

ZONING ORDINANCE OF MCLEOD COUNTY

AN ORDINANCE REQUIRING PERMITS FOR BUILDINGS, STRUCTURES AND THE USES THEREOF; FOR LAND USES AND FOR WATER SUPPLY AND SEWAGE DISPOSAL FACILITIES; AND ESTABLISHING MINIMUM LOT SIZES, SETBACKS AND SIDE YARDS; PROVIDING FOR PARKING AND OTHER REQUIREMENTS; AND IMPOSING PENALTIES, IN THE AREA OF MCLEOD COUNTY, MINNESOTA OR PARTS THEREOF OUTSIDE THE INCORPORATED LIMITS OF THE MUNICIPALITIES.

SECTION 1 - PURPOSE AND INTENT

This Ordinance is enacted for the following purposes:

1. Protecting the public health, safety, comfort, convenience and general welfare.
2. Dividing the unincorporated portions of the County into zones and districts and regulating therein the location, construction, reconstruction, alteration and use of structures and land.
3. Promoting orderly development of the residential, business, industrial, recreational, public, and agricultural areas.
4. Providing for adequate light, air and convenience of access to property by regulating the bulk of structures in relation to surrounding properties.
5. Limiting congestion in the public rights-of-way.
6. Facilitating the adequate provision of water, sewerage and other public requirements.
7. Establishing a Board of Adjustment and Planning Advisory Commission, providing for the administration of this Ordinance and defining the powers and duties of the administering officer.
8. Prescribing penalties for the violation of the provisions of this Ordinance or any amendment thereto.

SECTION 2 - TITLE

This Ordinance shall be known, cited and referred to as the McLeod County Zoning Ordinance; except as referred to herein, where it shall be known as “this Ordinance.”

SECTION 3 - 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 this Ordinance as a whole or any part thereof other than the part so declared to be invalid.

SECTION 4 - JURISDICTION, SCOPE AND INTERPRETATION

Subdivision 1: Jurisdiction

Subdivision 2: Scope

Subdivision 3: Interpretation

Subdivision 4: Lots of Record

Subdivision 1: Jurisdiction

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

Subdivision 2: 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/or area, added to or relocated, and every use within a building or use accessory thereto in the 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.

Subdivision 3: Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to be 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.

Subdivision 4: Lots of Record

All lots which are a part of a subdivision legally recorded with the County Recorder and lot or lots described by metes and bounds, the deed to which has been recorded in the Office of the County Recorder prior to October 17, 1981, shall be considered to be Lots of Record. Such lots may be considered a building site if they were created compliant with official controls in effect at the time and the sewage treatment and setback requirements of this ordinance are met.

SECTION 5 - DEFINITIONS AND RULES OF LANGUAGE CONSTRUCTION

Subdivision 1: Rules of Language Construction Subdivision 2: Definitions

Subdivision 1: Rules of Language Construction

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. Certain terms or words used herein shall be interpreted as follows:

1. The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
2. The words “shall” and “must” are mandatory and not discretionary; the word “may” is permissive.
3. Words used in the present tense shall include the future; words used in the singular shall include the plural, and the plural the singular.
4. The word “used for” shall include the phrases “arranged for,” “designed for,” “intended for,” “maintained for” and “occupied for.”
5. All stated and measured distances shall be taken to the nearest integral foot. If a fraction is one-half (½) foot or less, the integral foot next below shall be taken.

Subdivision 2: Definitions

Accessory Use or Structure. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Adult Business. Any establishment having as a substantial or significant portion of its stock in trade or business activity in a use such as, but not limited to the following: Adults-Only Bookstores, Adults-Only Motion Picture Theatres, Adult Entertainment Centers, Massage Parlors, Rap Parlors, Adults-Only Cabarets or Adults-Only Saunas, where explicit sexual conduct is depicted and or sexual activity is explicitly or implicitly encouraged or tolerated.

Agriculture. The cultivation of land for crops to include animal husbandry, tree nurseries, and orchards.

Aircraft. Any machine for flying as defined by the Federal Aviation Administration.

Automobile Service Station. Any building or premises, or portion thereof, used or intended to be used for the retail dispensing or sale of automobile fuels, which activity may be accompanied by accessory uses such as sale of lubricants, tires, accessories or supplies, or minor repairing of automobiles.

Bed-and-Breakfast Inn, Retreat Center. An existing house or portion thereof, where short-term lodging rooms and meals may be provided. The owner/operator of the establishment need not reside at the facility.

Billboard. See Advertising Sign.

Bluff impact zone. A bluff and land located within 20 feet from the top of a bluff.

Bluff. A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff): (1) part or all of the feature is located in a shoreland area; (2) the slope rises at least 25 feet above the ordinary high water level of the waterbody; (3) the grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and (4) the slope must drain toward the waterbody.

Board of Adjustment. A quasi-judicial body, created by this Ordinance, whose responsibility it is to hear appeals from decisions of the Zoning Administrator and to consider requests for variances permissible under the terms of this Ordinance.

Boathouse. A structure designed and used solely for the storage of boats or boating equipment.

Buffer. The use of land, topography (differences in elevation), space, fences, or landscape plantings to screen or partially screen a tract of property from another tract of property and thus reduce undesirable influences such as sight, noise, dust and other external effects which a land use may have upon other adjacent or nearby land uses.

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

Building Height. The vertical distance from the average of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

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 distance between the building and property line in which buildings or structures may not be placed.

Business. Any occupation, employment, or enterprise wherein merchandise is exhibited or sold or rented, or which occupies time, attention, labor, or materials, or where services are offered for compensation.

Cellar. A portion of a building located partly or wholly underground and having half or more than half its clear floor to ceiling height below grade.

SECTION 5 DEFINITIONS

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

Commissioner. The commissioner of the Department of Natural Resources.

Comprehensive Plan. Unless otherwise stated, it is the general plan for land use, transportation, and community facilities prepared and maintained by the County.

Conditional Use. A use of land not normally allowed in a particular zoning district but which may be allowed under certain conditions.

Convenience Store. A store selling on a retail basis food for consumption off the premises along with other items, sometimes including gasoline; differentiated from a grocery store by its size of not more than 5,000 square feet.

County. McLeod County, Minnesota.

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

Day Care Center. A business in which ten or more children receive adult supervision and meals in the temporary daily absence of their parents. A similar business with fewer than ten children is considered a home occupation.

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

Depth of Lot. The mean horizontal distance between the mean front lot line and the mean rear lot line.

Dwelling Unit. Two or more rooms within a structure which are arranged, designed or used as living quarters for one (1) family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall be included for each dwelling. A mobile home with the above accommodations located in areas approved for mobile homes shall be considered a dwelling unit. A house trailer, camper trailer, camper, bus or tent, are not considered dwelling units.

- A. **Dwelling, farm.** A dwelling located on a farm which *one or more* of the residents of said dwelling either owns, operates or is employed thereon.
- B. **Dwelling, non-farm.** A dwelling located on a parcel of land contiguous to or surrounded by farmland which is under separate ownership and which the resident(s) of said dwelling neither operates nor is employed thereon.
- C. **Dwelling Single-Family.** A detached building designed for and occupied by not more than one family.

Equal Degree of Encroachment - A method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

SECTION 5 DEFINITIONS

Essential Services. Any surface, overhead or underground electric, gas transportation, hydro-carbon, steam, water, or refuse transmission, distribution or collection system operated by any utility company or governmental agency.

- A. Minor Essential Service Facilities - Any essential service line or structure located within any county easement or county right-of-way and providing single service distribution lines, i.e., single service electrical distribution lines (less than 35 KV), other single service distribution lines (telephone and gas), shall not require a conditional use permit, however, such service facilities shall be governed by the procedures described herein.
- B. Major Essential Service Facilities - Any essential service line or structure providing transmission services, i.e., utility service such as high voltage (greater than 35 KV) electrical power or bulk gas or fuel being transferred from station to station and not intended for end route consumption shall require a conditional use permit as regulated in Section 18 of this Ordinance in addition to being governed by the procedures described herein.

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

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

Extraction of Minerals. The use of land for surface or subsurface removal of sand, gravel, rock, earth, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, sections 93.44 to 93.51.

Family. Any number of individuals related by blood, marriage, adoption or foster care, or not more than five (5) persons not so related, maintaining a common household and using common cooking and kitchen facilities; as distinguished from a group occupying a boarding house, lodging house, hotel or motel.

Family Day Care Home. A single-family home providing day care in accordance with State Statutes.

Farm. A forty-acre or larger parcel of land used primarily for commercial agricultural production, except that it does not include non-farm agricultural activities. A farm may include related structures required for the agricultural operations and the secondary processing, selling, storage or transport of the farm produce.

Farm-related business. A commercial or industrial enterprise providing goods or services exclusively to the local agricultural economy.

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 this ordinance, open lots for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures

shall not be considered to be animal feedlots. Other definitions relating to feedlots as regulated in Section 19 of this Ordinance are found in the Minnesota Pollution Control Agency's Rules For the Control of Pollution from Animal Feedlots, which are adopted by reference in this Ordinance.

Flood. A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

Flood Frequency. The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

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 McLeod County.

Flood Plain. The areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.

Flood-Proofing. A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway. The channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or discharge the regional flood.

Frontage. All the property fronting on one side of a street, measured along such street, between an intersecting street and another intersecting street, a right-of-way, waterway, end of a dead-end street, or municipal boundary.

Gross Floor Area. The sum of the gross horizontal areas of the several floors of a building measured from the exterior walls, the exterior faces of exterior walls, or from the center line of party walls separating two buildings; the term does not include basements used for storage purposes or enclosed spaces used for off-street parking.

Hardship. The condition when the property in question cannot be put to a reasonable use under the conditions allowed by this ordinance. Economic considerations alone shall not constitute a hardship if any reasonable use for the property exists under the terms of this ordinance. (As used in connection with a variance under this ordinance.)

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 have any exterior evidence of a secondary use.

Industrial use. The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

Junk Yard. An area where used, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber products, bottles, used building material and products resulting from the wrecking of automobiles or other vehicles, providing further, that the storage of five (5) or more inoperative or unlicensed motor vehicles shall also be considered a junk yard.

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Kennel. A place where four (4) or more dogs over four (4) months of age, are owned, boarded, bred or offered for sale.

Lot. A parcel of land occupied or to be occupied by a principal structure or group of structures and accessory structures together with such yards, open spaces, lot width and lot area as are required by this Ordinance, and having the required frontage upon the street, either shown and identified by lot number on a plat of record or considered as a unit of property and described by metes and bounds.

A. Lot, corner - A lot located at the intersection of two streets having two adjacent sides abutting streets; the interior angle of the intersection does not exceed 135 degrees.

Lot Area. The area of a lot on a horizontal plane bounded by the lot lines.

A. Lot area, buildable - That portion of the lot remaining after the deletion of floodplains, road right-of-way, wetlands and excessive slopes.

Lot Frontage. See **Frontage**.

Lot Lines. The lines bounding a lot as defined in this Ordinance.

Lot width. The shortest distance between lot lines measured at the building front setback line.

Lot of Record. Any lot which has been recorded in the office of the County Recorder prior to October 17, 1981.

Manufactured (Mobile) Home. A structure, transportable in one or more sections, which in the traveling mode, is 8 feet or more in width or 40 feet or more in length, or, when erected on site, is 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. The term includes any structure that meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under State law.

Mining - Refer to "Extraction of Minerals"

Non-Conforming Use. Any building or land lawfully occupied by a use at the time of the approval of this Ordinance, or any amendment to it rendering such use non-conforming, which does not comply with all of the regulations of this Ordinance, or any amendment hereto, governing use for the zoning districts in which such use is located.

Non-Conforming Building or Structure. Any building or structure lawfully existing at the time of the approval of this Ordinance, or any amendment to it rendering such building or structure non-conforming, which: (a) does not comply with all of the regulations of this Ordinance, or any amendment hereto, governing bulk, height and yard requirements for the zoning district in which such building or structure is located; or (b) is designed or intended for a non-conforming use.

Nonconformity. 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.

Obstruction, waterway. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

Open Sales Lot. An open area other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition or other materials or equipment, and where no repair work is done.

Ordinary high water level. The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Principal Use. The purpose for which land or a building or structure thereon is designed, arranged, intended or maintained or for which it is or may be used or occupied.

Principal Building. A building in which is conducted the principal use of the lot on which it is situated.

Public water. A body of water capable of substantial beneficial public use. This shall be construed to mean, for the purposes of this Ordinance, any body of water, which has the potential to support any type of recreational pursuit or water supply purpose. However, no lake, pond or flowage of less than 25 acres in size and no river or stream having a total drainage area of less than two (2) square miles need be regulated by the County for the purposes of this Ordinance. A body of water created by a private user where there was no previous shoreland, as defined herein, for a designated private use authorized by the Commission shall be exempt from the provisions of the statewide standards and criteria.

Reach - a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

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.

Regulatory Flood Protection Elevation - An elevation no lower than 3 feet 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.

Replacement Dwelling. A newly constructed or moved in structure to replace a previous existing dwelling which is in any various degrees of disrepair which is located on an existing building site that may include the following: an existing access and driveway, electrical services, established trees or windbreak and existing accessory structures.

Restaurant. An establishment where food is available to the general public for consumption on the premises.

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.

Salvage and Wrecking Yard. An outdoor facility used by a business engaged in the reclamation of parts or materials from used motor vehicles or trailers, machinery or buildings.

Screened. When a structure is built to be placed on a lot or vegetation is planted such that when the structure is built it is visually inconspicuous as viewed from the shoreland during the summer months. Visually inconspicuous means difficult to see or not readily noticeable in summer months.

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

Sewage treatment system. A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in the McLeod County Individual Sewage Treatment System Ordinance.

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.

Shore impact zone. Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

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

Sign. The use of any words, 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.

- A. Advertising (off-premise sign) - 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 premises on which the sign is located.
- B. 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 as the identification or promotion of any principal commodity or service, including entertainment, offered or sold upon the premises where such sign is located.

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- C. 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.
- D. Directional Sign - Sign erected on public or private property which bears the address and name of a business, institution, church, or other use or activity plus directional arrows or information on location.
- E. Directory Sign - A wall sign which identifies the business, owner, manager, or resident occupant and sets forth the occupation or other address information but contains no advertising.
- F. Free Standing Sign - Any stationary or portable, self-supported sign not affixed to any other structure.
- G. Government Sign - A sign, which is erected by a governmental unit.
- H. Illuminated Sign - Any sign which is lighted by artificial light source either directed upon it or illuminated from an interior source.
- I. Institutional Sign - A sign or bulletin board, which identifies a name or other characteristics of a public or private institution on the site where the sign is located.
- J. 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.
- K. Nameplate Sign - 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.
- L. Portable Sign - A sign structure with or without copy and/or graphics so designed as to be movable from one location to another and which is not permanently attached to the ground or any structure.
- M. Real Estate Sign - A business sign placed upon a property advertising that particular property for sale, or for rent or lease.
- N. Sign Area - The entire area within a single, continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits of such sign and not forming an integral part of the display. Only one side of a double face sign structure shall be used in computing the total surface area.
- O. Temporary Signs - A sign designed to be displayed for a limited period of time that is not permanently fixed to the land or a structure. Banners, pennants, sandwich or curb signs, portable signs, balloons, or similar objects constitute temporary signage when displayed outside on a premises.

Special Event/Rallies. Any motorized rally consisting of 2 or more vehicles in the immediate area.

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 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

Structure. Anything constructed or erected, the use of which requires permanent location on the ground, or to something having permanent location on the ground, including advertising devices or other construction or erection with special function or form, except fences or walks, and for the purposes of this Ordinance, manufactured homes which are otherwise herein defined and restricted.

Structural alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Subdivision. Land that is divided for the purpose of sale, rent, or lease, including planned unit developments.

Surface water-oriented commercial use. The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

Toe of the bluff. The lower point of a 50-foot segment with an average slope exceeding 18 percent.

Top of the bluff. The higher point of a 50-foot segment with an average slope exceeding 18 percent.

Travel Trailer. A trailer mounted on wheels that (1) is designed to provide temporary living quarters during recreation, camping or travel (2) does not require a special highway movement permit based on its size or weight when towed by a motor vehicle and (3) complies with Minnesota Statutes, Chapter 169.

Truck Terminal. A warehouse and distribution business specializing in the shipment of goods or materials and which generates significant numbers of semi-trailer trucks.

Unit. See **Dwelling Unit.**

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.

A. Permitted Use - A public or private use which of itself conforms with the purposes, objectives, requirements, regulations and performance standards of a particular district.

Variance. The waiving by the Board of Adjustments of the literal provisions of all McLeod County Ordinances in cases where their strict enforcement would cause undue hardship because of physical circumstances unique to the individual property involved. Variances shall be limited to height, bulk, density and yard requirements.

Warehousing. The storage of materials, goods, or equipment within an enclosed building as a principal use.

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 detached decks.

Wetland. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this Ordinance, wetlands must (1) have a predominance of hydric soils; (2) be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and (3) under normal circumstances, support a prevalence of hydrophytic vegetation.

"A wetland" or "the wetland" means a distinct hydrologic feature with characteristics of the preceding paragraph, surrounded by non-wetland and including all contiguous wetland types except those connected solely by riverine wetlands. "Wetland area" means a portion of "a wetland" or "the wetland."

Wetlands also include public waters wetlands and public waters that are designated on the public waters inventory maps prepared under Minnesota Statutes, Section 103G.201.

Width of Lot. The mean horizontal distance between the side lot lines of a lot, measured within the lot boundaries on corner lots the lesser frontage is the width.

Wooded. A tract of land that has tree canopy over at least 30 percent of it, with trees confirmed to be of desirable species, healthy and mature, with 30 percent of trees having a minimum diameter of 6 inches measured to a point two (2) feet above ground level..

Yard. The space in the same lot with a building open and unobstructed from the ground to the sky.

- A. Front Yard - The area extending across the front of the lot between the side yard lines and lying between the center line of the road or highway and the nearest line of the building.
- B. Rear Yard - The 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.
- C. Side Yard - An open unoccupied space on a lot between the main building and the sideline of the lot, extending from the front to the rear of the main building.

Zoning Administrator. The duly appointed person charged with the enforcement of this Ordinance.

Zoning District. An area or areas within the limits of McLeod County for which the regulations and requirements governing land use are uniform.

SECTION 6 - CLASSIFICATION OF DISTRICTS

Subdivision 1: Districts

Subdivision 2: Zoning Map

Subdivision 3: District Boundaries

Subdivision 4: Permitted Uses

Subdivision 5: Uses Not Provided For in Zoning District

Subdivision 6: Future Detachment

Subdivision 1: Districts

For the purpose of this Ordinance, McLeod County is hereby divided into classes of districts, which will be designated as follows:

- “A” Agricultural District
- “R-1” Rural Residential District
- “U-E” Urban Expansion District
- “B-1” Highway Business District
- “I-1” Limited Industrial District
- “FP” Flood Plain District

Subdivision 2: Zoning Map

The location and boundaries of the Districts established by this Ordinance are hereby set forth on the zoning maps. Said maps, known as the "County Zoning Maps," and consisting of sheets 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 maps, and amendments thereto shall be recorded on said Zoning Maps within thirty (30) days after official publication of amendments. The official Zoning Maps shall be kept on file in the Zoning Administrator's Office in the McLeod County Courthouse.

Subdivision 3: District Boundaries

The boundaries between districts are, unless otherwise indicated, the center lines of highways, roads, streets, alleys or railroad rights-of-way or such lines extended or lines parallel or perpendicular thereto, or section, half-section, quarter-section, quarter-quarter-section or other fractional section lines of the 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 equivalent to the number of feet so indicated.

Appeals from the Board, Planning Commission or any administrative officer's determination of the exact location of district boundary lines shall be heard by the Board of Adjustment in accordance with the provisions of Section 23 of this Ordinance.

Subdivision 4: Permitted Uses

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 is located, except for the following exceptions:

1. Conditional uses allowed in accordance with the provisions of Section 17 of this Ordinance.
2. Any structure lawfully established prior to the effective date of this ordinance, subject to the provisions of Section 20, Non-Conforming Uses.

Subdivision 5: Uses Not Provided For in Zoning District

Whenever a use is neither specifically permitted nor denied in any zoning district, the use shall be considered prohibited. In such case the Board or the Planning Commission may, on their own initiative or upon request of a property owner, conduct a study to determine if the use is acceptable and, if so, what zoning district would be most appropriate and what conditions and standards should be applied to the use. The Board or Planning Commission, upon receipt of the study, may initiate an amendment to the Zoning Ordinance to provide for the particular use under consideration.

Subdivision 6: 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" Agricultural District until placed in another district by action of the Board of County Commissioners upon recommendation of the Planning Commission.

SECTION 7 - “A” AGRICULTURAL DISTRICT

- Subdivision 1: Purpose
- Subdivision 2: Permitted Uses
- Subdivision 3: Conditional Uses
- Subdivision 4: Dimensional Regulations
- Subdivision 5: Lots of Record
- Subdivision 6: Higher-Density Development on Difficult-to-Farm Sites
- Subdivision 7: Site Plan Required
- Subdivision 8: General Regulations
- Subdivision 9: Purchase and Transfer of Development Rights Program

Subdivision 1: Purpose

The purpose of the Agricultural District is to preserve for farming those locations that have soils which, when properly managed, are capable of high crop yields, to minimize scattered non-farm growth, and to protect from deleterious influences those farm locations that have high investments in buildings, equipment or irrigation, and to stabilize increases in public expenditures for such public services as roads and road maintenance, police and fire protection, and schools.

Subdivision 2: Permitted Uses

1. Agriculture, including the principal farm dwelling, replacement dwelling and agricultural buildings.
2. Single-family non-farm dwellings at a density no greater than one unit per Quarter-Quarter Section (approximately 40 acres), with the exceptions specified in Subdivision 5 and 6 below.
3. Flood control, watershed or erosion control structures.
4. Home occupations as regulated in Section 16 of this Ordinance, including home occupations located in accessory buildings not exceeding 2,400 square feet in size.
5. Township halls or other governmental buildings.
6. Customary accessory buildings and structures, including detached garages and sheds.
7. Electrical wind turbine generators at 40kw or less and 125 feet or less in height being measured from the generator housing unit.
 - a. As a condition for the land use permit to remain valid, within (30) days of the issuance of the permit the applicant will submit a copy of the permit, documentation or letter of acknowledgement from the electric utility company regarding the proposed construction of the wind turbine to the Planning and Zoning Office.

Subdivision 3: Conditional Uses

Land in the Agricultural District may be used for any of the following purposes only with the issuance of a Conditional Use Permit. Refer to Section 18 for a description of the requirements for each of these Conditional Uses.

1. Accessory mobile home for family members needing special care
2. Second farm dwelling unable to meet standards in Subdivision 2 above
3. Airplane landing strip
4. Any extraction, processing, washing, screening and bituminous plant operation or storage of sand, gravel, stone or other minerals subject to the provisions set forth in Section 16 of this Ordinance.
5. Bed-and-Breakfast Inn, Retreat Center
6. Commercial outdoor activities, recreation areas and accessory buildings, including organized group camps, golf courses and clubs, gun clubs, cart tracks, 4 x 4 rallies and other motorized rallies.
7. Construction and demolition landfills
8. Any educational facility which may include a residence for school employees located on the same property as the school or church, and including activities requiring rural isolation, recreational, religious or other activities.
9. Farm-related businesses
10. Confined feedlots as regulated by Section 20 of this ordinance and the McLeod County Feedlot Ordinance.
11. Home occupations in accessory buildings exceeding 2,400 square feet and/or employing more than five (5) non-residents so regulated by Section 16, Subdivision 12.
12. Churches, cemeteries, memorial gardens.
13. Essential service lines, essential service structures.
14. Extraction of minerals.
15. Facilities for the temporary holding or sale of livestock
16. Junkyards, salvage yards
17. Municipal wastewater treatment facilities
18. Publicly-owned parks or open space areas, wildlife areas, game refuges or forest preserves.

19. Sanitary landfills for municipal solid waste.
20. Sawmills, pallet manufacturing, cabinet shop or other similar woodworking uses.
21. Veterinary and animal clinics, including kennels or facilities for care and breeding of dogs, cats or other domestic pets.
22. Electrical wind turbine generators greater than 40kw or 125 feet in height (measured from natural grade), communication towers, and solar energy systems.
23. Highway Maintenance Building
24. Fire station
25. Customary accessory buildings and structures, including detached garages and sheds which exceed 2,400 square feet of the floor area within platted or other described lots of ten (10) acres or less.
26. Agricultural structures including livestock structures, when the entire proposed construction is more than 660 feet from the applicants existing site or farmstead.
27. Any structure located on an existing parcel or newly created parcel in which the use of that structure may be changed, altered or added onto so as to have its present usage changed from an agricultural accessory use to that of a non-agricultural primary use.
28. Automobile, farm equipment, recreational vehicles and mechanical or body shops.
29. A second farm dwelling on each farm for the use of family members or employees. The site shall meet the lot size and dimensional standards specified in Subdivision 4 below, to permit future conveyance if necessary. This second dwelling shall be within 1000 feet of the principal dwelling.

Subdivision 4: Dimensional Regulations

The following standards apply to farm and non-farm dwellings. Any residential lot must meet County requirements for primary and replacement septic systems and water wells. (See Section 16)

1. Maximum Density 1 house per Quarter-Quarter Section (approx. 40 ac.) except as provided in Subdivision 5 and 6

2. Minimum Lot Sizes:

Principal Dwelling	1 ¼ acre
Secondary (Farm) Dwelling:	1 ¼ acre

3. Minimum Lot Dimensions (All Land Uses):

Width at building line:	150
Depth:	250

4. Minimum Setbacks, Principal or Accessory Structures:

<u>Minimum Setbacks</u>	<u>Principal</u>	<u>Accessory Structures</u>
Front, from centerline of Township Road:	100	100
County Road or C.S.A.H.	130	130
State Highway:	130	130
Front, platted lots, from road right-of-way	40	40
Side:	20	20
Rear:	40	20

When 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 the lot.

5. Maximum Building Heights:

All nonagricultural buildings: 2 ½ stories or 35 feet, whichever is less, except as specified in Section 16, Subdivision 14.

Agricultural buildings and structures: No restriction

6. Communication Towers & Turbines: With setbacks from property lines, Wind Turbines and road right-of-way at the same height as the tower or structure setbacks, whichever is greater.

7. Setback Distance to Feedlots – One quarter (1/4) mile or three (3) feet per animal unit, whichever is the greater setback distance, up to a maximum of one-half (1/2) mile from an existing registered or permitted feedlot.

Subdivision 5: Lots of Record

A lot of record of less than a Quarter-Quarter Section in size, prior to October 17, 1981, may be subdivided in accordance with the regulations of the McLeod County Subdivision ordinance to provide one (1) non-farm residential lot meeting the lot size and dimensional standards of Subdivision 4 above, provided that the parcel does not already contain a farm or non-farm dwelling and meets County septic system and water well requirements.

Subdivision 6: Higher-Density Development on Difficult-to-Farm Sites

In order to reduce the pressure for non-farm development on prime agricultural land, development of single-family non-farm dwellings shall be permitted through the platting process at a higher density on parcels that are considered difficult to farm. A tract of land may be considered difficult to farm if it has one or more of the following characteristics:

- Small size or irregular shape
- Physical isolation from other farm fields by roads, steep hills, ditches or similar features.
- Wooded, as defined herein.

- Containing steep slopes, wetlands, or other environmentally sensitive features.

That portion of a parcel that meets the criteria above may be subdivided into dwelling lots meeting the lot size and dimensional standards of Subdivision 4 above and the following requirements:

1. Maximum density shall be 4 units per Quarter-Quarter Section (approx. 40 acres.) Excepting within those areas covered by the Shoreland Management Area with lake classifications of General or Recreational Development where the maximum density shall be 6 units per Quarter-Quarter Section (approx.. 40 acres.) Permitted density may not be transferred from one Quarter-Quarter Section to another.
2. Each lot must contain adequate build-able area for construction of a house, well, and septic system meeting State and County requirements, including sufficient area for an alternate septic system site.
3. The applicant must demonstrate to the satisfaction of the County Planning Commission that lots are clustered in wooded areas or non-productive soils in order to minimize visual and physical intrusions into agricultural land and to respond sensitively to the environmental features of each site.
4. If lots are accessed by a new road, the road shall be constructed to County standards and must be accepted by the Township.
5. All new residential lots shall be platted according to the Subdivision Ordinance.
7. Any additional lands which are not included in residential lots shall be permanently restricted by a conservation easement against further subdivision or residential development. These lands may be used in one or more of the following ways:
 - A. Leased to a farmer for agricultural use.
 - B. Held in common by all landowners of the development, for open space or recreational purposes.
 - C. Conveyed to a government agency or private non-profit organization for permanent protection as parkland or wildlife preserve.
 - D. Attached to one or more of the existing residential lots.

Subdivision 7: Site Plan Required

For any non-farm dwelling or second farm dwelling, a site plan shall be provided illustrating the location of the dwelling on the site, location of the septic tank and drain field, location of the well and access from a public road. Reasonable revisions to the site plan may be required as a condition of approval.

Subdivision 8: General Regulations

1. Additional requirements for parking and other regulations are set forth in Section 16, General Regulations.

2. Any application for a new dwelling shall be required to start construction at the site within 1 year. If construction does not start within this time period, the permit will expire. A renewal application shall: 1) have a waiting period of 1-year from the date of expiration, or 2) immediate reapplication shall require payment of a renewal fee.

Subdivision 9: Purchase and Transfer of Development Rights Program

Subpart 1. Authorization and Purpose

A. Statutory Authorization. Pursuant to Minnesota Statutes, Chapter 394.25, McLeod County establishes a Purchase and Transfer of Development Rights Program for the purpose of preserving open space, including natural and scenic areas, and productive agricultural land. The program's policies, rules and official controls are adopted in this Ordinance, hereafter known as the McLeod County Purchase and Transfer of Development Rights (PTDR) Program.

B. Purpose. This Ordinance is adopted for the following purposes:

1. To establish procedures by which development rights are granted, conveyed, applied and recorded.
2. To implement the goals of the McLeod County Comprehensive Plan regarding managing growth and protecting rural areas. This PTDR Program addresses the following specific goals and objectives as stated in the McLeod County Comprehensive Plan.
 - a) **Conservation of Resources.** "To protect, preserve and enhance the County's resources, including agricultural land, wooded areas, water (both surface and groundwater), native vegetation, recreational areas, scenic areas and significant historic and archaeological sites."
 - b) **Land Use Planning.** "To establish a community-based framework as a basis for all decisions and actions related to land use."
 - c) **Sustainable Development.** "To provide a better quality of life for all residents while maintaining nature's ability to function over time by minimizing waste, preventing pollution, promoting efficiency and developing local resources to revitalize the local economy."
 - 1) Develop and enforce ordinances that set standards for environmental protection in agricultural and aggregate activities.
 - 2) Support providing open space and recreational opportunities
 - 3) Promote the preservation of land and structures that possess scenic, historic or archeological features.
 - 4) Support the acquisition and preservation of wetland areas to be preserved for groundwater recharge, surface water conservation, recreation and wildlife.

- 5) Encourage a balance and harmonious use of land consistent with natural features and socio-economic factors.
- 6) To serve additional public purposes through open space protection, including storm water management, and habitat protection.

Subpart 2. Definitions. For the purpose of Section 7, Subdivision 9, certain words and phrases are defined as follows:

Agricultural Land: Land whose use is devoted to the production of livestock, dairy animals, dairy products, poultry, poultry products, nursery plants; Christmas trees; forages and sod crops; grains and feed crops; and other similar uses and activities, including equestrian activities.

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

Deed Restriction: A form filed with the Recorder's Office stating that the landowner consents to not build a residence on a specific quarter-quarter section or Government Lot. The Deed Restriction is legally binding and runs perpetually with the property.

Development: An activity, which materially alters or affects the existing conditions or use of any land.

Development Rights: An interest in and the right to use and subdivide land for any and all residential, commercial and industrial purposes and activities which are not incident to agriculture and open space, in accordance with zoning and other regulations. Development rights can be used, held, terminated or transferred to build an additional residence on a receiving property (quarter-quarter section within the same township section as the sending quarter-quarter section).

Government Lot: Fractional sections in the rectangular (government) survey system that are less than one quarter-section in area (must own entire Government Lot to be eligible for this program).

Open Space: Land used for natural habitat, agriculture and/or scenic views.

Eligible Land: An undeveloped quarter-quarter section or Government Lot that meets the conditions specified in Subpart 3 of this Ordinance (Section 7, Subdivision 9).

Receiving Property: A parcel that receives a transferred development right from an undeveloped quarter-quarter section or Government Lot (referred to as the sending property.)

Sending Property: A parcel that transfers its development right to an eligible property (referred to as the receiving property) as outlined in Section 7, Subdivision 9, Subpart 5 of this Ordinance.

Subpart 3. Establishment of Development Rights

- A. Except as noted below, every quarter-quarter section as of the effective date of this Ordinance within the “A” Agricultural District is granted one (1) Development Right. Development Rights can be used, held, terminated or transferred to contiguous properties. Development Rights may not be transferred to contiguous properties. Development Rights may not be transferred if the land has anyone of the following characteristics:
1. Land that has an existing dwelling, either residential or agricultural. In these situations, the Development Right has been used; or
 2. Land that has an existing commercial use or other non-agricultural use; or
 3. Land that is less than a quarter-quarter section or government lot; or
 4. Land that does not have a suitable building site due to natural features, such as but not limited to wetlands, floodplains, high water and steep slopes.

Subpart 4. Sending Property Owner’s Process for Terminating or Transferring a Development Right

- A. **Voluntary Nature.** The termination or transfer of development rights will occur only on a voluntary basis. Landowners will not be compelled in any way to either terminate or transfer their development rights. If a transfer occurs, it must be done according to Section 7, Subdivision 9, Subpart 4, Subsection C and Section 7, Subdivision 9, Subpart 5 of this Ordinance.
- B. **Value of Development Right.** The monetary value of a development right is completely determined by the landowner of the development right.
- C. **Landowner’s Process for Terminating or Agreeing to Transfer a Development Right.** A development right granted under **Section 7, Subdivision 9, Subpart 3** of this Ordinance may be terminated or transferred, through sale or donation, to any part, subject to the requirements stated below.
1. Title Opinion or Title Insurance. A title opinion or the title insurance policy issued within 30 days of the transfer of the tract from which the transferable development rights will be conveyed sufficient to determine all owners of the tract and all lien holders; and
 - a) A document from all lien holders approving the transfer of development rights.
 2. Deed Restriction. The property owners(s), including in all cases the fee owner, of the eligible parcel must sign and record a deed restriction to apply to the specific quarter-quarter section or Government Lot. The restriction shall limit any further residences, divisions or nonagricultural development on the quarter-quarter section or Government Lot in accord with the terms of this Program. The restriction shall be on a form provided by the Zoning Administrator and shall include the following information:

- a) Record Fee Owner(s) legal name; and
 - b) Legal Description of Restricted Parcel; and
 - c) Agreement Description stating the following:
 - 1) The land meets the criteria established in **Section 7, Subdivision 9, Subpart 3** of this Ordinance, and
 - 2) The development right is being either terminated or transferred. If transferred, provide a legal description of the receiving property on the quarter-quarter section or Government Lot; and
 - 3) The Deed Restriction shall limit any further residences, divisions or nonagricultural development on the quarter-quarter section or Government Lot in accord with the terms of this Article; and
 - d) Date and signature of Fee Owners(s); and
 - e) Date and signature of Notary Public; and
 - f) Date and signature of Zoning Administrator.
- 3. Application and handling fees as determined by the McLeod County Zoning Office.
 - 4. (Optional) A Conservation Easement that protects the quarter-quarter section or Government Lot from most types of non-agricultural development. The specific details can be unique to each Conservation Easement but shall meet all of the conditions identified in **Section 7, Subdivision 9, Subpart 4, Subsection D**, of this Ordinance.
 - 5. The landowner must file the Title Search, Deed Restriction and Conservation Easement (if applicable) with the McLeod County Recorder's Office. The Conservation Easement (if applicable) may also be required to be held by an additional party as specified in the Conservation Easement.
 - 6. The Zoning Administrator shall determine whether the provisions of this Ordinance have been followed before signing the Deed Restriction. The Zoning Administrator may execute the Deed Restriction before or after delivery of development rights by the Sending Property Owner. If approved after delivery, the date of transfer shall relate back to the date of delivery between the parties for the purposes of this Ordinance.

D. Conditions of the Conservation Easement (if applicable). The owner terminating or transferring a development right may perpetually restrict the use of the property by a conservation easement. The conservation easement shall comply with Minnesota Statutes Chapter 84C and shall be in a form approved by McLeod County. The conservation easement shall comply with the following conditions:

- 1. The conservation easement shall restrict future use of the property to agricultural, habitat and open space uses.

2. The conservation easement shall be held by a qualified unit of government, conservation organization, land trust or similar organization authorized to hold interest in real property (pursuant to Minnesota Statutes, Section 84C.OI-05) as approved by the McLeod County Board of Commissioners.
3. All owners of the eligible quarter-quarter section of Government Lot from which the development rights are either terminated or transferred shall execute the conservation easement.
4. All lien holders of the tracts from which transferable development rights are conveyed shall execute a subordination agreement to the conservation easement. Such subordination agreement shall be filed with the McLeod County Recorder.

Subpart 5. Process for Using a Transferred Development Right

- A. The following may be used to transfer a development right.
 1. Development Rights can be used to increase a permitted density on a quarter-quarter section or Government Lot within the same township section (See Figure 1)

Figure 1

NW ¼ NW ¼	NE ¼ NW ¼	NW ¼ NE ¼	NE ¼ NE ¼
SW ¼ NW ¼	SE ¼ NW ¼	SW ¼ NE ¼	SE ¼ NE ¼
NW ¼ SW ¼	NE ¼ SW ¼	NW ¼ SE ¼	NE ¼ SE ¼
SW ¼ SW ¼	SE ¼ SW ¼	SW ¼ SE ¼	SE ¼ SE ¼

- B. The maximum number of development rights that can be transferred onto a quarter-quarter section or Government Lot is three, therefore limiting each quarter-quarter section or Government Lot to a maximum of four residential dwellings (i.e., one permitted residential dwelling per quarter-quarter section or Government Lot and up to three additional transferred “rights”).
- C. For each development right that is transferred, the said receiving property is entitled to an increase of one additional single-family residential dwelling.
- D. All building sites permitted through a transferred development right are subject to the site regulations of the “A” Agricultural District as specified in Section 7 of this Ordinance.
- E. If a Development Right is being transferred, the transferee of the receiving property must submit the following materials to the Zoning Administrator before the Development Right can be used:
 1. A copy of the transfer of development right showing that a development right has been transferred to the proposed building site from a contiguous quarter-quarter section or Government Lot.

2. A Building Permit is required. The following information must be included:
 - a) A site plan according to Section 7 of this Ordinance;
 - b) All information required by the McLeod County Zoning Official; and
 - c) An approved septic system in accordance to McLeod County Individual Sewage Treatment System Ordinance.
3. If the transfer results in the land being subdivided, the process identified in McLeod County's Subdivision Ordinance must be followed. The Subdivision Ordinance applies to the subdivision of a lot, tract or parcel of land into two (2) or more lots, tracts or other division of land for the purpose of sale and/or building development, whether immediate or future, including the re-subdivision or re-platting of land or lots (see the McLeod County Subdivision Ordinance for more details).
4. A map showing the location of the proposed building site's quarter-quarter section or Government Lot (the receiving property) and the quarter-quarter section or Government Lot from which the development right was transferred from (the sending property) on a standard 8 ½ by 11 sheet of paper.

Subpart 6. Public Acquisition of Development Rights. McLeod County may purchase, or accept by gift, a development right subject to the provisions of this Ordinance, including the requirements for a recorded Deed of Transferable Development Rights and a recorded Conservation Easement. The transfer must be voluntary and the County may hold, resell, or retire any transferable development right it has acquired.

Subpart 7. Restrictions. Lands which have a recorded Deed Restriction or Conservation Easement shall not be allowed for future residential subdivision and platting, excepting quarter-quarter property locations that are contiguous to and abutting incorporated municipal boundaries. The McLeod County Board of Commissioners has the right to review and rescind any said Deed Restriction upon written request by the Landowner, if first by public hearing, the McLeod County Planning Commission has reviewed and forwarded a recommendation to the McLeod County Board of Commissioners.

SECTION 8 - “R-1” RURAL RESIDENTIAL DISTRICT

Subdivision 1: Purpose

Subdivision 2: General Provisions

Subdivision 3: Permitted Uses

Subdivision 4: Conditional Uses

Subdivision 5: Dimensional Regulations

Subdivision 6: Lot Sitting Standards

Subdivision 7: General Regulations

Subdivision 1: Purpose

The purpose of the Rural Residential District is to provide a district suitable for small unincorporated villages and rural housing concentrations with low density residential development and on-lot utilities, while allowing for continued agricultural uses on adjacent lands.

Lands may be rezoned from “A” Agricultural to “R-1” Rural Residential so as to take advantage of wooded sites and/or areas that are considered difficult to farm within the two (2) mile statutory limits of a municipality or contiguous to an existing “R-1” Rural Residential District.

Subdivision 2: General Provisions

Lands may be rezoned to the Rural Residential District based upon a combination of the following factors:

1. Areas designated as Rural Housing Concentrations in the McLeod County Comprehensive Land Use Plan or designated in the future by the County Board. Only those areas clearly unsuitable for agricultural use will be so designated.
2. Site conditions such as soils, slope, tree cover, and/or size and shape that make the site difficult to farm economically.
3. Development pressure for additional housing within two (2) mile statutory limits of a municipality or contiguous to an existing “R-1” Rural Residential District.
4. Lands proposed for rezoning should generally not be adjacent to lands used for intensive agricultural operations such as feedlots or agricultural service businesses such as fertilizer plants

Subdivision 3: Permitted Uses

1. Single-family dwellings.
2. Home occupations as regulated in Section 16 of this Ordinance.
3. Agriculture and farm-related buildings, excluding confined feedlots of more than five (5) animal units or commercial kennels.
4. Flood control, watershed or erosion control structures.

5. Publicly-owned parks or open space areas, wildlife areas, game refuges or forest preserves.
6. Township halls or other municipal buildings.
7. Customary accessory buildings and structures, including detached garages and sheds. The combined square footage of garage and accessory building(s) shall not exceed 2,000 square feet of floor area per lot, nor occupy more than 30 percent of a rear yard. Garages which exceed the aforesaid maximum may be allowed with a Conditional Use Permit.

Subdivision 4: Conditional Uses

Land in the Rural Residential District may be used for any of the following purposes upon the issuance of a Conditional Use Permit in accordance with the provisions of Section 17 of this Ordinance.

1. Commercial outdoor recreation areas and accessory buildings, including country clubs, golf courses and clubs, and public swimming pools, provided that no principal structure shall be located within 50 feet of any abutting lot line of a residential lot.
2. Churches, cemeteries, memorial gardens.
3. Essential service lines, essential service structures.
4. Home occupations exceeding the standards in Section 16, Subdivision 12.2.
5. Oversized garage or accessory building.
6. Communication towers.

Subdivision 5: Dimensional Regulations

The following standards apply to farm and non-farm dwellings. Any residential lot must meet County requirements for primary and replacement septic systems and water wells.

1. Minimum Lot Size: 1 ¼ acres
2. Minimum Lot Dimensions:

<u>Width</u>	<u>Depth</u>
150	250
3. Minimum Setbacks, Principal or Accessory Structures:

<u>Minimum Setbacks</u>	<u>Principal</u>	<u>Accessory Structures</u>
Front, from centerline of Township Road:	100	100
County Road or C.S.A.H.	130	130
State Highway:	130	130
Front, Platted lots from road right-of-way:	40	40
Side:	20	20
Rear:	40	20

When a lot is located at the intersection of two or more roads or highway, there shall be a front yard setback on each road or highway side of the lot.

4. Maximum Building Heights:

All non-agricultural buildings: 2-1/2 stories or 35 feet, whichever is less, except as specified in Section 16, Subdivision 14.

Agricultural Buildings and structures: No restriction

5. Setback Distance to Feedlots – one half (1/2) mile from any platted property line to an existing registered or permitted feedlot.

Subdivision 6: Lot Sitting Standards

1. The applicant must demonstrate to the satisfaction of the County Planning Commission that lots are located in wooded areas or areas that are difficult to farm in order to minimize visual and physical intrusions into agricultural land and to respond sensitively to the environmental features of each site.
2. In order to minimize visual and physical intrusions into agricultural land, it may sometimes be desirable to cluster lots in the interior of a tract. To provide flexibility in siting house lots, lot width may be measured at the building line, rather than the road frontage. However, each lot must have an access strip at least 50 feet in width along a new or existing public road, and must meet the driveway spacing requirements of Section 16, Subdivision 10 of this Ordinance.
3. Each lot must contain adequate build able area for construction of a house, well, and septic system meeting State and County requirements, including sufficient area for an individual sewage treatment system in accordance with McLeod County ISTS Ordinance. It may occasionally be necessary to increase lot size beyond the minimum to meet this requirement.
4. Any subdivision of more than four lots must include an interior or frontage road from which all lots take access. If a subdivision of less than four lots is proposed with the potential for further subdivision, the Planning Commission may require than an interior or frontage road be provided.

Subdivision 7: General Regulations

Additional requirements for parking and other regulations are set forth in Section 16, General Regulations.

SECTION 9 - “U-E” URBAN EXPANSION DISTRICT

Subdivision 1: Purpose

Subdivision 2: Location and General Requirements

Subdivision 3: Permitted Uses

Subdivision 4: Conditional Uses

Subdivision 5: Dimensional Regulations

Subdivision 6: Other Requirements

Subdivision 7: Joint Powers Review

Subdivision 1: Purpose

The purpose of the Urban Expansion District is to provide locations on the fringes of incorporated cities for un-sewer residential, commercial or industrial development. This development is intended to be located so as to facilitate possible future service by city sewer and/or water systems while, in the meantime, allowing a semi-rural development pattern with room for safe on-site sewage systems and private wells. McLeod County’s intent is to direct new growth occurring around incorporated cities into the Urban Expansion District, where it can eventually be served with municipal utilities, rather than allowing it to consume land in nearby agricultural areas.

It is intended that development in the Urban Expansion District occur via orderly transition from agricultural to urban uses by:

- A) Annexation, rezoning and development of areas adjacent to the incorporated limits of existing cities. Contiguous development as a logical extension of similar urban land uses, zoned to the appropriate district.

It is the intention of McLeod County to involve the applicable City and Township to the greatest degree possible in establishing zoning regulations and reviewing site plans and land subdivisions in this District so that orderly, compact municipal expansion is not unduly hindered.

Subdivision 2: Location and General Requirements

1. The Urban Expansion District where established will generally encompass all areas within one-half mile of the city limits of cities in the County.
2. The boundaries of any Urban Expansion Districts shall be determined by joint agreement of the affected City and Townships.
3. The affected Cities and Townships are encouraged to form Joint Planning Boards to advise the County Board of Commissioners on matters of land use planning, zoning and public improvements in each of the Urban Expansion Districts. Such Boards shall be comprised of representatives from all affected Cities, Townships, and the County, and shall have the following responsibilities:

- A. To review and work towards agreements on land use plans, zoning district boundaries, and the alignment and priorities of future roads, ditches, and utility extensions.
 - B. To advise the County Board of Commissioners on the review of planning and development applications.
 - C. The Board may choose to establish alternative zoning requirements for lands within the Urban Expansion District, which must be approved by the County Board of Commissioners.
4. The status of all areas in this district shall be reviewed at least once a year by the Joint Planning Board (if one exists) or (if none exists) the County Planning Commission, to recommend any land use changes, including:
- A. The addition or removal of land from the Urban Expansion District.
 - B. The rezoning of land to another classification.
 - C. The orderly annexation of land.
 - D. Changes to land use plans and ordinances affecting lands within the District.

Subdivision 3: Permitted Uses

- 1. Agriculture, including the principal farm dwelling and agricultural buildings, except for feedlots or commercial kennels.
- 2. Single-family housing on parcels at least 10 acres in size, except as specified in Subdivision 4 below.
- 3. Home occupations as regulated in Section 16 of this Ordinance.
- 4. Flood control, watershed or erosion control structures.
- 5. Publicly-owned parks or open space areas, wildlife areas, game refuges or forest preserves.
- 6. Customary accessory buildings and structures, including detached garages and sheds. The combined square footage of garage and accessory building(s) shall not exceed 2,000 square feet of floor area per lot, nor occupy more than 30 percent of a rear yard. Garages which exceed the aforesaid maximum may be allowed with a Conditional Use Permit.

Subdivision 4: Conditional Uses

Land in the Urban Expansion District may be used for any of the following purposes upon the issuance of a Conditional Use Permit in accordance with the provisions of Section 17 of this Ordinance.

SECTION 9 URBAN EXPANSION DISTRICT

1. Single-family housing at a maximum density of 4 units per 10 acres (1 unit per 2.5 acres), provided that:
 - A. Houses and driveways are located to accommodate possible future re-subdivision of the lot at such time as city services become available.
 - B. Lots, driveways and any new streets are located according to City zoning requirements and city plans for roads, utilities and drainage.
 - C. A plat showing potential future re-subdivision of the entire tract is submitted to the Joint Planning Board, if one exists, or (if none exists) to the County Planning Commission.
 - D. The Joint Planning Board may require platting of the entire tract into city-sized lots. Under this option, purchasers of lots may be required to buy more than one platted lot to accommodate construction of a house, well, septic system, and backup drain field site (see requirements in Subdivision 6). When city services become available, the additional platted lots could be sold and developed with additional single-family homes.
2. Commercial or industrial uses meeting the following requirements:
 - A. Permitted uses are those permitted in the Commercial and Industrial Districts of this Ordinance, or those determined by the Joint Planning Board, based upon the appropriate Commercial and Industrial zoning districts of the adjacent city.
 - B. The location and character of any commercial or industrial use is consistent with the land use plan of the adjacent city and with city plans for roads, utilities and drainage.
 - C. The proposed access meets driveway separation requirements in Section 16 or city requirements.
 - D. The proposal will have no adverse impacts on existing residential neighborhoods.
 - E. The proposal will not preclude orderly expansion of existing residential neighborhoods.
3. Commercial outdoor recreation areas and accessory buildings, including country clubs, golf courses and clubs, and public swimming pools, provided that no principal structure shall be located within 50 feet of any abutting lot line of a residential lot.
4. Churches, cemeteries, memorial gardens.
5. Essential service lines, essential service structures.
6. Home occupations exceeding the standards in Section 16 of this Ordinance.
7. Public or private schools, child day care centers.
8. Expansion in the number of animal units on an existing feedlot

9. Oversized accessory building or garage.

Subdivision 5: Dimensional Regulations

The following dimensional standards apply to all land uses, unless otherwise specified, except that a Joint Planning Board of City, Township and County representatives may choose to apply the appropriate zoning standards of the adjacent city within the Urban Expansion District.

1.	Maximum Density (residential):	1 per 10 acres (Permitted Use) 4 per 10 acres (Conditional Use)
2.	Minimum Lot Sizes:	
	Single-Family Housing:	10 acres (Permitted Use) 1 1/4 acres (Conditional Use)
	Commercial Development:	1 acre (Conditional Use)
	Industrial Development:	1 acre (Conditional Use)
	Other Development:	2 acres (Conditional Use)
3.	Minimum Lot Dimensions:	<u>Width</u> <u>Depth</u>
	Single-Family Housing	150 250
	Commercial or Industrial	200 180
4.	Minimum Setbacks, Principal or Accessory Structures:	
	<u>Minimum Setbacks</u>	<u>Principal</u> <u>Accessory Structures</u>
	Front from centerline of:	
	Township Road	100 100
	County Road or CSAH	130 130
	State Highway	130 130
	Front, platted lots, from road right-of-way	40 40
	Side:	20 20
	Rear:	40 20
	Commercial or industrial driveways or parking areas:	
	Front, from street right-of-way:	10
	Interior Lot Line	6
	Residential Use/Zoning Boundary	10

When a lot is located at the intersection of two or more roads or highway, there shall be a front yard setback on each road or highway side of the lot.

Any commercial or industrial building on a parcel abutting any parcel either zoned or used for housing shall have a setback from the residential parcel of not less than 50 feet.

5. Maximum Building Heights:

All non-agricultural buildings: 2-1/2 stories or 35 feet, whichever is less, except as specified in Section 16, Subdivision 14.

Agricultural Buildings and structures: No restriction

Subdivision 6: Other Requirements

1. Existing lots of record may accommodate one house meeting the dimensional standards above, provided that the parcel meets County septic system and water well requirements. House and driveway locations shall be selected to accommodate possible future re-subdivision of the lot.
2. Any new lot must contain adequate build-able area for construction of a house, well, and septic system meeting State and County requirements, including sufficient area for an alternate septic system site. It may occasionally be necessary to increase lot size beyond the minimum to meet this requirement.
3. Any commercial or industrial property that abuts any parcel either zoned or used for housing shall erect and maintain a landscaped buffer consistent with the requirements stated in Section 16, General Regulations, or the applicable city standards.
4. No truck dock or truck parking area shall abut any parcel either zoned or used for housing.
5. Additional regulations for parking and other regulations are presented in Section 16, General Regulations. The Joint Planning Board may choose to apply City standards for parking, signage, lighting, landscaping, site design, and other general standards.

Subdivision 7: Joint Powers Review

1. In Urban Expansion Districts where a Joint Planning Board has been established, all proposed site plans and development proposals shall be reviewed by that Board, which shall advise the County Board of Commissioners.
2. In Urban Expansion Districts where a Joint Planning Board has not been established, all proposed site plans and development plans shall be reviewed by the McLeod County Planning Commission.
 - A. Any plan or proposal shall be submitted to the affected City and Townships for review and comment at least thirty days prior to the scheduled appearance before the Planning Commission.
 - B. All reviews and comments by the affected City and Townships shall be submitted to the County Zoning Administrator at least seven days prior to the scheduled appearance before the Planning Commission. The Zoning

SECTION 9 URBAN EXPANSION DISTRICT

Administrator shall present any reviews and comments to the Planning Commission.

SECTION 10 - “B-1” HIGHWAY BUSINESS DISTRICT

Subdivision 1: Purpose

Subdivision 2: General Provisions

Subdivision 3: Permitted Uses

Subdivision 4: Conditional Uses

Subdivision 5: Dimensional Regulations

Subdivision 6: Screening Requirements

Subdivision 7: Access Requirements

Subdivision 8: General Regulations

Subdivision 1: Purpose

The purpose of the Highway Business District is to provide locations for agricultural service businesses and highway-oriented businesses, as well as a limited number of convenience commercial uses designed to serve local markets.

The trade area population served by highway-oriented businesses requires easy access; therefore, it is desirable to group these uses at locations along major traffic routes. The District is intended to be located along a State Highway, County Road or County State-Aid Highway, generally at major intersections.

Subdivision 2: General Provisions

Lands may be rezoned from the Agricultural District to the Highway Business District based upon the following factors:

1. The area has been designated in the McLeod County Comprehensive Land Use Plan as a Commercial or Industrial Concentration, or is so designated in the future by the County Board.
2. Access must be from a paved State or County road. No widening or paving of County Roads should be necessary.
 - A. If access is provided by a County Road or County State-Aid Highway, the suitability and width of the road surface for the types of vehicles anticipated must be approved by the County Engineer.
 - B. The location of a commercial access driveway must receive approval from the County Engineer or appropriate Minnesota Department of Transportation engineer.
3. The proposed use should not require city sewer or water service.
4. The proposed use needs a spacious and isolated location or meets the needs of a restricted local market (i.e. convenience grocery store).

5. The proposed use would not adversely affect nearby residential or agricultural uses.
6. The proposed lands shall be within the two (2) mile statutory limits of a municipality.

Subdivision 3: Permitted Uses

1. Agriculture, including the principal farm dwelling and agricultural buildings
2. Agricultural service businesses
3. Agricultural equipment sales and service.
4. Automobile service stations
5. Automobile or boat sales and repairs
6. Building supply sales
7. Contractor's offices, warehouses and yards
8. Heavy machinery sales and repairs
9. Sales or service businesses dealing principally with business, not retail, customers
10. Off premise advertising signs, as regulated in this Ordinance.
11. Township halls or other municipal buildings.
12. Customary accessory buildings and uses, such as off-street parking and loading, storage of merchandise and signs, as regulated in this Ordinance. Accessory buildings shall not exceed 30 percent of the total floor space of the principal building.
13. Property that has been rezoned to "B-1" Highway Business District prior to August 16, 2005 shall be exempt from the required one-half (1/2) mile setback from an existing registered or permitted feedlot.

Subdivision 4: Conditional Uses

Land in the Highway Business District may be used for any of the following purposes only with the issuance of a Conditional Use Permit. Refer to Section 17 for a description of the requirements for each of these Conditional Uses.

1. Convenience stores, convenience gas-and-goods businesses
2. Indoor recreational facilities such as athletic clubs, bowling alleys, skating rinks, dance halls.
3. Child day care centers

4. Essential service line, essential service structure.
5. Other commercial businesses similar in scale and function to uses permitted in the Business District.
6. Communication towers.

Subdivision 5: Dimensional Regulations

1. Minimum Lot Dimensions (All Land Uses): No minimum lot size is required; however, the lot size shall be adequate to meet the setback, yard and other requirements of this Section.

Width: 150

2. Minimum Setbacks, Principal or Accessory Structures:

Front, from centerline of
Township Road: 100
County Road or C.S.A.H. 130
State Highway: 130

Interior Side: 20

Rear: 40

Side or Rear, Abutting
a Site Currently Used for
Agriculture or Housing 50

When a lot is located at the intersection of two or more roads or highway, there shall be a front yard setback on each road or highway side of the lot.

3. Minimum Setbacks, Commercial or Industrial Driveways or Parking Areas:

Front: 10

Side or Rear: 10

These setbacks are measured from the right-of-way or easement of the public road or from the nearest property lines.

4. Maximum Building Heights:

All non-agricultural buildings: 2-1/2 stories or 35 feet, whichever is less, except as provided in Section 16, Subdivision 14

Agricultural Buildings and structures: No restriction

5. Setback Distance to Feedlots: One half (1/2) mile from an existing registered or permitted feedlot for any property rezoned to “B-1” Highway Business after August 16, 2005.

Subdivision 6: Screening Requirements

Any commercial development that abuts any existing residential development or abuts any parcel planned or zoned for housing development shall be screened from view from the housing site using a combination of fencing, plantings and/or berming to the satisfaction of the County Planning Commission.

If a commercial development occurs prior to an adjacent residential development, it shall be the responsibility of the residential development to provide screening using a combination of fencing, plantings and/or berming to the satisfaction of the County Planning Commission.

Subdivision 7: Access Requirements

1. The location of any commercial driveway from a public road shall require approval by the County Planning Commission and the Board of Commissioners with advice from the County Engineer.
2. No driveway shall be located closer than 125 feet to the intersection of two public roads. This distance shall be measured from the centerline of the driveway to the edge of the right-of-way of the parallel road.
3. There shall be a maximum of two access points per parcel. Access points should be located as far apart as feasible.

Subdivision 8: General Regulations

Additional requirements for parking and other regulations are set forth in Section 16, General Regulations.

Section 11 – “I-1” INDUSTRIAL DISTRICT

Subdivision 1: Purpose

Subdivision 2: General Provisions

Subdivision 3: Permitted Uses

Subdivision 4: Conditional Uses

Subdivision 5: Dimensional Regulations

Subdivision 6: Screening Requirements

Subdivision 7: Access Requirements

Subdivision 8: General Regulations

Subdivision 1: Purpose

The purpose of the Industrial District is to provide locations for compact, convenient, limited, highway-oriented industry closely related to existing urban areas in the County and at standards that will not impair the traffic-carrying capabilities of abutting roads and highways. It is intended to encourage industrial development that is compatible with surrounding districts or land uses.

Subdivision 2: General Provisions

Lands may be rezoned from the Agricultural District to the Industrial District based upon the following factors:

1. The area has been designated in the McLeod County Comprehensive Land Use Plan as a Commercial or Industrial Concentration, or is so designated in the future by the County Board.
2. Access must be from a paved State or County road. No widening or paving of County Roads should be necessary.
 - A. If access is provided by a County Road or County State-Aid Highway, the suitability and width of the road surface for the types of vehicles anticipated must be approved by the County Engineer.
 - B. The location of an industrial or commercial access driveway must receive approval from the County Engineer or appropriate Minnesota Department of Transportation engineer.
3. The proposed use should not require city sewer or water service.
4. The proposed use would not adversely affect nearby residential or agricultural uses.
5. The proposed lands shall be within the two (2) mile statutory limits of a municipality.

Subdivision 3: Permitted Uses

1. Manufacturing, compounding, processing, packaging, treatment or assembly of products and materials
2. Offices not serving the general public
3. Warehousing, cartage and express facilities
4. Research and development operations
5. Commercial radio or television transmitting stations and towers
6. Grain elevators, feed and fertilizer manufacture
7. Greenhouses—wholesale
8. Printing or publishing establishments
9. Fuel and ice sales
10. Any use permitted in the Highway Business District.
11. Property that has been rezoned from “A” Agricultural to “I-1” Industrial prior to August 16, 2005 shall be exempt from the required one-half (1/2) setback from an existing registered or permitted feedlot.

Subdivision 4: Conditional Uses

Land in the Industrial District may be used for any of the following purposes only with the issuance of a Conditional Use Permit. Refer to Section 17 for a description of the requirements for each of these Conditional Uses.

1. Recycling operations for non-hazardous waste
2. Aircraft landing fields or strips, commercial heliports
3. Railroad freight terminals, railroad switching and classification yards, repair shops and roundhouses
4. Essential service lines, essential service structures
5. Extraction of minerals
6. Junk yards, salvage yards.
7. Single unit living quarters within the primary structure
8. Fire station
9. Communication towers
10. Adult Business

Subdivision 5: Dimensional Regulations

1. Minimum Lot Dimensions (All Land Uses): No minimum lot size is required; however, the lot size shall be adequate to meet the setback, yard and other requirements of this Section.

Width: 150

2. Minimum Setbacks, Principal or Accessory Structures:

Minimum Setbacks	Principal	Accessory Structures
Front, from centerline of:		
Township Road	100	100
County Road, CSAH	130	130
State Highway:	130	130
Fronted, platted lots, from road right of way	40	40
Side:	20	20
Rear:	40	20
Side or rear, abutting a site currently used for housing	50	50

When a lot is located at the intersection of two or more roads or highway, there shall be a front yard setback on each road or highway side of the lot.

3. Minimum Setbacks, Commercial or Industrial Driveways or Parking Areas:

Front: 20
Side or Rear: 10

These setbacks are measured from the right-of-way or easement of the public road or from the nearest property lines.

4. Maximum Building Heights: 35 feet except as provided in Section 16, Subdivision 14 of this Ordinance.
5. Setback Distance to Feedlots – one half (1/2) mile from an existing registered or permitted feedlot for any property rezoned to “I-1” Industrial after August 16, 2005.

Subdivision 6: Screening Requirements

1. Any industrial development that abuts any existing residential development or abuts any parcel planned or zoned for housing development shall be screened from view from the housing site using a combination of fencing, plantings and/or berming to the satisfaction of the County Planning Commission.

If an industrial development occurs prior to an adjacent residential development, it shall be the responsibility of the residential development to provide screening using a combination of fencing, plantings and/or berming to the satisfaction of the County Planning Commission.

2. Any outdoor storage or display of goods, materials, or damaged vehicles awaiting body repair shall be screened from view from any non-industrial zones (except farm fields) to the satisfaction of the County Planning Commission using a combination of fencing, coniferous and deciduous plantings and/or berming.

Subdivision 7: Access Requirements

1. The location of any driveway from a public road shall require approval by the County Planning Commission and the local governing body with advice from the County Engineer.
2. No driveway shall be located closer than 125 feet to the intersection of two public roads. This distance shall be measured from the centerline of the driveway to the edge of the right-of-way of the parallel road.
3. There shall be a maximum of two access points per parcel. Access points should be located as far apart as feasible.

Subdivision 8: General Regulations

Additional requirements for parking and other regulations are set forth in Section 16, General Development Regulations.

SECTION 12 - “FP” FLOOD PLAIN DISTRICT

Subdivision 1: Authorization, Findings of Fact and Purpose

Subdivision 2: General Provisions

Subdivision 3: Establishment of Districts

Subdivision 4: Floodway District (FW)

Subdivision 5: Flood Fringe District (FF)

Subdivision 6: General Flood Plain District

Subdivision 7: Subdividing Land

Subdivision 8: Public Utilities, Railroads, Roads and Bridges

Subdivision 9: Manufactured Homes and Manufactured Home Parks and Placement of Travel Trailers and Travel Vehicles

Subdivision 10: Administration

Subdivision 11: Non-Conforming Uses

Subdivision 12: Penalties for Violation

Subdivision 13: Amendments

Subdivision 1: Authorization, Findings of Fact and Purpose

1. **Statutory Authorization:** The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 394 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the McLeod County Board of Commissioners of McLeod County, Minnesota, does ordain as follows:
2. **Findings of Fact**
 - A. The flood hazard areas of McLeod County, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
 - B. Methods Used to Analyze Flood Hazards. The regulation of this Section is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.
3. **Purpose:**
 - A. This ordinance regulates development in the flood hazard areas of McLeod County, Minnesota. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is welfare by minimizing these losses and disruptions.

- B. National Flood Insurance Program Compliance. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.
- C. This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and storm-water impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

Subdivision 2: General Provisions

1. **How to Use This Ordinance:** This ordinance adopts the floodplain maps applicable to McLeod County, Minnesota and includes three floodplain districts: Floodway, Floodway Fringe, and General Floodplain.
 - A. Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in Subdivisions 4 or 5 will apply, depending on the location of a property.
 - B. Locations where Floodway and Flood Fringe districts are not delineated on the floodplain maps are considered to fall within the General Floodplain district. Within the General Floodplain district, the Floodway District standards in Subdivision 4 apply unless the floodway boundary is determined, according to the process outlined in Subdivision 6. Once the floodway boundary is determined, the Flood Fringe District standards in Subdivision 5 may apply outside the floodway.
2. **Lands to Which Section Applies.** This Section shall apply to all lands within the jurisdiction of McLeod County shown on the Official Zoning Map and/or attachments thereto, as being located within the boundaries of the Floodway, Flood Fringe, or General Flood Plain Districts.
 - A. The Floodway, Flood Fringe and General Floodplain Districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this ordinance. In case of a conflict, the more restrictive standards will apply.
3. **Incorporation of Maps by Reference:** The following materials are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance. The attached material includes the Flood Insurance Study for McLeod County, Minnesota, and Incorporated Areas; the Flood Insurance Rate Map Index for McLeod County, Minnesota and Incorporated Areas, with a map number of 27085CIND0A; and all Flood Insurance Rate Map panels therein that apply to the unincorporated areas of McLeod County. All of these materials are dated July 7, 2014 and prepared by the Federal Emergency Management Agency. These materials are on file with the McLeod County Auditor's office and the McLeod County Planning and Zoning office.
4. **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.

5. **Interpretation.** The boundaries of the zoning districts are determined by scaling distances on the Flood Insurance Rate Map.
 - A. Where a conflict exists between the floodplain limits illustrated on the official zoning map and actual field conditions, the flood elevations shall be the governing factor. The Zoning Administrator must interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.
 - B. Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the McLeod County Board of Adjustment and to submit technical evidence.
7. **Abrogation and Greater Restrictions.** It is not intended by this Section to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section imposes greater restrictions, the provisions of this Section shall prevail. All other ordinances inconsistent with this Section are hereby repealed to the extent of the inconsistency only.
8. **Warning and Disclaimer of Liability.** This Section does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This Section shall not create liability on the part of McLeod County or any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made there under.
9. **Severability:** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.
10. **Definitions:** Unless specifically defined below, words or phrases used in this section must be interpreted according to common usage and so as to give this ordinance its most reasonable application.
 - A. Accessory Use or Structure – a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
 - B. Base Flood Elevation – The elevation of the “regional flood.” The term “base flood elevation” is used in the flood insurance survey.
 - C. Basement – any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
 - D. Conditional Use – a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:

- (a) Certain conditions as detailed in the zoning ordinance exist.
- (b) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.
- E. Development – any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- F. Equal Degree of Encroachment – a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
- G. Farm Fence – A fence as defined by Minn. Statutes Section 344.02, Subd. 1(a)-(d). An open type fence of posts and wire is not considered to be a structure under this ordinance. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under this ordinance.
- H. Flood – a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
- I. Flood Frequency – the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
- J. Flood Fringe – that portion of the floodplain outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for McLeod County, Minnesota.
- K. Flood Prone Area – any land susceptible to being inundated by water from any source (see “Flood”).
- L. Floodplain – the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.
- M. Flood-proofing – a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
- N. Floodway – the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.
- O. Lowest Floor – the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor.
- P. Manufactured Home – a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include the term “recreational vehicle.”

- Q. Obstruction – any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
- R. Principal Use or Structure – all uses or structures that are not accessory uses or structures.
- S. One Hundred Year Floodplain – lands inundated by the “Regional Flood” (see definition).
- T. Reach – a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.
- U. Recreational Vehicle – a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle.”
- V. 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 1% chance or 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.
- W. Regulatory Flood Protection Elevation (RFPE) - an elevation not less than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.
- X. Repetitive Loss – Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.
- Y. Special Flood Hazard Area – a term used for flood insurance purposes synonymous with “One Hundred Year Floodplain.”
- Z. Structure - anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Subdivision 9, Subpart 3(A) of this ordinance and other similar items.
- AA. Substantial Damage - means damage of any origin sustained by a structure where the cost of restoring the structure to it’s before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

- BB. Substantial Improvement - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:
- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
 - (b) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this ordinance, “historic structure” is as defined in 44 Code of Federal Regulations, Part 59.1.

11. **Detachments.** The Flood Insurance Rate Map panels adopted by reference into Subdivision 2 Subpart 3 above will include floodplain areas that lie inside the corporate boundaries of municipalities at the time of adoption of this ordinance. If any of these floodplain land areas are detached from a municipality and come under the jurisdiction of McLeod County after the date of adoption of this ordinance, the newly detached floodplain lands will be subject to the provisions of this ordinance immediately upon the date of detachment.

Subdivision 3: Establishment of Zoning Districts

1. The flood plain areas within the jurisdiction of this ordinance are hereby divided into three Districts: Floodway District (FW), Flood Fringe District (FF), and General Flood Plain District (GFP).
- A. **Floodway District:** The Floodway District includes those areas designated as floodway on the Flood Insurance Rate Map adopted in Subdivision 2 Subpart 3. For lakes, wetlands and other basins, the Floodway District shall include those areas designated as Zone A and Zone AE (that do not have a floodway designated) on the Flood Insurance Rate Map adopted in Subdivision 2 Subpart 3 that are at or below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.
 - B. **Flood Fringe District:** The Flood Fringe District includes those areas designated as floodway fringe on the Flood Insurance Rate Map adopted in Subdivision 2 Subpart 3, as being within Zones AE, but being located outside of the floodway. . For lakes, wetlands and other basins (that do not have a floodway designated), the Flood Fringe District includes those areas designated as Zone AE on the Flood Insurance Rate Map panels adopted in Section 2.3 that are below the 1% annual chance (100-year) flood elevation but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.
 - C. **General Floodplain District:** The General Floodplain District includes those areas designated as Zone A or Zones AE, AO, or AH without a floodway on the Flood Insurance Rate Map adopted in Subdivision 2 Subpart 3 above, but not subject to the criteria in 3(A) and 3(B) above.

2. **Compliance.** Within the floodplain districts established in this ordinance, the use of any land, the use, size, type and location of structures on lots, the installation and maintenance of transportation, utility, water supply and waste treatment facilities, and the subdivision of land must comply with the terms of this ordinance and other applicable regulations. All uses not listed as permitted uses or conditional uses in Subdivision 4, 5, and 6, respectively, are prohibited.

In addition, a caution is provided here that:

- A. New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this Section and specifically Subdivision 9.
- B. Modifications, additions, structural alterations and repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Section and specifically Subdivision 11; and
- C. As-built elevations for elevated or flood-proofed structures must be certified by ground surveys and flood proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Section and specifically as stated in Subdivision 10 of this Section.

Subdivision 4: Floodway District (FW)

- 1. **Permitted Uses:** The following uses, subject to the standards set forth in Subpart 2 below, are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district.
 - A. General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
 - B. Industrial-commercial uses not involving construction of buildings or structures, such as loading areas, parking areas, and airport landing strips.
 - C. Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.
 - D. Residential lawns, gardens, parking areas, and play areas.
 - E. Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least ten days prior to issuance of any permit, and that the standards in Subdivision 4, Subpart 4(B), Subpart 4(E)(2), and Subpart 4 (I) of this section are met.
- 2. **Standards for Floodway Permitted Uses:**
 - A. The use must have low flood damage potential.

- B. With the exception of the uses listed in Subdivision 4 Subpart 1(E) above, the use must not obstruct flood flows or increase flood elevations and must not involve structures, fill, obstructions, excavations or storage of materials or equipment.
 - C. Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.
3. **Conditional Uses:** The following uses may be allowed as conditional uses following the standards and procedures set forth in Subdivision 10, Subpart 4 of this ordinance and further subject to the standards set forth in Subdivision 4, Subpart 4 if otherwise allowed in the underlying zoning district or any applicable overlay district.
- A. Structures accessory to the uses listed in Subdivision 4(1) above and the uses listed in B thru G below.
 - B. Extraction and storage of sand, gravel, and other materials.
 - C. Marinas, boat rentals, docks, piers, wharves, and water control structures.
 - D. Storage yards for equipment, machinery, or materials.
 - E. Placement of fill or construction of fences that obstruct flood flows. Farm fences, as defined in Subdivision 2, Subpart 10 (G), are permitted uses.
 - F. Travel-ready recreational vehicles meeting the exception standards in Subdivision 9.
 - G. Levees or dikes intended to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.
4. **Standards for Floodway Conditional Uses:**
- A. All Uses. A conditional use must not cause any increase in the stage of the 1% chance or regional flood or cause an increase in flood damages in the reach or reaches affected.
 - B. Fill; Storage of Materials and Equipment:
 - (1) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
 - (2) Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.
 - (3) Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% percent chance or regional flood may only be allowed if the County Board has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.

C. Accessory Structures:

- (1) Accessory structures shall not be designed for human habitation.
- (2) Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.
 - (a) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and,
 - (b) So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
- (3) Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. All flood proofed accessory structures must meet the following additional standards, as appropriate:
 - (a) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls; and
 - (b) Any mechanical and utility equipment in a structure must be elevated to or above the Regulatory Flood Protection Elevation or properly flood proofed.
- 4) As an alternative, an accessory structure may be internally/wet flood-proofed to the FP-3 or FP-4 flood-proofing classifications in the State Building Code, provided the accessory structure constitutes a minimal investment and does not exceed 576 square feet in size. A detached garage may only be used for parking of vehicles and limited storage. All structures must meet the following standards:
 - (1) To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and:
 - (2) There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

D. Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of Minnesota Statutes, Section 103G.245.

- E. A levee, dike or floodwall constructed in the floodway must not cause an increase to the 1% chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.
- F. Floodway developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

Subdivision 5: Flood Fringe District (FF)

- 1. **Permitted Uses.** Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in Subdivision 5 Subpart 2
- 2. **Standards for Flood Fringe Permitted Uses:**
 - A. All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure.
 - (a) As an alternative to elevation on fill, an accessory structure that constitutes a minimal investment and that does not exceed 576 square feet in size may be internally flood-proofed in accordance with Subdivision 4 Subpart C.
 - B. The cumulative placement of fill where at any one time in excess of one-thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a Conditional Use, unless said fill is specifically intended to elevate a structure in accordance with Subdivision 5, Subpart 2(A) of this Section.
 - C. The storage of any materials or equipment shall be elevated on fill to the Regulatory Flood Protection Elevation.
 - D. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
 - E. Fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.
 - F. All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning /emergency evacuation plan acceptable to the County Board.
 - G. Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

- H. Interference with normal manufacturing/industrial plant operations must be minimized, especially along streams having protracted flood durations. In considering permit applications, due consideration must be given to the needs of industries with operations that require a floodplain location.
- I. Flood fringe developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.
- J. Manufactured homes and recreational vehicles must meet the standards of Subdivision 9 of this section.

3. Standards for Flood Fringe Conditional Uses:

The following uses and activities may be allowed as conditional uses, if allowed in the underlying zoning district(s) or any applicable overlay district, following the procedures in Subdivision 10 Subpart 4 of this ordinance. Conditional uses must meet the standards in Subdivisions 5 Subpart 2(C) through Subdivision 5 Subpart 2(J) and Section 5.4.

- A. Any structure that is not elevated on fill or flood-proofed in accordance with Subdivision 5 Subpart 2(A) of this ordinance.
- B. Storage of any material or equipment below the regulatory flood protection elevation.
- C. The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with Subdivision 5 Subpart 2 (A) of this ordinance.

5. Standards for Flood Fringe Conditional Uses:

- A. The standards listed in Subdivisions 5 Subpart 2(C) through Subdivision 5 Subpart 2(J) apply to all conditional uses.
- B. Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck-under garages. The base or floor of an enclosed area is considered above-grade and not a structure's basement or lowest floor if:
 - 1) The enclosed area is above-grade on at least one side of the structure;
 - 2) It is designed to internally flood and is constructed with flood resistant materials;
 - 3) It is used solely for parking of vehicles, building access or storage. These alternative elevation methods are subject to the following additional standards:
 - (a) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment, including ductwork, and other service facilities are

placed at or above the regulatory flood protection elevation or are designed to prevent flood water from entering or accumulating within these components during times of flooding.

(b) Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood. The design plans must stipulate:

(1) A minimum area of openings in the walls where internal flooding is to be used as a flood-proofing technique. There must be a minimum of two openings on at least two sides of the structure and the bottom of all openings must be a maximum of one foot above grade. The automatic openings must have a net area of at least one square inch for every square foot of enclosed area subject to flooding, unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters without any form of human intervention; and

(2) That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and will be used solely for building access, parking of vehicles, or storage.

C. Basements, as defined by Subdivision 2 Subpart 10(C) of this ordinance, are subject to the following:

(1) Residential basement construction is not allowed below the regulatory flood protection elevation.

(2) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry flood-proofed in accordance with Subdivision 5(D) of this ordinance.

D. All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be flood-proofed in accordance with the structurally dry flood-proofing classifications in the State Building Code. Structurally dry flood-proofing must meet the FP-1 or FP-2 flood-proofing classification in the State Building Code, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures wet flood-proofed to the FP-3 or FP-4 classification are not permitted.

- E. The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.
 - (1) The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (1% chance) flood event.
 - (2) The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the McLeod County Zoning Administrator.
 - (3) The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.
- F. Storage of materials and equipment below the regulatory flood protection elevation must comply with an approved emergency plan providing for removal of such materials within the time available after a flood warning.

Subdivision 6: General Flood Plain District (GF)

1. Permitted Uses:

- A. The uses listed in Subdivision 4, Subpart 1 of this Section, Floodway District Permitted Uses, are permitted uses.
- B. All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to Subpart 2 of this Subdivision. Subdivision 4 shall apply if the proposed use is in the Floodway District and Subdivision 5 shall apply if the proposed use is in the Flood Fringe District.

2. Procedures for Floodway and Flood Fringe Determinations within the General Flood Plain District.

- A. Upon receipt of an application for a permit or other approval within the General Floodplain District, the Zoning Administrator must obtain, review and reasonably utilize any regional flood elevation and floodway data available from a federal, state, or other source.
- B. If regional flood elevation and floodway data are not readily available, the applicant must furnish additional information, as needed, to determine the regulatory flood protection elevation and whether the proposed use would fall within the Floodway or Flood Fringe District. Information must be consistent with accepted hydrological and hydraulic engineering standards and the standards in Subpart (C) below.
- C. The determination of floodway and flood fringe must include the following components, as applicable:
 - (1) Estimate the peak discharge of the regional (1% chance) flood.

- (2) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
 - (3) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half (0.5) foot. A lesser stage increase than 0.5 foot is required if, as a result of the stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries.
- D. The Zoning Administrator will review the submitted information and assess the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary. The assessment must include the cumulative effects of previous floodway encroachments. The Zoning Administrator may seek technical assistance from a designated engineer or other expert person or agency, including the Department of Natural Resources. Based on this assessment, the Zoning Administrator may approve or deny the application.
- E. Once the Floodway and Flood Fringe District Boundaries have been determined, the Zoning Administrator must process the permit application consistent with the applicable provisions of Subdivision 4 and 5 of this Section.

Subdivision 7: LAND DEVELOPMENT STANDARDS

- A. **In General:** Recognizing that flood prone areas may exist outside of the designated floodplain districts, the requirements of this section apply to all land within McLeod County.
- B. **Subdivisions:** No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.
- 1) All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.
 - 2) All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two (2) feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by the McLeod County Board of Commissioners. The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.
 - 3) For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.

- 4) In the General Floodplain District, applicants must provide the information required in Subdivision 6, Subpart 2 of this Section to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.
- 5) If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal must be reviewed to assure that:
 - (a) All such proposals are consistent with the need to minimize flood damage within the flood prone area,
 - (b) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
 - (c) Adequate drainage is provided to reduce exposure of flood hazard

C. **Building Sites:** If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) must be:

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

Subdivision 8: Public Utilities, Railroads, Roads and Bridges

1. **Public Utilities.** All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood-proofed in accordance with the State Building Code or elevated to above the Regulatory Flood Protection Elevation.
2. **Public Transportation Facilities.** Railroad tracks, roads, and bridges to be located within the flood plain shall comply with Subdivisions 4 and 5 of this Section. Elevation to the Regulatory Flood Protection Elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.
3. **On-site Sewage Treatment and Water Supply Systems.** Where public utilities are not provided: 1) New and replacement on-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) New or replacement on-site sewage

treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Subdivision.

Subdivision 9: MANUFACTURED HOMES, MANUFACTURED HOME PARKS, AND RECREATIONAL VEHICLES.

1. **Manufactured Homes:** New manufactured home parks, expansions to existing manufactured home parks, and new or replacement manufactured home units on lots of record are prohibited in the Floodway District. If allowed in the Flood Fringe District, these uses are subject to the requirements of Subdivision 5 of this ordinance and the following standards.
2. **Placement of Manufactured Homes:** New and replacement manufactured homes in the Flood Fringe District must comply with the following standards:
 - a) New and replacement manufactured homes must be elevated in compliance with Subdivision 5 of this Section and must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
 - b) New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in Subdivision 7, Subpart B (2).
3. **Recreational Vehicles:** Placement of recreational vehicles in the floodplain must meet the exemption criteria below or be treated as new structures meeting the requirements of this ordinance.
 - A. Recreational vehicles are exempt from the provisions of this ordinance if they are placed in any of the following areas and meet the criteria listed in Subdivision 9 Subpart 3(B):
 - (1) Individual lots or parcels of record.
 - (2) Existing commercial recreational vehicle parks or campgrounds.
 - (3) Existing condominium-type associations.
 - B. Criteria for Exempt Recreational Vehicles:
 - (1) The vehicle must have a current license required for highway use.
 - (2) The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.

- (3) No permanent structural type additions may be attached to the vehicle.
 - (4) The vehicle and associated use must be permissible in any pre-existing, underlying zoning district.
 - (5) Accessory structures are not permitted within the Floodway District. Any accessory structure in the Flood Fringe District must be constructed of flood-resistant materials and be securely anchored, meeting the requirements applicable to manufactured homes in Subdivision 9, Subpart 2 (b).
 - (6) An accessory structure must constitute a minimal investment
- C. Recreational vehicles that are exempt in Subdivision 9(B)above, lose this exemption when development occurs on the site that exceeds a minimal investment for an accessory structure such as a garage or storage building. The recreational vehicle and all accessory structures will then be treated as new structures subject to the elevation and flood-proofing requirements of Subdivision 5 of this ordinance. No development or improvement on the parcel or attachment to the recreational vehicle is allowed that would hinder the removal of the vehicle should flooding occur.
- D. New commercial recreational vehicle parks or campgrounds, subdivisions or condominium associations, and the expansion of any similar existing use exceeding five (5) units or dwelling sites may be allowed subject to the following:
- (1) On any new or replacement recreational vehicle site in the Flood Fringe District, the recreational vehicle and its contents must be placed on fill at or above the regulatory flood protection elevation and adequate road access to the site must be provided in accordance with Subdivision 7, Subpart B (2) of this ordinance.
 - (2) Any new or replacement recreational vehicle site located in the Floodway District or as an alternative to (a) above in the Flood Fringe District, may be allowed as a conditional use in accordance with the following provisions and the provisions of Subdivision 10, Subpart 4 of the ordinance.
 - (a) The applicant must submit an emergency plan for the safe evacuation of all vehicles and people acceptable to the County Board, as specified in Subdivision 7, Subpart B (2). The plan must demonstrate that adequate time and personnel exist to carry out an evacuation, and that the exemption provisions of Subdivision 9, Subpart 3(A) of this ordinance will be met; and
 - (b) All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Subdivision 8, Subpart 3 of this ordinance.
 - (c) Any fill placed in the floodway to meet the requirements of this section must not increase the flood stage of the regional (1% chance) flood.

Subdivision 10: Administration

1. **Zoning Administrator:** The Zoning Administrator or other official designated by the County Board must administer and enforce this ordinance.
2. **Permit Requirements:**
 - A. Permit Required: A permit must be obtained from the Zoning Administrator prior to conducting the following activities:
 1. The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this ordinance.
 2. The use or change of use of a building, structure, or land.
 3. The construction of a dam, fence, or on-site septic system, although a permit is not required for a farm fence as defined in this ordinance.
 4. The change or extension of a nonconforming use.
 5. The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
 6. The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.
 7. Relocation or alteration of a watercourse, unless a public waters work permit has been applied for.
 8. Any other type of “development” as defined in this ordinance.
 - B. Application for Permit. Permit applications must be submitted to the Zoning Administrator on forms provided by the Zoning Administrator. The permit application must include the following as applicable:
 1. A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.
 2. Location of fill or storage of materials in relation to the stream channel.
 3. Copies of any required municipal, county, state or federal permits or approvals.
 4. Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.

- C. Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this ordinance.
- D. Certification. The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Flood-proofing measures must be certified by a registered professional engineer or registered architect.
- E. Record of First Floor Elevation. The Zoning Administrator must maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The Zoning Administrator must also maintain a record of the elevation to which structures and alterations or additions to structures are flood-proofed.
- F. Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).
- G. Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning Administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

3. **Variances:**

- A. Variance Applications. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with applicable state statutes and Section 23 of this ordinance.
- B. Adherence to State Floodplain Management Standards. A variance must not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.
- C. Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
 - 1) Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - 2) Variances may only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a

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

- 3) Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Flood Insurance Notice. The Zoning Administrator must notify the applicant for a variance that:

- 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
- 2) Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.

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

- 1) The potential danger to life and property due to increased flood heights or velocities caused by encroachments;
- 2) The danger that materials may be swept onto other lands or downstream to the injury of others;
- 3) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;
- 4) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;
- 5) The importance of the services to be provided by the proposed use to the community;
- 6) The requirements of the facility for a waterfront location;
- 7) The availability of viable alternative locations for the proposed use that are not subject to flooding;
- 8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- 9) The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;

- 10) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - 11) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
- F. Submittal of Hearing Notices to the Department of Natural Resources (DNR). The Zoning Administrator must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
 - G. Submittal of Final Decisions to the DNR. A copy of all decisions granting variances must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
 - H. Record-Keeping. The Zoning Administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.
4. **Conditional Uses:**
- A. Administrative Review. An application for a conditional use permit under the provisions of this ordinance will be processed and reviewed in accordance with Section 17 of this ordinance.
 - B. Factors Used in Decision-Making. In passing upon conditional use applications, the County Board must consider all relevant factors specified in other sections of this ordinance, and those factors identified in Subdivision 10 Subpart 3(E) of this ordinance.
 - C. Conditions Attached to Conditional Use Permits. The County Board may attach such conditions to the granting of 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:
 - 1) Modification of waste treatment and water supply facilities.
 - 2) Limitations on period of use, occupancy, and operation.
 - 3) Imposition of operational controls, sureties, and deed restrictions.

- 4) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
 - 5) Flood-proofing measures, in accordance with the State Building Code and this ordinance. The applicant must submit a plan or document certified by a registered professional engineer or architect that the flood-proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.
- D. Submittal of Hearing Notices to the Department of Natural Resources (DNR). The McLeod County Zoning Administrator must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
- E. Submittal of Final Decisions to the DNR. A copy of all decisions granting conditional uses must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

Subdivision 11: Nonconformities

1. **Continuance of Nonconformities:** A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in Subdivision 2, Subpart 10 (BB) ((b)) of this ordinance, are subject to the provisions of Subdivision 11, Subpart 1A – 1E of this ordinance.
 - A. A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its nonconformity. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.
 - B. Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or flood-proofing techniques (i.e., FP-1 thru FP-4 flood-proofing classifications) allowable in the State Building Code, except as further restricted in (C) and (G) below.
 - C. The cost of all structural alterations or additions to any nonconforming structure over the life of the structure may not exceed 50 percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of the structure, then the structure must meet the standards of Subdivision 4 or 5 of this ordinance for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

- D. If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance. The Assessor must notify the Zoning Administrator in writing of instances of nonconformities that have been discontinued for a period of more than one year.
- E. If any nonconformity is substantially damaged, as defined in Subdivision 2, Subpart 10 (AA) of this ordinance, it may not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new structures in Subdivision 4 or 5 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.
- F. If any nonconforming use or structure experiences a repetitive loss, as defined in Subdivision 2, Subpart 10 (X) of this ordinance, it must not be reconstructed except in conformity with the provisions of this ordinance.
- G. Any substantial improvement, as defined in Subdivision 2, Subpart 10 (BB) of this ordinance, to a nonconforming structure requires that the existing structure and any additions must meet the requirements of Subdivision 4 or 5 of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District.

Subdivision 12: Penalties for Violation

1. **Violation Constitutes a Misdemeanor:** Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.
2. **Other Lawful Action:** Nothing in this ordinance restricts the County from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this ordinance and will be prosecuted accordingly.
3. **Enforcement:** Violations of the provisions of this section will be investigated and resolved in accordance with the provisions of Section 25 of this ordinance. In responding to a suspected Ordinance violation, the Zoning Administrator and County Board may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The County must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

Subdivision 13: Amendments

1. **Floodplain Designation – Restrictions on Removal:** The floodplain designation on the Official Zoning Map must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources (DNR) if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.
2. **Amendments Require DNR Approval:** All amendments to this ordinance must be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The Commissioner must approve the amendment prior to community approval.
3. **Map Revisions Require Ordinance Amendments.** The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Subdivision 2, Subpart 3 of this section.

SECTION 13 - SHORELAND MANAGEMENT STANDARDS

Subdivision 1: Statutory Authorization and Policy

Subdivision 2: Purpose

Subdivision 3: Water Bodies to Which This Section Applies

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Subdivision 11: Special Provisions for Commercial, Industrial, Public/Agricultural, Forestry and Extractive Uses and Mining of Metallic Minerals and Peat

Subdivision 12: Conditional Uses

Subdivision 13: Water Supply and Sewage Treatment

Subdivision 14: Nonconformities

Subdivision 15: Subdivision/Platting Provisions

Subdivision 16: Procedures for Submitting a Plat

Subdivision 1: Statutory Authorization and Policy

1. **Statutory Authorization.** This shore land Ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F.201-.221, Minnesota Regulations, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394.
2. **Policy.** The uncontrolled use of shore lands of McLeod County, Minnesota, affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shore lands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shore lands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shore lands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by McLeod County.

Subdivision 2: Purpose

These standards are adopted for the purpose of:

1. Regulating suitable uses of land surrounding public water.
2. Regulating the size and shape of parcels, length of water frontage and alteration of shore lands of public water.

3. Regulating the location, installation and maintenance of sanitary facilities adjacent to public waters.
4. Preservation of the natural vegetation, natural topography and other natural resources to ensure a high standard of environmental quality.

Subdivision 3: Water Bodies to Which This Section Applies

1. The provisions of this Section shall apply to the shore lands of the public water bodies as classified in this section. Pursuant to Minnesota Regulations, Parts 6120.2500 - 6120.3900, no lake, pond, or flowage less than 25 acres in size in unincorporated areas need be regulated in a local government's shore land regulations. A body of water created by a private user where there was no previous shore land may, at the discretion of the governing body, be exempt from this Section.

1. **Shore land Classification System.** The public waters of McLeod County have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map prepared in 1984 for McLeod County, Minnesota.

- A. The shore land area for the water bodies listed in Subsections B and C, below, is defined as follows: "Shore land means land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond of flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by Ordinance on a river or stream, whichever is greater. The limits of shore lands may be reduced whenever the waters involved are bounded by topographic divides that extend landward from the waters for lesser distances and when approved by the Commissioner.

B. Lakes

Natural Environment Lakes	Protected Waters Inventory I.D. #
Grass	43-13
South	43-14
Coon	43-20
Mud	43-33
Rice	43-42*
Unnamed	43-47
Bakers	43-48
King	43-50
Unnamed (Penn Marsh)	43-53
Mary	43-56
Unnamed	43-57
Ryan	43-58
Unnamed	43-59
Clear	43-60
Little Bear	43-67
Omera	43-68
Longanans	43-70
Todd	43-71

SECTION 13 SHORELAND MANAGEMENT STANDARDS

Emily	43-74
Tomlinson	43-75
Bear	43-76
Sustacek	43-77*
Unnamed	43-78
Harrington	43-79
Unnamed	43-80*
Echo	43-81
Ward	43-88
Kujas	43-93
Whitney	43-97
Eagle	43-98
Ellen	43-99
Barber	43-100
Mud	43-101
Dettman's	43-102
Clear	43-103
Unnamed (Popp Slough)	43-105
Unnamed	43-106*
Unnamed	43-107*
Campbells	43-108
French	43-109
Ferrell	43-110
Pierce	43-112
Fernold	43-113
Cedar	43-115
Round Grove	43-116
Unnamed	43-117
Halva Marsh	43-129
Campbell	10-27
Byron	47-04
Unnamed	47-43
Mud	72-57*
Butternut	86-253
Shakopee	86-255

* Classified as a wetland on the 1984 DNR Protected Waters Inventory

C. Recreational Development Lakes	Protected Water Inventory I.D. #
Swan	43-40
Addie	43-61
Hook	43-73
Marion	43-84
Stahls	43-104
Belle	47-49

D.	General Development Lakes	Protected Waters Inventory I.D. #
	Winsted	43-12
	Silver	43-34
	Otter/Campbell	43-85
E.	Rivers and Streams	
	a. Agricultural Rivers	
	South Fork Crow River	From Section 19, Township 117, Range 30 to Section 12, Township 116, Range 27
	Buffalo Creek	From Section 30, Township 115, Range 30 to Section 24, Township 116, Range 27
	High Island Creek	From Section 20, Township 114, Range 30 to Section 25, Township 114, Range 29
	Boundaries of districts shown on official zoning map	
	b. Tributary Streams: All protected watercourses in McLeod County shown on the Protected Waters Inventory Map for McLeod County, a copy of which is hereby adopted by reference, not given a classification in (a) above shall be considered "Tributary."	

Subdivision 4: Abrogation and Greater Restrictions

1. It is not intended by this Section to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section imposes greater restrictions, the provisions of this Section shall prevail. All other sections inconsistent with this Section are hereby repealed to the extent of the inconsistency only.
2. The Shore land Standards shall be in addition to any other provisions of this Ordinance.

Subdivision 5: Permits Required

A land use permit authorizing an addition to an existing structure or an accessory structure shall stipulate that an identified non-conforming sewage treatment system, as defined by Subdivision 13 of this section, shall be reconstructed or replaced in accordance with the provisions of this Ordinance.

Subdivision 6: Land Use District Descriptions

Use and Upgrading of Inconsistent Land Use Districts

1. The land use districts adopted in this Ordinance, as they apply to shore land areas, and their delineated boundaries on the Official Zoning Map, are not consistent with the land use district designation criteria specified in the Statewide Standards for “Management of Shore land Areas,” 6120.3200, effective July 3, 1989. These inconsistent land use district designations may continue until revisions are proposed to change either the land use district designation within an existing land use boundary shown on the Official Zoning Map or to modify the boundary of an existing land use district shown on the Official Zoning Map.
 - A. General Considerations and Criteria for All Land Use:
 - (1) preservation of natural areas;
 - (2) present ownership and development of shore land areas;
 - (3) shore land soil types and their engineering capabilities;
 - (4) topographic characteristics;
 - (5) vegetative cover
 - (6) in-water physical characteristics, values, and constraints;
 - (7) recreational use of the surface water;
 - (8) road and service center accessibility;
 - (9) socioeconomic development needs and plans as they involve water and related land resources;
 - (10) the land requirements of industry which, by its nature, requires location in shore land areas; and
 - (11) the necessity to preserve and restore certain areas having significant historical or ecological value.
2. When a revision is proposed to an inconsistent land use district provision, the following additional criteria and procedures shall apply:
 - A. For Lakes. when a revision to a land use district designation on a lake is considered, the land use district boundaries and use provisions therein for all the shore land areas within jurisdiction of this Ordinance on said lake must be revised to make them substantially compatible with the framework of part 6120.3200 of the Statewide Standards for “Management of Shore land Areas.”

- B. For Rivers and Streams. When a revision to a land use district designation on a river or stream is proposed, the land use district boundaries and the provisions therein for all shore land on both sides of the river or stream within the same classification within the jurisdiction of this Ordinance must be revised to make them substantially compatible with the framework in part 6120.3200 of the Statewide Standards for “Management of Shore land Areas.” If the same river classification is contiguous for more than a five-mile segment, only the shore land for a distance of 2.5 miles upstream and downstream, or to the class boundary if closer need be evaluated and revised.
- C. When an interpretation question arises about whether a specific land use fits within a given “use” category, the interpretation shall be made by the Board of Adjustment. When a question arises as to whether a land use district’s boundaries are properly delineated on the Official Zoning Map, this decision shall be made by the County Board.
- D. When a revision is proposed to an inconsistent land use district provision by an individual party or landowner, this individual party or landowner will only be responsible to provide the supporting and/or substantiating information for the specific parcel in question. The County Board will direct the Zoning Administrator to provide such additional information for this water body as is necessary to satisfy Items A and B.
- E. The County Board must make a detailed finding of fact and conclusion when taking final action that this revision, and the upgrading of any inconsistent land use district designations on said water body, are consistent with the enumerated criteria and use provisions of part 6120.3200 of the Statewide Standards for “Management of Shore land Areas.”

Subdivision 7: Lakeshore Development Standards

1. Lot Width and Area

The lot area (in square feet) and lot width standards (in feet) for lots created after the date of enactment of this Ordinance for the lake and river/stream classifications are the following:

Lakes

- A. Natural Environment:***

	Riparian Lots		Non-riparian Lots	
	<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
Single	87,120 (2 acres)	250	87,120 (2 acres)	250

B. Recreational Development:* **

	Riparian Lots		Non-riparian Lots	
	<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
Single	54,450 (1.25 acres)	150	54,450 (1.25 acres)	150

C. General Development:* **

	Riparian Lots		Non-riparian Lots	
	<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
Single	54,450 (1.25 acres)	150	54,450 (1.25 acres)	150

Rivers

D. Agricultural Rivers:* **

	Riparian Lots	Non-riparian Lots
	<u>Area</u>	<u>Area</u>
Single	54,450 (1.25 acres)	54,450 (1.25 acres)

River/Stream Lot Width Standards. The lot width standards for single residential developments for the river/stream classifications are:

Agricultural No sewer
<u>Single</u> <u>150</u>

* Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line.

** Multiple family dwellings and Planned Unit Developments are not permitted within shore land areas.

2. **Controlled Accesses**

Lots intended as controlled accesses to public water recreation areas for use by owners of non-riparian lots within subdivisions are permissible and must meet or exceed the following standards.

- A. They must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.
- B. Docking, mooring, or over water storage of watercraft is limited to 6 or less

- C. They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of non-riparian lots in the subdivision who are provided riparian access rights on the access lots; and
- D. Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They may include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of non-significant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

3. Placement, Design, and Height of Structures

- A. Placement of structures on lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Proposed structures shall not be placed in a shore impact zone or in a bluff impact zone; excepting water oriented accessory structures shall be located as follows.

(1) Structure and On-site Sewage System Setbacks (in feet) from Ordinary High Water Level*.

Classes of Public Waters	Setbacks*	
	Structures	Sewage Treatment System
Lakes		
Natural Environment	200	150
Recreational Development	100	75
General Development	75	50
Rivers		
Agriculture, Urban and Tributary	100	75

* One water-oriented accessory structure designed in accordance with this section of the Ordinance may be set back a minimum distance of 20 feet from the ordinary high water level, on General Development, Recreation or Development Lakes.

- B. Additional structure setbacks. The following additional structure setbacks apply, regardless of the classification of the water body:

Setback from:	Setback (in feet)
(1) top of bluff;	30
(2) unplatted cemetery;	50
(3) centerline of federal, state, or county highway; and	130
(4) centerline of township road	100
(5) right-of-way line of minor street serving a residential subdivision.	40

- C. Bluff impact zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

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

4. **Design Criteria for Structures**

- A. High Water Elevations. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:

- (1) for lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher;
- (2) for rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three feet above the ordinary high water level or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with parts 6120.5000 to 6120.6200 governing the management of floodplain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and

- (3) water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.
5. **Water-oriented Accessory Structures.** Each lot, on General Development and Recreational Development Lakes, may have one water-oriented accessory structure not meeting the normal structure setback in Provision 3(A)(1) of this Subdivision if this water-oriented accessory structure complies with the following provisions:
- A. The structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 120 square feet. Detached decks must not exceed three feet above grade at any point;
 - B. The setback of the structure or facility from the ordinary high water level must be at least ten feet;
 - C. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shore lands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
 - D. The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area;
 - A. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities; and
6. **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 feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties
 - B. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, 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; and do not exceed grading, filling and excavation, volumes allowed with no permit.
 - 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; and

- F. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub items (A) to (E) are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.
- 7. **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.
- 8. **Steep Slopes.** The Zoning Administrator 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 issue 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.
- 9. **Height of Structures.** All structures in residential districts, except churches and nonresidential agricultural structures must not exceed 35 feet in height.

Subdivision 8: Shore land Alterations

Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shore land 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 Subdivision 9 of this Ordinance are exempt from the vegetation alteration standards that follow. However, if screening, assuming summer leaf-on conditions is substantially reduced, a mitigation plan must be submitted at the time of the application for a permit.
 - B. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Subdivision 11 (2) and (3) of this section, respectively, is allowed subject to the following standards:
 - (1) 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 as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.

- (2) 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:
 - (a) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
 - (b) Along rivers, existing shading of water surfaces is preserved; and
 - (c) No cutting or removal of live trees over six (6) inches in diameter measured to a point two (2) feet above ground level shall take place until a Conditional Use Permit has been issued.
 - (d) The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

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 land use permits for these facilities do not require the issuance of a conditional use permit. However, the grading and filling standards in this Subdivision must be incorporated into the issuance of any permit, variance, or Conditional Use permit for construction of structures, accessory structures, subdivisions, sewage treatment systems and driveways.
- B. Public roads and parking areas are regulated by Subdivision 9 of this Ordinance.
- C. Notwithstanding Items A. and B. above, a conditional use permit will be required for:
 - (1) The movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and
 - (2) The movement of more than 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 land use permits, conditional use permits, variances and subdivision approvals:

(1) 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*:

- (a) Sediment and pollutant trapping and retention;
- (b) Storage of surface runoff to prevent or reduce flood damage;
- (c) Fish and wildlife habitat;
- (d) Recreational use;
- (e) Shoreline or bank stabilization; and
- (f) 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.

(2) 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;

(3) Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;

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

(5) Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;

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

(7) Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;

- (8) Fill or excavated material must not be placed in bluff impact zones;
- (9) Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 103G.245;
- (10) 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; except excavation in bluff impact zone and shore impact zone areas for the purpose of walkouts or landscaping is prohibited.
- (11) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, riprap placed above (landward) the OHW must be limited to 10 cubic yards and not to exceed 3' above the OHW. A Conditional Use Permit is required for more extensive grading/filling.

E. **Connections to public waters.** Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, shall require a land use permit from the Zoning Administrator before construction is begun. Permission for excavations may be given only after the Commissioner of the Department of Natural Resources has approved the proposed connection to public waters.

Subdivision 9: Placement and Design of Roads, Driveways, and Parking Areas

- 1. **Visual Screening.** 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 soil and water conservation district, or other applicable technical materials.
- 2. **Setbacks.** Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas by variance, and must be designed to minimize adverse impacts.
- 3. **Watercraft Access.** 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 Subdivision 8 of this section must be met and filling and grading is limited to 10 cubic yards.

Subdivision 10: Storm Water Management.

The following general and specific standards shall apply:

1. **General Standards**

- A. When possible, existing natural drainage ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain storm water 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 storm water 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 25 percent of the lot area.
- B. When constructed facilities are used for storm water 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 soil and water conservation districts.
- C. New constructed storm water outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

Subdivision 11: Special Provisions for Commercial, Industrial, Public/Agricultural, Forestry and Extractive Uses and Mining of Metallic Minerals and Peat

1. **Standards for Commercial, Industrial, Public, and Semipublic Uses**

- A. Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:
 - (1) In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this Ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;

- (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; and
- (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 off-site 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) On-site 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 feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and
 - (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.
- B. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

2. **Agriculture Use Standards**

- A. 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 soil and water conservation districts or the United States Natural Resource Conservation Service, 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 50 feet from the ordinary high water level.

- B. Animal feedlots must meet the following standards and the McLeod County Feedlot Management Ordinance.
 - (1) New permitted feedlots must not be located in the shore land of watercourses, basins, or public waters.
- 3. **Forest Management Standards.** The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Non-point Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota" or its successor publications.
- 4. **Extractive Use Standards**
 - A. **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. A Conditional Use Permit and restoration bond are required for any extractive uses. Additional extractive use standards in the land use Ordinance shall be adhered to.
 - B. **Setbacks.** Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs. Mining activities must be setback equal with shore impact standards or 150 feet on natural environment lakes.
- 5. **Mining of Metallic Minerals and Peat.** Mining of metallic minerals and peat, as defined in Minnesota Statutes, Sections 93.44 to 93.51 shall be a permitted use provided the provisions of Minnesota Statutes, Sections 93.44 to 93.51, are satisfied.

Subdivision 12: Conditional Uses

Conditional uses allowable within shore land 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 shall apply within shore land 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 Board, 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 ordinary high water level;
 - B. Limitations on the natural vegetation to be removed or the requirement 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.

Subdivision 13: Water Supply and Sewage Treatment

- 1. **Water Supply.** Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
- 2. **Sewage treatment.** Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:
 - A. Publicly-owned sewer systems must be used where available.
 - B. All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the McLeod County ISTS Ordinance.
 - C. On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in Subdivision 7, Subsection 3, of this Section.
 - D. All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in sub items (1) - (4). It shall then be the responsibility of the applicant to provide sufficient soil borings and/or percolation tests from on-site field investigations.

Evaluation Criteria:

- (1) Depth to the highest observable saturated soil condition or bedrock;
- (2) Soil conditions, properties, and permeability;
- (3) Slope;
- (4) The existence of lowlands, local surface depressions, and rock outcrops;

- E. Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with Subdivision 14(3) of this section.

Subdivision 14: Nonconformities

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

1. Construction on Nonconforming Lots of Record (Substandard Lots)

- A. Lots of record in the office of the county recorder on the date of enactment of local shore land controls that do not meet the requirements of Subdivision 7 of this section 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, it was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this Ordinance are met.
- B. 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 water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
- C. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Subdivision 7 of this section, 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 Subdivision 7 of this section as much as possible.

2. Additions/Expansions to Nonconforming Structures

- A. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Subdivision 7 of this section. Any deviation from these requirements must be authorized by a variance pursuant to Section 23.
- B. Deck additions may be allowed without variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:
 - (1) The structure existed on the date the structure setbacks were established;
 - (2) A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;

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

3. Nonconforming Sewage Treatment Systems

- A. A sewage treatment system not meeting the requirements of Subdivision 13 of this Section must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered failing if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.
- B. It is the intent of McLeod County not to encourage the survival of failing septic systems.

McLeod County has set in ordinance a time frame to bring failing septic systems into compliance. The amount of time has been established by the McLeod County ISTS Committee, this time period will not exceed 2 years in a shore land area. Sewage systems installed according to all applicable local shore land management standards adopted under

Minnesota Statutes, Section 103.F.201-.221, in effect at the time of installation may be considered in compliance unless they are determined to be failing, except that systems using cesspool, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems shall be considered failing.

Subdivision 15: Subdivision/Platting Provisions

- 1. **Land Suitability.** Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to impair the health, safety, or welfare of future residents of the proposed subdivision or of the community. Each lot created must have a suitable building pad capable of construction of a primary structure without filling or requiring a variance.

2. **Consistency with Other Controls.** Subdivisions must conform to all official controls of McLeod County. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. 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 Subdivision 13 of this section can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Subdivision 13, including at least a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two standard sewage treatment systems. Lots that would require use of holding tanks must not be approved.
3. **Information Requirements.** Sufficient information must be submitted by the applicant for the community to make a determination of land suitability. The information shall include at least the following:
 - A. Topographic contours at two-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 storm water runoff and erosion, both during and after construction activities;
 - E. Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and regulatory flood protection elevation.
 - F. A line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.
 - G. Wetland delineation report that follows standards of the Minnesota Wetland Conservation Act.
4. **Dedications.** When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of storm water, wetlands or for conservation purposes.

5. **Platting.** All subdivisions that create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505 and the McLeod County Subdivision Ordinance. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.

Subdivision 16: Procedures for Submitting a Plat

1. Whenever any subdivision of land is proposed to be made, the sub divider or his duly authorized agent must apply in writing for subdivision approval in accordance with the McLeod County Subdivision Ordinance. This application must be received before any contract for the sale of, or any offer to sell any lots in the subdivision is made, and before any permit for the construction of a structure or sewage treatment system in the subdivision is granted.
2. **Controlled Access for Recreational Lots.** Lots intended as controlled accesses to public waters or for recreational areas for use by non-riparian lots within a subdivision must meet or exceed the dimensional standards in Subdivision 7.1 of this Section.

SECTION 14 – CONSERVATION OVERLAY DISTRICT

Subdivision 1: Purpose and Intent

To provide for areas intentionally left free from development, for the preservation of wildlife corridors/habitats; scenic view sheds; and natural resources including forest lands, range lands, agricultural lands, aquifer recharge areas, and areas of unique biological, physical, topographical or botanical character. These areas will provide buffers to developed areas in order to maintain a separate identity for the towns and McLeod County. The most intensive uses of these areas will normally be for outdoor recreation activities or passive uses not requiring significant infrastructure such as roads or utility services.

These areas may represent diverse types of land and possess varied physical and geographical conditions and are an important physical, environmental, social, aesthetic, and economic asset to both the urban and rural residents of McLeod County. The preservation of a balanced system of open space will complement the county parks and trails and provide a visual relief of development.

This zoning is not intended to replace conservation easements. If there is a conflict, the more restrictive provision(s) shall apply.

Uses not listed as a permitted use or conditional uses in this section are not allowed on lands to which this section applies.

Subdivision 2: Lands to Which This Section Applies

The provisions of this Section shall apply to all lands within 1,000' (feet) of the Natural Environment Lakes listed in the McLeod County Zoning Ordinance Section 13, Subdivision 3, Subpart 2(B) and to those selected wetlands and basins.

Subdivision 3: Permitted Uses

1. Agriculture, including the principal farm dwelling and agricultural buildings.
2. Single-family non-farm dwellings at a density no greater than one unit per Quarter-Quarter Section (approximately 40 acres).
3. Flood control, watershed or erosion control structures.
4. Customary accessory buildings and structures, including detached garages and sheds.

Subdivision 4: Conditional Uses

Land in the Conservation Overlay District may be used for any of the following purposes upon the issuance of a Conditional Use Permit in accordance with the Provisions of Section 17 of this ordinance.

SECTION 14 CONSERVATION DISTRICT

- 1. A second farm dwelling on each farm for the use of family members or employees. The site shall meet the lot size and dimensional standards specified in Subdivision 6 of this section, to permit future conveyance if necessary. This second dwelling shall be within 660' of the principal dwelling and served by a shared driveway.
- 2. Home occupations as regulated in Section 16 of this Ordinance, including home occupations located in accessory buildings not exceeding 2,000 square feet in size.
- 3. Township halls or other governmental buildings.

Subdivision 5: Prohibited Uses

- 1. No Subdivision of land is allowed, except for Subdivision 7 and 8 of this section, for the purpose of creating a building site (Platting) or Rezoning. Any other use not listed as a permitted use or conditional use will be prohibited.

Subdivision 6: Dimensional Regulations

- 1. Maximum Density 1 house per Quarter-Quarter Section (approximately 40 acres)
- 2. Minimum Lot Sizes:
 - Principal Dwelling 2 acres
- 3. Minimum Lot Dimensions (All Land Uses):
 - Width at building line: 200
 - Depth 250
- 4. Minimum Setbacks:

	<u>Principal</u>	or	<u>Accessory Structures:</u>
Front, from centerline of Township Road:	100		100
County Road or C.S.A.H.	130		130
State Highway:	130		130
Front, platted lots, from road right-of-way	40		40
Side:	20		20
Rear:	40		20
Lake or Wetland	200		200

When 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 the lot.

- 5. Maximum Building Heights:

All nonagricultural buildings:	2 ½ stories or 35 feet, whichever is less
Agricultural buildings and structures:	No restriction

Subdivision 7: Transfer of Building Eligibilities

Building eligibilities shall be allowed to transfer into the Conservation Overlay District at a density of no greater than 2 non-farm dwellings per quarter-quarter section (approximately 40 acres), or building eligibilities shall be allowed to transfer out of the Conservation Overlay District if allowed per McLeod County Zoning Ordinance Section 7, Subdivision 9.

Subdivision 8: Lots of Record

A lot of record of less than a Quarter-Quarter Section in size, prior to October 17, 1981, may be subdivided in accordance with the regulations of the McLeod County Subdivision Ordinance to provide one (1) non-farm residential lot meeting the lot size and dimensional standards of Subdivision 6 of this Section, provided that the parcel does not already contain a farm or non-farm dwelling and meets County septic system requirements and Minnesota Department of Health water well requirements.

Subdivision 9: Site Plan Required

For any non-farm dwelling or second farm dwelling, a site plan shall be provided illustrating the location of the dwelling on the site, location of the septic tank and drain field, location of the well and access from a public road. Reasonable revisions to the site plan may be required as a condition of approval.

SECTION 15 - SIGN REGULATIONS

Subdivision 1: Purpose

Subdivision 2: General Sign Provisions

Subdivision 3: Signs Permitted in Agricultural and Residential Districts

Subdivision 4: Signs Permitted in the Highway Business and Industrial Districts

Subdivision 5: Signs Permitted in the Urban Expansion District

Subdivision 6: Nonconforming Signs

Subdivision 7: Inspection, Maintenance, Removal

Subdivision 1: Purpose

All signs hereafter erected, altered, substantially repaired, relocated or maintained, except official, public traffic and street signs shall conform to the provisions of this Section and any other ordinances or regulations of McLeod County. No sign shall be allowed in any zoning district unless it is a permitted use or conditionally permitted use established in accordance with the provisions of this Ordinance.

Subdivision 2: General Sign Provisions

1. Unless otherwise provided by this Section, all permanent signs shall require permits. No permit is required for the maintenance of a sign or for a change of copy on printed or changeable copy signs.
 - A. Private off premise directional signs, other than public utility warning signs, are prohibited within public rights-of-way and easements or on any other public property except as permitted by the standards of MnDOT or the McLeod County Highway Department, whichever the acting road authority.
 - B. Illuminated signs may be allowed, but devices giving off an intermittent or rotating beam of light shall be prohibited. Flood lighting shall be focused upon the sign. No lighting for signs shall directly reflect light beams onto any public street or residential structure. Signs shall not be illuminated beyond any lot line.
 - C. No sign shall, by reason of position, shape or color, interfere in any way with the proper functioning or purpose of a traffic sign or signal.
 - D. No sign shall be painted or displayed directly on the roof or outside wall of a building.
 - E. No sign shall be painted or placed on fences, rocks or similar structures or features, nor shall paper or similar signs be attached directly to a building wall with adhesive or similar means.
 - F. No private sign shall be erected that resembles any official marker erected by a government agency or otherwise constitutes a traffic hazard.

- G. No sign shall be allowed that obstructs any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress of any building or structure.
 - H. No sign shall be placed that may obstruct motorist or pedestrian visibility.
 - I. No sign shall be placed on vehicles or trailers which are parked or placed for the primary purpose of displaying an upcoming special event, including portable and banner signs more than two (2) weeks prior and shall be removed within three (3) days after the event.
2. **Location:**
- A. All signs shall be located outside of any public right-of-way and shall have a setback of ten (10) feet from the right-of-way of any public roadway and ten (10) feet from side and/or rear property lines.
 - B. No sign greater than three square feet shall be located less than 300 feet from the intersection of two or more public roads or a public road and a railroad, provided that advertising may be affixed to or located adjacent to a building at such intersection in such a manner as not to cause any greater obstruction of vision than that caused by the building itself.
3. **Signs Not Requiring Permits.** The following types of signs are exempt from permit requirements but must otherwise be in conformance with all requirements of this section and registered with the McLeod County Environmental Services Director.
- A. One (1) on-premise temporary combination area identification, construction and real estate sign not to exceed ninety-six (96) square feet in sign area or fifteen (15) feet in height.
 - B. On-premise directional/informational signs having a sign area of less than six (6) feet.
 - C. Holiday signs.
 - D. Political signs, consistent with State Statute. Political signs may be placed only on private property and only with the permission of the property owner. Such signs shall not be illuminated.
 - E. Election signs, provided that such signs are removed within ten (10) days following the election. No election signs shall be more than three (3) months preceding the election to which the sign relates.
 - F. Integral signs: names on buildings, date of construction, commemorative tablets and the like, which are of the building or structure.
 - G. Agricultural product signs: signs indicating that the proprietor of a farm is a dealer in seed, fertilizer, seasonal farm produce, or other agricultural products only when such dealership is incidental to the primary agricultural business of the farm.

- H. Any farm crop demonstration sign for informational use having a sign area of thirty-two (32) square feet or less.
- I. A real estate sign for the purpose of selling, renting or leasing a single parcel, not in excess of sixteen (16) square feet per surface and with no more than two (2) surfaces, may be placed within the front yard of the property.
- J. There shall be no more than one temporary sign on any lot, and such sign shall not exceed twenty-five (25) square feet per surface and with no more than two (2) surfaces, which may remain on site a maximum of seven (7) consecutive days, within a 30-day period.
- K. Signs on private property requesting “No Trespassing”, “No Hunting” etc.
- L. Any signs authorized by a governmental unit such as directional, street name, traffic, safety, danger and parking signs.
- M. One ideological, non-commercial sign per parcel, which does not advertise a product, service or business, but expresses a viewpoint, opinion, idea or non-commercial message such as a message pertaining to politics, religion or charity, may be allowed but in no case shall the total sign area exceed thirty-two (32) square feet per surface with no more than two (2) surfaces. Such sign shall be maintained in a neat and orderly manner.
- N. One area identification sign, not to exceed thirty-two (32) square feet per surface with any sign having more than two (2) surfaces, shall be allowed for each street entrance to a development or municipality.
- O. A municipal informational sign, not to exceed sixty-four (64) square feet shall be allowed on private property on major entrances into the city to make the public aware of or to promote various clubs, achievements, celebrations, churches, birth places, etc.

Subdivision 3: Signs Permitted in Agricultural and Residential Districts

- A. One name plate sign for each dwelling not to exceed four (4) square feet in area per surface, and no sign shall be so constructed as to have more than two (2) surfaces.
- B. One sign for each permitted home occupation non-residential use or use by conditional use permit may be permitted. Such signs in Residential District or a platted subdivision within the Agricultural District shall not exceed sixteen (16) square feet constructed as to have more than two (2) surfaces. Such signs in the Agricultural District shall not exceed thirty-two (32) square feet in area per surface and no sign shall be so constructed as to have more than two (2) surfaces. On principal arterial and minor arterial streets, signs in excess of thirty-two (32) square feet may be permitted by conditional use, but in no case shall the total square footage exceed sixty-four (64) square feet per surface or one hundred twenty-eight (128) total square feet.
- C. Symbols, statues, sculptures and integrated architectural features on buildings may be illuminated by flood lights provided the source of light is not visible from a public right-of-way or adjacent property.

- D. No sign shall exceed ten (10) feet in height above the average grade level.
- E. For the purpose of selling or promoting a residential project, one sign not exceeding sixty-four (64) square feet per surface with no more than two (2) surfaces may be erected on the project site for a time not to exceed 12 consecutive months.
- F. One (1) permanent area identification sign per neighborhood, subdivision, or development, not to exceed sixteen (16) square feet in sign area. The area identification sign shall be placed on the same premise as the development which it identifies.
- G. Any combination of on-premise freestanding and wall mounted real estate signs for model homes having a combined total sign area not to exceed thirty-two (32) square feet. Freestanding signs for model homes shall have a maximum height of five (5) feet.
- H. Permitted nonresidential uses, such as churches, synagogues, and schools, one (1) on-premise freestanding sign and one (1) wall business sign not to exceed ninety-six (96) square feet in total sign area.
- I. On-site permanent signs shall be located no closer than ten (10) feet to a public road right of way or property line.

Subdivision 4: Signs Permitted in the Highway Business and Industrial Districts

- 1. One (1) permanent area identification sign per subdivision or development, not to exceed sixty-four (64) square feet in sign area. The area identification sign shall be placed on the same premise as the development which it identifies;
- 2. One (1) free standing business sign per premise, not to exceed one (1) square foot for each linear foot of street frontage up to a maximum of sixty-four (64) square feet. Such signs may not exceed the lower of the height of the roofline or a maximum of twenty (20) feet;
- 3. One (1) on-premise business wall sign per premise, not to exceed one (1) square foot of sign area for each linear foot of building frontage up to a maximum of one hundred twenty-eight (128) square feet;
- 4. Advertising signs shall be permitted subject to the following requirements:
 - A. Off-premises signs are prohibited within three hundred (300) feet of the intersection of the highway right-of-way and any other right-of-way or driveway.
 - B. Advertising signs are prohibited within eight hundred (800) feet of another advertising sign on the same side of the right-of-way.
 - C. Advertising signs are prohibited within one hundred (100) of any residential district, and within five hundred (500) feet of any park, school, church or playground.
 - D. Advertising signs shall be located no closer than ten (10) feet from the public right-of-way or ten (10) feet from any property line.

- E. All advertising signs shall be erected with a single pole or mono-pole structural standard and shall have underground wiring.
 - F. The base of any advertising sign must be landscaped with at least grass and must be properly maintained.
 - G. Advertising signs shall not exceed two hundred fifty (250) square feet in area nor twenty-five (25) feet in height as measured perpendicularly from the height of the highest point of the sign structure to the grade level directly below the sign. The existing grade may not be altered for the purpose of increasing sign height.
 - H. Advertising signs shall be considered an accessory use of the property. Existing advertising signs must be removed when the parcel upon which they are situated is devoted to another principal use.
 - I. The County may perform a periodic inspection of the advertising devices to ensure compliance of said advertising structure with the provisions of this section and other provisions of this Ordinance. The fee for said inspection shall be set by the Board of Commissioners by resolution from time to time.
 - L. No sign shall be mounted on a structure on or above the roof line.
 - M. For the purpose of selling or promoting a commercial or an industrial project, one sign not to exceed one hundred thirty (130) square feet with no more than two (2) surfaces, may be erected upon the project site.
5. Off-premise signs (Billboards)
- A. Off-premise signs (billboards) may be permitted as a conditional use in any Industrial District and the Highway Business District, providing the total square footage of both sides of the sign area is not more than six hundred (600) square feet, for signs located along principal arterial streets. On other streets, the total square footage of sign area shall not be more than four hundred (400) square feet.
 - B. No off-premise sign (billboard) shall be located within five hundred (500) feet of parks, historical sites, public picnic or rest areas, or within two hundred (200) feet of church or school property.
 - C. No off-premise sign (billboard) shall be located closer than thirteen hundred (1300) feet horizontal distance from any other advertising sign measured in any direction. Advertising signs shall not exceed thirty (30) feet above the average ground level at the base of the sign.

Subdivision 5: Nonconforming Signs

- 1. Existing signs which do not conform to the specific provisions of this Section may be eligible for the designation “Legal Nonconforming” provided that:
 - A. The Zoning Administrator determines that such signs are properly maintained do not in any way endanger the public.

- B. The sign was authorized by a valid permit and constructed in compliance with all applicable laws prior to the date of adoption of this Ordinance.
- 2. A legal nonconforming sign may lose this designation if the sign is relocated, replaced, altered or damaged by more than fifty percent (50%).
- 3. Temporary and portable signs in existence at the time of adoption of this Ordinance shall be removed or made to conform to this Ordinance within thirty (30) days of the effective date of this Ordinance.

Subdivision 6: Inspection, Maintenance, Removal

- 1. **Inspection.** Any sign for which a permit is required may be inspected periodically by the Zoning Administrator for compliance with this Section and all other applicable laws.
- 2. **Maintenance.** All sign locations shall be kept free from unreasonable growth, debris or rubbish. All signs shall be properly maintained including the ground around the sign. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced on conforming signs.
- 3. **Removal.** The Zoning Administrator shall have the right to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated, which is abandoned, or which is erected or maintained in violation of this Section.
 - A. No compensation shall be paid for any sign to be removed or destroyed, and the Zoning Administrator may collect the cost of removal or destruction from the person erecting or maintaining such sign.
- 4. **Abandoned Signs.** A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Zoning Administrator shall remove it in accordance with Subsection 3 above. These removal provisions shall not apply where a succeeding owner or lessee changes the copy on the signs to advertise the type of business being conducted, and agrees to maintain the signs as provided in this Section.

SECTION 16 - GENERAL DEVELOPMENT REGULATIONS

Subdivision 1: Purpose

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Subdivision 1: Purpose

The guiding of land development into a compatible relationship of uses depends upon the maintenance of certain standards. In the various use districts, the permitted, accessory and conditional uses shall conform to the standards of this Section.

Subdivision 2: Parking and Loading Regulations

All parking hereafter constructed or maintained shall conform with the provisions of this Subdivision and any other ordinance or regulations of McLeod County.

1. General Provisions.

- A. 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.
- B. On-site parking facilities provided to comply with the provisions of this Ordinance shall not subsequently be reduced below the requirements of this Ordinance. Such required parking or loading space shall not be used for storage of goods or for storage of vehicles that are inoperable or for sale or rent.
- C. Required parking facilities accessory to residential structures shall not be used for the storage of commercial vehicles or for the parking of automobiles belonging to the employees, owners, tenants or customers of nearby business or manufacturing establishments.

2. **Location Requirements.** All off-street parking shall be located according to the following provisions:
 - A. Parking spaces accessory to any dwelling shall be located on the same lot as dwelling.
 - B. Combined or joint parking facilities may be provided for one or more buildings or uses in the Business or Industrial Districts, provided that the total number of spaces shall equal the sum of the requirements for each building or use.
 - C. There shall be no off-street parking space within ten (10) feet of any street right-of-way.
 - D. No off-street open parking area containing more than four (4) parking spaces shall be located closer than fifteen (15) feet from an adjacent lot zoned or used for residential purposes.
 - E. Garage stalls and open parking spaces accessory to residential structures, may be located anywhere on the lot other than a required yard area except that garages may be located to within ten (10) feet of an interior side lot line and to within ten (10) feet of a rear lot line.
3. **Design Requirements.**
 - A. Minimum Size Regulations: Each space shall have a width not less than 9 by 18 feet.
 - B. Parking areas shall be designed so as to provide adequate means of access to public streets. Such driveway access shall not exceed thirty (30) feet in width.
 - C. All lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining property and right-of-ways.
 - D. All off-street parking spaces shall have access off driveways and not directly off the public street.
4. **Computing Requirements.** In computing the number of such parking spaces required, the following rules shall govern:
 - A. Floor area shall mean the gross floor area of the specific use.
 - B. Where a fractional spaces results, one (1) additional parking space shall be added for that fraction.
5. **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. Assembly or exhibition hall, auditorium, theater, funeral home or other place of assembly - One parking space for each three (3) seats, based on maximum design capacity.
- B. Automobile service station, motor fuel station - Four (4) spaces plus two (2) spaces for each service stall.
- C. Bowling alley - Five (5) parking spaces for each bowling lane, plus additional space as required for related uses such as a restaurant.
- D. Church - One parking space for each three (3) seats, based on the design capacity of the main seating area.
- E. Convenience or drive-in restaurant - One (1) space for each fifteen (15) square feet of gross floor area.
- F. Hospital, sanitarium, convalescent home, nursing home, retirement home or similar institution - One (1) space for each two hospital beds, plus one (1) space for each three (3) employees, plus one (1) parking space for each residential unit and staff doctor.
- G. Manufacturing plant, industrial use - One space for each two (2) employees on the major shift or one for each five hundred (500) square feet of gross floor area, whichever is larger.
- H. Medical and dental clinics and animal hospital - Three (3) parking spaces for each doctor.
- I. Motel - One (1) space for each rental room or suite plus one additional space for each employee on the major shift.
- J. Office, business or professional - One parking space for each two-hundred (200) square feet of floor area.
- K. Open sales lot - Three (3) spaces for each five thousand (5,000) square feet lot area.
- L. Restaurant, cafe, nightclub, tavern or bar - One parking space for each three (3) seats based on capacity design.
- M. Retail stores and service establishments - One space for each 200 square feet of floor area.
- N. Schools, Elementary and Junior High - Two (2) spaces for each classroom plus one (1) additional space for each two hundred (200) student capacity.
- O. Schools, High School and College - One space for each seven (7) students based on design capacity, plus two (2) additional spaces for each classroom.
- P. Single family dwelling - Two parking spaces. No garage shall be converted into living or work space unless other acceptable on-site parking space is provided.

- Q. Shopping Center - Where several business uses are grouped together according to a general development plan, on-site automobile parking shall be provided in a ratio of not less than five spaces per 1,000 square feet of gross floor area.
- R. Warehouse - One parking space for each two employees on the major shift or one parking space for each 2,000 square feet of floor area, whichever is greater.
- S. Wholesale auto sales, repair shop - Three (3) spaces for each one thousand (1,000) square feet of gross floor area.
- T. Uses not specifically noted - Shall be based on requirements of a similar use, as determined by the Board of County Commissioners following review by the Planning Commission.

6. Required Loading Areas - General Provisions

All required loading berths shall be off-street and located on the same lot as building or use to be served. A loading berth shall not be located less than one hundred (100) feet from the intersection of two (2) street rights-of-way in a residential district. Loading berths shall not occupy required front yards.

7. Loading Area Design Requirements

- A. Unless otherwise specified, a required loading berth shall not be less than fifteen (15) feet in width, fifty (50) feet in length and fourteen (14) feet in height, exclusive of aisle and maneuvering space.
- B. All loading berths and access ways shall be improved with a durable material to control the dust and drainage.
- C. Any space allocated as a loading berth or maneuvering area shall not be used for the storage of goods, inoperable vehicles, or the required off-street parking area.

Subdivision 3: Drive-In Business Regulations

1. Location Requirements.

- A. No drive-in business shall be located within five hundred (500) feet of a school or church.
- B. No drive-in shall be located within three hundred (300) feet of any residentially zoned or developed property.
- C. No drive-in shall be located on any street other than a thoroughfare or business service road.
- D. No access drive shall be within fifty (50) feet of intersecting street right-of-way lines.

2. **Site Requirements.**

- A. No less than thirty (30) percent of the gross lot area shall be landscaped.
- B. The entire area other than that occupied by structure or landscaping shall be paved surface, which will control dust and drainage.
- C. Adequate area shall be designated for snow storage such that clear visibility shall be maintained from the property to any public street.
- D. Lighting shall have no direct source visible from the public right-of-way or adjacent land.
- E. A six (6) inch curb shall separate all walks and landscape areas from parking areas.

Subdivision 4: Automobile Service Stations or Fuel Stations

1. **General Provisions.**

- A. For architectural purposes, each side of a service station shall be considered as a front face.
- B. The storage of items for sale outside the principal building shall be displayed in specially designed containers.
- C. All trash, waste materials, and obsolete parts shall be stored within a separate enclosure.
- D. All goods for sale, other than those required for the operation and maintenance of motor vehicles shall be displayed within the principal structure.
- E. Sales of motor vehicles or trailers or campers shall be permitted by Conditional Use Permit only.
- F. Open storage of inoperable motor vehicles that have no substantial, potential further use consistent with their usual functions shall not be permitted for a period of more than forty-eight (48) hours.
- G. All rental campers, trailers, or motor vehicles shall be stored with the rear and/or side yard not adjacent to the street.

2. **Site Requirements.**

- A. Wherever a service station abuts residential property, a fence or compact evergreen hedge not less than fifty (50) percent opaque nor less than six (6) feet high shall be erected and maintained along the side and rear property line that abuts the residential property. Application of this provision shall not require a fence within fifteen (15) feet of any street right-of-way line.

- B. A minimum fifteen (15) foot landscaped yard shall be planted and maintained behind all property lines.
 - C. The entire service station site, other than that part devoted to landscaping and structures, shall be surfaced with concrete or bituminous surfacing to control dust and provide adequate drainage.
 - D. Driveway permits are required and regulated by the McLeod County Highway Department.
 - E. A six (6) inch curb shall separate all walks and landscape areas from parking and maneuvering areas.
3. **Setback Requirements.** Every service station shall meet the following setback requirements:
- A. The setback of any overhead canopy or weather protection free-standing or projecting from the station structure shall be not less than ten (10) feet from the street right-of-way line nor less than twenty (20) feet from an adjacent property line.

Subdivision 5: Environmental Review Program

- 1. The provisions of the rules for the Environmental Review Program, MR 4410.0200 to 7800, one copy of which is on file in the office of the County Auditor, are hereby adopted, together with the other provisions of this Ordinance, as the environmental review operating procedures McLeod County will follow in implementing the provisions of Minnesota Statutes Chapter 116 D relating to the Environmental Review Program and any rules adopted thereunder by the Minnesota Environmental Quality Board. All terms used in this Ordinance shall have the same meaning as the terms used in Chapter 116 D and the rules adopted thereunder.
- 2. **Cost of Preparation and Review.**
 - A. Information to be provided. The applicant for a permit for any action for which environmental documents are required, either by state law or rules or by the County Board, shall supply all unprivileged data or information reasonably requested by the County that the applicant has in his possession or to which he has reasonable access.
 - B. Environmental Assessment Worksheets. The applicant for a permit for any action for which an environmental assessment worksheet (EAW) is required either by state law or rules or by the County Board shall prepare a draft EAW for review by the County and supply all information necessary to complete that document, as prescribed by the County Zoning Administrator. The applicant shall pay all costs of preparation and review of the EAW.
 - C. Environmental Impact Statement. The County and the applicant for a permit for any action for which an environmental impact statement (EIS) is required shall comply with the provisions of the Rules Governing Assessment of Costs for

Environmental Impact Statements, one copy of which is on file in the office of the County Auditor, unless the applicant and the County Board provide otherwise by a written agreement.

- D. Payment of Costs. No permit for an action for which an EAW or an EIS is required shall be issued until all costs of preparation and review which are to be paid by the applicant are paid, all information required is supplied, and until the environmental review process has been completed as provided in this Ordinance and the rules adopted by reference by this Ordinance.
 - E. Agreements Concerning Cost of Preparation and Review. The applicant and the County Board may agree in writing as to a different division of the costs of preparation and review of any EAW or EIS as provided in MR 4410.6100.
3. **Administration.**
- A. The County Zoning Administrator shall be the person responsible for the administration of the Minnesota Environmental Review Program, this Ordinance, and the rules adopted by reference by this Ordinance.
 - B. The County Zoning Administrator shall be responsible for determining whether an action for which a permit is required is an action for which an EAW is mandatory under MR 4410.4300. The Zoning Administrator shall also determine those proposed actions for which a discretionary EAW may be required under the provisions of the statute and shall notify the Planning Commission and the County Board of these proposed actions.
 - C. All EAW's and EIS's shall be prepared under the supervision of the County Zoning Administrator, reviewed by the Planning Commission and reviewed and approved by the County Board.
 - D. When reviewing an EAW or EIS, the County Zoning Administrator and the Planning Commission may suggest design alterations, which would lessen the environmental impact of the action. The County Board may require these design alterations to be made as a condition for issuing the permit when it finds that the design alterations are necessary to lessen the environmental impact of the action.
 - E. After an EAW is prepared, is distributed to all parties on the EQB Distribution list, and has undergone the 30-day review period, the Planning Commission shall review the EAW and recommend to the County Board whether or not it should require the preparation of an EIS for a particular proposed action. The County Board shall require an EIS when it finds under MR 4410.4400 that an action has potential for significant environmental effects. Minnesota Rule 4410.1700 Subp. 7, identifies the factors used to determine the "significance" of the proposed action.
4. **Discretionary Environmental Assessment Worksheet.** The County Board may, upon recommendation by the County Zoning Administrator, require that a discretionary EAW be prepared on any proposed action if, because of the nature and location of the project, the project may have the potential for significant environmental effects. Public questions

or controversy concerning the environmental effects of the proposed action should also be considered in determining the need for a discretionary EAW.

5. **Enforcement and Penalty.**

- A. No permit shall be issued for a project for which environmental documents are required until the entire environmental review procedures established by this Ordinance are completed.
- B. Any person who violates any provision of this Ordinance is guilty of a misdemeanor and, upon conviction thereof, shall be punished according to Minnesota Statute. Each day that the violation is permitted to exist constitutes a separate offense.
- C. No work shall commence and any work in progress on any project for which environmental documents are required shall cease until the environmental review procedures established by this Ordinance are fully complied with.

Exemptions from this provision may be granted for projects for which a substantial portion of the project has been completed and for which an EIS would not influence remaining implementation or construction.

Subdivision 6: Mining and Extraction

- 1. **Purpose.** To minimize land use conflicts and potential nuisance caused by mining operations.
- 2. **Conditional Use Permit.** A Conditional Use Permit shall be required for all commercial mining operations.
 - A. Said permit shall be valid for a three (3) year period; after which a permit renewal shall be required. The County Board may also require a performance bond from the landowner.
 - B. Discontinuance. A Conditional Use Permit shall be discontinued and considered null and void if mining has not commenced within the first year of the permit.
 - C. If a new mining area is found on a site that already has a Mining Conditional Use Permit, an additional Conditional Use Permit shall be required for the new area. The applicant shall provide a new survey and fee, and a public hearing will be conducted to address any concerns with Site 1 before Site 2 commences.
- 3. **Information Required.** The following information shall be provided by the person requesting the permit:
 - A. Name and address of person requesting the mining permit.
 - B. The exact legal property description and acreage of area to be mined.
 - C. The following maps of the entire site and to include all areas within five hundred (500) feet of the site. All maps shall be drawn at a scale of one (1) inch to one hundred (100) feet unless otherwise stated below:

Map A - Existing conditions to include:

- Contour lines at ten (10) foot intervals
- Existing vegetation
- Existing drainage and permanent water areas
- Existing structures
- Existing wells

Map B - Proposed operations to include:

- Structures to be erected
- Location of sites to be mined showing depth of proposed excavation
- Location of tailings deposits showing maximum height of deposits
- Location of machinery to be used in the mining operation
- Location of storage of mined materials, showing heights of storage deposits
- Location of vehicle parking
- Erosion and sediment control structures

Map C - End use plan to include:

- Final grade of proposed site showing elevations and contour lines at ten (10) foot intervals
- Location and species of vegetation to be replanted
- Location and nature of any structures to be erected in relation to the end use plan

- D. A soil erosion and sediment control plan.
- E. A plan for dust and noise control.
- F. A full and adequate description of all phases of the proposed operation to include an estimate of duration of the mining operation.
- G. Any other information requested by the Planning Commission or governing body.

4. Renewal of Mining Permits.

- A. All property owners and residents within one thousand three hundred twenty (1,320) feet of the mining operation shall be notified of a mining permit renewal request.
- B. A public hearing shall be conducted for renewal permit approval.

5. Performance Standards.

- A. General Provisions - Weeds and any other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance and to prevent seeding on adjoining property.

All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as is practicable, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.

- B. Water Resources - The mining operation shall not be allowed to interfere with surface water drainage beyond the boundaries of the mining operation.

The mining operation shall not adversely affect the equality of surface or subsurface water resources.

Surface water originating outside and passing through the mining area shall, at its point of departure from the mining site, be of equal quality to the water at the point where it enters the mining site. The mining operator shall perform any water treatment necessary to comply with this provision.

- C. Mining Access Roads - The location of the intersection of mining access roads with any public roads shall be selected such that traffic on the access roads will have a sufficient distance of public road in view so that any turns onto the public road can be completed with a margin of safety.

- D. Setback - Processing of minerals shall not be conducted closer than one hundred (100) feet to the property line nor closer than five hundred (500) feet to any residential or commercial structures located prior to commencement of processing operations without the written consent of all owners and residents of said structures.

Mining extraction shall not be conducted closer than thirty (30) feet to the boundary of any zone where such operations are not permitted, nor shall such production or processing be conducted closer than ten (10) feet to the boundary of an adjoining property line, unless the written consent of the fee title owner of such adjoining property is first secured in writing.

Mining extraction shall not be conducted closer than ten (10) feet to the right-of-way line of any existing or platted street, road or highway, with a 4:1 slope, except that excavating may be conducted within such limits in order to reduce the elevation thereof in conformity to the existing or platted street, road or highway.

- E. Appearance - All buildings, structures and equipment used for the production of processing of sand and gravel shall be maintained in such a manner as is practicable and according to acceptable industrial practice as to assure that such buildings, structures and equipment will not become dangerously dilapidated.

- F. All access roads from mining operations to public highways, roads or streets or to adjoining property shall be surfaced with gravel to minimize dust conditions. Dust control through watering or other methods must be provided along all incoming and outgoing transport routes to a mining site.

6. Land Rehabilitation.

All permits shall contain a restoration plan providing for the use of the land after project completion. The applicant is responsible for restoration. Phasing requirements for the use of the entire site must be part of the restoration plan. The applicant must have an approved restoration plan and schedule for the current phase before moving into any subsequent phase. Following are the minimum standards for restoration:

- A. All disturbed areas shall be restored at the completion of the project.
- B. All restoration shall include the application of a minimum of 4 inches of topsoil or similar material that will support plant growth.
- C. Grade site after extraction is completed so as to render it usable, seeding where required to avoid erosion and an unsightly mar on the landscape.
- D. Grading standards:
 - (1) Final grades shall be in conformity with the topography of the surrounding land.
 - (2) If the land is to be restored to crop production, no slope shall exceed 12 percent (8:1).
 - (3) If the restoration is not for crop production, no grade shall exceed 25 percent (4:1).
- E. Standards 2 and 3 above may be raised or modified to accommodate a specific restoration plan.

7. Performance Securities and Insurance.

A performance surety shall be provided. The permit shall specify the amount and type of surety required. The surety shall be used to reimburse the County for any monies, labor, or material expended to bring the operation into compliance with the conditions of the permit. The surety may be used after non-renewal of the permit and failure to execute the restoration plan. The surety may also be used if there is a failure to execute a phase of a restoration plan specifically scheduled in the permit. This option may be executed 180 days after written notice of non-compliance to the applicant.

Subdivision 7: Performance Standards.

It is the intent of this Subdivision to provide that uses of land and buildings in all 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. **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. Noise generated by agricultural use shall be exempted.

- B. **Vibration.** Any use creating periodic earth-shaking vibrations shall be prohibited if such vibrations are perceptible beyond the property line of the site on which the use is located. The standard shall not apply to vibrations created during the process of construction.
- C. **Glare and Heat.** Any use producing intense heat or light transmission shall be performed with the necessary shielding to prevent such heat or light from being detectable at the property line.
- D. **Smoke and Particulate Matter.** Any use established, enlarged, or remodeled after the effective date of this Ordinance shall be so operated as to meet the minimum requirements of the Minnesota Pollution Control Agency for the emission of smoke or other particulate matter.
- E. **Odors.** Odors from any use hereafter begun, enlarged or remodeled shall not be readily detectable at or beyond the property line. Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a building permit. Odors from agricultural sources shall be exempted.
- F. **Exterior Lighting.** Any lights used for exterior illumination shall direct light away from adjoining properties.
- G. **Toxic or Noxious Matter.** Any use shall not discharge into the atmosphere, water or subsoil any toxic or noxious matter.
- H. **Explosives.** Any use requiring the storage, utilization or manufacturing of products which could decompose by detonation shall be located not less than four hundred (400) feet from any residence. This section shall not apply to the storage or usage of liquid petroleum or natural gas for normal residential or business purposes.
- I. **Radiation Emission.** All activities that emit radioactivity shall comply with the minimum requirements of the Minnesota Pollution Control Agency.
- J. **Electrical Emission.** All activities which create electrical emissions shall comply with the minimum requirements of the Federal Communications Commission.
- K. **Storage Standards.**
 - (1) **Exterior Storage.** All materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following: construction materials for use on the premises, agricultural equipment and materials for use on the premises, off-street parking except as otherwise regulated herein. Boats and recreational vehicles less than twenty (20) feet in length may be stored in the rear yard no less than ten (10) feet from any property line.

- (2) Bulk Storage (Liquid)
 - (a) All uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals and similar liquids shall comply with the requirements of the Minnesota State Fire Marshal and the Minnesota Pollution Control Agency offices and have documents from those offices stating that the use is in-compliance.
 - (b) All existing, above ground liquid storage tanks having a capacity in excess of two thousand (2,000) gallons shall comply with the requirements of the Minnesota State Fire Marshal and the Minnesota Pollution Control Agency's office and have documents from those offices stating that the use is in-compliance
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.
3. **Relationship to Other Laws.** Regardless of any other provisions of this Ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection law or regulation.

Subdivision 8: Visual Standards.

1. Screening.

- A. The screening required herein shall consist of a solid fence or wall of at least fifty (50) percent opacity, not less than five (5) feet nor more than six (6) feet in height, located at least fifteen (15) feet from any street or driveway. The screening shall be placed along the property lines or in case of screening along a street, fifteen (15) feet from the street right-of-way with landscaping between the screening and the pavement.
- B. Where any business or industrial use is adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business or industry is across the street from a residential area, but not on that side of a business or industry considered to be the front as determined by the Zoning Administrator.

2. Fencing (Residential)

- A. Fences may be located on any lot line or within any yard to a height of three and one-half (3½) feet. A fence up to six (6) feet in height may be erected in the side or rear yard behind the nearest rear corner of the principal building.

- B. Should the rear lot line adjoin the side lot line of an abutting lot, that portion of the rear lot line equal to the required front yard of the abutting lot shall not be fenced to a height of more than three and one-half (3½) feet.

Subdivision 9: Drainage and Traffic Standards

1. Drainage.

No land shall be developed and no use shall be permitted that results in water runoff causing flooding, or erosion on adjacent properties. Such runoff shall be properly channeled into a storm drain, water course, ponding area or other suitable facility.

2. Traffic.

The traffic generated by any use shall be channelized and controlled in a manner that will avoid congestion on public streets, safety hazards, or excessive traffic through residential areas.

Subdivision 10: Access Driveways.

The location of any driveway from a public road shall require approval by the County Planning Commission and the Board of Commissioners with advice from the County Engineer. The following standards for access driveways shall apply unless otherwise recommended by the County Engineer and approved by the County Board.

1. No driveway shall be located closer than 125 feet to the intersection of two public roads. This distance shall be measured from the centerline of the driveway to the edge of the right-of-way of the parallel road.
2. There shall be a maximum of two access points per parcel. Access points should be located as far apart as feasible, and should meet accepted standards for minimum sight distances for vehicles on the public road.
3. The entire driveway entrance, including slopes and entrance radii, shall be located entirely within the owner's property.
4. The driveway angle to the street shall be no less than seventy (70) degrees.
5. All access driveways shall be a minimum of twenty-four (24) feet wide at the entrance, measured along the property line between the curb faces of the driveway.
6. No driveway shall serve or be shared by more than (2) residences. With the third residence, a township approved road shall be constructed.

Subdivision 11: Mobile Home Regulations

1. **Purpose.** To regulate the individual mobile home that is located outside of a mobile home park. To treat the mobile home in much the same manner as the single-family home, recognizing that the mobile home as it is now used is similar in most but not all respects to the single-family home.

2. The individual mobile home will be given the same privileges and will be placed under the same controls as applied to single-family homes in this Ordinance, except:
 - A. All mobile homes shall be skirted between the bottom of the mobile home and the ground with a fire-proof material harmonious with the appearance of the mobile home within three months of the placement of the mobile home. Plywood, hardboard, cardboard or baled hay or straw shall be prohibited.
 - B. Steps and stoops shall be of acceptable wood, metal, or concrete construction.
 - C. Storm entries and porches must be of durable materials harmonious in appearance with the mobile home.
 - D. Each mobile home not having a garage shall have an outside storage building of at least five foot by seven foot by six foot (5' x 7' x 6') in height.
 - E. The mobile home stand shall be at such elevation, distance and angle relative to the street and driveway that placement and removal of the mobile home with a car, tow truck, or other customary moving equipment is practical. The mobile home stand shall have a longitudinal grade of less than four (4) percent and traverse crown or grade to provide adequate surface drainage. The stand shall be compacted and surfaced with a material, which will prevent the growth of vegetation while supporting the maximum anticipated loads during all seasons.

Subdivision 12: Home Occupations

In any zoning district where home occupations are a permitted use, the following regulations shall be complied with. Regulations for all home occupations allowed by Conditional Use are listed in Chapter 16 of this Ordinance.

1. **Standards for Home Occupations Permitted in the "A" Agricultural District**
 - A. No more than five (5) non-residents shall be employed in the home occupation other than a member of the household residing on the premises.
 - B. The home occupation shall be incidental and subordinate to the primary use of the premises for farming and/or residential purposes.
 - C. The home occupation may be carried on in accessory buildings not to exceed a total of two thousand (2,000) square feet of gross floor area.
 - D. No traffic shall be generated by the home occupation beyond that which is reasonable and normal for the area in which it is located.
 - E. One (1) non-illuminated sign not to exceed sixteen (16) square feet in area shall be allowed on the premises.
 - F. No equipment or process shall be used in the home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the premises.

- G. Any home occupation that exceeds the standards of this Section is permitted only through a Conditional Use Permit, as outlined in Section 17.

2. Standards for Home Occupations Permitted in the “R-1” Rural Residential and the “U-E” Urban Expansion Districts

- A. No more than two (2) non-resident persons shall be employed in the home occupation other than a member of the household residing on the premises.
- B. The home occupation shall be incidental and subordinate to the primary use of the premises for residential purposes.
- C. No more than twenty-five (25) percent of the gross floor area of the dwelling shall be used for the conduct of the home occupation.
- D. No home occupation shall require substantial interior or exterior alterations of the dwelling.
- E. No home occupation shall be conducted in any accessory building.
- F. No traffic shall be generated by the home occupation in greater volume than would normally be expected in a residential neighborhood. Any parking needed for the home occupation shall be provided off the street and shall not encroach into any required yard.
- G. No equipment or process shall be used in the home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the premises.
- H. One (1) non-illuminated sign not to exceed sixteen (16) square feet in area shall be allowed on the premises.
- I. Any home occupation that exceeds the standards of this Section is permitted only through a Conditional Use Permit, as outlined in Section 17.

Subdivision 13: Accessory Buildings

1. When an accessory building is attached to the main building it shall be made structurally apart of the main building and shall comply in all respects with the requirements of this Ordinance applicable to the main building.
2. An accessory building not attached to the main building shall be located at least five (5) feet from the main building.
3. A detached accessory building located in any required front yard within the “R-1” Rural Residential District, “U-E” Urban Expansion District, any platted lot within the “A” Agricultural District with a neighboring dwelling within 500 feet is permitted only through a Conditional Use Permit.
4. A detached accessory building shall not exceed thirty-five (35) feet in height and shall not occupy more than thirty (30) percent of the area of any rear yard.

5. Detached garages shall have setbacks of ten (10) feet for side and rear lot lines.
6. Accessory structures shall not be allowed without a primary structure.
7. Manufactured homes shall not be used as accessory buildings.

Subdivision 14: Exceptions to Height and Setback Regulations

1. Exceptions to Height Limits.

A. Height limitations set forth elsewhere in this Ordinance may be increased by one hundred (100) percent when applied to the following structures:

- (1) Monuments
- (2) Flagpoles
- (3) Cooling towers
- (4) Windmills

B. Height limitations set forth elsewhere in this ordinance may be increased with no limitation when applied to the following, provided that the requirements of Paragraph C below are met:

- (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) Essential service structures

C. Structures in excess of 200 feet shall only be permitted if a letter of clearance from the Federal Aeronautics Administration accompanies the building or other permit application or filing.

2. Exceptions to Setback Requirements

A. Yard requirements set forth elsewhere in this Ordinance may be reduced with no limitation when applied to the following:

- (1) Essential service lines.
- (2) Essential service structures when required to be on line to ensure the proper functioning of the line.

Subdivision 15: Wireless Telecommunication Towers and Antennas

1. **Purpose:** The purpose of this ordinance is to allow for and regulate the design, location, placement, construction, maintenance, and removal of Wireless Communications Towers and antennas and to:
 - A. Provide wireless communications services to residents and businesses located within McLeod County
 - B. Provide safety/emergency service through use of wireless communications facilities
 - C. Strictly control the location and design of wireless communications facilities so that allowed facilities will not be obtrusive or visually unpleasant
 - D. Provide clear standards governing all aspects of such facilities
 - E. Minimize the number of new towers and to require co-locating
 - F. Allow new facilities only when a documented proof of need satisfactory to the county can be shown
 - G. Protect residential property and neighborhoods

2. **Definitions:**

Antennas means a device placed outdoors on a building or structure and used to transmit and/or receive radio or electromagnetic waves, excluding: satellite dishes, ten (10) feet or shorter whip antennas 1 inch or less in diameter and television antennas having a total length of not more than six feet, which are located on a dwelling or other permitted building.

Monopole means a free standing, self-supporting tower that uses a single pole and does not use a lattice design and has no guy wires.

Satellite Dish or Satellite Earth Station Antenna means a round or conical or cone shaped device more than 18 inches in diameter and placed outdoors on the ground or on a building or structure and used to transmit and/or receive radio or electromagnetic waves.

Tower Height means the vertical distance from the average grade at the base of the tower to the highest point of the tower or to the highest point of the highest telecommunications facilities on the tower whichever is higher.

Wireless Communication Facility means cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications located or installed on or near a tower or antenna support structure but not including a satellite earth station antenna, (satellite dish) two meters or less in diameter.

Wireless Telecommunications Tower means a self-supporting monopole, poles or lattice structure constructed at normal grade and extending into the air at least 20 feet and used to support telecommunications facilities.

3. **Proof of Need:**

The applicant shall demonstrate proof of need by providing a coverage/interference analysis and capacity analysis, which indicates that the location of the tower or antennas as proposed is necessary to meet the frequency plus other spacing needs of the “cellular communication system” and/or to provide adequate portable radio coverage and capacity to areas which cannot be adequately served by locating the tower/or antenna at another site. For purposes of the analysis, in-building service is not deemed to be as critical as outside coverage. The proof of need for the tower or antennae must be demonstrated to the satisfaction of the county by providing the county an analysis from a qualified professional RF (Radio Frequency) engineer with experience in radio frequency analysis work, which is subject to acceptance by the county prior to commencing the work. The cost of the County’s review including the County’s review of the proof of need is the applicant’s responsibility. The analysis and the material provided by the engineer shall include at least the following.

Structural Capacity Analysis

Provide an analysis of the impact of the proposed facility on the tower’s carrying capacity of at least three (3) antenna arrays required (using a typical maximum facility) under the co-location provision of this code.

Coverage/Interference – analysis for:**County property and other public property:**

With values expressed in dBuV or dBmW (Decibels over a micro-volt – standard RF level) for on street level, in vehicle level and in building level.

With said interference analysis indicating the protection afforded for all the frequencies in use or which could be in use by the county or other public safety agencies.

Private Property:

With values expressed in dBuV for on street level, in vehicle level and in building level.

With said analysis indicating the protection afforded property within one-half mile of the proposed facility and site.

System Capacity Analysis

If the system coverage analysis does not show a coverage need, provide a system capacity analysis.

Radio Frequency Radiation Hazard Analysis

The analysis must address compliance with the most current FCC (Federal Communications Commission) Bulletin OET (Office of Engineering and Technology) 65 radiation standard. A yearly report must be submitted before December 31 showing the results of on-site measurements of the site. A Registered Professional Engineer must sign these measurements and report.

Map - Existing and Proposed Facilities

A map showing the location of all existing and any proposed facilities within 2 miles of the site being considered. Telecommunications equipment and towers within this area shall be identified by type, function, ownership/users, and height. The capacity of existing towers located within 2 miles (the study area) to carry additional facilities must be provided.

Map - Existing Buildings and Structures

A map showing the location of all existing buildings, water towers and structures over eighty (80) feet or more in height above the ground shall be identified and the potential to use these buildings and structures as a supporting base for an antenna or telecommunications facility purpose must be described and analyzed.

Exception

If the request is limited to adding an antenna array on an existing tower without increasing the height of the tower support structure, the County may allow the applicant to dispense with providing some of the information.

All other information deemed necessary by the County in order to protect the health and welfare of the public.

4. Permit Required:

No person shall install a Wireless Telecommunication Facility or any portion thereof, at a height greater than is allowed for structures in the underlying zoning district without first being issued a Wireless Telecommunication Tower Permit.

If the property or any portion of the Wireless Telecommunication Facility changes ownership, the county must be informed immediately of the name and address of the new owner(s).

A permit is required under this section for co-location of antennas or accessory equipment on an existing Wireless Telecommunication Facility with the cost paid by the applicant.

5. Application:

Applications for a Wireless Telecommunication Tower Permit shall be submitted on forms provided by the County Zoning Administrator, which shall include the following information:

A sketch drawn to scale acceptable to the County Zoning Administrator and County Engineer that illustrates:

- A. The parcel on which the tower and accessory ground facilities.
- B. The buildings located and to be located on the tower parcel.
- C. The buildings located within 100 feet of the perimeter of the tower parcel.
- D. Access easements as necessary to the tower parcel.

6. Location of New Facilities: (Co-location)

If a new facility (tower) is needed based on the materials and studies submitted and reviewed by the County, the following preferences, listed in ranked order, shall be followed and each preference shall be analyzed to determine the most appropriate location:

- A. Use of Existing Towers. An existing tower must be used to support the proposed facility. If no existing tower has additional capacity, a determination must be made to show how towers in the study area can be modified to accommodate the proposed facility.

- B. Use of Existing Structures. An existing structure over 80 (eighty) feet high must be used. Preference shall be given to existing light poles, high voltage utility towers and water towers.
 - C. Sites with the least impact on residential areas and which are the least offensive to the community's image shall be given preference.
 - D. In all cases, except for non-conforming existing towers, the location must meet the zoning requirements.
- Licensed Amateur Radio Towers in the Rural Residential District are not required to co-locate.

7. **Construction Permits:**

All Wireless Telecommunication Towers erected, constructed, or located within the county, and all wiring therefore, shall comply with the requirements set forth in the Uniform Building Code.

8. **Tower Standards:**

Wireless Telecommunication Towers shall comply with the current **TIA/EIA/EIA-222 (TIA-Telecommunications Industry Association) (EIA-Electronic Industries Association) (EIA-222-F "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures")** unless the county grants a conditional use permit as necessary to reasonably accommodate the Wireless Telecommunication Tower. Monopole is the preferred standard.

Design

- A. To blend into the surrounding environment through the use of color and architectural treatment.
- B. To be of a monopole/lattice self-supporting design unless the county determines that an alternative design would better blend into the surrounding environment or as demonstrated in the Proof of Need.
- C. All proposed Wireless Telecommunication Tower shall be designed structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users.
- D. Where possible, all proposed Wireless Telecommunication Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at various heights.

Setbacks from Lot Lines

- A. A required setback may be reduced for co-location of an antenna or its location in relation to a public street varied, at the sole discretion of the county, to allow for the integration of a Wireless Telecommunication Tower with an existing or proposed structure such as a church steeple, power line support device, or light standard.

- B. **Height.** The maximum height of any Wireless Telecommunication Tower, including all antennas and other attachments, shall not exceed 199 feet without proof of need and required FAA (Federal Aviation Administration) permits.
9. **Lighting:**
At night, Commercial Wireless Telecommunication Towers shall not be illuminated by artificial means, unless required by the FAA (Federal Aviation Administration), FCC, or other government agency with authority over such matters.
10. **Signs and Advertising:**
The use of any portion of a Commercial Wireless Telecommunication Tower for signs other than warning or equipment information is prohibited.
11. **Interference with Public Safety Telecommunications:**
No Wireless Telecommunication Facility shall interfere with public safety telecommunications. All wireless telecommunication towers/antennas shall comply with FCC regulations and licensing requirements.
12. **Minimum Conditions:**
Minimum conditions on an antenna tower permit should include, but not be limited to the following:
- A. An agreement providing for co-location and 12-month removal of unused and/or obsolete towers shall be attached and become part of the permit.
 - B. The tower shall be set back a distance equal to the tower height from all property lines. All accessory structures shall be setback a minimum of twenty (20) feet from all side yard and rear yard property lines.
 - C. Zoning Permits shall be applied for and issued before any construction is started.
 - D. Prior to application for a conditional use permit, applicant must obtain FAA approval and/or provide documentation that FAA approval is not needed.
 - E. Applicant must obtain FCC licensure and approval as required for various communications applications. No interference with local television and radio reception will be allowed.
 - F. Applicant must submit proof of liability and Worker's Compensation Insurance.
 - G. Proof that towers and their antennas have been designed by, and following completion of construction were inspected by a qualified and licensed professional engineer (at the applicant's expenses) to conform to applicable state structural building standards and all other applicable reviewing agencies and to conform with accepted electrical engineering methods and practices as specified in applicable provisions of the National Electrical Code.
 - H. Metal towers shall be constructed of, or treated with, corrosive resistant material.
 - I. The addition of antennas and associated equipment of an additional provider to an existing permitted tower shall be considered co-location and shall require a zoning

permit and site plan approval. An amendment to a conditional use permit shall typically not be required.

- J. All towers shall be reasonably protected against unauthorized climbing. The area around the base of the tower and guy wire anchors shall be enclosed by a fence with a minimum height of six (6) feet chain link fence with a locked gate.
 - K. All towers and their antennas shall utilize building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environment to the greatest extent possible.
 - L. 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, or sidewalk, without approval by the County through the zoning permit approval process.
 - M. All obsolete or unused towers and accompanying accessory facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the County Board. After the facilities are removed, the site shall be restored to its original or an improved state which includes removal of all concrete to 6-feet below normal grade and surrounding area returned to normal grading. Electronic equipment shall not be removed in advance of removal of obsolete or unused towers. To ensure compliance, the applicant must submit a performance bond or letter of credit in the amount of \$100,000 to cover the removal costs. Failure to remove the structure shall be cause for the County to remove the tower and associated equipment and assess the cost against the required bonding or letter of credit instrument.
 - N. Yearly report showing compliance with RF Radiation Hazard Standard and certification of required removal bond is required to be received before December 31 of each year.
13. **General EAW Regulation (Local Governmental Unit)**
Environmental Assessment Worksheet for the construction of communication towers equal to or in excess of 500 feet in height, or 300 feet in height within 1,000 feet of any protected water or protected wetland.
14. **Exceptions to Towers and Antennas**
Licensed Amateur Radio Towers greater than 100 feet in height shall require a conditional use permit. Towers less than 100 feet in height are exempt from this ordinance.

SECTION 17 - CONDITIONAL USES

- Subdivision 1: Conditional Uses**
- Subdivision 2: List of Conditional Uses**
- Subdivision 3: Conditions**
- Subdivision 4: Application**
- Subdivision 5: Notification and Public Hearing**
- Subdivision 6: Approval, Disapproval or Modification**
- Subdivision 7: Findings**
- Subdivision 8: Conditional Use Permits Within Floodplains and Shoreland Areas**
- Subdivision 9: Compliance**
- Subdivision 10: Review**
- Subdivision 11: Revocation**
- Subdivision 12: Discontinuance**
- Subdivision 13: Recording**

Subdivision 1: Conditional Uses

This section presents the conditions that must be met for each possible Conditional Use listed in the various Zoning Districts and the procedure for review and approval of a Conditional Use Permit.

Subdivision 2: List of Conditional Uses

The following table indicates in which District(s) each Conditional Use is found. (Note that the table does not indicate permitted or non-permitted uses in these districts.)

Conditional Uses	Zoning District(s) in Which the Conditional Use May Be Allowed					
	Agriculture	Rural Residential	Urban Expansion	B-1	I	Floodplain
Accessory Building, Garage (exceeding size limits)	CU	CU	CU			
Accessory Mobile Home	CU					
Accessory Structures						CU
Activities Requiring Rural Isolation	CU					
Adult Business					CU	
Airplane Landing Strip, Private	CU				CU	
Bed and Breakfast Inn, Retreat Center	CU					
Church, Cemetery, Memorial Garden	CU	CU	CU			
Commercial Development			CU			

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Commercial Business (not specifically permitted)				CU		
Commercial Outdoor Recreation	CU	CU				
Convenience Store				CU	CU	
Day Care, Commercial			CU	CU		
Essential service line/structure	CU	CU	CU	CU	CU	
Conditional Uses	Zoning District(s) In Which the Conditional Use May Be Allowed					
	Agriculture	Rural Residential	Urban Expansion	B-1	I	Floodplain
Extraction of Minerals	CU				CU	CU
Farm-Related Business	CU					
Confined Feed Lots	CU		CU			
Flood Control Structure						CU
Heliport					CU	
Home Occupation (exceeding standards in Sec. 15)	CU	CU	CU			
Indoor Recreational Facility				CU		
Industrial Development			CU			
Junk, Salvage Yard	CU				CU	
Livestock Holding Facility	CU					
Marinas, Boat Rentals, etc.						CU
Placement of Fill						CU
Public Park, Wildlife Preserve, etc.	CU					
Railroad Yard, Freight Terminal, etc.					CU	
Railroads, Streets, Utility Lines, etc.						CU
Recycling-- Non-Hazardous Waste					CU	
Residential Development (at higher densities, etc.)			CU			
Sanitary Landfill	CU					
Sawmill, pallet mfg.	CU					
School, Public or Private			CU			
Second farm dwelling (not meeting dimens. standards)	CU					
Special Events	CU					

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Storage Yards						CU
Temporary Demolition Landfill	CU					
Travel Trailers, etc.						CU
Conditional Uses	Zoning District(s) in Which the Conditional Use May Be Allowed					
	Agriculture	Rural Residential	Urban Expansion	B-1	I	Floodplain
Veterinary or Animal Clinic, Kennel	CU					
Wastewater Treatment - Municipal	CU					

Subdivision 3: Conditions

1. **Accessory Building - Oversized:** In the Agricultural District within platted or other described lots of 10 acres or less, and in the R-1 and U-E districts, accessory buildings exceeding the size limits are Conditional Uses, provided that the roofing, siding and eaves of the garage must match or complement the siding of the house and a satisfactory landscaping plan is presented.

2. **Accessory Mobile Home.** Any one mobile home may be allowed as an accessory use to another dwelling provided that it meets the following conditions:
 - A. The occupants are in need of special care because of a disability or infirmities of advanced age as affirmed by a physician and are members of the immediate family of the person owning the principal dwelling.
 - B. The unit at the time of placement is in compliance with the Federal H.U.D. Code for mobile homes and Section 16, Subdivision 11, of this Ordinance.
 - C. The mobile home shall be considered a temporary use and an agreement shall be executed between the landowner and the Planning and Zoning Administrator and on file with the County Recorder stipulating that the mobile home is removed no greater than 180 days after the occupancy of the unit is terminated.
 - D. The applicant shall demonstrate need.
 - E. There shall be a separate septic system for each of the dwellings.
 - F. The permit shall be reviewed yearly to ensure compliance.
 - G. The minimum lot size shall be three acres.
 - H. The temporary mobile home may not be replaced by a permanent structure.

3. **Accessory Structures.** Structures accessory to permitted uses are Conditional Uses in the Floodway District, according to the standards in Section 13, Subdivision 4 of this Ordinance.

4. **Activities Requiring Rural Isolation.** Recreational, educational, institutional, or religious facilities or activities that require a location in a rural area because of a need for seclusion or a natural setting or a large area of land subject to the following criteria:
 - A. The site must have frontage on a hard surface public road unless access via a gravel road is approved by the Township. The access must meet the access requirements of this Ordinance.
 - B. A certificate of insurance and/or a performance surety may be required.
 - C. Soils are suitable for construction of an on-site sewer system large enough to accommodate the use and there are two sites on the parcel that could be utilized. The second site shall be preserved for a future system. The sewer system shall be designed by an engineer registered in the State of Minnesota and approved by the Minnesota Department of Health.
 - D. An operational plan is established and all activities are conducted in accordance with the operational plan.
 - E. A stipulation is made in the permit as to the number of persons to be using the facility at any one time.
 - F. Any type of special event that will attract or involve more than the number of people stipulated in E above shall require approval of the County Board.
 - E. The permit shall be subject to annual administrative renewal.
5. **Adult Business, provided:**
 - A. All existing businesses conform with licensing and permits on or before the adoption of the Adult Business Ordinance. Failure to comply will result in the permit being revoked effective immediately.
6. **Airplane Landing Strip, provided:**
 - A. The airplane landing strip has the approval of the Minnesota Department of Transportation.
 - B. The use of the airport is limited to the property owner.
7. **Bed and Breakfast Inn, Retreat Center provided that:**
 - A. The owner or resident manager of the Inn shall operate, though need not reside there; but shall be readily available for assistance to the guests.
 - B. The facility meets all State Health and Building Code requirements.
 - C. The facility's owner must furnish evidence that licenses required by the State of Minnesota either have been issued or will be issued before commencing operation.
 - D. The facility shall be limited to five (5) guest rooms.

- E. Guests shall not stay at the facility for more than 30 days within any 90-day period.
 - F. One (1) off-street parking space shall be provided for each guest room plus one (1) for the owner of the facility.
 - G. Identifying signs for the facility shall meet the requirements for signs for home occupations in this Ordinance.
 - H. No cooking or cooking facilities shall be allowed or provided for in guestrooms.
 - I. Meals may be provided only to overnight guests at the facility.
8. **Cemetery, Memorial Garden, Church**, including related structures and activities located on the same site which are an integral part of the church proper, and convents or homes for persons related to the religious functions.
9. **Commercial Development**, in the Urban Expansion District, meeting the requirements of that district, in Section 9, Subdivision 4 of this Ordinance.
10. **Commercial Business (other)**, in the Highway Business District, provided that the proposed use is similar in intensity and traffic generation to other uses permitted in the Highway Business District.
11. **Commercial Outdoor Recreation**, conducted on a permanent, seasonal or scheduled basis subject to the following criteria:
- A. A certificate of insurance and/or a performance surety may be required.
 - B. Sanitary facilities shall be installed as judged necessary by County staff.
 - C. An operational plan approved by the County staff is established and all activities are conducted in accordance with the operational plan.
 - D. A stipulation is made in the permit as to the number of persons to be using the facility at any one time.
 - E. Any type of special event that will attract or involve more than the number of people stipulated in D above shall require approval of the County Board.
 - F. The permit shall be subject to annual administrative renewal.
12. **Confined Feedlots**, provided:
- A. Any new animal feedlots shall not be located within a Floodplain, Shoreland, or Urban Expansion District.
13. **Convenience Store, Convenience Gas-and-Goods Business**, provided that sales area does not exceed 5,000 square feet and that if gasoline is sold, the requirements for

automotive service stations in the General Regulations, Section 16, Subdivision 4, of this Ordinance are met.

14. **Day Care Center (commercial)**, provided that any state licensing or permitting requirements are met.
15. **Electrical wind turbine generators** greater than 40kw or 125 feet in height, communication towers, solar energy systems.
 - A. Communication towers shall meet the requirements in Section 16.
 - B. Electrical wind turbine generators greater than 40kw or 125 feet in height (measured from natural grade) and solar energy systems, shall be placed on land that is considered hard to farm if the requested application is on a parcel or leased area 3 acres or greater in the Agricultural District (Section 7). Hard to farm is defined as a parcel or leased area that is 30 percent wooded, small (less than 10 acres) and irregular shaped, or soils that have a Crop Productivity Index of less than 50 as scored on the United States Department of Agriculture (USDA) McLeod County Soil Survey issued November 1997.
 - C. Electrical wind turbine generators greater than 40kw or 125 feet in height (measured from natural grade) and solar energy systems shall be constructed, from the closest point of the project area, 660 feet (1/8 mile) from any existing or new dwelling not on the same parcel. Operational areas(s), including fencing and solar array, shall be located a minimum of 50 feet from adjacent property lines. All other structure setbacks per section 7 shall be met.
 - D. Electrical wind turbine generators greater than 40kw or 125 feet in height (measured from natural grade) and solar energy systems shall submit an inter-connection agreement (IA) from the utility provider with the application of a conditional use permit.
 - E. Electrical wind turbine generators greater than 40kw or 125 feet in height (measured from natural grade) and solar energy systems shall submit a bond, letter of credit, or cash escrow to McLeod County Environmental Services for reclamation surety of the project prior to the issuance of a land use permit.
 - F. All electrical wind turbine generators greater than 40kw or 125 feet in height (measured from natural grade) and solar energy systems shall be in compliance with all applicable local, state and federal regulatory standards, including the State of Minnesota Uniform Building Code, as amended; and the Minnesota State Electric Code, as amended.
 - G. Approved electrical wind turbine generators greater than 40kw or 125 feet in height (measured from natural grade) and solar energy systems components shall have an Underwriters Laboratory (UL) listing.
 - H. Conditional use permit applications for electrical wind turbine generators greater than 40kw or 125 feet in height (measured from natural grade) and solar energy systems under this section are not complete unless it contains the following:

1. Site plan of existing conditions;
2. Site plan of proposed conditions;
3. Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles, racks, or electrical wind generator tower.
4. The number of panels to be installed;
5. A description of the method of connecting the array to a building or substation;
6. A copy of the interconnection agreement with the local electric utility or a written explanation outlining why an interconnection agreement is not necessary; and
7. A decommissioning plan to ensure that facilities are properly removed after their useful life. Decommissioning of electrical wind turbine generators greater than 40kw or 125 feet in height (measured from natural grade) and solar energy systems must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site.
8. A landscaping/screening plan and associated narrative shall be prepared by a licensed landscape architect for submittal with the application.

I. Construction Standards for electrical wind turbine generators greater than 40kw or 125 feet in height (measured from natural grade) and solar energy systems.

- (i) Foundations. The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the project is within accepted professional standards, given local soil and climate conditions.
- (ii) Power and communication lines. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground. Exceptions may be granted by the Department in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.

16. **Essential Service Line or Essential Service Structure**, meeting the requirements of Section 18 of this Ordinance.
17. **Extraction of Minerals**, meeting the standards for Mining and Extraction in the General Regulations, Section 16, Subdivision 6, of this Ordinance, and the standards of the Flood Plain District (Section 12) if applicable.
18. **Farm-Related Business**. Business directly related to the conduct of commercial agriculture, provided:
 - A. The business is primarily farm-related under one or more of the following criteria:

1. The business provides a repair or maintenance service for equipment unique and necessary to agricultural operations.
 2. The business produces a product or involves a process that utilizes locally grown or produced commodities.
 3. The business involves sales and/or purchasing of products of the local agricultural economy or of goods unique and necessary to agricultural operations.
- B. Sewage is treated by an on-site sewage system in accordance with the McLeod County Individual Sewage Treatment System Ordinance.
- C. The business is of a scale that the demand for support services such as sewer, water, police, fire protection, roads or streets, can be accommodated within the context of the service levels available in the Agricultural District.
- D. The business is operated in conformance with the conditions of an approved plan of operation.
- E. The applicant submits a copy of Workers' Compensation Insurance or signs an affidavit stating that he will not have any employees.
19. **Heliport, Commercial**, provided:
- A. The facility has the approval of the Minnesota Department of Transportation.
 - B. The use of the facility will not unduly interfere with the use and enjoyment of other properties, including by the effects of noise.
20. **Home Occupation.** Home occupations that exceed the Home Occupation Standards in Section 16, Subdivision 12, may be allowed as Conditional Uses, provided that:
- A. The business must be located on the homesteaded property of the business owner.
 - B. There may be no more than two employees other than a member of the household residing on the premises, except that in the Agricultural District, no more than five employees shall be permitted.
 - C. All equipment, supplies and products must be either stored entirely within an enclosed structure at all times or screened from view from the public road and/or nearby residences.
 - D. Excessive noise, glare, odors, traffic or other nuisances may be justification for the County to revoke or modify the terms of the Conditional Use Permit.
 - E. The County Board may impose further conditions limiting the square footage used for the business, the daily hours of operation, or other aspects of the conduct of the business.

- F. Any solid or liquid waste must be handled and disposed of according to any applicable County or State regulations.
21. **Indoor Recreational Facility**, such as athletic club, bowling alley, skating rink, dance hall, etc. provided that:
- A. Driveway access and traffic circulation are judged adequate by County staff for the intended use.
 - B. A certificate of insurance and/or a performance surety may be required.
 - C. Sanitary facilities shall be installed as judged necessary by County staff.
 - D. An operational plan approved by the County staff is established and all activities are conducted in accordance with the operational plan.
 - E. A stipulation is made in the permit as to the number of persons to be using the facility at any one time.
 - F. Any type of special event that will attract or involve more than the number of people stipulated in D above shall require approval of the County Board.
 - F. The permit shall be subject to annual administrative renewal.
22. **Industrial Development** in the Urban Expansion District, meeting the requirements of that district, in Section 9, Subdivision 4 of this Ordinance.
23. **Junk Yard, Salvage Yard**, provided that:
- A. The facility is located on a hard surface road unless access via a gravel road is approved by the Township
 - B. The County Planning Commission reviews and approves plans for site planning, visual screening, traffic operations, noise control, dust control, and surface water ponding and runoff.
 - C. The County Planning Commission finds it is in compliance with Minnesota Pollution Control Agency regulations.
24. **Livestock Holding Facility** provided that:
- A. The facility is located on a hard surface road unless access via a gravel road is approved by the Township.
 - B. The County Planning Commission reviews and approves plans for site planning, visual screening, loading and traffic operations, control of odor, noise and dust, control, and surface water ponding and runoff.
 - C. The County Planning Commission finds it is in compliance with Minnesota Pollution Control Agency Regulations.

25. **Marinas, Boat Rental Facilities, Docks, Piers and Water Control Structures** are Conditional Uses in the Floodway District, according to the standards of the Flood Plain District, Section 13; Subdivision 4 of this Ordinance.
26. **Placement of Fill** is a Conditional Use in the Floodway District, according to the standards of the Flood Plain District, Section 13; Subdivision 4 of this Ordinance.
27. **Publicly-owned Parks or Open Space Areas, Wildlife Areas, Game Refuges or Forest Preserves**, provided that
- A. The County Planning Commission reviews and approves plans for site planning, traffic management, and any visitor facilities.
 - B. The Planning Commission determines that the operation of the facility will not adversely impact neighboring property owners or agricultural activities; or that any adverse impacts will be adequately mitigated.
28. **Railroad Freight Terminals, Switching and Classification Yards, Repair Shops and Related Facilities**, provided that the County Planning Commission reviews and approves plans for site planning, visual screening, traffic operations, noise control, dust control, and surface water ponding and runoff.
29. **Railroads, Streets, Utility Transmission Lines, and Pipelines** are Conditional Uses in the Floodway District, according to the standards of the Flood Plain District, Section 13, Subdivision 4, of this Ordinance.
30. **Recycling Facility for Non-Hazardous Waste**, provided that the requirements listed below (refer to 38) for Waste Disposal Sites are met.
31. **Sanitary Landfill for Municipal Solid Waste**, provided that the requirements listed below (refer to 38) for Waste Disposal Sites are met.
32. **Sawmill, Pallet Manufacturing Plant**, provided that the County Planning Commission reviews and approves plans for site planning, visual screening, traffic operations, noise control, dust control, and surface water ponding and runoff.
33. **School, Public or Private**, provided the school has the approval of the State Department of Education.
34. **Second Farm Dwelling** not meeting the dimensional standards for a lot in the Agricultural District, provided that future conveyance as a separate lot is prohibited.
35. **Special Events**, under the following conditions:
- A. An application is submitted which includes the following:
 - 1. A plot plan showing:
 - a. Location of any grading, excavation or filling sites, and location of any areas for obtaining fill or for disposing of excavated materials.

- b. Location of any temporary buildings, stockpiled materials, and or industrial equipment.
 - c. Location of storage area for equipment.
 - 2. A letter giving an in-depth description of the proposed operation. Said letter should contain at a minimum:
 - a. The number of employees reporting to the site.
 - b. Plans for traffic control.
 - c. A discussion of parts of the special event that may have an adverse impact on the environment or may impact neighboring property owners and methods for mitigation of any adverse factors.
 - d. Plans for provision of sanitary facilities such as portable toilets for workers and attendees.
 - 3. The Board of Commissioners approves the application.
- 36. **Storage Yards** for equipment, machinery, or materials are Conditional Uses in the Floodway District, according to the standards of the Flood Plain District, Section 13, Subdivision 4 of this Ordinance.
- 37. **Temporary Demolition Landfill**, provided that the requirements listed below for Waste Disposal Sites are met.
- 38. **Veterinary or Animal Clinic, Kennel**, provided that:
 - A. Confinement and shelter is provided through the use of fences and structures.
 - B. If a kennel is present, it is operated in conformance with an approved plan of operation.
- 39. **Waste Disposal Sites**. The following regulations cover private or government owned or operated sites for: solid waste land disposal facility, transfer station, demolition debris land disposal facility, recycling facility, incinerator, public or private tree waste utilization site:
 - A. The County Planning Commission has reviewed and approved plans for site planning, visual screening, traffic, parking and internal circulation, and surface water ponding and runoff.
 - B. The facility/operation is in compliance with the McLeod County Solid Waste Ordinance and any other applicable ordinance.
 - C. Any required environmental assessment documents have been developed and required review procedures have been completed, and any required County, State, or Federal licenses have been issued.

- D. The facility/operation is in compliance with all applicable Minnesota Pollution Control Agency and U.S. Environmental Protection Agency rules and regulations.
 - E. An operational plan shall be developed and the activity conducted in accordance with the operational plan.
 - F. The permit shall be subject to annual renewal. Renewal shall occur during the same month as County license renewal.
40. **Wastewater Treatment Plant, Municipal**, provided that:
- A. Any required County, State, or Federal licenses have been issued.
 - B. The facility/operation is in compliance with all applicable Minnesota Pollution Control Agency and U.S. Environmental Protection Agency rules and regulations.

Subdivision 4: Application

Applications for Conditional Use Permits shall be made to the Zoning Administrator together with required fees. 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. Legal description of the property.
2. Site plan drawn to scale showing parcel and building dimensions.
3. Location of all buildings and their square footage.
4. Curb cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks.
5. Landscaping and screening plans.
6. Drainage plan.
7. Sanitary sewer and water plan with estimated use per day.
8. Soil type.
9. Such other information as is necessary and reasonable to adequately review the request.

Subdivision 5: Notification and Public Hearing

1. Upon receipt in proper form of the application and other required material, the Zoning Administrator shall refer the proposed conditional use request to the affected Board of Town Supervisors. 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. mails, postage prepaid, as to the time and place of the public hearing. Written notice shall also be given to the affected Board of Town Supervisors and all municipalities within two (2) miles of the proposed conditional use.
4. No application for a conditional use which has been denied wholly or in part shall be resubmitted for a period of six (6) months from the date of said order of denial, except on the grounds of new evidence or proof of change on conditions found to be valid.

Subdivision 6: Approval, Disapproval or Modification

The County Planning Commission shall make its decision upon the application and forward its recommendations to the Board of County Commissioners. In reporting its recommendations to the Board of County Commissioners, the County 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 Board of County Commissioners shall make a decision upon the application for a Conditional Use Permit.

Subdivision 7: Findings

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

1. That the specific requirements listed in Subdivision 3 above for the use in question have been met.
2. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.
3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area.
4. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
5. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
6. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Subdivision 8: Conditional Use Permits within Floodplains 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, shoreland or scenic rivers district, shall be forwarded to the Commissioner of the Department of Natural Resources within ten (10) days after such decision.

Subdivision 9: Compliance

Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms of such permit.

Subdivision 10: Review

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

Subdivision 11: Revocation

A violation of any condition set forth in a Conditional Use Permit shall be a violation of this Ordinance and automatically terminate the permit.

Subdivision 12: Discontinuance

A Conditional Use Permit shall become void one (1) year after it was granted unless made use of with the exception of a Mining and Extraction Permit, which shall become void five (5) years after it was granted.

Subdivision 13: Recording

1. A certified copy of any Conditional Use Permit 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 Board.

SECTION 18 - ESSENTIAL SERVICES REGULATIONS

Subdivision 1: Scope of Regulations

Subdivision 2: Exempt from Regulation

Subdivision 3: Adoption by Reference of State Statutes Governing the Placement of Pipelines

Subdivision 4: Major Essential Facilities Procedure

Subdivision 5: Provisions for Major Essential Service Construction

Subdivision 6: Inspections

Subdivision 7: Minor Essential Facilities Procedure

Subdivision 1: Scope of Regulations

For purposes of this Ordinance essential service facilities shall be classified into two categories (major and minor essential service facilities) and regulated according to the procedures described herein.

Subdivision 2: Exempt from Regulation

Required maintenance or rebuilding of any major or minor essential service facility, when such maintenance or rebuilding does not change, expand the capacity, change the capability or change the location of the existing facility, shall be exempt from the regulation of this section.

Subdivision 3: Adoption by Reference of State Statutes Governing the Placement of Pipelines

Pursuant to M.S.A. 394.25, Subdivision 8, the McLeod County Board of Commissioners hereby adopted by reference MN Rules Chapter 116I. Whenever the provisions of this Ordinance and the state law are inconsistent or different, the more restrictive controls shall prevail.

Subdivision 4: Major Essential Facilities Procedure

Applications for locating any major essential service line or essential service structure in any zoning district shall require a Conditional Use Permit as regulated in Section 17 of this Ordinance in addition to being governed by the following procedures.

1. The applicant shall, on forms provided by the County, file an application, in duplicate, with the Zoning Administrator. The application shall include such maps indicating location, alignment, and type of service proposed, together with the status of any applications made or required to be made under state or federal law to any state or federal agency. The application shall provide the name, address and telephone number of a contact person to which post construction inquiries related to exact location and depth of essential service facilities may be addressed. The application, in the case of pipelines other than water, shall outline a contingency plan including steps to be taken in the event of a failure, leak, or explosion occurring during operation of the pipeline. The operator of the pipeline shall demonstrate its capability and readiness to execute the contingency plan.
2. One set of the information required in Subdivision 4, Paragraph 1, shall be furnished to the County Engineer, who shall review the information and forward his comments and recommendations to the County Planning Commission and County Board.

3. The maps and accompanying data shall be submitted to the County Planning Commission for review and recommendations regarding the relationship to urban growth, land uses, drainage facilities, highways and recreation and park areas.
4. Following such review, the Planning Commission shall make a report of its findings and recommendations on the proposed major essential service line and essential service structures and shall file such report with the County Board.
5. Upon receipt of the report of the Planning Commission on the essential service line or structures, the County Board shall consider the application, maps and accompanying data and shall indicate to the applicant its approval, disapproval, or recommend modifications considered desirable to carry out the intent of this Ordinance.

Subdivision 5: Provisions for Major Essential Service Construction

Standards.

- A. For major essential service lines, the Board establishes the standards for construction as outlined in Figure 1 which is hereby made a part of this Ordinance.
 - B. Major Essential Service structures (including Solar Array Systems) on more than three (3) acres shall only be allowed on land that is considered hard to farm per the following criteria:
 - Small size or irregular shape
 - Physical isolation from other farm fields by roads, steep hills, ditches or similar features.
 - Wooded, as defined herein.
 - Containing steep slopes, wetlands, or other environmentally sensitive features.
2. Conditions. In addition to the standards as provided for in Figure 1, the following conditions shall apply to major essential service lines:
- A. All drainage facilities and patterns shall be repaired to pre-construction condition as soon as possible after construction.
 - B. Rocks, slash and other construction debris shall be removed from each individual section of land where construction takes place within 90 working days of the commencement of major essential service construction on that individual section of land. For purposes of this subsection, working days are defined as: all days except days between November 15 and April 15 (winter), or any day when more than ½-inch precipitation has fallen. For purposes of this subsection, section of land is defined as a numbered section as defined by the Government Land Survey, or a portion thereof.
 - C. Shelterbelts, windbreaks, fences and vegetation shall be restored to pre-construction condition with the following exceptions:
 - 1) Shelterbelt and windbreak replacement shall be to pre-construction density and may allow for operation and maintenance of essential service lines.

- 2) Critical areas (slopes greater than 12 percent, drainage ditch banks and areas subject to severe erosion) shall be seeded and mulched as soon as possible after construction. Drainage ditch banks shall be seeded and mulched a minimum of 16½ feet in width from the top of the ditch spoil banks on each side of the ditch.
- D. If preliminary engineering, surveys or other documentation is provided, modifications to accommodate future drainage or roadway construction activities may be required.
- E. Major essential service construction activities shall be conducted in such a manner as to minimize impacts on livestock movements and access to agricultural fields.

Subdivision 6: Inspections

The Board may require that a qualified inspector be on the site of installation of major essential service lines or structures. The Board will establish a fee schedule for inspections consistent with applicable state laws and county policies. With respect to pipelines the following shall apply. Before beginning construction a person proposing to construct a pipeline shall pay an inspection fee to the county treasurer. The fee shall be in the amount of up to \$500 for each mile or fraction of a mile of pipeline that will be constructed in the county. The County Board shall designate an inspector who shall conduct on-site inspections of the construction to determine whether the pipeline is constructed in compliance with the provisions of this Ordinance. The inspector shall promptly report to the County Board any failure or refusal to comply with the provisions of this ordinance and shall issue a written notice to the person constructing the pipeline specifying the violation and the action to be taken in order to comply. During on-site inspection, the inspector shall maintain a written log which shall include a record of comments and complaints concerning the pipeline construction made by owners and lessees of land crossed by the pipeline and by local officials. The log shall note in particular any complaints concerning failure to settle damage claims filed by any owner or lessee or failure to comply with the terms of an easement agreement. The log, reports and other records of the inspector shall be preserved by the County Board.

Subdivision 7: Minor Essential Facilities Procedure

Applications for locating any minor essential service line or structure in any township or county easement or right-of-way shall be governed by the following procedures:

1. The applicant shall file with the County Engineer, on forms supplied by the County, an application for such permit accompanied by maps and drawings, if available, indicating the locations, alignment and type of service proposed.
2. The application and accompanying data shall be reviewed by the County Engineer and the County Engineer may issue the permit after determining that the application is acceptable and in the best interests of the County.
3. The County Engineer may require in conjunction with the issuance of such permit that:
 - A. The applicant submit as-built drawings of the essential service after construction.
 - B. The applicant construct the minor essential service to take into consideration contemplated widening, regrading or relocation of a township road, county highway, or county state aid highway.

FIGURE 1
STANDARDS FOR CONSTRUCTION OF MAJOR ESSENTIAL SERVICE FACILITIES

Page 1	Minimum Depth Under Agricultural Land	Minimum Depth Under Public Road Right-of-Ways	Minimum Depth Under Public Road Surfaces	Minimum Clearance for Drainage Tile	Minimum Depth Beneath Authorized Depth of Open Drainage Ditch
Pipelines Natural Gas	(Federal Law) 30 inches	4½ feet	4½ feet	(Federal Law) 12 inches over or under	4½ feet
Pipelines Petroleum-Hydrocarbons	4½ feet	4½ feet	4½ feet	12 inches over or under	4½ feet
Pipelines Water	6 feet	6 feet	6 feet	12 inches over or under	4½ feet
Pipelines Other	4½ feet	4½ feet	4½ feet	12 inches over or under	4½ feet
Powerlines Underground	3 feet	3 feet	3 feet	1 foot over or under	4 feet
Powerlines Overhead	N/A	N/A	N/A	N/A	N/A
Telephone Overhead	N/A	N/A	N/A	N/A	N/A
Telephone Underground	3 feet	3 feet	3 feet	1 foot over or under	2 feet
NOTE: N/A indicates not applicable					

FIGURE 1
STANDARDS FOR CONSTRUCTION OF MAJOR ESSENTIAL SERVICE FACILITIES

Page 2	Minimum Height Over Agricultural Land	Minimum Topsoil Segregation (Double Ditch)	Drainage Tile Replacement Standards	Required Compaction around Drainage Tile	Soil Restoration
Pipelines Natural Gas	N/A	2 feet	To Pre-Construction Condition	To Ensure Proper Functioning	Restore to Pre-Construction Productivity
Pipelines Petroleum-Hydrocarbons	N/A	2 feet	To Pre-Construction Condition	To Ensure Proper Functioning	Restore to Pre-Construction Productivity
Pipelines Water	N/A	2 feet	To Pre-Construction Condition	To Ensure Proper Functioning	Restore to Pre-Construction Productivity
Pipelines Other	N/A	2 feet	To Pre-Construction Condition	To Ensure Proper Functioning	Restore to Pre-Construction Productivity
Powerlines Underground	N/A	N/A	To Pre-Construction Condition	To Ensure Proper Functioning	Restore to Pre-Construction Productivity
Powerlines Overhead	20 feet	N/A	N/A	N/A	Restore to Pre-Construction Productivity
Telephone Overhead	20 feet	N/A	N/A	N/A	N/A
Telephone Underground	N/A	N/A	To Pre-Construction Condition	To Ensure Proper Functioning	Restore to Pre-Construction Productivity
NOTE: N/A indicates not applicable					

SECTION 19 - CONFINED FEEDLOT REGULATIONS

Subdivision 1: Confined Feedlots Generally

Subdivision 2: Adoption by Reference of State Regulations

Subdivision 3: Exempt From Regulations

Subdivision 1: Confined Feedlots Generally

No person shall permit or allow their land or property under their control to be used for any confined feedlot, and no animal manure from any confined feedlot shall be disposed of within the County of McLeod, except at an operation which has been approved in accordance with the provisions of this section and the McLeod County Feedlot Ordinance.

Subdivision 2: Adoption by Reference of State Regulations

Pursuant to M.S.A. 394.25, Subdivision 8, the McLeod County Board of Commissioners hereby adopts by reference Minnesota Rules Chapter 7020, Minnesota's animal feedlot rules. Provisions of these rules shall be as much a part of this Ordinance as if they had been set out in full herein when adopted by this reference.

Subdivision 3: Exempt From Regulations

1. Any confined feeding operation of less than ten (10) animal units in a shoreland area or less than fifty (50) animal units in a non-shoreland area when in conformance with all provisions of this section and the McLeod County Feedlot Ordinance.
2. Nothing in this section shall exempt any owner or operator of any feedlot from conforming with applicable state or federal regulations governing confined feeding operations, or any other provisions of this Ordinance.
3. In all districts – All lots of record 10 acres or less and any subdivisions that were established prior to March 25, 1998 will be exempt from the required setbacks to an existing registered or permitted feedlot.

SECTION 20 - NON-CONFORMING USES

Subdivision 1: Intent

Subdivision 2: Sanitary Facilities in Shoreland Areas

Subdivision 3: Junk Yards

Subdivision 4: Non-Conforming Signs and Billboards

Subdivision 5: Discontinuance of a Non-Conforming Use

Subdivision 6: Alterations to Non-Conforming Uses

Subdivision 7: Restoration of Damaged Structures

Subdivision 8: Normal Maintenance

Subdivision 9: Lots of Record

Subdivision 1: Intent

1. Within the districts established by this Ordinance or amendments that may later be adopted, there may exist lots, structures and uses of land, water and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendment.
2. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
3. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner.

Subdivision 2: Sanitary Facilities in Shoreland Areas

Sanitary sewage facilities not in conformance with the rules and regulations of the Minnesota Pollution Control Agency, including MR 7080 Individual Sewage Treatment System Standards and associated appendices, which are located within shoreland areas or defined in this Ordinance shall be brought into conformance on the effective date of this Ordinance.

Subdivision 3: Junk Yards

No junk yard may continue as a non-conforming use after the effective date of this Ordinance, except that it may continue as a Conditional Use in accordance with the provisions of Section 17 of this Ordinance in any industrial or agricultural district if within that period it is completely enclosed within a building or contained within a continuous solid fence and/or landscaping not less than eight feet high so as to screen completely the operation of the junk yard. Plans of such building or fence shall be reviewed by the Planning Commission and approved by the County Board before it is erected.

Subdivision 4: Non-Conforming Signs and Billboards

Signs and billboards 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; uses of signs and billboards which become non-conforming by reason of a subsequent change in this Ordinance shall also be discontinued within a reasonable period of amortization of the sign.

Subdivision 5: Discontinuance of a Non-Conforming Use

In the event that a non-conforming use of any building or premises is discontinued or its normal operation stopped for a period of six months, such use shall thereafter conform to the regulations of the district in which it is located.

Subdivision 6: Alterations to Non-Conforming Uses

1. The lawful use of a building existing at the time of the adoption of this Ordinance may be continued although such use does not conform with the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification. The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed.
2. 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 or increase the flood damage potential.

Subdivision 7: Restoration of Damaged Structures

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

Subdivision 8: Normal Maintenance

Maintenance of a building or other structure containing or used by a non-conforming use will be permitted when it includes necessary, non-structural 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 Zoning Administrator.

Subdivision 9: Lots of Record

1. Lots of record in the office of the County Recorder prior to October 17, 1981, which do not meet the requirements as prescribed may be allowed as building sites provided such use is permitted in the zoning district, the lot is in separate ownership from abutting lands, and sanitary and dimensional requirements of the McLeod County Individual Sewage Treatment System Ordinance are complied with insofar as practicable.
2. In such case where buildings exist on lots on either side of a lot of record, with front yard setbacks that do not conform to this Ordinance, the setback for the lot of record shall be determined to be equal to a straight line drawn between the front yard setback lines of the two adjacent buildings.
3. In such case where there is a non-conforming setback on a building adjacent to one side of a lot of record and the lot on the other side is vacant, the setback for the lot of record shall be the setback of the non-conforming building plus one-half the difference between the setback of the non-conforming building and the setback required by this Ordinance.

SECTION 21 – PERMITS

Subdivision 1: Intent

Subdivision 2: Sign and Billboard Permits

Subdivision 3: Sewer Permits

Subdivision 4: Excavation Permits

Subdivision 5: Feedlot Permits

Subdivision 1: Intent

1. Hereafter no person shall erect, make exterior alterations affecting bulk or size, or move any structure or building or part thereof, or excavate a basement for an existing or proposed structure, without first securing a land use permit.
2. Application for a land use permit shall be made by the owner to the Zoning Administrator on blank forms 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 building to be erected. Applications for any kind of land use permit shall contain such other information as may be deemed necessary for the proper enforcement of this Ordinance or any other. The Zoning Administrator shall issue the land use permit only after determining that the building and site plans, together with the application, comply with the terms of the Ordinance.
3. A land use permit issued under the terms of this Ordinance shall be valid for one year from the date of issuance.
4. In cases of involuntary loss through catastrophe such as fire, wind, etc., no fee shall be charged in these instances for a permit to rebuild.

Subdivision 2: Sign and Billboard Permits

A permit shall be required in all cases where a sign or billboard is erected, altered or relocated within the area of jurisdiction of this Ordinance. Specific requirements, exception and application procedures are set forth in Section 15 of this Ordinance.

Subdivision 3. Sewer Permits

1. A permit shall be required to install, alter, repair or extend any individual sewage disposal system. Specific requirements, exceptions and application procedures are set forth in the McLeod County Individual Sewage Treatment System Ordinance.

Subdivision 4: Excavation Permits

The use of the land for the extraction of materials and minerals, open pit and impounding of water is permitted only by the issuance of a conditional use permit. Specific requirements, exceptions and application procedures are set forth in Section 16, Subdivision 6 of this Ordinance.

Subdivision 5: Feedlot Permits

A permit shall be required of any person or corporation owning or operating a livestock feedlot in the County. A permit shall also be required for a change of ownership, improvement or expansion of an existing feedlot. Specific requirements, exceptions and application procedures are set forth in the McLeod County Feedlot Management Ordinance.

SECTION 22 – ADMINISTRATION

Subdivision 1: Office and Appointment of Planning and Zoning Administrator

Subdivision 2: Duties, Powers and Enforcement of the Planning and Zoning Administrator

Subdivision 3: Enforcement

Subdivision 4: Planning Commission

Subdivision 1: Office and Appointment of Planning and Zoning Administrator

This Ordinance shall be administered and enforced by a Zoning Administrator appointed by the County Board. The term of office of the Zoning Administrator shall be for four years and shall terminate at the pleasure of the County Board.

Subdivision 2: Duties, Powers and Enforcement of the Planning and Zoning Administrator

1. Determine if applications comply with the terms of this Ordinance.
2. Conduct inspections of structures and use of land to determine compliance with the terms of this Ordinance.
3. Maintain permanent and current records of this Ordinance, including, but not limited to, maps, amendments, conditional uses, variances, appeals and applications.
4. Receive, file and forward all applications for appeals, variances, conditional uses and amendments to the designated official bodies.
5. Institute in the name of the County any appropriate actions or proceedings against a violator as provided for.
6. Serve as an ex-officio member of the Planning Commission.

Subdivision 3: Enforcement

1. The Zoning Administrator shall enforce the provisions of the Ordinance through the proper legal channels.
2. When any work has been stopped by the Zoning Administrator for any reason whatsoever, it shall not again be resumed until the reason for the work stoppage has been completely removed.
3. It shall be the duty of the County Attorney and the County Sheriff, when called upon by the County Board of Commissioners to perform such duties as may be necessary to enforce the provisions of this Ordinance.

Subdivision 4: Planning Commission

1. The McLeod County Board of Commissioners hereby establishes the McLeod County Planning Commission. The Planning Commission shall consist of five members appointed by the Chairman of the Board of Commissioners and ratified by the Board.
2. At least four members shall be residents of the portion of the County outside the corporate limits of the municipalities.
3. The term of each member shall begin on January 1 and continue through December 31. Each member shall serve for a period of three years, and the terms of three members shall be staggered so that no more than two terms expire in any one year except the term of the officer or employee appointed by the Board shall be annually.
4. Each member may be eligible at the discretion of the County Board for reappointment, but not more than three consecutive three-year terms.
5. No more than one voting member of the Planning Commission shall serve as an officer or employee of the County.
6. No voting member of the Planning Commission shall receive, during the two years prior to appointment, any substantial portion of his income from business operations involving the development of land within McLeod County for urban and urban related purposes.
7. The County Board may designate any county officer or employee as an ex-officio member of the Commission.
8. The Commission may call for the removal of any member for non-performance of duty or misconduct in office. If a member has four consecutive unexcused absences in any one year, the secretary shall certify this fact to the Commission and the Commission shall notify the County Board along with suggested action. The County Board shall appoint a replacement for the unexpired term, as if the member had resigned.
9. Should any vacancy occur among the members of this Planning Commission by reason of death, resignation, disability or otherwise, immediate notice thereof shall be given to the Chairman of the County Board by the Secretary. Should any vacancy occur among the officers of the Planning Commission, the vacant office shall be filled in accordance with the By-Laws of this Subdivision, such officer to serve the unexpired term of the office in which such vacancy shall occur.
10. The members of the Commission may be compensated in an amount determined by the County Board and may be paid their necessary expenses in attending meetings of the Commission and in the conduct of the business of the Commission.
11. The Planning Commission shall elect a Chairman from among its members. The Commission may select a secretary from its members or advisory members. The Planning Commission shall cooperate with the Zoning Administrator and other employees of the County in preparing and recommending to the Board for adoption, comprehensive plans and recommendations for plan execution in the form of official controls and other measures and amendments thereto. In all instances in which the Planning Commission is not the final authority, the Commission shall review all applications for conditional use permits and plans for subdivisions of land and report thereon to the Board.

12. 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 23 - BOARD OF ADJUSTMENTS

Subdivision 1: Creation and Membership

Subdivision 2: Powers

Subdivision 3: Procedure

Subdivision 4: Findings

Subdivision 5: Variances within Shorelands and Floodplain

Subdivision 6: Recording

Subdivision 1: Creation and Membership

1. A Board of Adjustment is hereby established and vested with such authority as is hereinafter provided and as by Minnesota Statutes 394.21 through 394.37.
2. The Board of Adjustment shall consist of five (5) members. The members of the Board of Adjustment shall be appointed by the Board of County Commissioners after being nominated for such appointment and recommended to the Board of Commissioners by the County Planning Commission. Each member shall serve for a period of three (3) years and the terms of the three (3) members shall be staggered so that no more than two (2) terms expire in any year. Each member may be eligible at the discretion of the County Board for reappointment, but not more than three (3) consecutive three-year terms.
3. The term of each member shall begin on January 1 and continue through December 31 of the last year of his term until his successor is appointed.
4. At least four (4) members of such Board of Adjustment shall be from the unincorporated area of the County and one member shall also be a member of the County Planning Commission. No elected official of the County, nor employee of the Board of County Commissioners shall serve as a member of the Board of Adjustment.
5. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a board member from voting thereon shall be decided by a majority vote of all regular board members except the member who is being challenged.
6. In the event a vacancy occurs as a result of death, incapacity, resignation or removal of any member of the Board of Adjustment, a new member shall be appointed as above provided, but only for the unexpired term of his predecessor.
7. The Board of Adjustment may call for the removal of any member for nonperformance of duty or misconduct in office. If a member has four (4) consecutive unexcused absences in any one year, the secretary shall certify this fact to the Board of Adjustment, and the Board of Adjustment shall notify the County Board along with the suggested action. The County Board shall appoint a replacement for the unexpired term, as if the member had resigned.

8. Each member of the Board of Adjustment shall be paid such compensation as the Board of County Commissioners may provide by resolution. In addition to such compensation, all members of the Board of Adjustment shall be paid their necessary expenses in attending meetings of the Board and in the conduct of the business of the Board.
9. The Board of Adjustment shall elect a chairman and a vice-chairman from among its members and shall appoint a secretary who need not be a member of the Board. It shall adopt rules for the transaction of its business and shall keep a public record of its proceedings, findings and determinations.
10. The meetings of the Board of Adjustment shall be held at the call of its chairman and at such other times as the Board in its rules of procedure may specify.

Subdivision 2: Powers

1. The Board of Adjustment shall have the authority to order the issuance of variances, hear and decide appeals from and review any order, requirements, decision or determination made by any administrative official charged with enforcing any ordinance adopted pursuant to the provision of Minnesota Statute, Section 394.21 to 394.37, order the issuance of permits for buildings in areas designated for future use on an official map and perform such other duties as required by the official controls. Such appeal may be taken by any person aggrieved or by an officer, department, board or bureau of a town, municipality, county or state.
2. An appeal from any order, requirement, decision or determination of any administrative official shall be taken within thirty (30) days after receipt of notice of the decision by the Board of Adjustment by filing with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal and 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 sixty (60) days after the date of filing the appeal. An appeal stays all proceedings in furtherance of the action appealed from unless the Board of Adjustment to whom the appeal is taken certifies that by reason of the facts stated in the certificate; a stay would cause imminent peril to life or property. The Board of Adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit. The reasons for the Board's decision shall be stated in writing.

The notice of appeal shall state:

- A. The particular order, requirement, decision or determination from which the appeal is taken.
- B. The name and address of the appellant.
- C. The grounds for the appeal.
- D. The relief requested by the appellant.

3. 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 non-conformities.
 - A. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and the variances are consistent with the comprehensive plan.
 - B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control. "Practical difficulties," are used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
 - C. 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.
 - D. The Board of Adjustment 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: Procedure

1. An application for a variance shall be filed with the Zoning Administrator; the application shall be accompanied by development plans showing such information as the Zoning Administrator may reasonably require for purpose of this Ordinance. The plans need not meet engineering or construction details so long as they contain sufficient information for the Board of Adjustment to determine whether the proposed variance will meet all applicable development standards if the variance is granted. In all cases the application shall include:
 - A. Name and address of the applicant.
 - B. The legal description of the property involved in the request for the variance.
 - C. The names and addresses of owners of the property or any persons having a legal interest therein.
 - D. A site plan showing all pertinent dimensions, buildings and significant natural features having an influence on the variance.
 - E. The variance request and a statement outlining the unique or particular situation or peculiar hardship involved in creating the need for a variance.

2. Upon receipt of the application and other material, the Zoning Administrator shall refer the proposed variance to the affected Board of Town Supervisors. The Board of Adjustment shall hold at least one (1) public hearing on any application for a variance or appeal. Notice of the purpose, time and place of such public hearing shall be published in a newspaper of general circulation in the town, municipality or other area concerned and in the official newspaper of the County at least ten (10) days prior to the date of the hearing. Written notice of such public hearing shall be mailed to all property owners of record within five hundred (500) feet of the affected property, the affected Board of Town Supervisors, and the Municipal Council of any municipality within two (2) miles of the affected property.
3. All decisions by the Board of Adjustment in granting variances or in hearing appeals from any administrative order, requirements, 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 thirty (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.
4. No application for a variance which has been denied wholly or in part shall be resubmitted for a period of six (6) months from the date of said order of denial, except on the grounds of new evidence or proof of change on conditions found to be valid.
5. A violation of any condition set forth in granting a variance shall be in violation of this Ordinance and automatically terminates the variance.
6. A variance shall become void one (1) year after it was granted unless made use of.

Subdivision 4: Findings

1. In exercising its authority to review any order, requirement, decision, or determination made by any administrative official the Board shall not grant any appeal or variance unless they find the following facts at the hearing where the applicant shall present a statement and evidence in such form as the Board of Adjustment may require:
 - A. That there are special circumstances or conditions affecting the land, building or use referred to in the appeal that do not apply generally to other property in the same vicinity.
 - B. That the granting of the application will not materially 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 injurious to property or improvements in the area adjacent to the property of the applicant, and that the granting of the variance will not alter the essential character of the locality.
2. In the case of variances they shall only be permitted when they are in harmony with the general purposes and intent of the official control in cases when there are practical difficulties in the way of carrying out the strict letter of any official control.

Subdivision 5: Variances Within Shorelands and Floodplain

Upon receipt of an application for a variance from the Floodplain or Shoreland Regulations, the Zoning Administrator shall forward a copy of such application to the Commissioner of the Department of Natural Resources sufficiently in advance so that the Commissioner will receive at least ten (10) days' notice of any hearing to consider such application. A copy of all decisions granting a variance to the provisions of the Floodplain or Shoreland Regulations shall be forwarded to the State Commissioner within ten (10) days of such action.

Subdivision 6: Recording

A certified copy of any order issued by the Board of Adjustment acting upon an appeal from an order, requirements, decision or determination by an administrative official, or a request for a variance shall be filed with the recorder of deeds or registrar of titles for record. The order issued by the Board of Adjustment shall include the legal description of the property involved. The Zoning Administrator shall be required to meet the requirements of this Subdivision.

SECTION 24 - AMENDMENTS/REZONINGS

Subdivision 1: Authority

Subdivision 2: Application

Subdivision 3: Procedure

Subdivision 4: Action and Authorization

Subdivision 5: Fees

Subdivision 6: Recording

Subdivision 7: Effective Date

Subdivision 1: Authority

Whenever the public necessity, convenience, general welfare or good land use practices require such amendment, the County Board may amend, extend or add to the regulations of this Ordinance in accordance with the applicable provisions of Minnesota Statutes 394.21 - 394.37.

Subdivision 2: Application

1. An application for amendment, extension or addition to the regulations of this Ordinance shall be filed with the Zoning Administrator by one of the following:
 - A. A petition from a resident or residents living within the jurisdiction of this Ordinance.
 - B. A recommendation of the Planning Commission.
 - C. Action by the County Board.
2. Said application shall be filed at least 30 days prior to the hearing thereof.
3. An application for an amendment not initiated by the Planning Commission shall be referred to the Planning Commission for study and report and may not be acted upon by the Board until it has received the recommendations of the Planning Commission.
4. Required information accompanying application to change the wording of this Ordinance shall contain the following:
 - A. Stated reason for change requested.
 - B. Statement on compatibility to the County Comprehensive Plan.
 - C. Text of portion of the existing ordinance to be amended.
 - D. Proposed amended text and statements outlining any other effects that the amendment may have on other areas of this Ordinance.
 - E. Additional information as may be requested by the Planning Commission.

3. Required information accompanying applications to change district boundaries shall contain the following:
 - A. The names and addresses of the petitioner or petitioners and their signatures to the petition.
 - B. A specific description of the area proposed to be rezoned, and the names and addresses of all owners of property lying within such area, and a description of the property owned by each.
 - C. The present district classification of the area and the proposed district classification.
 - D. Proposed use of the land (a statement of the type, extent, area, etc.).
 - E. Map and plot plan or survey.
 - F. Compatibility with the Land Use Plan of McLeod County (a statement of conditions warranting change in zoning).
 - G. A legal description of the property(ies) to be rezoned.
 - H. Map, plot plan, or survey plot of property to be rezoned (showing location, dimensions, zoning of adjacent properties, existing uses and buildings of adjacent properties within 500 feet in incorporated areas, and one-half mile in unincorporated areas drawn to scale).
 - I. Additional information as may be requested by the Planning Commission.

Subdivision 3: Procedure

1. Upon receipt of the proper Application and other requested material for amendment or rezoning, the Planning Commission shall hold a public hearing in a location to be prescribed. Such public hearings may be continued from time to time and additional hearings may be held.
2. Notice of the time, place and purpose of any public hearings shall be given by publication in a newspaper of general circulation in the town, municipality or other area concerned and in the official newspaper of the County, at least ten days before the hearing.
3. For district boundary changes or zoning use changes, paragraph 1 and 2 of this Subdivision shall apply, plus written notice of public hearings shall be sent by letter to all property owners of record within 500 feet of the affected property in incorporated areas, and one-half mile in unincorporated areas, the affected Board of Town Supervisors and the Municipal Council of any Municipality within two miles of the affected property.

For the purpose of giving mailed notice, the applicant shall be responsible for supplying the names of people within the jurisdiction of the application (paragraph 3 of Subdivision 3 of this Section). The failure to give mailed notice to the individual owners, or defects

in the notice shall not invalidate the proceedings provided a bona fide attempt to comply with this Subdivision has been made.

4. In areas shown on the County Land Use Map where joint planning review processes are specifically outlined, Planning Commission may refer the proposed amendment request for their review, comments, and recommendations prior to the public hearing.

Subdivision 4: Action and Authorization

1. Following the closing of the public hearing, the Planning Commission shall request the Zoning Administrator to report its findings and recommendations on the proposed amendment or rezoning to the County Board at their next regularly scheduled board meeting.
2. Upon the filing of such report or recommendation, the County Board may hold such public hearings upon the amendment as it deems advisable. After the conclusion of the hearings, if any, the County Board may adopt the amendment or any part thereof in such form as it deems advisable. The amendment shall be effective only if a majority of all members of the Board concur in its passage.

Subdivision 5: Fees

1. All applications for a zoning district boundary change or amendment to this Ordinance shall be accompanied by a fee set by the County Board and kept on file with the Zoning Administrator and Auditor.

Additional fees may be charged to the applicant for actual costs incurred by the County for legal, engineering and planning consultant assistance necessary for proper review and consultation to assist the Planning Commission and County Board in its decision making.

Subdivision 6: Recording

Upon the adoption of any ordinance or other official control including any maps or charts supplemented to or as a part thereof, the County Auditor shall file a certified copy thereof with the County Recorder for record. Ordinances, resolutions, maps or regulations filed with the County Recorder pursuant to this Ordinance do not constitute encumbrances on real property.

Subdivision 7: Effective Date

The amended Ordinance shall become effective after adoption by the County Board and due publication thereof.

SECTION 25 - VIOLATIONS, PENALTIES AND ENFORCEMENT

- Subdivision 1: Violations and Penalties**
Subdivision 2: Enforcement

Subdivision 1: Violations and Penalties

Any person, firm or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed five hundred dollars (\$500.00) and/or by imprisonment of not to exceed 90 days. Each day that a violation continues shall constitute a separate offense.

Subdivision 2: Enforcement

1. This Ordinance shall be administered and enforced by the Zoning Administrator, who is hereby designated the enforcing officer.
2. In the event of a 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, 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 the District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.
4. The County Attorney may at his discretion institute such action in a lesser court than the District Court.

SECTION 26 – FEES

Subdivision 1: Required Fees

Subdivision 2: Exemptions

Subdivision 1: Required Fees

The fees for a land use permit, rezoning, variance, amendment or conditional use permit shall be established by the Board. The Board may review and revise the fee schedule periodically. The Zoning Administrator shall issue the building permit only after the fee has been paid and a determination has been made that the building plans, together with the application, comply with the terms of this Ordinance. Any person filing a petition for an amendment to this Ordinance or requesting a variance or a change in regulations within any use district shall pay the prescribed fees according to the schedule established by the Board before any work proposed may commence. The fee is payable at the time of filing a petition and is not refundable.

Subdivision 2: Exemptions

Municipal corporation and governmental agencies shall be exempt from the fee requirements as prescribed by this Ordinance.

SECTION 27 - REPEAL

Subdivision 1: Repeal

The existing zoning regulations, “McLeod County Zoning Ordinance,” adopted the 17th day of October 1981, as amended, is 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 “McLeod County Zoning Ordinance” adopted the 17th day of October 1981, as amended, if the violation is also a violation of the provisions of this Ordinance.