feeder lines, including communications that are equal to or less than 35 kV in
- 564 capacity, installed as part of a WECS shall be located in the road easement/right
- 565 of way, and buried [where reasonably feasible]. These shall not be considered an
- 566 Essential Service.
- 567 b. Other signage on site shall comply with the Zoning Ordinance. The manufacture's
- 568 or owner's company name and/or logo may be placed upon the WECS nacelle.
- 569 c. Solid and hazardous wastes, including but not limited to crates, packaging
- 570 materials, damaged or worn parts, as well as used oils and lubricants, shall be
- 571 removed from the site and disposed of in accordance with all applicable local,
- 572 state and federal regulations.
- 573
- 574 5. Orderly Development – Upon issuance of a Conditional Use Permit, all Commercial
- 575 WECS shall notify the MN Geospatial Information Office Staff of the project location and
- 576 details on the survey form specified by the Environmental Quality Board.
- 577 6. All WECS shall comply with Minnesota Rules 7030, as amended, governing noise.
- 578

- 579 7. Electrical codes and standards for all WECS and accessory equipment and facilities shall
580 comply with the National Electrical Code and other applicable standards.
581
582 8. Federal Aviation Administration (FAA) – All WECS shall comply with FAA standards and
583 permits.
584
585 9. Uniform Building Code – All WECS shall comply with the Uniform Building Code adopted
586 by the State of Minnesota.
587
588 10. Fire Protection and Emergency Services – Prior to initiating construction activity related
589 to the WECS project, the applicant will communicate and coordinate with local fire,
590 emergency services, and Faribault County their needs and plans related to all aspects of
591 the WECS project to assure adequate preparedness and response is executed in the
592 event these services are required.
593
594 11. 911 Address – A 911 address will be issued for each wind turbine or access road
595 included in a project.
596
597 12. Interference - The applicant shall mitigate interference with electromagnetic
598 communications, such as radio, telephone, microwaves, or television signals caused by
599 any WECS. The applicant shall notify all communication tower operators within two miles
600 of the proposed WECS location upon application to the County for permits. No WECS
601 shall be constructed so as to interfere with County 911, ARMER systems or Minnesota
602 Department of Transportation microwave transmissions.
603

604 **Subdivision 6 Discontinuation, Decommissioning, and Modification Plans**

- 605
606 1. Discontinuation - All WECS shall be considered as discontinued use after one- (1) year
607 without energy production unless a plan is developed and submitted to the Department
608 outlining the steps and schedule for returning the WECS to service. All WECS and
609 accessory facilities shall be removed to ground level within 90 days of the discontinuation
610 of use.
611
612 2. Decommissioning Plan - Each Commercial WECS shall have a Decommissioning Plan
613 outlining the anticipated means and cost of removing WECS at the end of their
614 serviceable life or upon becoming a discontinued use. This plan must include the
615 following:
616
617 a. The cost estimates shall be made by a competent party; such as a
618 Professional Engineer, a contractor capable of decommissioning or a person
619 with suitable expertise or experience with decommissioning.
620 b. The plan shall also identify the financial resources that will be available to pay
621 for the decommissioning and removal of the WECS and accessory facilities.
622 c. Timeframe.
623 d. The Board shall require an escrow account or surety bond equal to one hundred
624 twenty-five (125) percent of the costs to ensure proper decommissioning.
625
626
627 3. Modification Plans – If at any time a WECS is modified beyond original application, a
628 modification plan must be developed and submitted to the Department and reviewed by

629 the Planning Commission for approval.

630
631 **Subdivision 7 Avoidance and Mitigation of Damages to Public Infrastructure**

632
633 If determined by the Department or the Planning Commission that the project may impact the
634 County's public infrastructure, the Applicant will be required to complete the Development
635 Agreement, Road Use and Repair Agreement, that includes approval by the Highway Engineer,
636 and the Public Drainage System Protection Agreement. These agreements and any other
637 required agreements shall be completed, and included at the time of application for a
638 Conditional Use Permit to the Department.

639
640 **Subdivision 8 Pre-Construction Meeting**

641
642 Applicants for Commercial WECS will be required to conduct a Pre-Construction meeting prior
643 to construction commencement with a written notice identifying the date, time and place of
644 meeting and be sent to the following individuals a minimum of fourteen (14) days prior to said
645 meeting:

- 646 a. Township Chairman
- 647 b. Faribault County Engineer
- 648 c. Faribault County Sheriff/Emergency Management Director
- 649 d. Faribault County Zoning Administrator
- 650 e. County Commissioner of the District
- 651 f. Others as deemed necessary

652
653
654 **SECTION 9 GENERAL STANDARDS FOR SOLAR ENERGY SYSTEMS**

655
656 **Subdivision 1 General Standards for All Solar Energy Systems**

- 657
658
659 1. Systems shall be designed and operated in a manner that protects public safety.
- 660
661 2. Systems shall be in compliance with any applicable Local, State and Federal regulatory
662 Standards, including, but not limited to, the State of Minnesota Building Code, as
663 amended, and the National Electric Code, as amended.
- 664
665 3. Systems that result in the creation of one (1) or more acres of impervious surface, must
666 comply with the MPCA Construction Stormwater Permit Requirements.
- 667
668 4. Systems shall not be used to display advertising, including; signage, streamers, pennants,
669 spinners, advertising reflectors, ribbons, tinsel, balloons, flags, banners or similar
670 materials. The manufacturers and equipment information, warning, or indication of
671 ownership shall be allowed on any equipment of the solar energy system provided they
672 comply with the prevailing sign regulations.
- 673
674 5. The applicant shall submit a decommissioning plan, per the standards of this Ordinance,
675 with the permit application.
- 676
677 6. Systems within the airport influence zone, as designated by the Minnesota Department
678 of Transportation or applicable Airport Safety Ordinance, must comply with FAA

679 standards and permits and are prohibited from creating or causing interference with the
680 operations of airplanes, or makes it difficult for pilots to maneuver as a result of glare or
681 otherwise endangers the landing, take off, or maneuvering of aircraft.
682

683
684 **Subdivision 2 Small Solar Energy Systems**
685

686 In addition to the General Standards, the following standards shall apply to Small Solar Energy
687 Systems:

- 688
689 1. All elements of the system shall meet or exceed all district regulations based on the
690 applicable zoning district.
691

692
693 **Subdivision 3 Large Solar Energy Systems and Solar Farms**
694

695 In addition to the General Standards, the following standards shall apply to Large Solar Energy
696 Systems and Solar Farms:

- 697
698 1. All elements of the system shall meet or exceed all district regulations based on the
699 applicable zoning district.
700
701 2. Stormwater Management and Erosion and Sediment Control shall meet the requirements
702 of the MPCA Construction Stormwater Permit requirements.
703
704 3. The manufacturer's engineer or another qualified engineer shall certify that the foundation
705 and design of the solar energy system is within accepted professional standards, given
706 local soil and climate conditions.
707
708 4. Power and communication lines running between banks of solar collectors and to electric
709 substations or interconnections with buildings shall be buried underground. Exemptions
710 may be granted in instances where shallow bedrock, water courses, or other elements of
711 the natural landscape interfere with the ability to bury lines.
712
713 5. Screening. Systems shall be screened from residential dwelling units, abutting public
714 easements/right-of-way, and/or other land uses. The screening plan shall show the location
715 of fences and residential dwelling units. Fences shall be installed as part of the project and
716 shall be screened. The project design shall include the installation and establishment of
717 ground cover meeting the beneficial habitat standards consistent with Minnesota Statutes,
718 section 216B.1642, or successor statutes and guidance as set by the Minnesota Board of
719 Water and Soil Resources.
720 (a) Beneficial habitat standards shall be maintained on the site for the duration of operation,
721 until the site is decommissioned.
722
723 6. Setbacks. Setbacks shall be measured to the nearest security fence surrounding the Solar
724 Energy System, excluding screening or berm.
725 a) Large Solar Energy Systems must meet the minimum building setback for the zoning
726 district and be located a minimum of two hundred (200) feet from a residential dwelling
727 unit not located on the property.-

- 728 b) Large Solar Energy Systems -must meet a minimum setback of 100 feet from Drainage
729 Systems. Tile line setback distance is measured from the center line of the tile. Open ditch
730 setback distance is measured from the top of the ditch bank. The location of the tile must
731 be verified.
- 732 c) Large Solar Energy Systems must meet the minimum Front Yard Regulations for the
733 zoning district.
- 734
- 735 7. Vegetation requirements and management. The following provisions shall be met related
736 to the clearing of existing vegetation and establishment of vegetated ground cover.
- 737 a) Large-scale removal of mature trees on the site is discouraged. Restrictions on tree
738 clearing, or mitigation for cleared trees may be included in the conditions.
- 739 b) The project site design shall include the installation and establishment of ground cover
740 meeting the beneficial habitat standards consistent with Minnesota Statutes, section
741 216B.1642, or successor statutes and guidance as set by the Minnesota Board of Water
742 and Soil Resources.
- 743 c) Beneficial habitat standards shall be maintained on the site for the duration of operation,
744 until the site is decommissioned.
- 745
- 746 8. Fire Protection and Emergency Services – Prior to initiating construction activity related
747 to the Large Solar Energy project, the applicant will communicate and coordinate with
748 local fire, emergency services, and Faribault County their needs and plans related to all
749 aspects of the project to assure adequate preparedness and response is executed in the
750 event these services are required.
- 751
- 752 9. 911 Address – A 911 address will be issued for each access road included in a project.
- 753
- 754 Subdivision 3A.
- 755
- 756 Application requirements. The following information shall be provided to the Department
757 prior to issuance of the conditional use permit:
- 758 (1) A site plan showing the following:
- 759 (a) Existing property lines and property lines extending one hundred (100) feet from the
760 exterior boundaries, including the names of the adjacent property owners and current
761 use of those properties
- 762 (b) Existing public and private roads, showing widths of the roads and any associated
763 easements
- 764 (c) Location and size of any abandoned wells, sewage treatment systems and dumpsites
- 765 (d) Existing buildings and any impervious surface
- 766 (e) Topography at two (2) foot intervals and source of contour interval, unless
767 determined otherwise by the Department. A contour map of the surrounding properties
768 may also be required
- 769 (f) Existing vegetation (list type and percent of coverage; i.e. grassland, plowed field,
770 wooded areas, etc.)
- 771 (g) Waterways, watercourses, lakes and public water wetlands
- 772 (h) Approved delineated wetland boundaries
- 773 (i) The one hundred (100)-year flood elevation and Regulatory Flood Protection
774 Elevation, if available
- 775 (j) Floodway, flood fringe and/or general flood plain district boundary, if applicable
- 776 (k) The shoreland district boundary, if any portion of the project is located in a shoreland
777 overlay district

- 778 (l) In the shoreland overlay district, the ordinary high-water level and the highest know
779 water level
- 780 (m) In the shoreland overlay district, the toe and top of any bluffs within the project
781 boundaries
- 782 (n) Mapped soils according to the Faribault County Soil Survey
- 783 (o) Surface water drainage patterns
- 784 (p) Location of County Drainage Systems
- 785 (q) Location of private tile drainage systems, if known
- 786
- 787 (2) A site plan of proposed conditions which shall contain:
- 788 (a) Location and spacing of solar panels
- 789 (b) Location and size of access roads
- 790 (c) Planned location of underground or overhead electric lines connecting the solar farm
791 to the building, substation or other electric load
- 792 (d) New electrical equipment other than at the existing building or substation that is the
793 connection point for the solar farm
- 794 (e) Proposed erosion and sediment control measures
- 795 (f) Proposed stormwater management measures
- 796 (g) Sketch elevation of the premises accurately depicting the proposed solar energy
797 conversion system and its relationship to structures on adjacent lots (if any);
- 798 (h) Changes in surface water drainage patterns
- 799 (i) A table showing the total amount of impervious surface being added to the site,
800 including roads, solar panels, etc.
- 801 (j) Location, number and caliper of any trees to be removed, for trees with size greater
802 than six (6) inches.
- 803 (k) Acreage of solar array.
- 804 (l) Acreage of solar array within fenced area.
- 805 (m) Manufacturer's specifications and recommended installation methods for all major
806 equipment, including solar panels, mounting systems and foundations for poles or racks;
- 807 (n) The number of panels to be installed;
- 808 (o) A description of the method of connecting the array to a building or substation;
- 809 (p) Visual Impact Analysis. An analysis of the potential visual impacts from the project
810 including solar panels, roads and fencing along with measures to avoid, minimize or
811 mitigate the visual effects shall be required. A plan may be required showing vegetative
812 screening or buffering of the system from those items to mitigate for visual impacts;
- 813 (q) Approved snow drift assessment as a result of solar array with fencing and screening
814 along effected roads
- 815
- 816

817 **Subdivision 4 Accessory Use Solar Energy Systems**

818

819 In addition to the General Standards, the following standards shall apply to Accessory Use Solar
820 Energy Systems:

- 821
- 822 1. Must meet all setback and impervious surface requirements pertinent to the zoning district.
 - 823
 - 824 2. Height. Active solar systems are subject to the following height requirements:
 - 825

826 (a) Building or roof- mounted solar systems shall not exceed the maximum allowed height in any
827 zoning district. For purposes of height measurement, solar systems other than building-integrated

828 systems shall be considered to be mechanical devices and are restricted consistent with other
829 building-mounted mechanical devices for the zoning district in which the system is being installed.

830
831 (b) Ground or pole-mounted solar systems shall not exceed twenty-five (25) feet in height when
832 oriented at maximum tilt.

833
834 Location within Lot. Solar systems must meet the accessory structure setback for the zoning
835 district.

836 (a) Roof-mounted Solar Systems. In addition to the building setback, the collector surface and
837 mounting devices for roof-mounted solar systems that are parallel to the roof surface shall not
838 extend beyond the exterior perimeter of the building on which the system is mounted or built. The
839 collector and racking for roof-mounted systems that have a greater pitch than the roof surface
840 shall be set back from all roof edges by at least two feet.

841
842 (b) Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of
843 the building on a side yard exposure. (2) Ground-mounted Solar Systems. Ground-mounted solar
844 energy systems may not extend into the side-yard or rear setback when oriented at minimum
845 design tilt.

846
847 (c) Stormwater Management and Erosion and Sediment Control shall meet the requirements of
848 the MPCA Construction Stormwater Permit requirements.

849 (d) Approved Solar Components. Electric solar system components must have documentation
850 that the products have been independently tested by a Nationally Recognized Testing Laboratory.

851
852 (e) Compliance with State Electric Code. All photovoltaic systems shall comply with the Minnesota
853 State Electric Code.

854
855 (f) Utility Notification. No grid-intertie photovoltaic system shall be installed until evidence has
856 been given to the Department that the owner has notified the utility company of the customer's
857 intent to install an interconnected customer-owned generator. Off-grid systems are exempt from
858 this requirement.

859

860 **Subdivision 5 Primary Use Solar Energy Systems**

861
862 In addition to the General Standards, the following standards shall apply to Primary Use Solar
863 Energy Systems:

864
865 1. Must meet all setback and impervious surface requirements pertinent to the zoning district.

866

867 **Subdivision 6 Building Integrated Solar Energy Systems**

868
869 For purposes of this Ordinance, Building Integrated Solar Energy Systems are an integral part of
870 a dwelling or accessory building rather than a separate mechanical device, replacing or
871 substituting for an architectural or structural component of the building. These include systems
872 that function as roofing materials, windows, and skylights. If there is no change in the height or
873 width of the structure, these systems would not require a Zoning/Building Permit.

874

875 **Subdivision 7 Ground-Mounted and Pole-Mounted Solar Energy Systems**

876

877 In addition to the General Standards, the following standards shall apply to Ground-Mounted and
878 Pole-Mounted Solar Energy Systems:

- 879 1. Must meet all setback requirements pertinent to the zoning district.
- 880 2. Shall not exceed twenty (20) feet in height when oriented at maximum design tilt.
- 881 3. Shall not extend into the side-yard, rear-yard, or road easement/right-of-way setback when
882 oriented at minimum design tilt.
- 883 4. Shall not have a total collector surface of area exceeding fifty percent (50%) of the footprint
884 of the dwelling, or the largest structure currently on the parcel when a dwelling is not
885 present, in the following zoning districts:
 - 886 A. A-1, Shoreland Agricultural
 - 887 B. A-2, General Agricultural
 - 888 C. R-1, Rural Residential
 - 889 D. R-2, Shoreland Residential
- 890 5. Shall have natural ground cover under and between the collectors and surrounding the
891 system's foundation or mounting device(s).

892 **Subdivision 8 Roof-Mounted Solar Energy Systems**

893 In addition to the General Standards, the following standards shall apply to Roof-Mounted Solar
894 Energy Systems:

- 895 1. Shall not exceed by more than four (4) feet the maximum allowed height in any zoning
896 district.
- 897 2. In addition to the structure setback, the collector surface and mounting devices shall not
898 extend beyond the exterior perimeter of the structure on which the system is mounted or
899 built, except for when such an extension is designed as an awning.
- 900 3. The collector and racking that have a greater pitch than the roof surface shall be set back
901 from all roof edges by at least two (2) feet.
- 902 4. Exterior piping for roof-mounted solar hot water systems may extend beyond the perimeter
903 of the structure on side and rear yard exposures.
- 904 5. Shall not cover more than eighty percent (80%) of the south-facing or flat roof upon which
905 the collectors are mounted. Excluding building-integrated systems.

906 **Subdivision 9 Reflecting Solar Energy Systems**

907 In addition to the General Standards, the following standards shall apply to Reflecting Solar
908 Energy Systems:

- 909 1. Shall be designed and operated to prevent the misdirection of reflected solar radiation onto
910 adjacent or nearby property, public roads, or other areas open to the public.

911

- 927 2. Shall not be permitted to be located within Zone C as designated in the Blue Earth Airport
928 Zoning Ordinance, as amended.
929

930 **Subdivision 10 Wall-Mounted Solar Energy Systems**

931
932 In addition to the General Standards, the following standard shall apply to Wall-Mounted Solar
933 Energy Systems:

- 934
935 1. Shall cover no more than twenty-five percent (25%) of any exterior wall facing a front
936 yard in the following districts:
937 A. R-1, Rural Residential
938 B. R-2, Shoreland Residential
939

940 **Subdivision 11 Photovoltaic Solar Energy Systems**

941
942 In addition to the General Standards, the following standards shall apply:

- 943
944 1. The electrical disconnect switch shall be clearly identified and unobstructed.
945
946 2. No Grid-Intertie System shall be installed until documentation has been given to the Zoning
947 Administrator that the owner has notified the utility company of the customer's intent to
948 install an interconnected customer-owned generator. Documentation may consist of an
949 interconnection agreement or a written explanation from the utility provider or contractor
950 outlining why an interconnection agreement is not necessary. Off-grid systems are exempt
951 from this requirement.
952
953 3. Must have an Underwriters Laboratory (UL) listing and Solar Hot Water Systems must have
954 a Solar Rating & Certification Corporation (SRCC) rating.
955

956
957 **Subdivision 12 Avoidance and Mitigation of Damages to Public Infrastructure**

958
959 If determined by the Department or the Planning Commission that the project may impact the
960 County's public infrastructure, the Applicant will be required to complete the Development
961 Agreement, Road Use and Repair Agreement, that includes approval by the Highway Engineer,
962 and the Public Drainage System Protection Agreement. These agreements or other required
963 agreements shall be completed, and included at the time of application for a Conditional Use
964 Permit to the Department.
965

966 **Subdivision 13 Pre-Construction Meeting**

967
968 Applicant for Commercial WECS will be required to conduct a Pre-Construction meeting prior to
969 construction commencement with a written notice identifying the date, time and place of meeting
970 and be sent to the following individuals a minimum of fourteen (14) days prior to said meeting:

- 971 a. Township Chairman
972 b. Faribault County Engineer
973 c. Faribault County Sheriff/ Emergency Management Director
974 d. Faribault County Zoning Administrator
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976 **Subdivision 14 Decommissioning**

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A Decommissioning Plan shall be required as outlined below:

1. For Small Solar Energy Systems less than 40 kW, which do not require a Conditional Use Permit, a decommissioning plan may not be required.

2. For Large Solar Energy Systems greater than 40 kW that require a CUP, and all systems more than 40 kW, a decommissioning plan will be included as part of the application requirements, and shall consist of the following:
 - a. Outline of the anticipated means and cost of removing the system at the end of its serviceable life or upon its becoming a discontinued use. The cost estimates shall be made by a competent party, such as a professional engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the system.

 - b. Decommissioning of the system must occur within sixty (60) days from either the end of the system’s serviceable life; or when the system becomes a discontinued use.

 - c. Decommissioning shall consist of the following:

The removal of the system’s foundation. An exemption from this requirement may be granted by the Conditional Use Permit granting authority if it is determined that the removal of the foundation will significantly increase erosion and/or significantly disrupt vegetation on the site.

Disposal of all solid and hazardous waste in accordance with Local, State, and Federal Waste Disposal Regulations.

The stabilization of soils and/or re-vegetation of the site as necessary to minimize erosion. The Conditional Use Permit granting authority may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption of vegetation.

3. A system shall automatically be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the system to service.

4. The Board shall require an escrow account or surety bond equal to one hundred twenty-five (125) percent of the costs to ensure proper decommissioning.

5. Additional decommissioning requirements may be added as additional conditions on a Conditional Use Permit, as deemed necessary.

SECTION 10 ENFORCEMENT, VIOLATIONS, REMEDIES AND PENALTIES

Enforcement of the Renewable Energy Ordinance shall be done in accordance with process and procedures established in the Faribault County Zoning Ordinance.

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SECTION 11 REPEAL AND RECOMMENDATIONS

Where this Ordinance imposes greater restrictions than any other ordinance, the provisions of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

The Faribault County Planning Commission, after proper notice and publication, held a public hearing on the adoption of this Ordinance on the 14th of June, 2016. After hearing public testimony and with due deliberation, the Planning Commission voted to recommend adoption of this Ordinance to the Faribault County Board of Commissioners.

SECTION 12 ADOPTION

The Faribault County Board of Commissioners, after proper notice and publication, held a public hearing on the adoption of this Ordinance on the 19th day of July, 2016, at the Faribault County Courthouse. After hearing public testimony and with due deliberation, the Faribault County Board of Commissioners voted to adopt this Ordinance.

SECTION 13 -EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after July 19, 2016 of the date of its passage and publication according to law, whichever occurs first.

Dated this 19th day of July, 2016.

Chair
Faribault County Board of Commissioners

ATTEST:

Clerk to the Board

Amended: February 4th, 2020

1 **ADULT USE ORDINANCE**

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4 **SECTION 1 - TITLE**

5
6 **The Title of this Ordinance is the Faribault County Adult Use Ordinance.**

7
8 **SECTION 2 – PURPOSE**

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10 This section is intended to regulate “adult uses,” on those premises, enterprises, establishments,
11 businesses or places open to some or all members of the public, at or in which there is an emphasis on
12 the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical
13 areas” which are capable of being seen by members of the public.

14
15 It is therefore in the best interest of the public health, safety, and welfare of the citizens of Faribault
16 County that certain types of activities, as set forth in this ordinance, are prohibited upon the premises of
17 licensed liquor, wine, and beer establishments so as to best protect and assist the owners and operators
18 and employees of these premises, as well as patrons and the public in general. Further, the County
19 intends that the standards in this ordinance reflect the prevailing community standards in the County of
20 Faribault. This Ordinance is intended to prevent harm stemming from the physical immediacy and
21 combination of alcohol, nudity, and sex. The County Board of Commissioners also desires to prevent any
22 subliminal endorsement of sexual harassment or activities likely to lead to the possibility of various acts of
23 criminal conduct such as prostitution, sexual assault, and disorderly conduct.

24
25 It is further the intent of this Ordinance to:

- 26
27 1. Protect the public health, safety, morals, comfort, convenience and general welfare.
28 2. Protect and preserve economically viable agricultural land.
29 3. Promote orderly development of the residential, commercial, industrial, recreational and public
30 areas.
31 4. Conserve the natural and scenic beauty and attractiveness of the country.
32 5. Conserve and develop natural resources in the County.
33 6. Provide for the compatibility of different land uses and the most appropriate use of land throughout
34 the County.
35 7. Minimize environmental pollution.

36
37 **SECTION 3 JURISDICTION**

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39 The regulations of this ordinance shall apply to all areas of Faribault County outside the incorporated limits of
40 municipalities unless authority has been delegated.

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43 **SECTION 4 INTERPRETATION AND SEVERABILITY**

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45 **A.** In the interpretation and application, the provisions of this Ordinance shall be interpreted to protect the
46 public health, safety and welfare of the citizens of Faribault County by providing for the regulation of adult
47 uses. This Ordinance is not intended to limit or repeal any other powers granted to Faribault County by
48 the State of Minnesota. This Ordinance is duly enacted pursuant to Minnesota Statutes Chapter 394,
49 Planning and Zoning Enabling Legislation. It is not intended by this Ordinance to repeal, abrogate, or
50 impair any existing ordinances, or laws. When this Ordinance is inconsistent with any other Ordinance or
51 law, that which imposes the greater restriction shall prevail. If any section of this Ordinance references
52 another Ordinance, Statute, Rule, or other provision of law, the reference shall be for that other provision
53 of law as currently enacted and as it may be amended or re-codified in the future.

SECTION 5 DEFINITIONS

Subdivision 1 Word Usage Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application. For the purpose of this Ordinance, the words “must” and “shall” are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

Subdivision 2 Permitted Uses Permitted uses of land or buildings as hereinafter listed, shall be permitted only in the districts indicated, and under the conditions specified.

Subdivision 3 Definitions

1. **Adult Uses.** Adult uses include, but are not limited to, adult bookstores, adult motion picture theaters, adult picture rental, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas” which are capable of being seen by members of the public.
2. **Adult Uses-Accessory.** A use, business, or establishment having ten percent (10%) or less of its stock in trade or floor area allocated to, or twenty percent (20%) or less of its gross receipts derived from movie rentals or magazine sales.
3. **Adult Uses-Principal.** A use, business, or establishment having more than ten percent (10%) of its stock in trade or floor area allocated to, or more than twenty percent (20%) of its gross receipts derived from movie rentals or magazine sales.
4. **Adults Use-Body Painting Studio.** A business or establishment which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude in terms of “specified anatomical area”.
5. **Adult use-Bookstore.** A building or portion of a building used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, or motion picture film if such building or portion of a building is not open to the public generally but only to one or more classes of the public excluding any minor by reason of age or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the presentation, display, depiction, or description of “specified sexual activities” or “specified anatomical areas”.
6. **Adult Use-Cabaret.** A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age or if such dancing or live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction, or description of “specified sexual activities” or “specified anatomical areas”.
7. **Adult Use-Companionship Establishment.** A companionship establishment which excludes minors by reason of age or which provides the service of listening to or engaging in conversation, talk, or discussion between an employee or the establishment and a customer, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

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8. **Adult Use-Conversation/Rap Parlor.** A conversation/Rap Parlor which excludes minors by reason of age or which provides the service of listening to or engaging in conversation, talk, or discussion, if such service is distinguished or characterized by and emphasis on “specified sexual activities” or “ specified anatomical areas.”
9. **Adult Use-Health/Sport Club.** A health/sports club, which excludes minors by reason of age or if such club is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
10. **Adult Use-Hotel/Motel.** A hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, or describing or relating to “specified sexual activities” or “specified anatomical areas.”
11. **Adult Use-Massage Parlor, Health Club.** A massage parlor or health club which restricts minors by reason of age and which provides the service of massage if such service is distinguished or characterized by an emphasis on “specified sexual activities’ or “specified anatomical areas.”
12. **Adult Use-Mini Motion Picture Theater.** A building or portion of a building with a capacity of less than fifty (50) persons used for presenting material if such building or portion of a building as a prevailing practice excludes minor by reason of age or if such material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observations by patrons therein.
13. **Adult Use-Modeling Studios.** An establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in “specified sexual activities” or “ specified anatomical areas” while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.
14. **Adult Use-Motion Picture Arcade.** Any place to which the public is permitted or invited wherein coin operated or slug operated, or electronically, electrically, or mechanically controlled or operated still or motor picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing “specified sexual activities” or “specified anatomical areas.”
15. **Adult Use-Motion Picture Theater.** A building or portion of a building with a capacity of more than fifty (50) persons used for presenting material if such building or portion of a building as a prevailing practice excludes minor by reason of age or if such material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
16. **Adult Use-Novelty Business.** A business which has as a principal activity the sale of devises which stimulate human genitals or devices which are designed for sexual stimulation.
17. **Adult Use-Sauna.** A sauna which excludes minors by reason of age, or which provides a team bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing, or reducing agent, if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

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- 18. Adult Use-Steam Room/Bathhouse Facility.** A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing, or reducing agent, if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.
- 19. Dwelling.** A building or portion thereof, designed exclusively for residential occupancy; the term does not include hotels, motels, tents, tent trailers or recreational vehicles.
- 20. Liquor License.** Any of the following licenses issued or approved by the County of Faribault pursuant to Minnesota Statute, Chapter 340A:
- a. On-sale Intoxicating Malt Liquor License, or
 - b. On-sale Intoxicating Liquor License, or
 - c. On-sale Wine License.
- 21. Police Related Service Calls.** Requests for assistance made to the Faribault County Sheriff’s Office from a neighboring resident, a victim of crime, a patron of the establishment, or the management of the Adult Use. Such calls may include but are not limited to: assaults, disorderly conduct, indecent exposure, prostitution, and trespassing.
- 22. Minor.** Person(s) under eighteen (18) years of age.
- 23. Specified Anatomical Areas:**
- a. Human genitals, pubic region, buttock, anus, or female breast(s), below a point immediately above the top of the areola, unless completely and opaquely covered.
 - b. Erect penis, even if completely and opaquely covered.
- 24. Specified Sexual Activities:**
- a. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or use of excretory functions in the context of a sexual relationship, and any of the following sexual-oriented acts of conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellation, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or
 - b. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence.
 - c. Use of human or animal ejaculation or ejaculate, sodomy, oral copulation, coitus, or masturbation.
 - d. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s).
 - e. Situations involving a person or persons, any of whom are nude, clad in undergarments, or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical constraint of any such persons.
 - f. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being.
 - g. Human erection, urination, menstruation, vaginal or anal irrigation

SECTION 6 REQUIREMENTS AND ADMINISTRATION

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No person shall own or operate an adult use establishment within the meaning of Section 5, Subd. 3 without first having secured an Adult Use License from Faribault County.

217 **Subdivision 1 Application.** The application for an Adult Use License shall be submitted on a form
218 provided by the County and shall include.

- 219
- 220 a. If the application is an individual: the name, residence, phone number, and birth date
- 221 of the applicant shall be provided. If the applicant is a partnership: the name,
- 222 residence, phone number, and birth date of each general and limited partner shall be
- 223 provided. If the applicant is a corporation: the name, residence, phone numbers, and
- 224 birth dates of all persons holding more than five (5) percent of the issued outstanding
- 225 stock of the corporation.
- 226 b. The name, address, phone number, and birth date of the operator and manager of
- 227 such operation, if different from the owner(s).
- 228 c. The address and legal description of the premises where the adult establishment is to
- 229 be located.
- 230 d. A statement detailing any gross misdemeanor or felony convictions relating to sex
- 231 offenses, obscenity, or the operation of an adult establishment of adult business by the
- 232 applicant, operator, or manager, and whether or not the applicant has ever applied for
- 233 or held a license to operate a similar type business in any other community(s). In the
- 234 case of a corporation, a statement detailing any felony convictions by the owners of
- 235 more than five percent (5%) of the issued and outstanding stock of the corporation,
- 236 and whether or not those property owners have ever applied for or held a license to
- 237 operate a similar type of business in other community(s).
- 238 e. The activities and types of business to be conducted.
- 239 f. The hours of operation.
- 240 g. Provisions to be utilized to restrict access by minors.
- 241 h. A building plan of the premises detailing all internal operations and activities.
- 242 i. The permit shall expire on December 31 of the year it is issued.
- 243
- 244

245 **Subdivision 2 Responsibility to Obtain Other Permits/Licenses.**

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247 The granting of any permit or license pursuant to requirements of this Ordinance, or other applicable
248 Faribault County Ordinances, shall not relieve applicants of their responsibility to obtain any required
249 state or federal permits.

250 **Subdivision 3 Adult Use License Fee**

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- 252
- 253 1. **Submittal of Fees.** Each application for an Adult Use License shall be submitted to the
- 254 County Auditor and shall be accompanied by payment in full of the required fee for the Adult
- 255 Use License.
- 256 2. **Expiration of Adult Use License.** Each license shall be issued for a period of one (1)
- 257 calendar year. All licenses shall expire on the last day of December of each year. Any portion
- 258 of a year less than 12 months shall be counted as a full year for the purpose of calculation of
- 259 fees.
- 260 3. **Annual Fee.** The annual fee for an Adult Use License shall be as detailed in the fee schedule
- 261 established by the Faribault County Board of Commissioners. The fee may be adjusted from
- 262 time to time by Board resolution.
- 263 4. **Refund of Fee.** No part of the fee paid for any license issued under this Ordinance shall be
- 264 refunded.
- 265

266 **Subdivision 4 Granting of Adult Use License**

- 267
- 268 1. The Faribault County Sheriff shall investigate all facts set out in the application. Each owner
- 269 of the establishment, be it individual, partner, limited partner, shall be subjected to a criminal
- 270 history background check by the Sheriff or his designee. Costs of the criminal history

271 investigations shall be borne by the applicant according to a fee schedule established by the
272 Sheriff. The application for the adult use license shall not be considered complete until all
273 required information has been furnished, the investigation has been completed by the Sheriff,
274 and a report provided to the County Zoning Administrator by the applicant.

- 275 2. The Planning Commission shall hold a public hearing and report it's findings to the County
276 Board after the County Zoning Administrator receives a complete application. At the hearing
277 opportunity shall be given to any person to be heard relating to the granting of the license. The
278 County Board shall grant or deny said Adult Use License within thirty (30) days of the
279 conclusion of the hearing.
- 280 3. The Adult Use License shall be issued only to the applicant and shall not be transferable to
281 another holder. Each license shall be issued only for the premises described in the
282 application. No license may be transferred to another premises or person without the written
283 permission of the County. If the license is a partnership or corporation, a change in the
284 identity of any of the principals of the partnership or corporation shall be deemed to be a
285 transfer of the license.
- 286 4. The license and permit granted hereunder shall be considered a conditional use permit and
287 the requirements for granting a conditional use permit, as defined within the Faribault County
288 Zoning Ordinance, are incorporated herein and made a part hereof.
289

290 **Subdivision 5 Persons Ineligible for Adult Use License.**

291
292 No license shall be issued to any person:

- 293 1. Under twenty-one (21) years of age.
- 294 2. Who is overdue in payments to a city, county, state, or federal government of taxes, fees,
295 fines or penalties, or charges for municipal services and utilities assessed against them or
296 imposed upon them.
- 297 3. Who has been convicted of a gross misdemeanor or felony, or of violating any law of this state
298 or local Ordinance relating to sex offenses, obscenity offenses, or adult establishments.
- 299 4. Who is not the proprietor of the establishment for which the license if issued.
- 300 5. To any applicant who is acting as an agent for an individual who would be disqualified
301 pursuant to the above criteria.
- 302 6. Who has not paid the required investigation/licensing fees required by this Ordinance.
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305 **Subdivision 6 Places Ineligible for Issuance of Adult Use License**

- 306 1. No license shall be granted for adult establishments on any premises where a licensee has
307 been convicted of a violation of this Ordinance, or where any license hereunder has been
308 revoked for cause, until one (1) year has elapsed after such conviction or revocation.
- 309 2. No license shall be granted for any adult establishment which is not in compliance with the
310 County's land use regulations, or fire, health, and safety codes and all provisions of federal and
311 state law.
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314 **Subdivision 7 Conditions of Adult Use License**

- 315 1. All licensed premises shall have the license posted in a conspicuous place at all times.
- 316 2. No Minor shall be permitted on the premises.
- 317 3. Any designated inspection officer of the County shall have the right to enter, inspect, and
318 search the premises of a licensee during business hours.
- 319 4. No adult goods or materials shall be offered, sold, transferred, conveyed, given, displayed, or
320 bartered to any minor.
- 321 5. In granting a license for an adult establishment, the County Board may impose additional
322 conditions to protect the best interest of the surrounding area or the County as a whole.
- 323 6. The licensee must keep itemized written records of all transactions involving the sale or rental
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- 325 of all items or merchandise for at least one year after the transaction. At a minimum, those
326 records must describe the date of the transaction, a description of the transaction, the
327 purchase or rental price, and a detailed description of the item or merchandise that is being
328 purchased or rented. These written records must be provided to the County upon request.
329 7. The licensee must cover or otherwise arrange all windows, doors, and apertures to prevent
330 any person outside the licensed premises from viewing any items or merchandise inside the
331 premises depicting specified sexual activities or specified anatomical areas.
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333 SECTION 7 ADULT USE OPERATIONAL REQUIREMENTS

334 Subdivision 1 General Provisions.

335 Adult uses as defined in Section 5, Subd. 3 of this Ordinance shall be subject to the following general
336 provisions:

- 337
- 338 a. No person(s) under eighteen (18) years of age shall be permitted in any adult use-
339 principal premises, enterprise, establishment, business or place.
 - 340 b. No liquor license shall be issued to any adult use related premises, enterprise,
341 establishment, business, or place open to some or all members of the public, at or in
342 which there is an emphasis on the presentation, display, depiction, description of, or
343 participation in "specified sexual activities" or "specified anatomical areas".
 - 344 c. No adult use related premises, enterprise, establishment, business or place shall allow
345 or permit the sale or service of set ups to mix alcoholic drinks. No alcoholic beverages
346 shall be consumed on the premises of such premises, enterprise, establishment,
347 business, or place.
 - 348 d. Activities classified as obscene are not permitted and are prohibited. In no instance
349 shall the application or interpretation of this Ordinance be construed to allow an activity
350 otherwise prohibited by law.
 - 351 e. Adult uses, either principal or accessory, shall be prohibited from locating in any
352 building which is also utilized for residential purposes.
 - 353 f. An adult use which does not qualify as an accessory use pursuant to Section 6-D
354 below, shall be classified as an adult-use principal.
 - 355 g. Another adult establishment. No adult use-principal shall be located in the same
356 building or upon the same property as another adult use-principal.
357

358 Subdivision 2 Hours of Operation.

359 Hours of operation for all Adult-uses, shall be from 9:00 a.m. to 12:30 a.m. A differing time schedule may
360 be approved by the County Board if it can be satisfactorily demonstrated to the Board that all of the
361 following apply:

- 362
- 363 a. The use does not adversely impact or affect uses or activities within 1,000 feet.
 - 364 b. The use will not result in increased policing and related service calls.
 - 365 c. Is critical to the operation of the business.
366

367 Subdivision 3 Sign Regulations.

368 Adult uses shall adhere to the following sign regulations in addition to those set forth in the Faribault
369 County Zoning Ordinance.

- 370
- 371 a. Sign message shall be generic in nature and shall only identify the name and type of
372 business. Signs shall not be pictorial.
 - 373 b. Signs shall be limited to the size and number of signs permitted in the district in which
374 the use is located.
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379 **Subdivision 4 Adult Cabaret Regulations**
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- 381 1. The following additional restrictions apply to Adult Cabarets:
382 a. No person, firm, partnership, corporation, or other entity shall advertise, or cause to be
383 advertised, an adult cabaret without a valid Adult Use License.
384 b. An Adult Use License shall maintain and retain for a period of two (2) years the names,
385 addresses, and ages of all persons engaged, hired, or employed as dancers or
386 performers by the licensee.
387 c. An adult cabaret shall be prohibited in establishments where alcoholic beverages are
388 served.
389 d. No owner, operator, or manager of an adult cabaret shall permit or allow any dancer or
390 other live entertainer to perform nude.
391 e. No patron or any person other than a dancer or live entertainer, as provided in
392 subparts G & H below, shall be nude in an adult cabaret.
393 f. No dancer, live entertainer, performer shall be under eighteen (18) years of age.
394 g. All dancing shall occur on a platform intended for that purpose which is raised at least
395 two (2) feet above the level of the floor.
396 h. No dancer or performer shall perform or dance closer than ten (10) feet from any
397 patron unless such dancer or performer is enclosed behind a floor to ceiling glass
398 partition.
399 i. No dancer shall fondle or caress any patron and no patron shall fondle or caress any
400 dancer or performer.
401 j. No person under eighteen (18) years of age shall be admitted to an adult cabaret.
402

403 **Subdivision 5 Viewing Booth Regulations**
404

- 405 1. The following additional regulations apply to viewing booths:
406 a. Individual Motion Picture viewing booths must be without doors and the occupant must
407 be visible at all times.
408 b. Only one person may be in a viewing booth at a time.
409 c. Walls separating booths must be such that the occupants cannot engage in sexual
410 activity.
411 d. Each booth must be kept clean and sanitary.
412 e. Minimum lighting requirements must be maintained.
413
414

415 **Subdivision 6 Adult Use, Accessory**
416

- 417 1. The following additional restrictions apply to adult use accessories.
418 a. **Permitted Locations for Accessory Adult Uses.** Adult use-accessory shall be
419 permitted in the B-1, Highway Business District, provided the accessory use conforms
420 with the provisions of this subdivision. Adult Use-Accessory shall:
421
422 (1) Comprise no more than ten percent (10%) of the floor area of the
423 establishment in which it is located.
424 (2) Comprise no more than twenty percent (20%) of the gross receipts of the entire
425 business operation.
426 (3) Not involve or include any activity except the sale or rental of merchandise.
427
428 b. **Separation of Area.** Adult use-accessory shall be restricted from, and prohibit access
429 to minors, by physically separating the following and similar items from areas of
430 general public access:
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- (1) Movie Rental display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view of, and under the control of, the persons responsible for the operation.
- (2) Magazines or publications classified as adult uses shall not be physically accessible to minors and shall be covered with a wrapper or other means to prevent display of any material other than the publication title.
- (3) Other adult uses not specifically cited shall comply with the intent of this Ordinance.

c. **Advertising.** Adult Use-Accessory shall be prohibited from both internal and external advertising and signing of adult materials and products.

SECTION 8 PERMITTED LOCATION FOR ADULT USES

An adult use establishment as defined in Section 5, Subd. 3 shall only be allowed in the B-1 Highway Business District as conditional uses.

- a. Access, parking, screening, lighting, and other relevant site related criteria for all Adult uses shall be as set forth in the General Regulations of the Faribault County Zoning Ordinance.

Subdivision 1

An adult-use establishment as defined in Section 5, Subd. 3, shall be located at least one thousand (1,000) lineal feet, as measured in a straight line from the closest point of the main entrance of the building within which the adult use-principal is located, to the property line of:

- a. Any residentially used or zoned property.
 - (1) Any residential dwelling site. In an Ag district, for the purpose of this ordinance, a site will be considered the 10 acres surrounding the residential home.
 - (2) Any licensed day-care center.
 - (3) Any public or private educational facility classified as an elementary, junior high, senior high school or pre-school.
 - (4) Any hotel or motel.
 - (5) Any public park or trails system.
 - (6) Any nursing home.
 - (7) Any youth establishment.
 - (8) Any church or church related organization.

SECTION 9 COMPLIANCE

All adult uses shall be in full compliance with requirements of this Ordinance; Faribault Zoning Ordinance, other applicable provisions of County, State, or Federal laws, and applicable fire, health, and/or safety codes.

SECTION 10 PENALTIES

Any person violating any provision of this Ordinance is guilty of a misdemeanor. In addition; Faribault County may sue for injunctive relief for any violation. Also, Faribault County may sue for injunctive relief to prevent a violation. They may suspend or revoke any permits or licenses issued by the Board with cause.

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1. **Suspension or Revocation of Adult Use License.** Any violation of this Ordinance shall be a basis for suspension or revocation of any permit or license granted hereunder. In the event the County Board proposes to suspend or revoke the Adult Use License, the County Board shall hold a hearing. The County will provide 10 days written notice before such a hearing.
2. **Revocation of Liquor License.** Any violation of this Ordinance shall be a basis for suspension or revocation of a Liquor License issued pursuant to Minnesota Statutes, Chapter 340A. The Faribault County Board of Commissioners or anyone they delegate shall follow the notice and hearing requirements for contested cases under Minnesota Statutes, Chapter 14.57 to 14.70 of the Administrative Procedures Act.

SECTION 11 ENFORCEMENT

The Faribault County Board, the Faribault County Sheriff, and the Faribault County Zoning Administrator are responsible for the enforcement of this Ordinance.

SECTION 12 REPEAL AND RECOMMENDATIONS

It is not intended by this Ordinance to repeal any Ordinance. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other Ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

Subdivision 1 Public Hearing and Planning Commission Recommendation

The Faribault County Planning Commission, after proper notice and publication, held a public hearing on the adoption of this Ordinance on the 25th day of June, 2012 at the Faribault County Ag Center Conference Room. After hearing public testimony and with due deliberation, the Planning Commission voted unanimously to recommend adoption of this Ordinance to the Faribault County Board of Commissioners.

SECTION 13 ADOPTION

The Faribault County Board of Commissioners, on the 19th day of July, 2012 at their regular scheduled meeting, after reviewing public testimony and the recommendation of the Faribault County Planning Commission, with due deliberation, the Faribault County Board of Commissioners voted unanimously to adopt this Ordinance.

This Ordinance shall be in full force and effect 30 days after its passage and publication, as provided by law.

Chairman, County Board

Passed this Nineteenth day of July, 2012 State of Minnesota, County of Faribault

I hereby certify that the above is the Resolution
Duly passed, adopted and approved by the County
Board of Faribault on July 19, 2012.

ATTEST: _____
John Thompson, County Auditor

1 **SECTION 37 PIPELINE ORDINANCE**

2 **SECTION I TITLE**

3
4 The title of this ordinance is the Faribault County Pipeline Ordinance

5
6 **SECTION 2 PURPOSE**

7 The purpose of this Pipeline Ordinance shall be to set forth a process to allow for the permitting of
8 Pipelines, as defined herein, which will discharge into protected waters, to assure the health,
9 safety and general welfare of the citizens of Faribault County.

10 This ordinance does not apply to pipelines regulated under Minnesota Statutes Chapter 216G,
11 Private Ag. Drainage, or Public Ag. Drainage Systems under Minnesota Statutes Chapter 103E.

12
13 **SECTION 3 INTERPRETATION**

14 In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum
15 requirements for the promotion of the public health, safety, and general welfare. Where the
16 provisions of this Ordinance impose greater restriction than those of any statute, other ordinance
17 or regulations, the provisions of this Ordinance shall be controlling. Where the provisions of any
18 statute, other ordinance or regulation impose greater restrictions than this Ordinance, the
19 provisions of such statute, other ordinance or regulation shall be controlling.

20
21 **SECTION 4 DEFINITIONS**

22 **Antidegradation Assessment** – An assessment required under Minnesota Rules 7050. The
23 Assessment shall include, at a minimum, a description of the anticipated impacts to the existing
24 water quality, an alternative analysis, and a justification for lowering of high water quality based on
25 the necessity for important social and economic development.

26
27 **Applicant** - Any person, provider, firm, partnership or company who files an application for any
28 permit required for the construction, replacement, or alteration of a pipeline or any component
29 thereof.

30
31 **Commercial Use** – The principal use of land or buildings for the sale, lease, rental, or trade of
32 products, goods, and services.

33
34 **Conditional Use** - A land use or development as defined by ordinance that would not be
35 appropriate generally but may be allowed with appropriate restrictions as provided by official
36 controls upon a finding that (1) certain conditions as detailed in this Ordinance exist, and (2) the
37 use or development conforms to the Comprehensive Land Use Plan (CLUP) of the County and (3)
38 is compatible with the existing neighborhood.

39
40 **County Board** – The Faribault County Board of Commissioners

41 **Cultivated Agricultural land** - Land which is used to raise agricultural crops, is capable of
42 use for that purpose or is plowed, fallow or contains harvested crop residue or is pasture
43 land.

44
45 **Decommissioning Plan** – A plan developed and submitted to the Department outlining the steps
46 and schedule for decommissioning the proposed pipeline or pipeline system.

47
48 **Department** - The Faribault County Planning and Zoning Department, or other entity designated
49 by the County Board to administer and implement this Ordinance.

50
51 **Development Agreement** - The Development Agreement and all other agreements entered into
52 between the County Board and/or the Townships, the Drainage Authority and the Developer that
53 are incorporated into this agreement. The Development Agreement may also include Drainage
54 System and Road Use Agreements.

55
56 **Developer** – The Company, its employees, agents, successors and assigns, including, but not
57 limited to, contractors and subcontractors engaged to do any of the work outlined in this
58 agreement.

59
60 **Disposal or dispose** - The discharge, deposit, injection, dumping, spilling, leaking, or placing of
61 any waste into or on any land or water so that the waste or any constituent thereof may enter the
62 environment or be emitted into the air, or discharged into any waters, including ground waters.

63
64 **Drainage Authority** – The board or joint county drainage authority having jurisdiction over a
65 drainage system or project.

66
67 **Drainage System** – “Drainage system” means a system of ditch or tile, or both, to drain property,
68 including laterals, improvements, and improvements of outlets, established and constructed by a
69 drainage authority. “Drainage system” includes the improvement of a natural waterway used in the
70 construction of a drainage system and any part of a flood control plan proposed by the United
71 States or its agencies in the drainage system.

72
73 **Dwelling** - A building or portion thereof, designed exclusively for residential occupancy; the term
74 does not include hotels, motels, tents, tent trailers or recreational vehicles.

75
76 **Easement** - A grant by a property owner for the use of a strip of land for the purpose of
77 constructing and maintaining utilities, including but not limited to sanitary sewers, water mains,
78 electric lines, telephone lines, storm drainage ways and gas lines.

79
80 **Essential Services** - Overhead or underground electrical, gas, steam or water transmission or
81 distribution systems and structures, or collection, communication, supply or disposal systems and
82 structures, used by public utilities, rural electric cooperatives or governmental departments or
83 commissions or as are required for protection of the public health, safety, or general welfare,
84 including towers, poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call
85 boxes, and accessories in connection therewith, but not including buildings.

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87 **Industrial Use** – The use of land or buildings for the production, manufacture, warehousing,
88 storage, or transfer of goods, products, commodities, or other wholesale items.

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Pipeline – A long tubular conduit or series of such conduits with pumps and valves for flow control used to transport liquids or pressurized gasses that are not considered an essential service.

Protected Waters – Public Waters - Any waters as defined in Minnesota Statutes, Section 103G.005.

Public Roadway - Roadways and appurtenance right-of-ways that are under the jurisdiction of a County or Township, and including without limitation roadway ditches.

Shore Impact Zone - Land located between the Ordinary High Water Level (OHWL) 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: one thousand (1,000) feet from the OHWL of a lake, pond or flowage; and three hundred (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 of the DNR.

Waste – Solid waste, sewage sludge, and hazardous waste (MN Stats. 115A.03, subd 34).

Waste By- Products - The liquids or gases or other residues resulting from Industrial processing, treatment activities, or waste disposal.

Zoning Ordinance - The Faribault County Zoning Ordinance

SECTION 5 REQUIRED PERMITS, AGREEMENTS AND ASSOCIATED FEES

No person, business, firm or corporation shall construct, install, alter or extend any Pipeline which will discharge into protected waters in Faribault County without first obtaining appropriate permits, as adopted and amended, from the Department. This may include but is not limited to signing the Faribault County Development Agreement.

Subdivision 1 Building/Zoning Permit Requirements

All Pipeline applicants are required to complete a permit application and all required attachments as adopted and amended by the County Board.

Application includes, but is not limited to, the following information:

1. Applicant information
2. Pipeline location map
3. Description of project
4. Detailed description of materials being transported through the pipeline

- 131 5. MN local, state, or federal application forms if applicable or required by Department
- 132 6. Copies of all negotiated Landowner Easement Agreements
- 133 7. Engineers' Certification
- 134 8. Detailed Decommissioning Plan
- 135 9. NPDES Stormwater Permit (if required)
- 136 10. Any additional agreements, including Development Agreement and other permits
- 137 required by the County.
- 138 11. Type of installation (boring, trenching)
- 139 12.

140 **Subdivision 2 Conditional Use Permits (CUP)**

141
142 Conditional Use Permits are required for all Pipelines. The CUP only authorizes the use as
143 specifically described in the CUP application.

144
145 **Subdivision 3 Development Agreement**

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147 Applicant is responsible to complete the Development Agreement prior to applying for a CUP and
148 other associated permits that may be required by the Department or the County Board.

149
150 **Subdivision 4 Fees**

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152 The fee schedule shall be established, and may be reviewed and revised periodically, by the
153 County Board.

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155 **SECTION 6 PLACEMENT and SETBACKS**

- 156
- 157 1. Any Pipeline placed in the Right of Way (ROW) must obtain appropriate permits from the
 - 158 appropriate road authority.
 - 159 2. Any Pipeline must be 500' from existing Dwellings.
 - 160 3. Drainage system setbacks will be addressed through the Faribault County Development
 - 161 Agreement.

162
163 **SECTION 7 REQUIREMENTS AND STANDARDS**

164 **Subdivision 1 Antidegradation (fka Nondegredation) Assessment.**

165 Applicant shall complete the Antidegradation Assessment if required by the MN Pollution Control
166 Agency and shall provide the Department with a copy of all documents filed in support of the
167 Assessment and the result of any Agency Preliminary Decision and Final Determination prior to
168 making an Application for a Conditional Use Permit.

169 **Subdivision 2 Inspections**

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171 Upon issuance of a Conditional Use Permit, applicant is responsible to report to the Department
172 any inspections that are identified in the CUP or Development Agreement.

173 **Subdivision 3 Bank Erosion Plan**

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Upon issuance of a Conditional Use Permit, applicant is responsible to report to the Department any plans that are identified in the CUP or Development Agreement.

Subdivision 4 Orderly Development

Upon issuance of a Conditional Use Permit, it is the applicant who is responsible to ensure that the entire Pipeline route is listed with all appropriate agencies including but not limited to Gopher One.

Subdivision 5 Fire Protection and Emergency Services

Prior to initiating construction activity related to the project, the applicant will communicate and coordinate with local fire, emergency services, and Faribault County their needs and plans related to all aspects of the pipeline project to assure adequate preparedness and response is executed in the event these services are required. An E-911 address will be issued if required.

Subdivision 6 Safety and Design Standards

Engineering Certification is required within the Development Agreement. Manufacturer's engineer or another qualified engineer shall certify that the Pipeline is within accepted professional standards, given local soil and climate conditions.

Subdivision 7 Signage

All Pipelines shall be posted with appropriate signage as determined by the Department.

Subdivision 8 Storage of Equipment and Materials During Construction

All materials and equipment must be stored and parked within the bounds of the waste by-products pipeline right of way so as to minimize interference with traffic and emergency response vehicles, unless an agreement is approved through the appropriate county permitting authority.

Subdivision 9 Other Applicable Standards

Other standards as set forth by the Conditional Use Permit or the Development Agreement.

SECTION 8 DISCONTINUATION, DECOMMISSIONING, AND MODIFICATION PLANS

Subdivision 1 Discontinuation

All Pipelines shall be considered as a discontinued use after six (6) months without transportation of any materials, liquids or gases, unless a plan is developed and submitted to the Department outlining the steps and schedule for returning the pipeline to service. All Pipelines and accessory facilities shall be removed entirely from the ground within ninety (90) days of the discontinuation of use or as soon there after as permitted by the Department.

Subdivision 2 Decommissioning Plan

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Each Pipeline shall have a Decommissioning Plan outlining the anticipated means and cost of removing the Pipeline at the end of its serviceable life or upon becoming a discontinued use. This plan must include the following:

1. The cost estimates shall be made by a competent party; such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning.
2. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the pipeline and accessory facilities.
3. Timeframe.

Subdivision 3 Modification Plans

If at any time the Pipeline is modified beyond the original Conditional Use Permit, a modification plan must be developed and submitted to the Department, reviewed by the Planning Commission for recommendation, and forwarded to the County Board for final decision.

SECTION 9 AVOIDANCE AND MITIGATION OF DAMAGES TO PUBLIC INFRASTRUCTURE AND AGRICULTURAL LAND

Subdivision 1 Development Agreement

Any applicant of a Pipeline as described in this ordinance shall be required to complete the Faribault Development Agreement that includes sign off by the County Highway Engineer, and the Public Drainage System Protection Agreement. These agreements or other required agreements shall be completed, and included at the time of application for a Conditional Use Permit to the Department.

Subdivision 2 Associated Facilities

Location of all above ground facilities associated with the operation of a Pipeline including but not limited to pump stations, shall be consistent with the following criteria:

1. Associated facilities such as pump stations, check valves, and access points shall be required to be located so as to minimize interference with productive use of cultivated agricultural land, irrigation, etc., by placing in corners of fields, on fence lines, etc.
2. To minimize interference with existing road and highway right of ways.

SECTION 10 PRE CONSTRUCTION MEETING

Applicant for a Pipeline will be required to conduct a Pre-Construction meeting prior to construction commencement. Written notice identifying the date, time and place of the meeting shall be sent by the applicant to the following individuals a minimum of fourteen (14) days prior to said meeting:

- a. Township Chairmen
- b. Faribault County Engineer
- c. Faribault County Sheriff
- d. Faribault County Zoning Administrator

- e. County Commissioner of the District and/or entire County Board
- f. Others as deemed necessary

SECTION 11 ENFORCEMENT, VIOLATIONS, REMEDIES AND PENALTIES

Enforcement of the Pipeline Ordinance shall be done in accordance with process and procedures established in Section 30 of the Faribault County Zoning Ordinance.

SECTION 12 REPEAL AND RECOMMENDATIONS

It is not intended by this Ordinance to repeal any Ordinance. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other Ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

Subdivision 1 Public Hearing and Planning Commission Recommendation

The Faribault County Planning Commission, after proper notice and publication, held a public hearing on the adoption of this Ordinance on the 12th day of February, 2013 at the Faribault County Ag Center Conference Room. After hearing public testimony and with due deliberation, the Planning Commission voted unanimously to recommend adoption of this Ordinance to the Faribault County Board of Commissioners.

SECTION 13 ADOPTION

The Faribault County Board of Commissioners, on the 5th day of March, 2013 at their regular scheduled meeting, after reviewing public testimony and the recommendation of the Faribault County Planning Commission, with due deliberation, the Faribault County Board of Commissioners voted unanimously to adopt this Ordinance.

This Ordinance shall be in full force and effect 30 days after its passage and publication, as provided by law.

Chairman, County Board

Passed this fifth day of March, 2013 State of Minnesota, County of Faribault

Attest: _____, John Thompson, County Auditor

1 **SECTION 38 – BUFFER ORDINANCE**
2 **THE BOARD OF COMMISSIONERS OF FARIBAULT COUNTY, MINNESOTA DOES ORDAIN:**
3

4 **SECTION 1 STATUTORY AUTHORIZATION AND POLICY**

5 1.1 **Statutory authorization.** This buffer ordinance is adopted pursuant to the authorization and policies
6 contained in Minn. Stat. §103F.48, the Buffer Law, and the County planning and zoning enabling
7 legislation in Minn. Stat. chapter 394.

8 1.2 **Purpose and intent.** It is the purpose and intent of the County to:

9 (a) Provide for riparian vegetated buffers and water quality practices to achieve the following purposes:

- 10 (1) Protect state water resources from erosion and runoff pollution;
- 11 (2) Stabilize soils, shores and banks; and
- 12 (3) Protect or provide riparian corridors.

13
14
15 (b) Coordinate the implementation and enforcement of the water resources riparian protection
16 requirements of Minn. Stat. §103F.48 with the shoreland management rules and ordinances adopted
17 under the authority of Minn. Stat. §103F.201 to 103F.227 and the management of public drainage
18 systems established under Minn. Stat. chapter 103E where applicable; and

19 (c) Provide efficient and effective direction to landowners and protection of surface water quality and
20 related land resources.

21
22 **SECTION 2 DEFINITIONS AND GENERAL PROVISIONS**

23 2.1 **Definitions.** Unless specifically defined below, words or phrases used in this ordinance shall be
24 interpreted to give them the same meaning they have in common usage and to give this ordinance it's
25 most reasonable application. For the purpose of this ordinance, the words "must" and "shall" are
26 mandatory and not permissive. All distances, unless otherwise specified, are measured horizontally.

27
28 2.1.1 **"APO"** means the administrative penalty order issued pursuant to Minn. Stat. §103F.48, subd. 7
29 and Minn. Stat. §103B.101, subd. 12a.

30 2.1.2 **"Buffer"** has the meaning provided in Minn. Stat. §103F.48, subd. 1(c).

31 2.1.3 **"Buffer protection map"** has the meaning provided in Minn. Stat. §103F.48, subd. 1(d) and which
32 are available on the Department of Natural Resources website.

33 2.1.4 **"BWSR"** means the Board of Water and Soil Resources.

34
35 2.1.5 **"County"** means Faribault County and all of its agencies, including, but not limited to Planning &
36 Zoning and Drainage.

37 2.1.6 **"Cultivation farming"** means farming practices that disturb root or soil structure or that impair the
38 viability of perennial vegetation due to cutting or harvesting near the soil surface.

39 2.1.7 **"Drainage authority"** has the meaning provided in Minn. Stat. §103E.005, subd. 9.

40 2.1.8 **"Landowner"** means the holder of the fee title, the holder's agents or assigns, any lessee, licensee,
41 or operator of the real property and includes all land occupiers as defined by Minn. Stat.
42 §103F.401, subd. 7 or any other party conducting farming activities on or exercising control over
43 the real property.

44 2.1.9 "Parcel" means a unit of real property that has been given a tax identification number maintained
45 by the County.

46 2.1.10 "Public drainage system" has the meaning given to "drainage system" in Minn. Stat. §103E.005,
47 subd. 12.

48 2.1.11 "Local water management authority" has the meaning provided in Minn. Stat. §103F.48, Subd.
49 1(g).

50 2.1.12 "Normal water level" means the level evidenced by the long-term presence of surface water as
51 indicated directly by hydrophytic plants or hydric soils or indirectly determined via hydrological
52 models or analysis.

53 2.1.13 "SWCD" means Faribault County Soil and Water Conservation District.

54 2.2 **Severability.** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or
55 invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected
56 thereby.

57 2.3 **Data sharing/management.**

58 2.3.1 The County may enter into arrangements with the SWCD, BWSR and other parties with respect to
59 the creation and maintenance of, and access to, data concerning buffers and alternative practices
60 under this ordinance.

61 2.3.2 The County will manage all such data in accordance with the Minnesota Data Practices Act and
62 any other applicable laws.
63

64 SECTION 3 JURISDICTION

65 3.1 **Jurisdiction.** The provisions of this ordinance apply to all waters, shown on the buffer protection map,
66 including public drainage systems for which the County is the drainage authority under Minn. Stat.
67 chapter 103E.

68 SECTION 4 BUFFER REQUIREMENTS

69 4.1 **Buffer width.** Except as provided in subsection 4.4 and 4.5, a landowner owning property adjacent to a
70 water body identified on the buffer protection map must establish and maintain a buffer area as follows:
71

72 (a) For waters shown on the buffer protection map requiring a fifty (50) foot width buffer, the buffer
73 width will be fifty (50) foot average and thirty (30) foot minimum width as provided in Minn. Stat.
74 §103F.48, subd. 3 and as measured according to subsection 4.2; and

75 (b) For waters shown on the buffer protection map requiring a sixteen and a half (16.5) foot minimum
76 width buffer, the buffer width will be sixteen and a half (16.5) feet as provided in Minn. Stat. §103F.48,
77 subd. 3 and as measured according to subsection 4.2. This subsection applies only if the County is the
78 drainage authority.

79 4.2 **Measurement.**

80 (a) The width of any required buffer on land adjacent to a water requiring a fifty (50) foot average width
81 and a thirty (30) foot minimum width buffer shall be measured from the top or crown of the bank. Where
82 there is no defined bank, measurement must be from the edge of the normal water level as provided in
83 Minn. Stat. §103F.48, subd. 3(c).

84 (b) The width of any required buffer on land adjacent to a water requiring a sixteen and a half (16.5) foot
85 minimum width buffer shall be measured in the same manner as for measuring the vegetated grass strip
86 under Minn. Stat. §103E.021, subd. 6 as provided in Minn. Stat. §103F.48, subd. 3(c).

87 4.3 **Use of buffer area.** Except as provided in sections 4.4 and 4.5 a buffer as defined in this ordinance may
88 not be put to any use, included but not limited to cultivation farming, which would remove or prevent the
89 permanent growth of perennial vegetation.
90

91 4.4 **Exemptions.** The requirement of section 4.1 does not apply to land that is exempted from the water
92 resources riparian protection requirements under Minn. Stat. §103F.48, subd. 5.
93

94 4.5. **Alternative practices.** As provided in Minn. Stat. §103F.48, subd. 3(b) an owner of land that is used for
95 cultivation farming may demonstrate compliance with subsection 4.1 by establishing and maintaining an
96 alternative riparian water quality practice(s), or combination of structural, vegetative, and management
97 practice(s) which provide water quality protection comparable to the water quality protection provided
98 by a required buffer as defined in sections 4.1 to 4.3. The adequacy of any alternative practice allowed
99 under this section shall be based on the approved SWCD Alternative Practices or other practices adopted
100 by BWSR:

101 (a) the Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG);

102 (b) common alternative practices adopted and published by BWSR;

103 (c) practices based on local conditions approved by the SWCD that are consistent with the Natural
104 Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG); or

105 (d) other practices adopted by BWSR.
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110 SECTION 5 COMPLIANCE DETERMINATIONS

111 5.1 **Compliance determinations.** Compliance with the buffer requirements set forth in section 4 will be
112 determined by the SWCD on a parcel by parcel basis. The compliance status of each bank, or edge of a
113 waterbody on an individual parcel will be determined independently.
114

115 5.2 **Investigation and notification of noncompliance.** When the County identifies a potential noncompliance
116 with the buffer requirements or receives a third party complaint from a private individual or entity, or
117 from another public agency, it will consult with the SWCD to determine the appropriate course of action
118 to document compliance status. This may include communication with the landowner, inspection or
119 other appropriate steps necessary to verify the compliance status of the parcel. On the basis of the
120 evidence gathered in this process, the SWCD may issue a Notification of Noncompliance to the County. If
121 the SWCD does not issue such a Notification, the County will not pursue a compliance or enforcement
122 action under Minnesota Statutes §103F.48 and subsection 6.2.
123

124 At any time during process set forth in 5.2 and 5.3, the landowner may provide documentation of
125 compliance to the SWCD.
126

127 5.2.1 **Compliance determination.** The SWCD will evaluate the available documentation, and/or evaluate
128 and/or inspect the buffer and/or alternative practices to determine if the parcel is in compliance.
129 Upon completion of the evaluation and/or inspection the SWCD shall issue a written compliance
130 determination to the landowner, the County and BWSR. The SWCD may also issue a Validation of
131 Compliance if applicable and requested by the landowner.
132

133 5.3 **Corrective Action Notice.** On receipt of an SWCD Notification of Noncompliance, the County will issue the
134 landowner a Corrective Action Notice that will:

135 (a) include a list of corrective actions needed to come into compliance with the requirements of Minn.
136

137 Stat. §103F.48;

138
139 (b) provide a timeline for complying with the corrective action notice;

140
141 (c) provide a compliance standard against which the County will judge the corrective action; and

142
143 (d) include a statement that failure to respond to this Notice may result in administrative penalties.

144
145 The County may send the landowner a combined Corrective Action Notice and APO as provided in section
146 6.2 so long as the combined Notice/APO includes all the required elements of both.

147
148 The County shall transmit the corrective action notice by either personal service to the landowner or by
149 depositing the same in the U.S. Mail. If service is made by U.S. mail, the document is deemed received
150 three business days after the notice was placed in the U.S. mail. Failure of actual receipt of a corrective
151 action notice that has either been personally served or served by depositing the same in the U.S. Mail
152 shall not be deemed a defense in an enforcement proceeding under section 6.0. The County shall also
153 send a copy of the Notice to the SWCD and BWSR.

154
155 The County may modify the corrective actions and timeline for compliance, in accordance with section
156 5.2, to extend the compliance timeline for a modification that imposes a substantial new action or
157 significantly accelerates the completion date for an action.

158
159 5.3.1 At any time after receipt of a corrective action notice, the landowner may provide documentation
160 of compliance to the County. In addition, the landowner may supply information to the County or
161 the SWCD in support of a request to modify a corrective action or the timeline for compliance. On
162 the basis of any such submittal or at its own discretion, the County may make a written
163 modification to the Corrective Action Notice or timeline for compliance. The County should also
164 make a written determination documenting whether the noncompliance has been fully corrected.
165 Any such modification of a compliance determination will be served on the landowner in the
166 manner provided for in section 5.3. The County shall provide the SWCD and BWSR a written copy
167 of any modification made pursuant to this provision.

168
169 5.3.2 The SWCD may, after an evaluation of the evidence documenting compliance submitted by the
170 landowner, issue a written Validation of Compliance if requested by the landowner. Upon receipt
171 by the County of a written compliance determination issued by the SWCD, the Corrective Action
172 Notice will be deemed withdrawn for the purpose of section 6.0, and the subject property will not
173 be subject to enforcement under that section.

174 175 176 **SECTION 6 ENFORCEMENT**

177
178 6.1 The County may issue an APO as provided for in Minn. Stat. §§103F.48, subd. 7(b) and (c) and 103B.101,
179 subdivision 12a to a landowner who has failed to take the corrective action as set forth in the corrective
180 action notice. For the APO to be effective it must be served on the landowner together with a copy of the
181 corrective action notice or alternatively the County may serve the landowner with a combined Corrective
182 Action Notice and APO so long as the combined Notice/APO includes all the elements of both. Service is
183 effective either by personal service or by depositing the documents set forth herein in the U.S. Mail. Any
184 penalty assessed in the APO shall continue to accrue until the violation is corrected as provided in the
185 Corrective Action Notice and APO.

188 **6.2 Administrative Penalty Order (APO).**
189

190 6.2.1 **Initial violation.** The penalty for a landowner on a single parcel that has not previously been the
191 subject of an APO issued by the County shall be:

- 192
193 i. \$0 for 11 months after issuance of the Corrective Action Notice;
194 ii. \$100 per parcel per month for the first six (6) months (180 days) following the time period in i;
195 and
196 iii. \$350 per parcel per month after six (6) months (180 days) following the time period in ii.
197

198 6.2.2 **Repeat violation.** The penalty for a landowner on a single parcel that has previously been the
199 subject of an APO issued by the County shall be:

- 200 i. \$100 per parcel per day for 180 days after issuance of the Corrective Action Notice; and
201 ii. \$350 per parcel per day for after 180 days following the time period in i.
202

203 6.2.3 **Ongoing penalty assessment.** Any penalty assessed under this section shall continue until the
204 corrective action notice has been satisfied.
205

206 6.2.4 **APO.** To be valid the APO shall include, at a minimum:
207

- 208 i. The facts constituting the violation of the riparian protection and water quality practices
209 requirements set forth in this section 4.0 of this ordinance or Minn. Stat. §103F.48 ;
210 ii. The specific statute and/or ordinance section(s) that has/have been violated;
211 iii. A written description of prior efforts to work with the landowner to resolve the violation;
212 iv. The amount of the penalty to be imposed;
213 v. The date the penalty will begin to accrue;
214 vi. The date that payment of the penalty is due;
215 vii. The date by which all or part of the penalty may be forgiven if the landowner has/have complied
216 with the Corrective Action Notice; and
217 viii. A statement of the landowner's right to appeal the APO.
218

219 6.2.5 All or part of the penalty may be forgiven based on the correction of the noncompliance by the date
220 specified in the APO by the landowner as provided in Minn. Stat. §103F.48, subd. 7(d).
221

222 6.2.6 A copy of the APO must be sent to the SWCD and BWSR.
223

224 6.2.7 An APO issued under this section may be appealed to the BWSR within 30 days of receipt by the
225 landowner in accordance with the requirements set for the in Minn. Stat. §103F.48, subd. 9. Any
226 APO that is not appealed within the 30 day period shall be deemed final.
227

228 **6.3 Administrative Penalty Order Procedures**
229

230 6.3.1 **Statute of limitations.** Any administrative enforcement proceeding including the issuance of an
231 APO should be undertaken within three years after the alleged violations was discovered or
232 reasonably should have been discovered by the County. According to Minn. Stat. §541.07, the County
233 has two years in which to commence an APO action after the date the violation is discovered. The
234 goal is to complete the action as soon as reasonably practical, recognizing that situations for which
235 data must be gathered, field investigations must be completed and/or modeling must be performed
236 will require adequate time to complete the work and communicate with the landowner involved.
237

238 6.3.2 **Compliance verification.** Once a landowner has submitted written evidence of correction of
239 the violation set forth in the notice of compliance, compliance must be verified. The County will:
240

- 241 i. Review and evaluate all information related to the APO to determine if the violation has been
242 corrected;
- 243 ii. Verify compliance by site visit, re-inspection, examination of documentation, or other means
244 as may be reasonable under the facts of the case; and
- 245 iii. Document compliance verification.

246 The County may consult with the SWCD when conducting a compliance verification.
247

248 6.3.3 **Right to appeal.** Within 30 days after receipt of the APO, a landowner may appeal the terms
249 and conditions of an APO issued by a County to BWSR as provided in Minn. Stat. §103F.48, subd. 9.
250 The appeal must be in writing and must include a copy of the APO that is being appealed, the basis for
251 the appeal and any supporting evidence. The appeal may be submitted personally, by U.S. mail, or
252 electronically, to the Executive Director of BWSR.
253

254 6.3.4 **Penalty due.** Unless the landowner appeals the APO as provided in section 6.3.3 the penalty
255 specified in the APO becomes immediately due and payable to the County as set forth in the APO. If,
256 however, the landowner submits written documentation that the violations has been corrected prior
257 to the time the penalty becomes due and payable the County shall verify compliance and adjust the
258 penalty to an amount the landowner would have owed had the penalty been paid on the date the
259 landowner submitted written documentation of compliance. Written documentation of compliance
260 may include a written validation of compliance issued by the SWCD.
261

262 However, if the County determines the violation was not fully corrected, the County shall notify the
263 landowner by issuing a written letter of determination and depositing it in the U.S. Mail. Any
264 determination sent by U.S. Mail shall be deemed received three business days after the letter of
265 determination has been deposited in the U.S. Mail. The landowner shall have an additional 20 days
266 after receipt of the letter of determination to pay the penalty or the time period specified in the APO
267 as issued, whichever is later. The penalty will continue to accrue until the violation is corrected as
268 provided in the Corrective Action Notice and APO.
269

270 6.3.5 **Referral for collection of penalty.** All penalties and interest assessed under an APO must be
271 paid by the landowner within the time specified in this section. All payments shall be made payable to
272 the County. Any penalty or interest not received in the specified time may be collected by the County
273 using any lawful means.
274

275 6.3.6 **Reporting and documentation.** The County shall maintain the following records for any
276 potential violation of the riparian protection and water quality practices requirements. Said records
277 shall include but are not limited to the following:

- 278 i. The cause of the violation;
- 279 ii. The magnitude and duration of the violation;
- 280 iii. Documentation showing whether the violation presents an actual or imminent risk to public
281 health and safety;
- 282 iv. Documentation showing whether the violation has the potential to harm to the natural
283 resources of the state;
- 284 v. A record of past violations;
- 285 vi. Efforts by the SWCD, County, or BWSR to assist the responsible party or parties to become
286 compliant, including written communications with the responsible party or parties; and
- 287 vii. Past and present corrective action efforts by the responsible party or parties.

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SECTION 7 ADOPTION

7.1 **Adoption.** The Faribault County Buffer Ordinance is hereby adopted by the Faribault County Board of Commissioners on this 17th day of October, 2017.

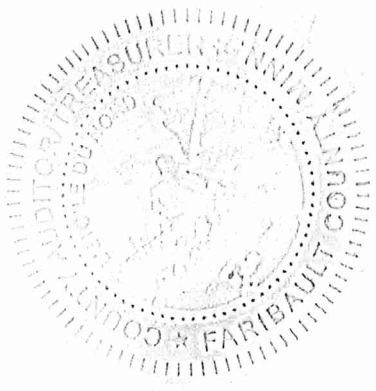
7.2 **Effective Date.** This Ordinance shall be in full force and effect from and after November 1st, 2017.



John Roper, Chairman
Faribault County Board of Commissioners

ATTEST:


John L. Thompson, Auditor/Treasurer/Coordinator



Notice of Public Hearing Published: October 2, 2017
Public Hearing: October 17, 2017
Adopted by County Board: October 17, 2017
Publication of Ordinance: tbd
Filed with County Recorder: tbd
Effective Date: November 1, 2017