

SUMMARY NOTICE
NOBLES COUNTY ZONING ORDINANCE

The Nobles County Board of Commissioners adopted a new zoning ordinance at its meeting on March 7th, 2006 at __:__ am. Additions to the new ordinance includes many new or altered definitions, some of which are abandoned motor vehicle, home extended business, nonconforming structure, and structural alteration. Administrative changes include increasing the size of the Board of Adjustment from three members to five members, setting term limits for members along with criteria for removal from the Board, and setting out an appeals process for challenging administrative decisions. Term limits were established for Planning Commission membership as well as cause for removal criteria. The County's notification requirements were changed for processing Conditional Use Permits, Variances, and Zoning Amendments to meet Minnesota Statutory requirements. The time limits that apply to these permit applications will also be allowed to be extended by the County if it determines it is necessary to process the requests. Changes to the Agricultural Preservation District include adding home occupations as a permitted use and a variety of water control uses. Conditional use additions include an allowance for a home extended business, clarification as to where a non-farm dwelling could be located, and an increase in structure heights to 150' before the CUP process is initiated. Front yard setback changes from road ROW are changed from 100' to 125' from County Road centerlines and from 66' to 80' from Township Road centerlines. The non-farm dwelling lot size standards was changed from a minimum of one acre to two acres. All trees, windbreaks, and living snow fences must now be setback a minimum of 150' from all road ROWs. Changes to the R-1 District includes adding stormwater control and treatment systems as a permitted use and wetland restoration and banking as a conditional use. Livestock feedlots, mining and gravel extractions, junk yards, and sanitary landfills were removed as conditional uses from this district. Rear yard setbacks were reduced from 20' to 10' and the minimum lot size requirement was changed from five acres to two acres. In the R-2 District, stormwater control and treatment systems were added as a permitted use and wetland restoration and banking and all uses in the old B-2 District were added as conditional uses to this district. Front yard setbacks from state and county road centerlines were increased from 30' to 100' and from 30' to 65' from township road centerlines. Lot size calculations were added to this district for developing multiple family structures if the developed area is served with central water and sewer. The B-1 District's changes include allowing stormwater control and treatment systems as a permitted use and it will eliminate dwellings as conditional uses. Service road ROW width requirements changed from 40' to 66' with a driving width of 24'. Front yard setbacks changed from 100' to 150' from the centerlines of state or county roads and from 100' to 135' from centerlines of township roads. The B-2 District in the repealed zoning ordinance has been eliminated. Changes to the Industrial District includes adding stormwater control and treatment systems as a permitted use and eliminating dwelling units as a permitted use. Wetland restoration and banking is added as a conditional use. Height regulations were changed from four stories to 150'. Front yard setbacks are changed from 100' to 150' from the centerlines of state and county roads and from 100' to 135' from the centerlines of township roads. These setbacks are further modified if the structure is more than 50' tall. Guidelines are included in the text for calculating the additional setbacks. The same increased setbacks are established for side and rear yard setbacks for structures in excess of 50'. For the Shoreland Management District, a new farm or non-farm dwelling was added as a conditional use to the Special Protection District. In the Performance Standards section, Cluster Developments were eliminated as a development option in the AG District, but retained as an option for the R-1 and R-2 Districts. Accessory Building and Structure size was increased from 700 square feet to 1,200 square feet. Standards, as they apply to the use and location of a manufactured home in Nobles County include adopting the following design standards: the home must be at least 24' in width, the home must contain at least 800 square feet of inside floor area, the home must be placed on a permanent foundation, and the home must have a conventional roof and roof line. There are exceptions to these standards when the home is used to house a relative who needs to be cared for and when used as a temporary construction

office or temporary dwelling during construction. Manufactured homes may also be used as an accessory use on a farm if those living in the home are family members of the farm family or are part of the farming operation. This manufacture home must meet the four design criteria listed above though. Manufactured housing parks (mobile home parks) have been eliminated as uses allowed in the rural portion of the County. This type of use is typically a very dense urban type of development and should be located in urban settings with central water and sewer services. A new sign ordinance section was added to the County's ordinance, setting up new standards as they apply to On-Site advertising signs, Off-Site advertising signs, Temporary signage, and specifying the types of signs that are exempt from zoning controls. A new category of home occupation was created, home extended business, requiring a conditional use permit and limiting the number of employees to five with off-street parking and generating no more than normal domestic wastewater. Junk and salvage yards do not qualify as a home occupation. A new section in the ordinance sets out criteria for dealing with exotic or dangerous animals. An owner of an animal meeting the definition of an exotic or dangerous animal must secure a permit from the County. If an attack occurs, the ordinance sets out a process for the County to undertake proceedings to have the animal destroyed. A large number of changes were made to the Livestock Feedlot section of the ordinance to meet current Minnesota Rules. Permit application rules are specified, including when an owner of an existing feedlot must reapply for a feedlot license. New construction requires an owner to complete a manure management plan and new standards regarding the yearly sampling of soil and manure when applications of manure fall within a wellhead protection area. Recordkeeping requirements specifies that three years worth of data must be kept by owners on-site. Standards for closure of a feedlot or manure storage area are listed. The Minnesota Accessibility Code is adopted by the County. Regulations applying to mass assemblies were added to the County's Zoning Ordinance. If a gathering of 400 or more people is expected in the rural portion of the County, the promoter of the event is required to secure a mass assembly permit. This section exempts several types of gatherings. The permit must be secured at least 120 days prior to the event. Written approval must be secured from the County Sheriff and the Town Board. A permit fee will be required and a bond or a general liability insurance policy will be posted with the County with a minimum of \$1,000,000 coverage. A new wireless communication tower section has been added to the ordinance. Development standards are specified for towers. The development must be adequately insured for injury and property damage. Unused towers must be removed within six months of cessation of operation. Only one tower is allowed per parcel of land. Multiple antennas should be mounted on a tower. Wind Energy Conversion towers must meet design criteria of the ordinance. This new section allows for the development of commercial towers, non-commercial towers, and meteorological towers. It provides for height regulations, setbacks, and the districts that can be used to develop this use. The new ordinance also specifies a repealer statement for the previous zoning ordinance, an effective date for this ordinance, and a signature section.

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NOBLES COUNTY ZONING ORDINANCE

AN ORDINANCE REGULATING THE USE OF LAND IN THE UNINCORPORATED AREAS OF NOBLES COUNTY BY DISTRICT, INCLUDING THE REGULATION OF THE LOCATION, SIZE, USE AND HEIGHT OF BUILDINGS, THE ARRANGEMENT OF BUILDINGS ON LOTS AND THE DENSITY OF POPULATION FOR THE PURPOSE OF PROMOTING THE PUBLIC HEALTH, SAFETY, ORDER, CONVENIENCE, AND GENERAL WELFARE OF NOBLES COUNTY.

THE NOBLES COUNTY BOARD DOES ORDAIN AS FOLLOWS:

SECTION 1. TITLE

101. This Ordinance shall be known, cited and referred to as the Nobles County Zoning Ordinance.

SECTION 2. INTENT AND PURPOSE

201. This Ordinance is adopted for the purpose of:

1. Protecting the public health, safety, morals, comfort, convenience and general welfare.
2. Protecting and preserving economically viable agricultural land.
3. Promoting orderly development of the residential, commercial, industrial, recreational and public areas.
4. Conserving the natural and scenic beauty and attractiveness of the county.
5. Conserving and developing natural resources in the county.
6. Providing for the compatibility of different land uses and the most appropriate use of land throughout the county.
7. Minimizing environmental pollution.

SECTION 3. RULES AND DEFINITIONS

301. Rules

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural and the plural the singular.
2. The present tense includes the past and the future tenses, and the future the present.

3. The word "shall" is mandatory, and the word "may" is permissive.
4. The masculine gender includes the feminine and neuter genders.
5. The words "lot," "plot," and "parcel" are interchangeable.
6. Whenever a word or term defined hereinafter appears in the text of this ordinance, its meaning shall be construed as set forth in such definition.
7. All measured distances expressed in feet shall be to the nearest tenth of a foot. In the event of conflicting provisions, the more restrictive provision shall apply.

302. Definitions

The following words, and terms, whenever they occur in this Ordinance, are defined as follows:

1. **Abandon** – To cease a specific use of a property for a period of 12 consecutive months or more.
2. **Abandoned Motor Vehicle** –
 - a. One that has remained for a period of more than forty-eight (48) hours on public property, illegally parked or missing vital component parts.
 - b. One that has remained more than forty-eight (48) hours on private property without the consent of the person in control at such property.
 - c. One that is voluntarily surrendered by its owner to a unit of government.
 - d. One that lacks vital component parts or is in an inoperable condition such that it has no substantial potential for further use consistent with its intended function, unless it is kept in an enclosed garage or storage building.
 - e. Classic or pioneer cars, unregistered vehicles being modified or which have been modified for competitive use in stock car races, and vehicles on the premises of junk yards or automobile salvage yards shall not be defined as abandoned motor vehicles.
3. **Abut** – To border upon a parcel of land, to share all or part of a common property line with another parcel.
4. **Access** – An entrance, driveway, street, road, or other way or means of approach that provides a vehicular entrance or exit to a property from an abutting property or public road.
5. **Access, Field** – An access to an agricultural field used for the movement of farm vehicles and equipment. An access to a farmstead, feedlot, or farm related structures is not a field access.

6. **Accessory Use or Structure** - A use or structure or portion of a structure subordinate to and serving the principal use structure on the same lot and customarily incidental thereto, and which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.
7. **Adult Bookstore** – A building or portion of a building used for the barter, rental or sale of items consisting of printed matter pictures, slides, records audiotape, videotape, or motion picture film if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical area” or the barter, rental or sale of instruments, devices, or paraphernalia that are designed for use in connection with “specified sexual activities.” “Substantial or significant portion of items,” for the purposes of this ordinance, shall mean more than 15 percent of usable floor area.
8. **Adult Business** - Adult businesses include the following:
 - a. Any business conducted for the entertainment of adults engaged in the selling, renting, or displaying of publications depicting the specified anatomical areas or specified sexual activities described herein or other material of sexually explicit nature. Included in the definition is any business that as substantial or significant course of conduct sells, offers for sale, rents, exhibits, shows, or displays publications depicting the anatomical areas or specified sexual activities described herein or other material of a sexually explicit nature. Also included in this definition is any business selling, renting, or displaying sexually oriented devices intended for use in the specified sexual activities.
 - b. A particular business at a particular location that sells, offers for sale, rents, exhibits, shows, or displays specified anatomical areas or specified sexual activities in the form of a book, magazine, newspaper, pamphlet, film video, CD-Rom, DVD, or any other form of medium or sexually oriented devices intended for use in the specified sexual activities, which receives 20 percent or more of the gross revenue from or devotes 20 percent or more of the stock on hand or 20 percent or more of the gross floor area to such activity or comprises such adult type merchandise and/or activities in more than 2,000 square feet of floor area in total is presumed to be engaging in “substantial or significant” conduct with respect to such activity.
 - c. Any business wherein the selling of any food or beverage served by employees engaged in partial or total nudity or otherwise exposed specified anatomical areas.
 - d. Any business conducted for the entertainment of adults wherein an employee, patron, or any other person engages in or is shown specified sexual activities or exhibit or engage in partial or total nudity or otherwise specified anatomical areas.
 - f. Any business that, as a substantial or significant portion of its business, provides live or filmed entertainment wherein specified anatomical areas or the human anatomy are exposed.
9. **Adults Use-Body Painting Studio** - A business or establishment which provides the service of applying paint or other substance, whether transparent or non-transparent, to or

on the body of a patron when such body is wholly or partially nude in terms of specified anatomical area.

10. **Adult Use-Bookstore** - A building or portion of a building used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, or motion picture film if such building or portion of a building is not open to the public generally but only to one or more classes of the public excluding any minor by reason of age or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the presentation, display, depiction, or description of specified sexual activities or specified anatomical areas.
11. **Adult Use-Cabaret** - A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age or if such dancing or live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction, or description of specified sexual activities or specified anatomical areas.
12. **Adult Use-Companionship Establishment** - A companionship establishment which excludes minors by reason of age or which provides the service of listening to or engaging in conversation, talk, or discussion between an employee or the establishment and a customer, if such service is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
13. **Adult Use-Conversation/Rap Parlor** - A conversation/Rap Parlor which excludes minors by reason of age or which provides the service of listening to or engaging in conversation, talk, or discussion, if such service is distinguished or characterized by and emphasis on specified sexual activities or specified anatomical areas.
14. **Adult Use-Health/Sport Club** - A health/sports club which excludes minors by reason of age or if such club is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
15. **Adult Use-Hotel/Motel** - A hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, or describing or relating to specified sexual activities or specified anatomical areas.
16. **Adult Use-Massage Parlor, Health Club** - A massage parlor or health club which restricts minors by reason of age and which provides the service of massage if such service is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas
17. **Adult Use-Mini Motion Picture Theater** - A building or portion of a building with a capacity of less than fifty (50) persons used for presenting material if such building or portion of a building as a prevailing practice excludes minor by reason of age or if such material is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas for observations by patrons therein.

18. **Adult Use-Modeling Studios** - An establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in specified sexual activities or specified anatomical areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.
19. **Adult Use-Motion Picture Arcade** - Any place to which the public is permitted or invited wherein coin operated or slug operated, or electronically, electrically, or mechanically controlled or operated still or motor picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.
20. **Adult Use-Motion Picture Theater** - A building or portion of a building with a capacity of more than fifty (50) persons used for presenting material if such building or portion of a building as a prevailing practice excludes minor by reason of age or if such material is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas for observation by patrons therein.
21. **Adult Use-Novelty Business** - A business which has as a principal activity the sale of devises which stimulate human genitals or devices which are designed for sexual stimulation.
22. **Adult Use-Sauna** - A sauna which excludes minors by reason of age, or which provides a team bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing, or reducing agent, if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
23. **Adult Steam Room/Bathhouse Facility** - A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing utilizing steam or hot air as a cleaning, relaxing, or reducing agent if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Specified anatomical areas:

a. Less than completely and opaquely covered:

i. Human genitals;

ii. Pubic region;

iii. Buttocks; or

iv. Female breast below a point immediately above the top of the areola; or

b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities:

- a. Human genitals in a state of sexual stimulation or arousal;
 - b. Acts of human masturbation, sexual intercourse, or sodomy; or
 - c. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.
24. **Adult Uses** - Adult uses include, but are not limited to, adult bookstores, adult motion picture theaters, adult picture rental, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of specified sexual activities or specified anatomical areas which are capable of being seen by members of the public.
 25. **Adult Uses-Accessory** - A use, business, or establishment having ten percent (10%) or less of its stock in trade or floor area allocated to, or twenty percent (20%) or less of its gross receipts derived from movie rentals or magazine sales.
 26. **Adult Uses-Principal** - A use, business, or establishment having more than ten percent (10%) of its stock in trade or floor area allocated to, or more than twenty percent (20%) of its gross receipts derived from movie rentals or magazine sales.
 27. **Aggregated Project** - Aggregated projects are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.
 28. **Aggrieved Person** - An applicant, permittee, or adjoining landowner.
 29. **Agricultural Best Management Practices (BMP)** - An agricultural BMP is broadly defined as economically sound practices that are capable of minimizing nutrient contamination of surface and ground waters. Specific BMP practices are described in Minnesota Extension Service Bulletins AG-FO-6125, AG-FO-6127, and AG-FO-3553.
 30. **Agricultural Building or Structure** - Any buildings or structure existing or erected on agricultural land designed, constructed, and used principally for agricultural purposes, with the exception of dwelling units.
 31. **Agricultural-Business, Seasonal** - A seasonal business not exceeding six months in any calendar year operated on a rural farm as defined offering for sale to the general public produce or any derivative thereof grown or raised on the property.
 32. **Agricultural Oriented Business** - A business including, but not limited to commercial storage and blending of liquid and dry fertilizers; grain and feed sales; general repair and

installation services for agricultural equipment; custom meat processing; agricultural supplies and products sales or warehousing; livestock sales barns and accessory facilities; greenhouse and nursery sales; ethanol and bio-diesel production.

33. **Agricultural Use** - The use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income including but not limited to the following.
- a. field crops, including but not limited to: barley, soybeans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers.
 - b. livestock, including but not limited to: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds and other animals including dogs, ponies, deer, rabbits and mink.
 - c. livestock products, including but not limited to: milk, butter, cheese, eggs, meat, fur and honey.
 - d. lands enrolled in a government conservation program.
 - e. Incidental and accessory activities and uses, including but not limited to:
 - i. pasture, woodland or meanderland held and /or operated in conjunction with other agricultural uses described in this definition;
 - ii. preparing, packing, treating, storing or disposing of the products or by-products raised on the premises described in this definition;
 - iii. retail selling by the producer of products raised on the premises described in this definition.
33. **Airport or Heliport** - any land or structure which is used or intended for use, for the landing and take-off of aircraft, and any appurtenant land or structure used or intended for use for port buildings or other port structures or right-of-way.
34. **Alley** – A minor way which is used primarily for secondary vehicular service access to the back or side of properties abutting on a street.
35. **Animal, Dangerous or Vicious** - “Dangerous animal” means any animal, including invertebrate species, that would be a hazard to public health and safety should the animal escape. “Dangerous animal” includes those animals meeting the definition of “exotic animal” as set forth below as well as constrictor snakes in excess of ten feet in length.
36. **Animal, Exotic** - “Exotic animal” means any animal whose native habitat is not indigenous to the continental United States, excluding Alaska, except tropical fish, fur-bearing animals commercially bred for the furrier trade, and birds. Additionally, omnivorous and carnivorous Minnesota species such as bear, wolves, coyote, fox, lynx, and bobcat are deemed exotic animals, as are animals that result from crossbreeding domestic animals with exotic animals.
37. **Animal Unit** – A unit of measure used to compare differences in the production of animal manure which has as a standard the amount of manure produced on a regular basis

by a slaughter steer or heifer. A multiplication factor set by Minnesota Pollution Control Agency in Minnesota Rules, Chapter 7020, will be hereinafter adopted by reference without change except as may be amended by the State.

38. **Alteration** - To change or make different; to remodel or modify.
39. **Alternative System** - An individual sewage treatment system (ISTS) employing methods and devices presented in Chapter 7080.0172 or as designated by the commissioner of the MPCA in Chapter 7080.0400, subpart 2.
40. **Animal Manure** - Poultry, livestock, or other animal excreta or a mixture of excreta with feed, bedding, or other materials.
41. **Antenna** - That portion of any equipment used to radiate or receive radio frequency energy for transmitting or receiving radio or television waves. Antennas may consist of metal, carbon fiber, or other electromagnetically conductive rods or elements. Antennas are regulated to the extent the regulations are not preempted by the Federal Communications Commission.
42. **Apartment** – A room or suite of rooms with cooking facilities available which is occupied as a residence by a single family, or a group of individuals living together as a single family unit. This includes any unit in buildings with more than two dwelling units.
43. **Applicant** – Any person that applies for a land use permit or other permits through the Nobles County Environmental Office.
44. **Application** – The process by which the owner of land in Nobles County submits a request to develop, construct, build, modify, or erect a structure upon such land. Application includes a properly filed application form provided to the applicant by the Nobles County Environmental Office, all written documentation, any required legal forms, required fees paid in full, and any verbal statements and representations made by an applicant to the County concerning such a request.
45. **Appraised Valuation** - The market value of a structure as determined by the current records of the County Assessor.
46. **Aquaculture** - Controlled discharge of nutrients to enhance growth or reproduction of harvestable freshwater or marine life species including the cultivation of aquatic life such as cold or warm water fish and shellfish.
47. **Area, Net Developable** - Those lands within a development parcel remaining after the deletion of flood plains, wetlands, slopes greater than 25 percent, unbuildable easements or rights-of-way, and required building setbacks.
48. **Associated Facilities (WECS)** - Facilities, equipment, machinery, and other devices necessary to the operation and maintenance of a large wind energy conversion system, including access roads, collector and feeder lines, and substations.

49. **At-Grade System** - A pressurized soil treatment system where sewage tank effluent is dosed to a drain field rock bed that is constructed on original soil at the ground surface and covered by loamy soil materials.
50. **Attorney** - The County Attorney.
51. **Aquifer** - A zone stratum or group of strata that can store and transit water in sufficient quantities for specific use.
52. **As-Builts** – Drawings and documentation specifying the final in-place location, size and type of all systems components. These records identify the results of materials testing and describe conditions during construction. As-builts contain a certified statement.
53. **Assembly** – Any gathering of 400 or more individuals for a specific period of time at any specified location at any time for the specified purpose. Examples include, but not limited to, music, racing, political, promotional, or social entertainment or other similar types of activities.
54. **Auto or Motor Vehicle Reduction Yard** - A lot or yard where one or more motor vehicle(s), or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale of scrap, storage, or abandonment. (See also Junk Yard).
55. **Automotive Dealership** - An automotive dealership is any place where automobiles are sold to the general public. Business activities accessory to this retail use include motor vehicle repair, fuel dispensing, and the rental of vehicles.
56. **Awning** - A nonrigid hood or cover projecting from a building, which may be folded, collapsed, or retracted against the building.
57. **Auto or Motor Vehicle Service Station** – A building designed primarily for the supplying of motor fuel, lubrication, and light maintenance to motor vehicles such as engine tune-ups, lubrication, and minor repairs are conducted.
58. **Auto Repair Garage** – General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including body work, framework, welding, and auto painting services.
59. **Auto Sales Lot** – Premises on which new or used passenger cars, pickup trucks, or other trucks are displayed in the open for sale or trade. All vehicles must be in operable condition.
60. **Basement** - A portion of a building located partly underground but having half or more of its floor-to-ceiling height below the average grade of the adjoining ground.
61. **Basin** - An area specifically designed and engineered to be associated with an animal feedlot where animal manure or runoff containing animal manure is stored until it can be utilized as domestic fertilizer.

62. **Bed and Breakfast Establishments** - A residential structure, other than a hotel or motel, where room(s), breakfast, and hospitality are provided and all costs are included in the room price. Meals are served to guests only and owner/innkeeper reside on the same or adjoining property.
63. **Bedroom** - Any room or unfinished area within a dwelling that might reasonably be used as a sleeping room.
64. **Beauty Salon** – a place where people go for hairstyling, tinting, manicuring, etc.
65. **Block** – The enclosed area within the perimeter or roads, property lines or boundaries of the subdivision.
66. **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):
 - a. Part or all of the feature is located in a shoreland area;
 - b. The slope rises at least 25 feet above the ordinary high water level of the water body;
 - c. 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
 - d. The slope must drain toward the water body.
67. **Bluff impact zone** - A bluff and land located within 20 feet from the top of a bluff.
68. **Bluff, Top of** - The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the top of bluff shall be determined to be the lower end of a 50-foot segment, measured on the ground, with an average slope exceeding 18 percent.
69. **Boathouse** - A one (1) story structure not to exceed 15 feet in height for the purpose of storage of boats and accessories, the top of which may be used as an enclosed deck with safety railing.
70. **Board of Adjustment** – A quasi-judicial body, created by this ordinance, whose responsibility is to hear appeals from decisions of the Zoning Administrator and to consider requests for variances permissible under the terms of this Ordinance.
71. **Boarding House** - A building, other than a motel or hotel, where, for compensation and by prearrangement for definite periods, meals or lodging are provided for three or more unrelated persons, but not to exceed eight persons.
72. **Boulevard** – The portion of the street right of way between the curb line and the property line.
73. **Buildable Area** - The space remaining on a lot for building purposes after the setback and open space requirements of this chapter have been met.

74. **Building** - Any structure having a roof which may provide shelter or enclosure of persons, animals, chattel, or property of any kind and when said structures are divided by party walls without openings, each portion of such building so separated shall be deemed a separated building.
75. **Building Code** - The Minnesota State Building Code.
76. **Building Face** - The wall of a building fronting a street or avenue.
77. **Building Line** - A line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way line.
78. **Building Line, Shoreland** - A line measured across the width of the lot where the main structure is placed in accordance with setback provisions from the ordinary high water mark.
79. **Building Height** - The vertical distance to be measured from the grade of lowest point of elevation of the finished ground surrounding a building to the top of the cornice of a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, or to the average height between the eaves and the ridge of gable, hip, or gambrel roofs. For a WECS structure, the highest point, above ground level, reached by a rotor tip or any other part of the WECS.
80. **Building Setback** - The minimum horizontal distance between the building and a lot line.
81. **Buffer** - A strip of land intended to create physical separation between potentially incompatible uses of land.
82. **Bulk Storage (Liquid)** – Bulk storage of oil, gasoline, liquid fertilizer, chemicals & similar liquids in excess of 2,500 gallons.
83. **Business** - Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.
84. **Butt Lot** – A lot at the end of a block and located between two corner lots.
85. **Cabin** - A structure used seasonally or intermittently as a single-family dwelling.
86. **Campground** - An area of property used on a daily, nightly, or weekly basis upon which a tent, pickup camper, motor home, pop-up camper, or trailer made for camping may be placed and where proper sanitation facilities and spacing of camp units are provided and maintained.
87. **Canopy or Marquee** - A permanent roof-like shelter either freestanding or extending from part or all of building fascia over a public right-of-way or a portion of the premises and constructed of some durable material such as metal, glass, or plastic.

88. **Car Wash** - A building or area that provides hand or machine-operated facilities for washing and cleaning motor vehicles.
89. **Cellar** - Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined in the Building Code.
90. **Café, Restaurant** – A business establishment whose principal business is the selling of unpackaged food to the customer in a ready to consume state, in individual servings, or in nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.
91. **Carport** - An automobile shelter having one or more sides open.
92. **Centerline** – A real or imaginary line that is equidistant from the surface or sides of a road as driven.
93. **Cemetery** – Land used for the burial of the dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.
94. **Certificate of Compliance, ISTS** – A document from a licensed sewage treatment inspector fully licensed by the State of Minnesota or a qualified employee provided to the owner of property on which a dwelling is located which is required to have an ISTS and to the LUG, indicating that said ISTS is not a failing system nor an imminent threat to public health or safety and, for new construction and replacement, is constructed in compliance with Minnesota Rules, Chapter 7080, as amended.
95. **Certified Statement** – Is a statement signed by a licensee or qualified employee identified by license or registration numbers certifying that the licensee or qualified employee completed work in accordance with applicable requirements.
96. **Cesspool** - An underground pit, receptacle, or septage tank that receives sewage directly from the building sewer and leaches sewage into the surrounding soil, bedrock, or other soil materials.
97. **Change in Operation** - An increase beyond the permitted maximum number of animal units, or an increase in the number of animal units which are confined at an unpermitted animal feedlot requiring a construction investment, or a change in the construction or operation of an animal feedlot that would affect the storage, handling, utilization, or disposal of animal manure.
98. **Church** - A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
99. **City** - The cities of Nobles County.
100. **Clear-cutting** - The removal of an entire stand of vegetation.

101. **Club** – An organization or association of persons who are united by a common interest and to which membership is required, that meet periodically for a shared activity, social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business. Use of club premises or club facilities is restricted to members and their guests.
102. **Cluster Development** – A subdivision development planned and constructed so as to group housing units into relatively tight patterns while providing a unified network of open space and wooded areas, and meeting the overall density regulations of this ordinance and the zoning ordinance.
103. **Clustering/Cluster Housing** - A pattern of subdivision development which places housing units into compact groupings while providing a network of commonly owned or dedicated open space.
104. **Columbarium** - A structure, room, or other space in a building or structure containing niches for interment of cremated remains in a place used, or intended to be used, and dedicated for cemetery purposes.
105. **Commercial Manure Pumper or Applicator** - Any person or company that pumps or land applies manure from feedlot facilities not owned or operated by the person or company.
106. **Commercial Planned Unit Developments** - Are typically uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.
107. **Commercial Recreational Facilities** – Any activity conducted for economic gain which is generally related to the recreational field, such as bowling alleys, roller skating rinks, miniature golf, commercial swimming pools, paint ball ranges, and similar recreational activities.
108. **Commercial Use** - The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.
109. **Commercial WECS** - A WECS of equal to or greater than 100/40/kW in total name plate generating capacity.
110. **Commissioner** - Commissioner of the Department of Natural Resources.
111. **Common Open Space** - Land held in common ownership used for agriculture, natural habitat, pedestrian corridors, and/or recreational purposes that are protected from future development.
112. **Community** – Nobles County.

113. **Community Residence** - A facility licensed by the State of Minnesota that provides residential and habilitative services to persons with developmental disabilities. One density unit is attributed to this residence when calculating density.
114. **Community Water and Sewer Systems** - Utilities systems serving a group of buildings, lot, or any area of the community, with the design and construction of such utility systems as approved by the community and the State of Minnesota.
115. **Compliance Inspection** - An evaluation, investigation, inspection, or other such process for the purpose of issuing a Certificate of Compliance or Notice of Noncompliance. A Certificate of Compliance must be completed by a licensed inspector or Designer I or a qualified employee registered as an inspector or Designer I
116. **Comprehensive Plan or Policies** - A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the county and its environs, as defined in the Minnesota County Planning Act, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
117. **Concept Plan or Sketch Plan** - A generalized plan of a proposed subdivision indicating lot layouts, streets, park areas, and water and sewer systems presented to County and/or city officials at the pre-application meeting
118. **Conditional Use** - A use or development that conforms to the comprehensive land use plan of the County and is classified as conditional generally because it is appropriate or desirable in a specified zone, but requires special approval because if not carefully located or designed it may create special problems such as excessive height or bulk or abnormal traffic congestion.
119. **Condominium** - A form of individual ownership with a multi-family building with joint responsibility for maintenance and repairs. In a condominium, each apartment or town house is owned outright by its occupant, and each occupant owns a share of the land and other common property of the building.
120. **Conservation Easement** - An interest in real property created in a manner that imposes limitations or affirmative obligations in regard to the use of property including the retention, protection, and maintenance of natural resources, open space, and agriculture.
121. **Contamination, Water** - A concentration of any radioactive or toxic material which is a product, by product, or otherwise associated with any exploration, mining or milling operation that exceeds the maximum contaminate levels established by the Federal Safe Drinking Water Act and regulations promulgated thereunder.
122. **Contiguous** - Parcels of land under single ownership that share a common lot line or boundary. Parcels that are separated by an easement are considered contiguous for the purposes of this Development Code.
123. **Contour Interval** - The vertical height between contour lines.

124. **Contour Map** - A map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.
125. **Convenience Store** - A retail sales establishment that, in addition to other retail sales and rentals, may sell gasoline at pumps, car washes, and take-out foods, but not including gasoline or automobile service stations.
126. **Conveyance** - Conveyances shall have the meaning specified in Minnesota Statutes 272.12.
127. **Cooperative** - A multi-unit development operated for and owned by its occupants. Individual occupants do not own their specific housing unit outright as in a condominium, but they own shares in the enterprise.
128. **Copy** - A print or reproduction.
129. **Corner Lot** – A lot bordered on at least two (2) sides by streets.
130. **Corrective Action** - Any action required by the department to ensure compliance or conformance with this Ordinance and state regulations.
131. **Corrective or Protective Measure** - A practice, structure, condition, or combination thereof which prevents or reduces the discharge of pollutants from an animal feedlot to a level in conformity with MPCA rules.
132. **Cost of Renovation, Repair, or Replacement** - The fair market value of the materials and services necessary to accomplish such renovation, repair, or replacement.
134. **County** – Nobles County, Minnesota
135. **County Board** - Nobles County Board of Commissioners.
136. **Country Club** - A golf club equipped with a golf course and a clubhouse.
137. **Covenants** – Contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
138. **Covered Lagoon or Covered Basin** - An earthen constructed manure holding structure either totally covered with a minimum of a six-inch thick layer of straw or other similar material, a synthetic or floating man-made cover which continually covers the entire lagoon or earthen basin area, or a wooden, concrete, or glass-lined steel structure totally enclosing and covering the lagoon or earthen basin.
139. **Crematorium or Crematory** - A place where bodies are consumed by incineration and the ashes of the deceased are collected for permanent burial or storage in urns.

140. **Crop Demonstration Sign** - A sign placed on agricultural land identifying the brand of product(s) being grown on the site.
141. **Crop Equivalent Rating (CER)** – CER is a numerical means to reflect relative differences in productivity between soils. The differences are based on the net economic return obtained using a specific “level” of management. Productivity ratings are used to reflect physical and chemical properties of soils and the effect of those properties on productivity for the most commonly grown crops in this area.
142. **Cultural Resource** - The historic and archeological characteristics of the land, including buildings and landscapes, which provide information regarding the history of Nobles County and its people.
143. **Curb Level** - The grade elevation established by the governing body of the curb in front of the center of the building. Where no curb level has been established, the engineering staff shall determine a curb level or its equivalent for the purpose of this Ordinance.
144. **Cutting, Clear** – The removal of an entire stand of vegetation.
145. **Cutting, Selective** – The removal of single scattered trees.
146. **Dead Animal Containment** – A structure designed to shield from public view any animal carcasses awaiting pick up for disposal.
147. **Decibel** - The unit of sounds measured on the “A” weighing scale of a sound level meter, set on slow response, the weighing characteristics of which are specified in the “Standards on Sound Level Meters of the USA Standards Institute.”
148. **Deck** - Means 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.
149. **Density** - A measure of the intensity of residential use on the land, expressed in terms of lot area per dwelling unit or dwelling units per acre. For such calculations, the land area shall be exclusive of water area and flood plain but may include protected wetlands and hydric soils
150. **Department** – The Nobles County Planning and Zoning Administrator or other designated agent.
151. **Developer** - The owner of land proposed to be subdivided or their representative.
152. **Development** - The act of building structures and installing site improvements.
153. **Development Agreement** - An agreement with the owner of the whole parcel as charged on the tax lists of the County specifying the number of density units allocated amongst the parcels being created, the zoning district the particular parcels are located in, and the fact that the use, development, and further conveyance of the parcels are subject to the regulations contained in the Land Use Ordinance.

154. **Development Plan** - A plan guiding the development of the property to the ultimate land use. Such plan shall include but is not limited to: site analysis information, staging plan, grading plan, drainage plan, and end use plan.
155. **Disclosure** - Any conclusions or statements regarding an ISTS or abandoned ISTS made by the owner of a property with or served by an ISTS to fulfill the requirements of Minnesota Statutes, Section 115.55, subd. 6. ISTS information provided by someone other than the property owner must meet the requirements in Chapter 7080.0315, subp. 2, item F.
156. **District** – A section of the County for which the regulations governing the height, area, use of buildings and premises are the same.
157. **Ditch (Public or Private)** – As defined under and with reference to the provisions of Minnesota Statutes Chapter 103E.
158. **Domestic Fertilizer** - For the purposes of this Ordinance, domestic fertilizer means:
 - a. Animal manure that is put on or into the soil to improve the quality or quantity of plant growth.
 - b. Animal manure that is used as compost, soil conditioners, or specialized plant beds.
159. **Domestic Septage (Pumping)** - The liquid or solid material removed from a septic tank including waste from holding tanks, aerobic tanks, and pump tanks. This also includes septage from cesspools, portable toilets, type III marine sanitation devices, or similar systems that receive only household, non-commercial, and non-industrial sewage.
160. **Double Frontage Lots** – Lots which have a front line abutting on one street and a back or rear line abutting on another street.
161. **Drainage Course** - A watercourse or indenture for the drainage of surface water.
162. **Drainageway** - A natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area. The term also includes all drainage structures that have been constructed or placed for the purpose of conducting water from one place to another.
163. **Dredging** - The process by which soils or other surface materials, normally transported by surface water erosion into a body of water, are removed for the purpose of deepening the body of water.
164. **Drive-In Commercial Uses** - Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as fast food restaurants, and other similar uses.
165. **Driveway Access Permit** - A permit required from the responsible governmental agency that allows access onto a public road. Such permit must be acquired prior to the issuance of a land use permit.

166. **Driveway, Shared** – A single driveway or other entrance that is shared by two or more uses on one or more properties.
167. **Dwelling site** - a designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.
168. **Dwelling Unit** - A residential building or portion thereof intended for occupancy by a single family but not including hotels, motels, boarding or rooming houses or tourist homes. A house trailer, camper trailer, camper bus, or tents are not considered dwelling units. In Shoreland areas, “dwelling unit” means any structure or portion of a structure, or other shelter designed as short-or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.
- a. **Dwelling, duplex, triplex, and quad.** “Duplex,” triplex,” and “quad” means a dwelling structure on a single lot, having two, three, and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.
 - b. **Dwelling, farm.** A dwelling located on a farm, which the residents of said dwelling either owns, operates, or is employed thereon.
 - c. **Dwelling, multiple family.** A residence designed for/or occupied by more than one family.
 - d. **Dwelling, nonfarm.** A dwelling located on a parcel of land contiguous to or surrounded by farmland which is under separate ownership and which the resident of said dwelling neither operates nor is employed thereon.
 - e. **Dwelling, single family.** A free standing (detached) residence designed for/or occupied by one (1) family only.
 - f. **Dwelling, two family.** A dwelling structure on a single lot, having two units, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.
169. **Easement** - Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.
170. **Engineer** – The registered engineer employed by the County unless otherwise stated.
171. **Environmental Assessment Worksheet (EAW)** – A brief document which is designed to set out the basic facts necessary to determine whether an environmental impact statement is required for a proposed action.
172. **Environmental Impact Statement (EIS)** – A detailed written statement as required by Minnesota Statutes, section 116D.04, subdivision 2a. **When prepared** – Where there is potential for significant environmental effects resulting from any major governmental action, the action shall be preceded by a detailed environmental impact statement prepared by the responsible government unit. The environmental impact statement shall be an analytical rather than an encyclopedic document which describes the proposed action in detail, analyzes its significant environmental impacts, discusses appropriate

alternatives to the proposed action and their impacts, and explores methods by which adverse environmental impacts of an action could be mitigated. The environmental impact statement shall also analyze those economic, employment and sociological effects that cannot be avoided should the action be implemented. To ensure its use in the decision making process, the environmental impact statement shall be prepared as early as practical in the formulation of an action. No mandatory environmental impact statement may be required for an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph (b), that produces less than 125,000,000 gallons of ethanol annually and is located outside the seven county metropolitan area.

173. **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.
174. **Erosion Control and Wildlife Developments** – Structures, water control developments, and ponds which are installed to control soil erosion or increase the habitat for wildlife, including but not limited to; erosion control structures, dams, diversions, terraces, waterways, culverts, pit and ponds.
175. **Essential Services** - Overhead or underground electric, gas, communication, steam or water transmission or distribution systems and structures, by public utilities or governmental departments or commissions or as are required for protection of the public health, safety, or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection therewith, but not including buildings.
 - 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 this Ordinance in addition to being governed by the procedures described herein.
176. **Essential Services-Utility Substation** - A utility use whose function is to reduce the strength, amount, volume, or configuration of utility flow from a bulk wholesale quantity to small retail quantities. These uses include electric substations, telephone switching and relay facilities, water and sewage pumps, and lift stations. Business offices associated with these uses are not included as part of this definition.
177. **Existing Building Site** - A non-cultivated area that has an existing access to a public right-of-way and at least one of the following is presently on the premises: a windbreak, water well, accessory structures, or a dwelling.

178. **Existing Feedlot** - An animal feedlot that has been utilized for livestock production within the past five years.
179. **Existing Residence** - Existing residence is a structure that is suitable for occupancy. Any building previously used as a residence that is in need of restoration to the extent of 50 percent or more of its value to once again make the building suitable for occupancy shall not qualify as an existing residence.
180. **Expansion of an Existing Feedlot** - Increasing production capacity.
181. **Exploration** - The act of searching for or investigating a mineral deposit. It includes, but is not limited to, sinking shafts, tunneling, drilling core and bore holes and digging pits or cuts and other works for the purpose of extracting samples prior to commencement of development of extraction operations, and the building of roads, access ways and other facilities related to such work. Any and all shafts, tunnels, or holes shall not exceed 18 inches in diameter unless the conditional use for exploration provides for a larger diameter. The term does not include those activities which cause no or very little surface disturbance, such as airborne surveys and photographs, use of instruments or devices which are hand-carried or otherwise transported over the surface to make magnetic, radioactive, or other tests and measurements, boundary or claim surveying, location work or other work which causes no greater land disturbance than is caused by ordinary lawful use of the land by persons not involved in exploration.
182. **Exterior Storage (Includes Open Storage)** - The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.
183. **Extraction Area** - Any non-agricultural artificial excavation of earth exceeding fifty square feet of surface area or two feet in depth, excavated or made by the removal from the natural surface of the earth, or sod, soil, sand, gravel, stone or other natural matter, or made by turning, or breaking or undermining the surface of the earth. Excavations ancillary to construction of any installation erected or to be erected, built, or placed thereon in conjunction with or immediately following such excavation shall be exempted if a permit has been issued for such construction or installation.
184. **Extractive use** - The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, sections 93.44 to 93.51.
185. **FAA** - The Federal Aviation Agency.
186. **Failing System** - Any ISTS that discharges sewage to a seepage pit, cesspool, drywell, leaching pit, other pit, a tank that obviously leaks below the designated operating depth, or any system with less than the required vertical separation as described in Chapter 7080.0060, subp. 3. In addition, any system posing an imminent threat to public health or safety as defined in Minnesota Rules 7080.0020, subp. 19a, shall be considered failing.
187. **Fall Zone** - The area defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.

188. **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.
189. **Farm** - A tract of land which is principally used for agricultural activities such as the production of cash crops, livestock or poultry farming. Such farms may include a farm dwelling and accessory buildings and structures necessary to the operation of the farm.
190. **Farm, Hobby** - An area used as a limited farm operation where the income from the farm is incidental to the property. Not eligible for a new farmstead.
191. **Farming** – The cultivation of the soil and all activities incidental thereto; agriculture.
192. **Farmland** – any land used in conjunction with a farming operation.
193. **Farmstead** – A developed area to support farm activities. A variety of structures, storage areas, and other facilities, including adjacent windbreaks and shelterbelts, typically comprise a farmstead. The area may contain one or more farm dwellings. A farmstead has boundaries that can be approximately defined and differentiated from surrounding fields and pastures, and the administrator shall determine such boundaries as necessary.
194. **Farmstead Windbreak** – Rows of trees and/or shrubs protecting the farmstead home, buildings and/or livestock.
195. **FCC** – Federal Communication Commission
196. **Feeder Line** - Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the WECS.
197. **Feedlot, Nonconforming** – A feedlot greater than 10 A.U. that needs, but does not have, a Nobles County Feedlot license.
198. **Feedlots, Livestock** - 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. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots.
199. **Feedlot New** – A feedlot permitted after the adoption of this ordinance revision.
200. **Feedlot Permit** – A document issued by the agency that contains requirements, conditions, and compliance schedules relating to the discharge and management of animal manure pollutant. Feedlots and manure storage areas subject to permit requirements as stated in Part 7020.0405 shall be issued a NPDES/SDS, Minnesota Feedlot, or Manure Storage Area Permit.

201. **Fence** - A fence is defined for the purpose of this Ordinance as any partition, structure, wall or gate erected as a dividing marker, barrier or enclosure and located along the boundary, or within the required yard.
202. **Fill** – Any act by which earth, sand, gravel, rock, or any other material is deposited, placed, replaced, pushed, dumped, transported, or moved to a new location.
203. **Final Plat** – The final map, drawing, or chart, on which the subdivider’s plan of subdivision is presented to the County Commissioners for approval and which, if approved, will be submitted to the County Recorder.
204. **Flag Lots** – A large lot or lots that are accessed to the public road by a narrow, private right-of-way or driveway. The private right-of-way is known as the “stem”
205. **Flashing Light** – A light source that is not constant in intensity or color at all times while in use.
206. **Flood** - A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.
207. **Flood Frequency** - The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
208. **Flood Fringe** - That portion of the floodplain outside of the floodway and which has been or hereafter may be covered by the regional flood.
209. **Flood Plain** - the channel or beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood. Flood plain areas within Nobles County shall encompass all areas designated as Zone A on the Flood Insurance Rate Map.
210. **Floodproofing** – A combination of structural provisions, change, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
211. **Floodway** - The channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood.
212. **Floor Area** - The sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space and including any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, the floor area shall not include: basement floor area other than area devoted to retailing activities, the production or processing of goods, or business or professional offices.
213. **Floor Area Ratio** - The numerical value obtained through dividing the gross floor area of a building or buildings by the net area of the lot or parcel of land on which such building or buildings are located.

214. **Floor Plan** - General - A graphic representation of the anticipated utilization of the floor area within a building or structure but not necessarily as detailed as construction plans.
215. **Foot Print** – The length and width of the building’s foundation and the buildings height.
216. **Footcandle** – A unit of illumination produced on a surface, all points which are one foot from a uniform point source of one candle.
217. **Forest Land Conversion** - The clear cutting of forested lands to prepare for a new land use other than re-establishment of a subsequent forest stand.
218. **Forestry** - The use and management including logging, of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of woodroads, skidways, landings, and fences.
219. **Freight Transportation Terminals** - Facilities for handling freight, with or without storage and maintenance facilities. This definition includes, but is not limited to, the following uses, Trucking and Courier Services; Trucking Terminal Facilities; Railroad terminal facilities; Courier services, Letter delivery, Package delivery, Parcel delivery, and other similar uses.
220. **Frequency** – The oscillations per second in a sound wave.
221. **Frontage** - That boundary of a lot which abuts an existing or dedicated public street.
222. **Funeral Home** – A building or part thereof used for funeral services. Such buildings may contain space and facilities for: (a) embalming and the performance of other services used in preparation of the dead for burial; (b) the storage of caskets, urns, and other related funeral supplies; and (c) the storage of funeral vehicles. When a funeral home is permitted, a funeral chapel shall also be permitted.
223. **Fur Farm** – An area used for keeping and/or raising fur-bearing animals.
224. **Garage, Private** - An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises.
225. **Garage Sale** - Sale by property residents at residents’ address of personal property of a kind usually and customarily found in and about residential property. It shall not include personal property purchased for the purpose of resale.
226. **Garage, Truck** - A building used or intended to be used for the storage of motor trucks, truck trailers, tractors, and commercial vehicles exceeding one and one-half tons capacity.
227. **General Development Lakes** – Generally large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development. These lakes often are extensively used for recreation and, except for the very large lakes, are heavily developed around the shore. Second and third tiers of development are fairly common. The larger examples in this class can accommodate additional development and use.

228. **Golf Course** - An area of land laid out for the game of golf with a series of holes each including tee, fairway, and putting green and often one or more natural or artificial hazards. A golf course includes a clubhouse, maintenance facility and shelters as accessory uses.
229. **Governing Body** – Nobles County Board of Commissioners.
230. **Government Buildings** – Government offices, garages and utility buildings.
231. **Grade** – The average of the finished level at the center of the exterior walls of the building or the slope of a road, street, or other public way specified in percentage terms.
232. **Grade, Street** - The established elevation of the street in front of the building measured at the center of such front. Where no street grade has been established, the County Engineer shall establish such street grade or its equivalent for the purpose of this chapter.
233. **Grading, Temporary** - Grading, excavating, or filling that meets the following criteria shall be considered temporary:
- a. Grading, excavating, or filling of at least 500 and not more than 10,000 cubic yards of material.
 - b. Grading, excavating, or filling that is temporary in nature, with a one-year time limit.
 - c. Grading, excavating, or filling that is not located in a Floodplain or Shoreland. Grading, excavating, or filling in these districts shall be regulated under the appropriate chapter of the Ordinance specific to each of these districts.
234. **Gravelless Drainfield Pipe** - A distribution medium consisting of a corrugated distribution pipe encased in a geotextile wrap installed in a trench.
235. **Ground Water** - Subsurface water that fills available openings in rock or soil materials such that it may be considered water saturated.
236. **Guest cottage** - Structure used as a dwelling unit that may contain sleeping spaces, kitchen, and bathroom facilities, in addition to those provided in the primary dwelling unit on a lot.
237. **Habitable Room** – A space used for living, sleeping, eating or cooking, or a combination thereof, but not including bathrooms, toilet compartments, closets, halls, storage rooms, laundry and utility rooms, cellars and similar spaces.
238. **Hardship** – Means a property cannot be put to a reasonable use if used under the circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality.
239. **Hazardous Material** - A chemical or substance, or a mixture of chemicals or substances, which:
- a. Is regulated by the federal Occupations Safety and Health Administration under Code of Federal Regulations, Title 29, Part 1910, subp. Z.

- b. Is either toxic or high toxic, an irritant, corrosive, a strong oxidizer, a strong sensitizer, combustible, either flammable or extremely flammable, dangerously reactive, pyrophoric, pressure-generating, a compressed gas, a carcinogen, a teratogen, a mutagen, a reproductive toxic agent, or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance.
240. **Health/Recreation Facility** - An indoor facility including uses such as game courts, exercise equipment, locker rooms, Jacuzzi and/or sauna, and pro shop.
241. **Height, Building** – see “Building Height.”
242. **High Power Transmission Line** – A 69KV or greater electric transmission line with towers a minimum of 75 feet in height.
243. **Highway** - Any public thoroughfare or vehicular right-of-way with a Federal, State, County, or Township numerical route designation.
244. **Holding Pond** – An impoundment made by excavation, earth fill, concrete, fabricated steel or other suitable material for the safe non-water polluting temporary storage of animal or other agricultural waste usually for a period of six to twelve months.
245. **Historic Building and Structure** – A structure that has been identified by the Nobles County History Network inventory or the State Historic Preservation Office as having public value due to its notable architectural features relating to the cultural heritage of the County.
246. **Holding Tank** – A tank for storage of sewage until it can be transported to a point of treatment and disposal.
247. **Home Extended Business** – A home occupation carried out in an accessory building. An occupation or profession engaged in by the occupant of a dwelling unit that is carried out in an accessory structure, which involves the storage of a limited number of vehicles and equipment; repair; service or assembly requiring equipment other than customarily found in a home; or the storage of stock in trade incidental to the performance of a service.
248. **Home Occupation** - Any activity carried out for financial gain by a resident which is clearly secondary to the principal use, when carried on within the resident’s dwelling unit and not in any accessory building, except an attached garage, and which shows no activity other than activity normally present in a residential dwelling unit.
249. **Homeowners Association** - A formally constituted non-profit association or corporation made up of the property owners and/or residents of the development for the purpose of owning, operating, and maintaining the common open space and facilities.
250. **Homesteaded Dwelling** - A dwelling that is occupied and used for the purposes of a homestead by its owner pursuant to Minnesota Statutes 273.124.

251. **Horse Stable** – A horse raising and breeding operation that involves traffic of persons living offsite in connection with horse training, riding lessons, shows and boarding.
252. **Horticulture** - Horticultural uses and structures designed for the storage of products and machinery pertaining and necessary thereto.
253. **Hotel** - A building which provides a common entrance, lobby, halls and stairway and in which twenty or more people are, for compensation, lodged with or without meals.
254. **Imminent Threat to Public Health or Safety** - Situations with the potential to immediately and adversely impact or threaten public health or safety. At a minimum, ground surface or surface water discharges and sewage backup into a dwelling or other establishment shall constitute an imminent threat.
255. **Impervious Surface** - A material providing a hard surface which substantially prevents the absorption of water into the ground.
256. **Implement Dealer** - A person who is engaged in the business of buying, selling or exchanging implements of husbandry or vehicles designed primarily for agricultural purposes and used exclusively in the conduct of agricultural operations and who has an established place of business.
257. **Incorporation (Animal Manure)** - The mixing of manure with the topsoil by means such as disking, plowing, rototilling, injection, or other mechanical means concurrent with the application or within 24 hours, providing the mixing occurs before a rainfall event.
258. **Incorporation (Septage)** - Domestic septage applied to the land surface and incorporated into the soil surface by means such as disking, plowing, rototilling, injection, or other mechanical means within six hours after application.
259. **Individual Parcel** - A parcel as a whole as charged on the tax lists, or two or more contiguous parcels under common ownership on the effective date of this Ordinance.
260. **Individual Sewage Treatment System (ISTS)** – A sewage treatment system, or part thereof, serving a dwelling, or other establishment, or a group thereof, and using sewage tanks or advanced treatment followed by soil treatment and disposal. The design of such systems must conform to Minnesota Rules Chapter 7080, or as amended.
261. **Industrial use** - the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
262. **Inoperative** – Incapable of movement under its own power.
263. **Inspector** – An individual qualified to review proposed plans and inspect ISTS and who meets the licensure and registration requirements of the Minnesota Pollution Control Agency. This shall also include Designer 1 licenses.

264. **Irrigation System** - Any structure or equipment, mechanical or otherwise, used to supply water to cultivate fields or supplement normal rainfall including but not limited to wells, pumps, motors, pipes, culverts, gates, dams, ditches, tanks, ponds and reservoirs.
265. **Intensive vegetation clearing** - the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
266. **Interim Permit** - A permit issued by the agency or County Feedlot Officer that expires no longer than 24 months from the date of issue.
267. **Interim Use** - A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it as determined by the County.
268. **Junk Yard** - An open area where waste, used, or secondhand materials are bought, sold, exchanged, stored, baled, packed disassembled or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber, tires, and bottles. A junk yard includes an auto wrecking yard but does not include uses established entirely within enclosed buildings. This definition does not include sanitary landfills.
269. **Kennel, Commercial** - Any structure or premises on which four (4) or more domestic pets, more than four (4) months of age are boarded, bred, trained, or kept for sale.
270. **Kennel, Private** – Any structure or premises on which four (4) or more domestic pets, more than four (4) months of age are owned by any member of the household. Private kennels are accessory to the principal use of the property.
271. **Key Map** - A map drawn to comparatively small scale that definitely shows the area proposed to be platted and the areas surrounding it to a given distance.
272. **Lagoon** - A biological treatment system designed or operated for biodegradation or converting of organic matter in animal wastes to more stable end products.
273. **Lagoon (Animal)** – An impoundment made by excavation of earth fill for the safe non-water polluting biological treatment of animal or other agricultural waste.
274. **Land Reclamation** – Activity that is taken during and after a mining operation to return the area to a natural state, as much as possible, or take actions that would substantially reduce adverse environmental effects from occurring.
275. **Land Use Permit** – A permit for the construction or alteration of any structure controlled by this Ordinance issued to insure compliance with all requirements of this Ordinance.
276. **Land Use Development Application** – The term includes, but not limited to applications for the following: construction permits, ISTS permits, vegetative alteration permits, topographic alterations permits, or other types of zoning permits, conditional use permits, amendments to the Ordinance, variance from the provisions of Ordinance, and the subdivision of real estate. The application is not considered complete and will not be accepted by the Environmental Services Department unless all fees are paid, preliminary reviews and approvals completed, submitted with associated supporting information and

documents, and such other information as required by the Planning and Zoning Administrator.

277. **Landfill, Demolition Waste** - A place for the disposal of demolition waste building materials, packaging, and rubble resulting from construction, remodeling, repair and demolition.
278. **Landfill, Solid Waste** – a place for the disposal of solid waste including garbage, refuse and other discarded solid materials resulting from residential, commercial, industrial and community activities.
279. **Landscaping** - Plantings, including trees, grass, ground cover, shrubs, and other natural materials such as rock and wood chips, and decorative features including sculpture, patterned walks, and fountains. Raised walkways shall not exceed six inches in height and four feet in width.
280. **Large Wind Energy Conversion System or LWECS** - A combination of wind energy conversion systems with a combined nameplate capacity of 5,000 kilowatts or more.
281. **Light Fixture, Outdoor** - Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps, and similar devices, permanently installed or portable, used for illumination or advertisement. The fixture includes the hardware that houses the illumination source and to which the illumination source is attached including, but not limited to, the hardware casing. Such devices shall include, but are not limited to, search, spot, and flood lights for: (a) buildings and structures; (b) recreational areas; (c) parking lot lighting; (d) landscape lighting; (e) billboards and other signs; (f) street lighting; (g) product display area lighting; and (h) building overhangs and open canopies.
282. **Light Manufacturing** - A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products. Such uses include, but are not limited to, the following: lumber yard, machine shops, products assembly, sheet metal shops, plastics, electronics, motor vehicle repair, body work and painting, contractor shops and storage yards, food and nonalcoholic beverages, signs and displays, printing clothing, textiles, and used auto parts.
283. **Light Source** - A single artificial point source of luminescence that emits measurable radiant energy in or near the visible spectrum.
284. **Lighting, Outdoor** - Any light source or collection of light sources located outside a building including, but not limited to, light sources attached to any part of a structure, located on the surface of the ground, or located on freestanding poles.
285. **Liquor License** - Any of the following licenses issued or approved by the County of Nobles pursuant to Minnesota Statute, Chapter 340A:
 - a. On-sale Intoxicating Malt Liquor License, or
 - b. On-sale Intoxicating Liquor License, or

- c. On-sale Wine License.
286. **Livestock** - Domestic farm animals including, but not limited to, cattle, hogs, horses, bees, sheep, goats, chickens, and other animals commonly kept for commercial food production purposes.
287. **Livestock Operations** - A lot or structure or combination of lots and structures intended for the breeding, raising, or holding of 11 or more animal units.
288. **Lodging Room** - A room rented as sleeping and living quarters, but without cooking facilities. In a suite of rooms, without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodging room.
289. **Logging** - The cutting of timber on any public or private land of one acre or more for the major purpose of selling the timber for a profit. This shall not include the selective cutting of trees by the property owner for the purpose of removing dead or diseased trees.
290. **Lot** - A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map, for the purpose of sale or lease or separate use thereof.
291. **Lot of Record** - Any lot which is one unit of a plat heretofore duly approved and filed, or one unit of an Auditor's Subdivision or a Registered Land Survey that has been recorded in the office of the County Recorder for Nobles County, Minnesota, prior to the effective date of this Ordinance.
292. **Lot Area** - The area of a lot in a horizontal plane bounded by the lot lines.
293. **Lot Area, Buildable** - That contiguous portion of a lot remaining after the deletion of any floodplain, road rights-of-way, setback areas, wetlands, slopes of twelve (12) percent or greater and protected waters.
294. **Lot, Corner** - A lot abutting on and at the intersection of two or more streets.
295. **Lot Depth** - The mean horizontal distance between the front lot line and the rear lot line of a lot.
296. **Lot Line** - The property line bounding a lot except that where any portion of a lot extends into the public right-of-way or a proposed right-of-way, the line of such public right-of-way shall be the lot line for applying this Ordinance.
297. **Lot Line Front** - That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front line shall be designated by the owner and filed with the County Board.
298. **Lot Line Rear** - That boundary of a lot which is opposite the front lot line. If the rear line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet in length within the lot, parallel to, and a maximum distance from the front lot line.

299. **Lot Line Side** - Any boundary of a lot which is not a front lot line or a rear lot line.
300. **Lot Substandard** - A lot or parcel of land for which a deed has been recorded in the office of the Nobles County Recorder upon or prior to the effective date of this Ordinance which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Ordinance.
301. **Lot, Through** - A lot which has a pair of opposite lot lines abutting two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lines for applying this Ordinance.
302. **Lot Width** - The maximum horizontal distance between the side lot lines of a lot measured within the first thirty feet of the lot depth.
303. **Luminaire** – A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.
304. **Manufactured Home** - A structure, transportable in one or more sections, which in the traveling mode, is eight (8) feet or more in width or 40 body 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; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the US Department of Housing and Urban Development Seals and Labels. No manufactured home shall be moved into the unincorporated areas of Nobles County that does not meet the Manufactured Home Building Code, as defined in Minnesota Statutes, section 327.31, subdivision 3, or as amended, and complies with the standards established under this chapter.
305. **Manufactured Home Park** - Any site, lot, field, or tract of land under single ownership, designed, maintained or intended for the placement of two (2) or more occupied manufactured homes. "Manufactured home park" shall include any buildings, structure, vehicle, or enclosure intended for use as part of the equipment of such manufactured home park.
306. **Manufactured Home Stand** - The part of an individual manufactured home lot which has been reserved for placement of the manufactured home, appurtenant structures, or additions.
307. **Manure** – Any solid or liquid containing animal excreta.
308. **Manure Management Plan (MMP)** – The compiled information used to ensure proper usage of manure from a feedlot site as crop nutrients when land applied as a method of disposal (MN Rules 7020.2225 subp. 4, d).
309. **Manure Storage Area or Facility** - An area or facility associated with an animal feedlot where animal manure or runoff containing animal manure is stored until it can be utilized as domestic fertilizer or removed to a permitted animal manure disposal site. Animal

manure packs or mounding within the animal feedlot shall not be considered to be manure storage for these regulations.

310. **Mausoleum** - A structure for the entombment of the dead in crypts or vaults in a place used, or intended to be used, for cemetery purposes.
311. **Meteorological Tower** - For the purposes of the Wind Energy Conversation System Ordinance, meteorological towers are those towers which are erected primarily to measure wind speed and directions plus other data relevant to siting WECS. Meteorological towers do not include towers and equipment used by airports, the Minnesota Department of Transportation, or other similar applications to monitor weather conditions.
312. **Metes and Bounds** - A method of property description by means of their direction and distance from an easily identifiable point.
313. **Micro-WECS** - Micro-WECS are WECS of 1 kW nameplate generating capacity or less and utilizing supporting towers of 40 feet or less.
314. **Migratory Labor Camp** – Temporary facilities provided by the employer on his own land for the housing of workers who for seasonal purposes are employed in the plating, harvesting, or processing of crops.
315. **Milling** - The processing or enhancing of mineral.
316. **Mining** - The extraction of sand, gravel, rock, soil or other material from the land in the amount of one thousand (1,000) cubic yards or more and the removing thereof from the site without processing shall be mining. The only exclusion from this definition shall be removal of materials associated with construction of a building, provided such removal is an approved item in the building permit.
317. **Minor** - Persons(s) under eighteen (18) years of age
318. **Modification of an Existing Feedlot** – Conversion or remodeling of an existing structure used for livestock production. The conversion or remodeling will not result in increased production capacity.
319. **Modular Home** - A non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where final installations are made, permanently affixing the module to the site.
320. **Motel (Tourist Court)** - A building or group of detached, semi-detached, or attached buildings containing guest rooms or dwellings, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of automobile transients.
321. **Motor Freight Terminal** – See Transportation/Motor Freight Terminal
322. **Motor Vehicle** - Any self-propelled vehicle not operated exclusively on railroad tracks and any vehicle propelled or drawn by a self-propelled vehicle including, but not limited

- to, cars, trucks, buses, motorcycles, campers, recreational vehicles, and trailers.
323. **Motor Vehicle Repair, Major** - General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers; collision service including body, frame, or fender straightening or repair; overall painting and upholstery; vehicle steam cleaning.
 324. **Motor Vehicle Repair, Minor** - Repairs, incidental body and fender work, replacement of parts, and motor services to passenger automobiles and trucks not exceeding 12,000 pounds gross weight, but not to include any operation specified under “Motor Vehicle Repair, Major.”
 325. **Motor Vehicle Sales** - The sale or trade of new or used motor vehicles, whether cars, trucks, buses, campers, motorcycles, or other motorized vehicles, including the display of new or used vehicles or the possession of new or used vehicles for sale or trade.
 326. **Motor Vehicle Service Station** - A place for the dispensing, sale, or offering for sale of motor fuel directly to users of motor vehicles, together with the sale of minor accessories and the servicing of, and minor repair of, motor vehicles.
 327. **Mottling** - As applied to soils, often appear as splotchy patches of red, brown, or gray colors in the soil. Mottling has the same meaning as redoximorphic features.
 328. **Moving Permit** - A permit required from the responsible governmental agency prior to the moving of any partially or wholly erected structure from one location to another.
 329. **Multi-Family Conversion** - The alteration of an existing building for use as a multiple family dwelling, meeting all applicable building codes and standards in this chapter.
 330. **Municipal Water and Sewer Systems** - Water, wastewater, and stormwater utility systems serving a group of buildings, lots, or an area of a city.
 331. **Municipality** - A city or township, however organized.
 332. **National Pollutant Discharge Elimination System (NPDES)** - A permit issued by the MPCA for the purpose of regulating the discharge of pollutants from point sources including concentrated animal feeding operations.
 333. **Natural Drainageway** - A depression in the earth’s surface, such as ravines, draws, and hollows, that has definable beds and banks capable of conducting surface water runoff from adjacent lands.
 334. **Natural Environment Lakes** - Generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables, exposed bedrock, and unsuitable soils. These lakes, particularly in rural areas, usually do not have much existing development or recreational use.
 335. **Natural Resources** - The physical values of the land supplied by nature including, but not limited to, animal life, plant life, soil, rock, minerals, and water.

336. **Natural Waterway** – A natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area.
337. **New Animal Feedlot** - An animal feedlot constructed and operated at a site where an animal feedlot did not previously exist or where a pre-existing animal feedlot has been abandoned or unused for livestock production for five years or more.
338. **New Construction ISTS** - Installing or constructing an entirely new individual sewage treatment system or collector system; or altering, extending, or adding capacity to a system that has been issued an initial Certificate of Compliance.
339. **Noise, Ambient** - The all-encompassing noise associated with a given environment, being either a composite of sounds transmitted by any means from many sources near and far or a single predominate source.
340. **Nonconforming Structure** – Any structure that does not meet the limitations on size and/or location on a lot for the district in which such structure is located.
341. **Nonconforming Lot** – A separate parcel or lot of record on the effective date of this Ordinance, or any amendments thereto, which lot or parcel does not conform to the regulations, including dimensional standards, contained in this Ordinance or amendments thereto.
342. **Nonconforming Use** – Any use of land established before the effective date of county or other local regulations and which does not conform to the use restrictions of a particular zoning district. This should not be confused with substandard dimensions of a conforming use.
343. **Non-farm Dwelling** – see Dwelling, nonfarm.
344. **Non-Residential Subdivision** - A subdivision whose intended use is other than residential, such as commercial or industrial.
345. **Non-Water Carried Sewage Systems** - A device for the disposal of human excreta in a structure designed to treat sewage utilizing methods that significantly reduce or eliminate the addition of water to the sewage. These systems include, but are not limited to, privies, chemical toilets, recirculating toilets, combustion toilets, composting toilets, oil flush toilets, and portable toilets.
346. **Notice of Noncompliance ISTS** - A document written and signed by a qualified employee or licensee after a compliance inspection that gives notice that an individual sewage treatment system is not in compliance as specified under Chapter 7080.0060.
347. **Noxious Matter** - Material which is capable of causing injury or is in any way harmful to living organisms or is capable of causing detrimental effect upon the physical or mental health of human beings.
348. **NRCS** – USDA Natural Resources and Conservation Service

349. **Nursery, Day** - A use where care is provided for three or more children under kindergarten age for periods of four hours or more per day for pay.
350. **Nursery, Landscape** - A business growing and selling trees, flowering and decorative plants and shrubs and which may be conducted within a building or without, for the purpose of landscape construction.
351. **Nursing Home** - A building with facilities for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder. Said nursing home shall be licensed by the State Board of Health as provided for in Minnesota Statute, Chapter 144A, or as amended.
352. **Obstruction** - any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, dredged spoil, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, stockpile of sand or gravel or other material, or matter in, along, across, or projecting into any channel, watercourse, lake bed, or regulatory flood plain which may impede, retard, or change the direction of flow, either in itself or by catching or collecting debris carried by floodwater.
353. **Office** - Those commercial activities that take place in office buildings, where goods are not produced, sold, or repaired. Such activities include, but are not limited to, banks, professional offices, governmental offices, insurance offices, real estate offices, telephone exchanges, utility offices, radio broadcasting, and similar uses.
354. **Official Control** - Legislatively defined and enacted policies, standards, precise detailed maps, and other criteria, all of which control the physical development of a municipality or a county, or any part thereof, or any detail thereof, and the means of translating into ordinances all or any part of the general objectives of the Comprehensive Plan. Such official controls may include, but are not limited to, ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes, housing codes, and official maps and have been adopted by Nobles County.
355. **Official Map** - The map established by the governing body, in accordance with the Minnesota County Planning Act, (MSA 394.361, or as amended), showing streets, highways, parks and drainage, both existing and proposed.
356. **Off-Street Loading Space** - A space accessible from a street, alley, or driveway for the use of trucks or other vehicles while loading or unloading merchandise or materials. Such space shall be of size as to accommodate one vehicle of the type typically used in the particular business.
357. **Ordinance** – The Nobles County Zoning Ordinance.
358. **Ordinary Highwater Mark** - A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary highwater mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. In areas where the ordinary highwater mark is not evident, setbacks shall be measured from the stream bank of the following water bodies that have permanent flow or open water: the main channel,

adjoining side channels, backwaters and sloughs.

359. **Owner** – Any individual, firm, association, syndicate, partnership, corporation, trust, or other legal entity having sufficient proprietary interest in a property to commence and maintain proceedings under this Ordinance, or the owner of record.
360. **Outlot** – A lot remnant or any parcel of land included in a plat which is not buildable at the time of platting. An outlot may be a large tract that could be subdivided in the future; or a lot which may be too small to comply with the minimum size requirements of zoning and subdivision ordinances, or a lot other wise unsuitable for redevelopment and therefore, not usable as a building site.
361. **Parking Space** - A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one standard automobile.
362. **Pasture** – a fenced in area for livestock where a vegetative cover is maintained.
363. **Pedestrian Way** - A public or private right-of-way across or within a block, to be used by pedestrians.
364. **Percentage of Grade** - the distance vertically (up or down) from the horizontal in feet and tenths of a foot for each 100 feet of horizontal distance.
365. **Performance Standards** - The minimum development standards as adopted by the governing body and on file in the office of the Zoning Administrator.
366. **Perimeter Road** - A road lying outside of and abutting the development parcel.
367. **Permittee** - Any person who obtains a permit from the County pursuant to this Ordinance. A person is a permittee only for the term of the permit.
368. **Permitted Use** – A public or private use which of itself conforms with the purposes, objectives, requirements, regulations and performance standards of a particular district.
369. **Person** – Includes an individual, a firm, a partnership, a corporation, a company, an unincorporated association of persons such as a club, and an owner.
370. **Pipeline** – An essential service that involves underground piping of flammable or hazardous material, not including distribution of natural gas to area users (service lines).
371. **Pitted Barn** - A building with self-contained concrete manure storage capabilities. Said concrete manure storage vessel shall be covered by the building if directly below the building or may be located outside the building and covered with an impervious material.
372. **Planned Unit Development** - An urban development whereby buildings are grouped or clustered in and around common open space areas in accordance with a prearranged site plan and where the common open space is owned by the homeowners and usually maintained by a homeowners association.

373. **Planning Commission** - The Planning Commission of Nobles County except when otherwise designated.
374. **Plant Nursery** - A building or premises used primarily for the growing, wholesale, and retail sales of trees, shrubs, flowers, other plants, and accessory products excluding power tools, tractors, decorative rock, tree bark, gravel, and compost. Accessory products are those products that are used in the culture, display, and decoration of lawns, gardens, and indoor plants.
375. **Plat** - The drawing or map of a subdivision prepared for filing of record and containing all elements and requirements set forth in applicable local regulations adopted.
376. **Plot** - A tract of land, other than one unit of a recorded plat or subdivision, occupied and used or intended to be occupied and used as a building site and improved or intended to be improved by the erection thereon of a building and accessory building and having a frontage upon a public street or highway and including such open spaces.
377. **Police Related Service Calls.** Requests for assistance made to the Nobles County Sheriffs Office from a neighboring resident, a victim of crime, a patron of the establishment, or the management of the Adult Use. Such calls may include but are not limited to: assaults, disorderly conduct, indecent exposure, prostitution, and trespassing.
378. **Pollution Abatement Structure** - Any of the defined animal manure storage systems listed within the Ordinance which are designed and constructed to collect runoff from existing open concrete feeding floors or open dirt lots which currently pose a pollution hazard to surface or groundwater of Nobles County.
379. **Potential Pollution Hazard** - A condition which indicates a potential for pollution of the land or waters of the state including, but not limited to:
- a. An animal feedlot or manure storage area whose boundaries are located within shoreland or flood plain, or are located in an area draining directly to a sinkhole or draining to an area with shallow soils overlaying a fractured or cavernous rock, or are located within 100 feet of a water well.
 - b. An animal feedlot or manure storage area whose construction or operation will allow a discharge of pollutants to surface or groundwater of the state in excess of applicable standards including, but not limited to, MN Rules Chapters 7050 and 7055 during a rainstorm event of less magnitude than the 25-year (4.9 inches), 24-hour event, or will violate any applicable state rules.
378. **Power Purchase Agreement** - A legally enforceable agreement between two or more persons where one or more of the signatories agrees to provide electrical power and one or more of the signatories agrees to purchase the power.
379. **Preliminary Approval** - Official action taken by a municipality or a county on an application to create a subdivision that establishes the rights and obligations set forth in Minnesota Statutes, Section 462.358, and the applicable subdivision regulation.

In accordance with Section 462.348, and unless otherwise specified in the applicable subdivision regulation, preliminary approval may be granted only following the review

and approval of a preliminary plat or other map or drawing establishing without limitation the number, layout, and location of lots, tracts, blocks, and parcels to be created, location of streets, roads, utilities and facilities, park and drainage facilities, and lands to be dedicated for public use.

380. **Preliminary Plat** - The preliminary map, drawing, or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and County Board for their consideration.
381. **Premises** - A lot or plot with the required front, side, and rear yards for a dwelling or other use as allowed under this Ordinance.
382. **Prime Farmland** - Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops. It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods.
383. **Principal Structure or Use** - One which determines the predominant use as contrasted to accessory use or structure.
384. **Private Stable or Paddock** - A facility for the exclusive use of the owners or occupants of the premises on which it is located that is either: (a) a building having stalls or compartments for the shelter of horses; or (b) an enclosed area used for pasturing or exercising horses.
385. **Private Street** - A street serving as vehicular access to one or more parcels of land which is not dedicated to the public but is owned by one or more private parties.
386. **Property Line** - the legal boundaries of a parcel of property which may also coincide with a right-of-way line of a road, cartway, and the like.
387. **Protective Covenant** - A contract entered into between private parties which constitutes a restriction of the use of a particular parcel of property.
388. **Public Access** - An area owned and/or operated by a governmental entity for the launching and retrieval of watercraft from the public waters or other recreational activities adjacent to public waters.
389. **Public Land** - Land owned or operated by municipal, school district, county, state or other governmental units.
390. **Public Nuisances** - A public nuisance is a thing, act, occupation, or use of property which:
- a. Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, comfort, or peace of any considerable numbers of the public.
 - b. Interferes with, obstructs, or renders dangerous for passage any public highway or right-of-way or waters used by the public.

- c. Is guilty of any other act or omission declared by law to be a public nuisance and for which no sentence is specifically provided (reference Minnesota Statutes 609.74).
391. **Public Open Space** - Any publicly owned open area including, but not limited to, the following: parks, trails, playgrounds, school sites, and parkways.
392. **Public Recreation Facility** - An outdoor recreation facility owned or operated by a non-profit organization in which athletic activities are permitted to be played by the general public. Examples of such a facility would be a softball complex, soccer fields, etc.
393. **Public Utility** - Any person, firm, corporation, municipal department, or board fully authorized by the County to furnish to the public electricity, gas, steam, communication services, telegraph services, transportation, water, or other essential public services.
394. **Public Waters** - any waters as defined in Minnesota Statutes, section 103G.005.
395. **Qualified Employee** – An employee of state or local government who conducts site evaluations or designs; installs, maintains, pumps, or inspects individual sewage treatment systems as part of employment duties and is registered on the ISTS professional register with specialty area endorsements applicable to the work being conducted. A qualified employee may be an apprentice if the individual has specialty area endorsements applicable to the work to be completed, has fulfilled the contractual requirement under Chapter 7080, and has been issued performance restrictions.
396. **Quarter/Quarter Section** – A division of a section of land according to the survey and rules of the original United State Government Land Survey containing approximately 40 acres.
397. **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.
398. **Recreation, Public** - Includes all uses such as tennis courts, ball fields, picnic areas, and the like that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.
399. **Recreation, Commercial** - Includes all uses such as bowling alleys, driving ranges, and movie theaters that are privately owned and operated with the intention of earning a profit by providing entertainment for the public.
400. **Recreation Equipment** - Play apparatus such as swing sets and slides, sandboxes, poles for nets, unoccupied boats and trailers not exceeding twenty feet in length, picnic tables, lawn chairs, barbecue stands, and similar equipment or structures but not including tree houses, swimming pools, play houses exceeding twenty-five square feet of floor area, or sheds utilized for storage of equipment.
401. **Recreation Use, Active** - All uses such as tennis, racquetball clubs, amusement centers, bowling alleys, golf driving ranges, miniature golf, movie theaters, and similar activities

that are used as a commercial enterprise.

402. **Recreation Use, Passive** - A recreation use particularly oriented to utilizing the outdoor character of an area for passive forms of recreation such as employee recreation areas, nature centers, conservancy, and interpretive centers.
403. **Reclamation Land** - The improvement of land by deposition of material to elevate the grade. Any parcel upon which 400 cubic yards or more of fill are deposited shall be considered as reclaimed land.
404. **Recyclable Materials** - Materials that are separated from mixed municipal solid waste for the purpose of recycling. For the purpose of this Ordinance, these materials are limited to paper, glass, plastics, and metals. Refuse derived fuel (RDF) is not a recyclable material under the provisions of this Ordinance.
405. **Recycling Center** - A facility where recyclable materials are collected, stored, flattened, crushed, or bundled prior to shipment to others who will use those materials to manufacture new products.
406. **Redoximorphic Features** - Features formed in saturated soil by the process of reduction, translocation, and oxidation of iron and manganese compounds or other soil, landscape, or vegetative indicators. This is commonly known as “mottling.”
407. **Refuse** - Refuse is putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and market and industrial solid wastes, and including sewage treatment wastes, which are in dry form.
408. **Registered Land Survey** - A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts of a Registered Land Survey Number. See Minnesota Statutes 508.47, or as amended.
409. **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 Rate Map.
410. **Regulatory Flood Protection Elevation** - A point not less than one foot above the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachments on the floodplain. It is the elevation to which uses regulated by this Ordinance are required to be elevated.
411. **Replacement ISTS** - The removal or discontinued use and installation of a sewage tank, holding tank, dosing chamber, privy, collector system, or soil treatment system.
412. **Residential Planned Unit Development** - a use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

413. **Resort** – Any structure or group of structures containing more than two dwelling units or separate living quarters designed or intended to serve as seasonal or temporary dwellings on a rental or lease basis for profit with the primary purpose of said structures or structures being recreational in nature. Uses may include a grocery for guests only, fish cleaning house, marine service, boat landing and rental, recreational area and equipment, and similar uses normally associated with a resort operation.
414. **Resource Inventory** - A survey of the land's features including its natural resources, cultural resources, scenic views and view sheds, and physical characteristics.
415. **Restaurant** - A business establishment whose principal business is the preparing and selling of unpackaged food to the customer in a ready-consume state.
416. **Right-of-Way** - The publicly owned land along a road or highway corridor, a portion of which is covered by the road or highway pavement.
417. **Riparian** - Land contiguous to the bank of a stream, the shore of a lake, or the edge of a wetland.
418. **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, land, place or however otherwise designated. Ingress and egress easements shall not be considered roads.
419. **Roadside Sales Stand** - Structure used only for the display and sale of products with no space for customers within the structure, on a seasonal basis.
420. **Rotor Diameter** - The diameter of the circle described by the moving of rotor blades.
421. **Rubbish** - Rubbish is nonputrescible solid wastes, including ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.
422. **Runway** - A surface of any airport landing strip.
423. **Runway Instrument** - A runway equipped with air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.
424. **Salvage/Recyclable Center** - Land or buildings where waste, discarded, salvaged, or recyclable materials are bought, sold, stored, exchanged, sorted, cleaned, packed, disassembled, or handled on a commercial basis including, but not limited to, scrap metal, aluminum, rags, paper, hides, rubber products, glass products, lumber products, and products resulting from the wrecking of automobiles or other vehicles.
425. **Saturated Soil** – (or seasonal high water table) The highest elevation in the soil where all voids are filled with water, as evidence by presence of soil mottling or other information.
426. **School** - A facility that provides a curriculum of pre-school, elementary, secondary, post-secondary, and other instruction including, but not limited to, child day care centers,

- kindergartens, elementary, junior high, high schools, and technical or college instruction.
427. **Screen** - A barrier accomplished by a variety of means intended to prevent visibility through the barrier. If accomplished by landscape materials, the screen must be at least 80 percent opaque.
 428. **Seasonal High Water Table** - The highest elevation in the soil where all voids are filled with water, as evidenced by presence of water, soil mottling, or other information.
 429. **Security Lighting** - Outdoor lighting fixtures installed exclusively as a measure to reduce the possible occurrence of a crime on the property.
 430. **Seepage Bed** - An excavated area greater than three feet but no more than 25 feet in width that contains drainfield rock and has more than one distribution pipe.
 431. **Seepage Pit, Leaching Pit, or Dry Well** - An underground pit into which a sewage tank discharges effluent and from which the liquid seeps into the surrounding soil through the bottom and openings in the side of the pit; it must meet the design requirements in Chapter 7080.0950.
 432. **Selective Cutting** - The removal of single scattered trees.
 433. **Semipublic Use** - The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
 434. **Sensitive Resource Management** - The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.
 435. **Septage** – Solids and liquids removed during periodic maintenance of an ISTS, or solids and liquids which are removed from toilet waste treatment devices or holding tank.
 436. **Septic Permit** - A permit required from the responsible governmental agency for the installation of any new or replacement on-site sewage disposal system.
 437. **Septic Tank** - Any watertight, covered receptacle designed and constructed to receive the discharge of sewage from a building sewer, separate solids from liquid, digest organic matter, store liquids through a period of detention, and allow the effluent to discharge to a treatment system.
 438. **Setback** – The required minimum horizontal distance between a structure, and a well, sewage treatment system, surface water features, street or road, property line, or any other features specified in this ordinance or other referenced ordinances.
 439. **Sewage** – Any water-carried domestic waste, exclusive of flooding and roof drainage, from any industrial agricultural, or commercial establishment, or any dwelling or any other structure. Domestic waste includes liquid waste produced by toilets, bathing, laundry, culinary operations and the floor drains associated with these sources, and

specifically excludes animal waste and commercial or industrial wastewater.

440. **Sewage Treatment System** - A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in this ordinance.
441. **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.
442. **Shore Impact Zone** - Land located between the ordinary high water level of public water and a line parallel to it at a setback of 50 percent of the structure setback.
443. **Shoreland** - land located within the following distances from public waters. (1) 1,000 feet from the normal highwater mark of a lake, pond or flowage; and (2) 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the water for lesser distances and when approved by the Commissioner.
444. **Shoreland Setback** - The minimum horizontal distance between a structure and the normal highwater mark.
445. **Sign** - A name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business.
446. **Sign, Abandoned** – A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed.
447. **Sign, Advertising** - A sign which directs attention to a business, commodity, service, activity or entertainment not necessarily conducted, sold or offered upon the premises where such sign is located; a billboard.
448. **Sign, Agricultural Product** – Sign located on a farm residence property advertising farm products or merchandise or services sold, produced, manufactured, or furnished on such farm.
449. **Sign, Area** – The area that is framed either physically or visually by the construction, design, or layout of a sign itself but not including supporting structures.
450. **Sign, Awning** – Any sign that is painted on or attached to an awning.
451. **Sign, Banner** – An attention-getting device intended to be hung either with or without a frame. Such signs are typically made of plastic, paper, or other fabric and are hung for a limited amount of time.
452. **Sign, Billboard/Advertising** – A sign erected along a state trunk or federal highway for

- the purpose of advertising a product, event, person, or subject not offered or sold on the premises on which said sign is located.
453. **Sign, Building Plan** – An illustration that shows all signs on a building or group of related buildings.
454. **Sign, Business** - A sign which directs attention to a business or profession or to a commodity, service or entertainment sold or offered upon the premises where such a sign is located.
455. **Sign, Canopy or Marquee** – A sign attached to or constructed on the fascia or hung from a canopy or marquee.
456. **Sign, Changing (Automatic)** – Any sign such as electronically or electrically controlled public service information signs, message centers, or reader boards where different automatic changing messages of an informative or commercial nature of interest to the traveling public are shown.
- a. **Message Center:** A sign which contains a changing message which remains on for a specified minimum period of time and blacks out for a specified minimum of time between messages.
 - b. **Electronic Reader Board:** A sign which contains a traveling message, or a message which appears to be traveling, and usually in a horizontal manner. The characters incorporated into any message remain constant, and do not change in hue or intensity, as they travel or appear to travel across or through the automatic changing copy of the sign.
 - c. **Public Service Information Sign:** Any sign intended primarily to promote messages of general interest to the community such as time, temperature, date, atmospheric conditions, news or traffic control etc.
457. **Sign, Construction** - A sign placed at a construction site identifying the project or the name of the architect, engineer, contractor, financier, or other involved parties.
458. **Sign, Directional** – A sign that contains no advertising of any kind and provides direction or instruction to guide persons or vehicles to facilities intended to serve the public.
459. **Sign, Exempt** – Signs exempted from normal permit requirements.
460. **Sign, Flashing** - Any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use.
461. **Sign, Freestanding** – Any stationary, self-supporting sign standing on the ground not affixed to any other structure. Includes monument, ground or pedestal sign.
462. **Sign, Garage Sale** – Signs advertising garage sale.
463. **Sign, Height** – The vertical distance measured from the adjacent street grade or upper surface of nearest street curb to the highest point of said sign.

464. **Sign, Historical** – Any sign that is of historical significance or that is a historical resource within the meaning of Minnesota Statutes, Chapter 116B.
465. **Sign, Holiday/Special Event** – Signs or displays that contain or depict messages pertaining to a holiday or special event, including holiday lighting.
466. **Sign, Home Occupation** – A sign identifying a residential professional office or home occupation, which has received a Conditional Use Permit, conducted in a portion of the home.
467. **Sign, Housing Development** – Sign which identifies the name of a housing development subdivision of eight or more units.
468. **Sign, Identification** – A sign that identifies the inhabitant of the dwelling.
469. **Sign, Illuminated** - Any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign.
470. **Sign, Institutional** – A sign identifying a religious or public institution or public recreational facility, including airport, library, community center, park, religious facility, hospital, armory, school, nature center, or cemetery.
471. **Sign, Instructional** – Signs providing direction or instruction to a governmental, public, or religious institution.
472. **Sign, Manufactured Park** – Sign identifying a manufactured home park of eight or more units.
473. **Sign, Memorial** – Names on buildings, date of construction, commemorative tablet, and the like, which are constructed of bronze or other non-combustible material and which are an integral part of the building or structure.
474. **Sign, Mobile or Portable** – signs on wheels or otherwise capable of being moved from place to place.
475. **Sign, Motion** – Any sign that revolves, rotate, has any moving parts, or gives the illusion of motion.
476. **Sign, Name Plate** - Any sign which states the name or address or both of the business or occupant of the lot where the sign is placed.
477. **Sign, Non-Conforming (Legal)** – Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of this code, and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this code.
478. **Sign, Pedestal** – A ground sign usually erected on one central shaft or post which is solidly affixed to the ground.
479. **Sign, Political** – A sign on behalf of a candidate for office or measures on election

ballots.

480. **Sign, Projecting** – A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.
481. **Sign, Public** – Signs of public, noncommercial nature including safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historic points of interest, memorial plaques, and the like when signs are erected by or on order of a public officer or employee in the performance of official duty.
482. **Sign, Pylon** - A freestanding sign erected upon a single pylon or post, which is in excess of ten (10) feet in height with the sign mounted on the top thereof.
483. **Sign, Real Estate** – A business sign placed upon a property advertising that particular property (land and/or buildings) for sale, rent, or for lease.
484. **Sign, Roof** – Any sign that is erected, constructed, or attached wholly or in part upon or over the roof of a building.
485. **Sign, Rotating** - A sign which revolves or rotates on its axis by mechanical means.
486. **Sign, Shopping Center or Industrial Park** – A business sign designating a group of shops or offices.
487. **Sign, Structure** – The supports, uprights, braces, and framework of the sign.
488. **Sign, Surface Area of** - 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 or V-type sign structure shall be used in computing total surface area.
489. **Sign, Unlawful** – A sign which violates the code or which the administrator may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or abandonment.
490. **Sign, Wall** – A sign attached to or painted on or erected against the wall of a building with the exposed face of the sign plane parallel to the plane of the said wall.
491. **Sign, Window** – Signs placed inside a building for the purpose of viewing from the exterior through window.
492. **Significant Historic Site** - Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

493. **Sketch Plan** – A concept drawing indicating a proposed subdivision of property. This plan is not necessarily drawn to scale and exact accuracy is not a requirement.
494. **Slope** – The amount a land surface rises or falls from a horizontal plane. Slope can be expressed as a fraction or percentage, arrived at by dividing the distance of the vertical rise or fall from the horizontal plane by the horizontal distance.
495. **Small Wind Energy Conversion System or SWECS** – A combination of wind energy conversion systems with a combined nameplate capacity of less than 5,000 kilowatts.
496. **Specified Anatomical Areas:**
- a. Human genitals, pubic region, buttock, anus, or female breast(s), below a point immediately above the top of the areola, unless completely and opaquely covered.
 - b. Erect penis, even if completely and opaquely covered
497. **Specified Sexual Activities:**
- a. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or use of excretory functions in the context of a sexual relationship, and any of the following sexual-oriented acts of conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellation, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
 - b. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence.
 - c. Use of human or animal ejaculation or ejaculate, sodomy, oral copulation, coitus, or masturbation.
 - d. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s).
 - e. Situations involving a person or persons, any of whom are nude, clad in undergarments, or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical constraint of any such persons.
 - f. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being.
 - g. Human erection, urination, menstruation, vaginal or anal irrigation.
498. **Solid Waste** - Solid waste is garbage, refuse and other discarded solid materials, except animal waste used as fertilizer, including solid waste materials resulting from industrial, commercial and agricultural operations, and from community activities. Solid waste does not include earthen fill, boulders, rock and other materials normally handled in construction operations, solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as salt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows, or other common water pollutants.

499. **Spillage, Lighting** – Any reflection, glare, or other artificial light emission onto any adjoining property or right-of-way above a defined maximum illumination.
500. **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 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.
501. **Storage Container** – a portable or moveable container used for storage and located on a lot, such as a semi-trailer or POD, but is subject to structural setback requirements.
502. **Storage Facility, Self-Service** – A building or group of buildings in a controlled access compound that contains varying sizes of individual, compartmentalized stalls or lockers for the storage of customer’s goods or wares.
503. **Street** - A public right-of-way which affords primary means of access to abutting property, and shall also include avenue, highway, road, or way.
504. **Street, Arterial** – A street or highway with access restrictions designated to carry large volumes of traffic between various sectors of the county and beyond.
505. **Street, Collector** - A street which serves or is designed to serve as a traffic-way for a neighborhood or as a feeder to a major road.
506. **Street, Cul-de-sac** – A street turn-around with only one outlet.
507. **Street, Major or Thoroughfare** - A street which serves, or is designed to serve, heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.
508. **Street, Local** - A street intended to serve primarily as an access to abutting properties.
509. **Street Pavement** - The wearing or exposed surface of the roadway used by vehicular traffic.
510. **Street, Private** - A street serving as vehicular access to two (2) or more parcels of land which is not dedicated to the public but is owned by one or more private parties.
511. **Street, Rural Design** – A street without curb and gutter having either paved or gravel shoulders.
512. **Street, Service** – Marginal access street or otherwise designated as a minor street, which is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.
513. **Street Width** - The width of the right-of-way, measured at right angles to the centerline of the street.

514. **Story** - That portion of a building included between the surface of any floor and the surface of the floor next above. A basement shall be counted as a story.
515. **Story, Half** – That portion of a building under a gable, hip, or gambrel roof, the wall plates of which, on at least two opposite exterior wall, are not more than two feet above the floor of such story
516. **Structure** - Anything constructed, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground.
517. **Structural Alteration** - Any change in the supporting members of a building, such as bearing walls, columns, beams, girders or foundations; construction which would alter the dimensions of the structure.
518. **Structure, Nonconforming** – Any structure lawfully or legally existing on the effective date of this Ordinance, or any amendment thereto, which does not conform to the regulations, including the dimensional standards, for the district in which it is located after the effective date of the Ordinance or amendments thereto.
519. **Subdivider** - Any person commencing proceedings under the ordinance to effect a subdivision of land hereunder for himself or for another.
520. **Subdivision** - A subdivision is the dividing of any parcel of land into two or more parcels.
- a. Platted Subdivision - if any resultant parcel is less than five (5) acres in area and less than three hundred (300) feet in width and the subdividing was done for the purpose of transfer of ownership to effectuate building development or if a new street or road is involved, regardless of the size of the parcel and/or its width, subsequent parcels must be platted in accordance with the terms and procedure of the Nobles County Subdivision Regulations.
 - b. Unplatted Subdivision - a division of any parcel of land into two or more parts wherein all parts are at least five (5) acres and at least three hundred (300) feet in width and where no new road in involved. These do not require platting.
521. **Subdivision Ordinance** – A separate set of regulations covering subdivisions.
522. **Substandard Shoreland Use** – Any use of shorelands existing prior to the date of enactment of any County Ordinance which is permitted within the applicable zoning district but does not meet the minimum lot area and length of water frontage, structure setbacks, or other dimensional standards of the Ordinance.
523. **Substations** - Any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than 35,000 (35 KV) for interconnection with high voltage transmission lines shall be located outside of the road right-of-way.
524. **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.

- 525. **Survey, Land** – The process of determining boundaries and areas of tracts of land. Also called property survey or boundary survey.
- 526. **Surveyor** – A land surveyor licensed under Minnesota state laws.
- 527. **SWCD** – Soil and Water Conservation District
- 528. **Tavern or Bar** – A building with facilities for the serving of beer, liquor, wine, set-ups, and short order foods.
- 529. **Temporary Dwelling, Care Facility** – A manufactured home which temporarily serves as a residence for a relative of the occupants residing in the primary single family residence on the property where such relative requires care by the family.
- 530. **Temporary Dwelling, During Construction** – A manufactured home which temporarily serves as a residence for the present or potential occupant that the primary single family residence is being construction, reconstructed or altered.
- 531. **Toe of Bluff** – The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from a gentler to a steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lower end of a 50-foot segment, measured on the ground, with the average slope exceeding 18 percent.
- 532. **Top of Bluff** – The higher point of a 50 foot segment with an average slope exceeding 18 percent.
- 533. **Tower** – Any pile, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna or to serve as an antenna.
- 534. **Tower Accessory Structure** – a structure located at the base of the tower housing base receiving/transmitting equipment.
- 535. **Tower Height** – The height as determined by measuring the vertical distance from the point of contact with the ground to the highest point of the tower, including all antennae or other attachments.
- 536. **Toxic and Hazardous Wastes** - Toxic and hazardous wastes are waste materials including but not limited to poisons, pesticides, herbicides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials, and similar harmful chemicals and wastes which require special handling and must be disposed of in a manner to conserve the environment and protect the public health and safety.
- 537. **Transfer of Property** – The Act of a party by which the title to property is conveyed from one person to another. The sale and every other method, direct or indirect of disposing or parting with property, or with an interest therein, or with the possession thereof, absolutely or conditionally, voluntarily or involuntarily, by or without judicial proceedings, as conveyance, sale, mortgage, gift or otherwise.

538. **Transmission Line** - Those electrical power lines that carry voltages of at least 69,000 volts (69KV) and are primarily used to carry electric energy over medium to long distance rather than directly interconnecting and supplying electric energy to retail customers.
539. **Transportation/Motor Freight Terminal** – A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment or in which semi-trailers, including tractor or trailer units and other trucks are parked or stored.
540. **Tree Removal** - See Logging.
541. **Travel Trailer** - A vehicle without motor power used or adaptable for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, which does not meet building code requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. The term "Trailer" shall include camp car, camp bus, camper and house car. A permanent foundation shall not change its character unless the entire structure is erected in accordance with the Minnesota Building Code.
542. **Townhouse** - A single family building attached by party walls with other single family buildings, and oriented so that all exits open to the outside.
543. **Truck Stop** – A motor fuel station devoted principally to the needs of tractor-trailer units and trucks and which may include eating and/or sleeping facilities.
544. **Unincorporated Area** – The area outside a city.
545. **Unsewered** - Any lake, river, or stream or portion thereof that is not served by a public wastewater treatment system but instead is served by approved individual wastewater treatment systems.
546. **Use** - The purpose or activity for which the land or building thereon is designated, arranged or intended, or for which it is occupied, utilized or maintained.
547. **Use, Accessory** - See Accessory Use.
548. **Use, Non-Conforming** - See Nonconforming Use.
549. **Use, Permitted** - See Permitted Use.
550. **Use, Principal** - The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted or conditional.
551. **Use, Conditional** - See Conditional Use.
552. **Variance** - A modification or variation of the provisions of this Ordinance where it is determined that by reason of special and unusual circumstances relating to a specific lot, that strict application of the Ordinance would cause an undue or unnecessary hardship, or that strict conformity with the provisions of this Ordinance would be unreasonable, impractical or unfeasible under the circumstances.

553. **Vegetation, Natural** – Plant life which is native to the location and which would normally grow if the ground were left undisturbed.
554. **Vehicle** – Car, truck motorcycle, recreation vehicle or similar equipment which is permitted by license to operate on public roads.
555. **Veterinary** – Those uses concerned with the diagnosis, treatment, and medical care of animals including animal or pet hospitals.
556. **Vicinity Map** – A map drawn to comparatively small scale that shows the area proposed to be platted in relation to known geographical features, e.g. town centers, lakes, roads.
557. **Warehousing and Distribution** – A use engaged in storage, wholesale, and distribution of manufactured products, supplies and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.
558. **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.
559. **Waters of the State** – All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portions thereof.
560. **WECS – Wind Energy Conversion System** - An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and metrological towers that operate by converting the kinetic energy of wind into electrical energy. The energy maybe used onsite or distributed into the electrical grid.
- a. **Commercial WECS** - A WECS of equal to or greater than 40/kW in total name plate generating capacity.
- b. **Non-Commercial WECS** - A WECS of less than 40 kW in total name plate generating capacity.
561. **Wetland** - a surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition).
562. **Width (Structure)** – The narrowest side, regardless of setting.
563. **Windbreak** – Strips, rows or groups of trees and/or shrubs planted and maintained to alter wind flow and microclimate, thereby protecting a specific area.

564. **Wind Turbine** - A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.
565. **Wildlife Management Area** – A lot or lots where the main land use is for promotion of wildlife through raising of feed or provision of environmental conditions.
566. **Yard** - A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted in this Ordinance. The yard extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located.
567. **Yard, Rear** - The portion of the yard on the same lot with the principal building located between the rear line of the building and the rear lot line and extending for the full width of the lot.
568. **Yard, Side** - The yard extending along the side lot line between the front and rear yards to a depth or width required by setback regulations for the zoning district in which such lot is located.
569. **Yard, Front** - A yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way line to depth required in the setback regulations for the zoning district in which such lot is located.
570. **Yard Waste Facility** – Any site used for the composting of garden waste, leaves, lawn cuttings, weeds, shrub and tree waste, and pruning generated off site. Yard wastes generated on site and used on the same site are not included in this definition.
571. **Zoning Administrator** – The duly appointed person charged with enforcement of this Ordinance.
572. **Zoning Amendment** - A change authorized by the County either in the allowed use within a district or in the boundaries of a district.
573. **Zoning District** - An area or areas within the limits of the County for which the regulations and requirements governing use are uniform.
574. **Zoning Map** – The map or maps incorporated into this chapter as part thereof designating the zoning districts.
575. **Zoning Ordinance** – A zoning ordinance or resolution controlling the use of land as adopted by the county.

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SECTION 4. GENERAL PROVISIONS

401. Application of this Ordinance

1. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.
2. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
3. Except as this Ordinance specifically provides, no structure shall be erected, converted, enlarged, reconstructed, altered, or placed, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with this Ordinance.

402. Separability

It is hereby declared to be the intention that provisions of this Ordinance are separable in accordance with the following:

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

403. Existing Lots

A lot or parcel of land in a residential district which was of record as a separate lot or parcel in the Office of the Nobles County Recorder or Registrar of Titles on or before the date of adoption of this Ordinance may be used for single family detached dwelling purposes provided that it has frontage on a public right-of-way and that the area and width thereof are within sixty percent (60%) of the minimum requirements of this Ordinance; and further provided that it can be demonstrated that safe and adequate sewage treatment systems can be installed to serve such permanent dwelling.

404. Non-Conforming Uses and Structures

Any structure or use existing upon the effective date of the adoption of this Ordinance and which does not conform to the provisions of the Ordinance may be continued for a certain period of time subject to the following conditions:

1. No such use shall be expanded or enlarged except in conformity with the provisions of this Ordinance.
2. If a non-conforming use is discontinued for a period of one year, further use of the structures or property shall conform to this Ordinance.
3. If a non-conforming structure is destroyed by any cause, to an extent exceeding fifty percent of its fair market value as indicated by the records of the County Assessor, a future structure on the site shall conform to this Ordinance.
4. Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.

405. Zoning Coordination

Any zoning district change on land adjacent to or across a public right-of-way from an adjoining county or community shall be referred to the Planning Commission, and the adjacent Community for review and comment prior to action by the County Board granting or denying the zoning district classification change. A period of at least thirty days shall be provided for receipt of comments; such comments shall be considered as advisory only.

SECTION 5. ADMINISTRATION

501. Enforcing Officer

The County Board of Nobles County shall appoint a Planning & Zoning Administrator whose term of office shall terminate at the pleasure of the County Board.

The Planning & Zoning Administrator shall enforce this Ordinance and shall perform or be responsible for the following activities:

1. Issue Land Use Permits and other related permits, review developments for compliance with the Minnesota Accessibility Code, and make and maintain records thereof.
2. Conduct inspections of buildings and building sites for setbacks 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: all maps, amendments, and special uses, variances, appeals and applications therefore.
4. Receive, file, and forward all applications for appeals, variances, conditional uses, or other matters 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 non-voting member of the Planning Commission.

502. Appeals and the Board of Adjustment

502.1 The Nobles County Board of Commissioners shall, through the passing of a resolution, provide for the establishment of a Board of Adjustment. The Board of Adjustment shall consist of five members, one of whom shall be a member of the Planning Commission and a minimum of one member shall be a representative of the unincorporated area of the County. No elected officer of the county nor any employee of the county shall serve as a member of the Board of Adjustment.

502.2 Term Limits and Removal. Each member shall serve for a period of three (3) years, and the terms of the members shall be staggered so that no more than two terms expires in any one year. The term of each member shall begin on January 1 and continue through December 31 of the last year of the term, provided however, that any member shall continue to serve after the expiration of their term until a successor is appointed. Members will be limited to three (3) consecutive terms of appointment. A member who has served for three (3) consecutive terms may be reappointed to the Board for another round of three, 3 year terms, but only after serving a one (1) year hiatus from the Board's business. Any member who misses three consecutive meetings without a reasonable excuse may be replaced by the County Board.

502.3 Election of Officers. The Board of Adjustment shall elect a chairman and 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. The board shall provide a public record of its proceedings, which shall include the minutes of its meetings, its findings, and the action taken on each matter heard by it, including the final order.

502.4 Meetings and Quorum. The meetings of the Board of Adjustment shall be held at the call of the County and at such other times as the Board in its rules of procedure may specify. A simple majority of the members shall constitute a quorum, and a majority of the quorum is sufficient to conduct business and take action. The chairperson has full voting privileges at all times.

502.5 Compensation. The members of the Board may be compensated in an amount to be determined by the County Board and may be paid their necessary expenses in attending meetings of the Board and in the conduct of the business of the Board.

502.6 Board of Adjustment Responsibilities: The Board of Adjustment shall act upon all questions as they may arise in the administration of this Ordinance, including:

1. The interpretation of zoning maps,
2. It shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with enforcing the Ordinance. Such appeal may be taken by any person, firm or corporation aggrieved or by any officer, department, board or bureau of a town, municipality, county, or state. The appeal must be made within 30 calendar days from the date of such decision by filing with the Planning & Zoning Administrator a written notice of appeal. The notice shall state the following:
 - 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; and
 - d. the relief requested by the appellant.
3. The Board of Adjustment shall also have the power to grant variances to provisions of the Zoning Ordinance under certain conditions. The conditions for the issuance of a variance are as indicated in Section 506 of this ordinance. No use variances (land uses other than permitted in the district) shall be issued by the Board of Adjustment.

502.7 Hearings by the Board of Adjustment shall be held within such time and upon such notice to interested parties as is provided in its adopted rules for the transaction of its business. The Board shall, within a reasonable time, make its order deciding the matter and shall serve a copy of such order upon the appellant or petitioner by mail. Any party may appear at the hearing in person or by agent or attorney.

502.8 The Board of Adjustment may reverse or affirm wholly or partly or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. The reasons for the Board's

decision shall be stated. The decision of such Board shall not be final and any person having an interest affected by such decision shall have the right to appeal within 30 days, after receipt of notice of the decision, to District Court.

502.9 Conflict of Interest: Any Board of Adjustment member who has a conflict of interest on any issue before the Board shall not be allowed to participate as a Board Member on such an issue. Any question of whether the particular issue involves a conflict of interest sufficient to disqualify a Board Member from acting thereon, shall be decided by majority vote of all Board Members present except the member who is being challenged.

503. Planning Commission

503.1 The Nobles County Board of Commissioners shall through the passing of a resolution provide for the establishment of a Planning Commission. The Planning Commission shall consist of eleven (11) members, two of whom shall be appointed from each Commissioner District and one shall be a County Commissioner. A minimum of five (5) members shall be representatives from the unincorporated areas of the County. The following are appointed as non-voting ex-officio members of the Planning Commission:

1. Planning & Zoning Administrator; and
2. County Attorney.

503.2 Term Limits and Removal. Appointed members shall serve for a period of three (3) years, and the terms of the members shall be staggered so that no more than four terms expires in any one year. The term of each member shall begin on January 1 and continue through December 31 of the last year of the term, provided however, that any member shall continue to serve after the expiration of their term until a successor is appointed. Members will be limited to three (3) consecutive terms of appointment. A member who has served for three (3) consecutive terms may be reappointed to the Commission for another round of three, 3 year terms, but only after serving a one (1) year hiatus from the Commission's business. Any member who misses three consecutive meetings without a reasonable excuse may be replaced by the County Board.

503.3 Election of Officers and Meeting Proceedings. The Planning Commission shall elect a chair and vice-chair from among its voting members, except the County Commissioner member shall not serve in either of these capacities, and shall appoint a secretary who need not be a member of the Commission. Minutes of each meeting of the Planning Commission shall be maintained in the office of the Zoning Administrator.

503.4 Meetings and Quorum. A majority of the members shall constitute a quorum, and a majority of the quorum is sufficient to conduct business and take action. The chairperson has full voting privileges at all times.

503.5 Compensation. The members of the Commission may be compensated in an amount to be 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.

503.6 The Planning Commission shall review all proposals for zoning amendments and conditional uses and make its recommendations to the county board following the

procedures in Section 504 and 505. The recommendations of the Planning Commission shall be advisory in nature with the final decisions resting with the County Board.

503.7 Conflict of Interest: Any Planning Commission member who has a conflict of interest on any issue before the commission shall not be allowed to participate as a Commission Member on such an issue. Any question of whether the particular issue involves a conflict of interest sufficient to disqualify a Commission Member from acting thereon, shall be decided by majority vote of all Commission Members present except the member who is being challenged.

504. Zoning Amendments (Rezoning)

504.1 Criteria For Granting Zoning Amendments

The County Board may adopt amendments to the Zoning Ordinance and zoning map in relation both to land uses within a particular district or to the location of district lines. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the County's goals and policies or changes in conditions.

504.2 Procedure

1. An amendment to the text of the Ordinance or Zoning Map may be initiated by the County Board, the Planning Commission or a property owner. Any amendment not initiated by the Planning Commission shall be referred to the Planning Commission for review and may not be acted upon by the Board until it has received the Planning Commission's recommendation. Individuals wishing to initiate an amendment to the Zoning Ordinance shall fill out a zoning amendment application form and submit it to the Zoning Administrator.
2. Written notice shall be given to the Township Clerk of any Township(s) and the City Clerk of any municipality within two miles of the affected property. In unincorporated area, property owners of record within one-half mile of the property in question shall be notified in writing of the proposed zoning amendment. In incorporated areas, property owners within 500 feet of the property in question shall be notified in writing of the proposed zoning amendment. Failure of any property owner, affected Township or affected Municipality to receive such notification shall not invalidate the proceedings. If the notification contains a misspelling, a locational error, or some other omission, this will also not invalidate the proceedings.
3. A public hearing on the amendment application shall be held by the Planning Commission within thirty (30) days after a full and complete application requesting the zoning amendment has been received and accepted by the Nobles County Environmental Services Office. Notice of said hearing shall be published in the official newspaper designated by the County Board at least ten (10) days prior to the hearing. The Planning Commission shall make its report to the County Board following the hearing recommending approval, disapproval or modified approval of the proposed amendment.
4. The Nobles County Board must take action on the application within thirty (30) days

- following referral by the Planning Commission, or no later than sixty (60) days from the Official Submission date of the amendment application. The person making the application shall be notified in writing of the action taken. The Zoning Administrator shall maintain records of amendments to the text and zoning map of the Ordinance.
5. Nobles County may extend the time limits specified above before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant.
 6. No application of a property owner for an amendment to the text of the Ordinance or the Zoning Map shall be considered by the Planning Commission within one-year following a denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

505. Conditional Use Permits

505.1 Criteria for Granting Conditional Use Permits (CUP)

In granting a conditional use permit, the Nobles County Board shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands, including land values. Among other things, the County Board shall make the following findings where applicable:

1. The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
2. The use will be sufficiently compatible or separated by distance or screening from adjacent agricultural or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.
3. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.
4. The use, in the opinion of the County Board, is reasonably related to the overall needs of the County and to the existing land use.
5. The use is consistent with the purpose of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
6. The use will not cause traffic hazard or congestion.
7. Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness.

505.2 Additional Conditions

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may recommend the imposition, in addition to the standards and requirements expressly specified by this Ordinance, of additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area or the county as a whole. These conditions may include, but are not limited to the following:

1. Increasing the required lot size or yard dimension.
2. Limiting the height, size or location of buildings.
3. Controlling the location and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off-street parking spaces.
6. Limiting the number, size, location or lighting of signs.
7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.
9. Establishing a time limit on the conditional use.

Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued. The Nobles County Planning & Zoning Administrator shall maintain a record of all conditional use permits issued including information on the use, location, and conditions imposed by the County Board and time limits, review dates, and such other information as may be appropriate.

505.3 Procedure

1. The person applying for a conditional use permit shall fill out and submit to the Planning & Zoning Administrator a Conditional Use application form.
2. The Planning & Zoning Administrator shall refer the application to the Planning Commission for review.
3. The Planning Commission shall hold a public hearing on the conditional use permit within thirty (30) days after a full and complete application requesting the permit has been received and accepted by the Nobles County Environmental Services Office. Notice of the public hearing shall be published in the official newspaper at least ten (10) days prior to the hearing. Written notice shall be given to the Township Clerk of any Township(s) and the City Clerk of any municipality within two miles of the

affected property. In unincorporated areas of the County, property owners of record within one quarter mile of the affected property or the ten properties nearest to the affected property, whichever is the greatest number of property owners, shall be notified in writing of the public hearing on the request for a conditional use permit. In incorporated areas of the County, property owners of record within 500 feet of the property in question shall be notified in writing of the public hearing on the request for a conditional use permit. Failure of any property owner, affected Township or affected Municipality to receive such notification shall not invalidate the proceedings. If the notification contains a misspelling, a locational error, or some other omission, this will also not invalidate the proceedings.

4. The petitioner or his representative shall appear before the Planning Commission in order to answer questions concerning the proposed conditional use.
5. The Planning Commission shall make its report to the County Board following the hearing recommending approval, disapproval or modified approval of the proposed CUP.
6. The Nobles County Board must take action on the application within thirty (30) days after receiving the report of the Planning Commission, or no later than sixty (60) days from the Official Submission date of the CUP application. If it approves the conditional use permit, the Nobles County Board may impose conditions (including time limits) it considers necessary to protect the public health, safety and welfare and such conditions may include a time limit for the use to exist or operate.
7. Nobles County may extend the time limits specified above before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant.
8. An amended conditional use permit application shall be administered in a manner similar to that required for a new conditional use permit. Amended conditional use permits shall include requests for changes in conditions, and as otherwise described in this Ordinance.
9. No application for a conditional use permit shall be resubmitted for a period of one year from the date of said order of denial.
10. If a time limit or periodic review is included as a condition by which a conditional use permit is granted, the conditional use permit may be reviewed at a public hearing with notice of said hearing published at least ten (10) days prior to the review; it shall be the responsibility of the Planning & Zoning Administrator to schedule such public hearings and the owner of land having a conditional use permit shall not be required to pay a fee for said review. A public hearing for annual review of a conditional use permit may be granted at the discretion of the Nobles County Planning Commission.
11. The project must begin within one (1) year after the approval of the conditional use permit or it will expire and a new conditional use permit will have to be obtained.

12. Unless a specific time limit is established on the conditional use, it may continue in perpetuity or until it is revoked for non-compliance.

505.4 Revocation

1. A violation of any condition set forth in a Conditional Use Permit shall be a violation of this Ordinance, and failure to correct said violation within 30 calendar days of written notice from the Planning & Zoning Administrator may terminate the permit.
2. Revocation shall not occur earlier than 14 calendar days from the time written notice of revocation is served upon the permittee or, if a hearing is requested, until written notice of the Planning Commission action has been served on the permittee.
3. Notice to the permittee shall be served personally or by registered or certified mail to the address designated in the permit application. Such written notice of revocation shall contain the effective date of the revocation, the nature of the violation or violations constituting the basis of the revocation, the facts which support the conclusions that a violation or violations have occurred, and a statement that if the permittee desires to appeal, he must, within 14 calendar days exclusive of the day of service, file a request for a hearing.
4. The hearing request shall be in writing, stating the grounds for appeal, and served personally or by registered or certified mail to the Nobles County Environmental Services Office by the date established in #3 above.
5. Following receipt of a request for hearing, the Nobles County Environmental Services Department shall set a time and place for the hearing, which shall be conducted in accordance with the procedures set forth in section 505.3 of the Ordinance.

506. Variances

506.1 Criteria for Granting Variances

A variance to the provision of the Zoning Ordinance may be issued to provide relief to the landowner in those zones where the Ordinance imposes undue hardship or practical difficulties to the property owner in the use of his land. **No use variances (uses other than that permitted in the district) may be issued.** A variance may be granted only in the event that the following circumstances exist:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of this ordinance have had no control.
2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
3. That the special conditions or circumstances do not result from the actions of the applicant.

4. That granting the variance requested will not confer on the applicant any special privileges that is denied by this Ordinance to owners of other lands, structures or buildings in the same district.
5. The variance requested is the minimum variance which would alleviate the hardship.
6. The variance would not be materially detrimental to the purposes of this Ordinance.
7. Economic conditions or circumstance alone shall not be considered in the granting of a variance request.

506.2 Procedure

1. The person applying for a variance shall fill out and submit to the Planning & Zoning Administrator a variance request form.
2. The Planning & Zoning Administrator shall refer the application to the Zoning Board of Adjustment and Appeals for review.
3. The Zoning Board of Adjustment and Appeals shall hold a public hearing on the variance request within thirty (30) days after a full and complete application requesting the variance has been received and accepted by the Nobles County Environmental Services Office. Notice of the public hearing shall be published in the official newspaper at least ten (10) days prior to the hearing. Written notice shall be given to the Township Clerk and any Township(s) and the City Clerk of any municipality within two miles of the affected property. In unincorporated areas of the county, property owners of record within 500 feet of the affected property or the ten properties nearest to the affected property, whichever is the greatest number of property owners, shall be notified in writing of the public hearing on the request for a variance. In incorporated areas of the County, property owners of record within 500 feet of the property in question shall be notified in writing of the public hearing on the request for a variance. Failure of any property owner, affected Township or affected Municipality to receive such notification shall not invalidate the proceedings. If the notification contains a misspelling, a locational error, or some other omission, this will also not invalidate the proceedings.
4. The petitioner or its representative shall appear before the Zoning Board of Adjustment in order to answer questions concerning the proposed variance.
5. The Zoning Board of Adjustment must take action on the variance request within sixty (60) days after receiving the application. If it approves the variance, the Zoning Board of Adjustment may impose conditions (including time limits) it considers necessary to protect the public health, safety and welfare, and such conditions may include a time limit for the use to exist or operate.
6. Nobles County may extend the time limits specified above before the end of the initial sixty (60) day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days unless approved by the applicant.

507. Permits and Fees

507.1 Land Use Permits

1. For the purposes of enforcing this Ordinance, a land use permit shall be required of all persons intending to erect, alter, or move any permanent or portable building.
 - a. Persons requesting a land use permit shall fill out a land use permit form available from the Planning & Zoning Administrator.
 - b. Completed land use permit forms and a fee, as may be established by resolution of the County Board of Commissioners, shall be submitted to the Planning & Zoning Administrator. If the proposed development conforms in all respects to the Zoning Ordinance, a land use permit shall be issued by the Planning & Zoning Administrator within a period of 60 days.
 - c. If the proposed development involves a zoning amendment, variance, or conditional use permit; the application, together with a land use permit, shall be submitted either to the Planning Commission or Board of Adjustment or Appeals for review and appropriate action according to the procedures set forth in Sections 504, 505 and 506.

507.2 Other Permits

A permit or license shall be required for the following proposed uses or facilities. Such permits or licenses shall be obtained from the Nobles County Planning & Zoning Administrator.

1. **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.
2. **Land Alteration and Excavation Permits.** In all cases where grading and/or filling of any land or the removal of topsoil, sand or gravel within the County would result in substantial alteration of existing ground contour, a permit shall be required. Such permit shall be obtained from the Nobles County Zoning Administrator.

Substantial alteration shall be defined as movement of earth or materials in excess of fifty (50) cubic yards in the Shoreland Districts and in excess of five hundred (500) cubic yards in all other Districts.

No sand or gravel removal or processing operations shall be allowed within ½ mile of any city or area zoned for residential purposes (R-1 and R-2). Sand and gravel removal or processing operations shall also be subject to Section 708.1.

Information Required

- a. Description of property and area to be excavated or mined.
- b. Existing conditions, including contour lines at five (5) foot intervals; or vegetation; drainage areas including wetlands; soil and soil types; structures and wells, etc.

- c. Proposed operations including location of sites to be mined and areas for deposits; location of structures to be erected and machinery to be used; location of storage of mined materials; and soil erosion and sediment control structures.
- d. End use plan for the area including proposed elevations and contours of the area; vegetation to be replanted and any structures to be erected in relation to the end use plan.
- e. Applicability. A land alteration permit shall be required for newly created highways, roads and streets; water courses, and stream beds; all excavations in Shoreland areas; all other land alterations whether public or private.

Exemptions.

- a. Excavation necessary and in conjunction with the construction of any building.
- b. The repair, maintenance, construction and reconstruction of existing roads, highways and streets shall be exempt from the provisions of this section.
- c. Agricultural Best Management Practices installed under the direction of the NRCS or SWCD.

3. Feedlots, Permits & Licenses

- a. All feedlots with more than 10 animal units present are required to obtain a Nobles County Feedlot License.
- b. A Nobles County Land Use Permit (LUP) shall be required of any person, firm or corporation creating a new building or structure as part of a feedlot operation or the improvement or expansion of an existing building or structure.
- c. In those instances where the Minnesota Pollution Control Agency (MPCA) is the feedlot permitting authority, the applicant shall secure such permit prior to undertaking any construction.
- d. A Nobles County Feedlot License is required for open-air pens, lots or yards used as animal confinement areas. The Nobles County Feedlot License for an open air pen, lot or yard used as animal confinement areas should be updated in those cases where the owner expands the number of animal numbers in those facilities or changes the types of animals contained in those facilities. This updated license can be applied for through the Nobles County Feedlot Officer.

4. Essential Service Utility Permits

The location of all essential services in any zoning district shall require a permit prior to commencement of any construction by the applicant. Essential services as treated herein shall refer to trunk transmission, collection or distribution line, except electrical distribution lines, and except lateral or house lines.

508. Mining and Excavation Permits

508.1 Purpose

A Conditional Use Permit shall be required for all mining done as a commercial type adventure, defined as movement of earth or material in excess of fifty (50) cubic yards in the Shoreland District and in excess of five hundred (500) cubic yards in all other Districts.

A conditional use permit will be issued in parcels of 10 acres per permit, such permit shall be obtained by the landowner or the mineral rights owner, whichever person is ultimately responsible for initiating the mining activity.

No sand or gravel removal or processing operations shall be allowed within ½ mile of any city or area zoned for residential purposes (R-1 and R-2). Sand and gravel removal or processing operations shall also be subject to Section 708.1.

508.2 Information Required

1. Description of property and area to be excavated or mined, and the estimated duration of the mining operation.
2. Existing conditions, including contour lines at ten (10') foot intervals as with a U.S. geographic survey; vegetation; drainage area including wetlands; structures and wells, etc.
3. Proposed operations including location of sites to be mined and areas for deposits; location of structures to be erected and machinery to be used; location of storage of mined materials; and soil erosion and sediment control structures.
4. End use plan for the area including proposed use of the area; vegetation to be replanted and any structures to be erected in relation to the end use plan. Elevations and contours if the guidelines under Section 508.3 cannot be met.
5. Any other information requested by the Planning Commission or governing body.

508.3 Land Rehabilitation

All mining sites shall be rehabilitated immediately after mining operations cease. Operations shall be considered abandoned and/or operations are ceased if not more than 7,500 cubic yards are excavated within a time period of 5 years. Rehabilitation shall be complete within one (1) year. The following standards shall apply:

1. All buildings, structures and plants incidental to such operation shall be dismantled and removed by, and at the expense of, the mining operator last operating such buildings, structures and plants. A temporary variance may be granted for those buildings, structures, machinery and plants required to process previously mined materials stored on the site. Such variance may apply for only one (1) year, after which said buildings, structures, machinery and plants shall be removed.

2. The peaks and depressions of the area shall be graded and backfilled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No finished slope shall exceed four (4') feet horizontal to one (1') foot vertical. Excavations completed to a water producing depth need not be backfilled if the water depth is at least ten (10') feet and if banks shall be sloped to the water line at a slope no greater than three (3') feet horizontal to one (1') foot vertical. The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site upon which mining operations have been conducted. The finished plan shall restore the mining site to a condition whereby it can be utilized for the type of land use proposed to occupy the site after mining operations cease.

508.4 Performance Standards

1. Mining Access Roads - The locations of the intersection of mining access roads with any public road shall be selected such that traffic on the access roads will have a sufficient distance of the public road in view so that any turns onto the public road can be completed safely.
2. Setback - Processing of minerals shall not be conducted closer than one hundred (100') feet to the property line, no closer than five hundred (500') feet to any residential or commercial structures located prior to commencement of processing operations with the written consent of all owners and residents of said structures.

Mining operations shall not be conducted closer than thirty (30') feet to the right-of-way line of any existing or platted street, road or highway, 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.

508.5 Performance Bond May Be Required

The Board of County Commissioners may require either the applicant, or the owner of the property, or the user of the property to post a bond, in such form and sum to be determined by the Board.

509. Environmental Reviews

509.1 Purpose

The provisions of the rules for the Environmental Review Program, Minnesota Rules, Chapter 4410, or as amended, are hereby adopted, together with the other provisions of this ordinance, as the environmental review operating procedures Nobles County will follow in implementing the provisions of Minnesota Statutes, Chapter 116D, 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 116D and the rules adopted thereunder.

509.2 Cost of Preparation and Review

1. Information to be Provided. The applicant for a permit for an action for which

environmental documents are required either by state law or rules by the County Board shall supply, in the manner prescribed by the Nobles County Planning & Zoning Administrator, all unprivileged data or information reasonably requested by the County that the applicant has in his possession or to which he has reasonable access.

2. Environmental Assessment Worksheets (EAW). The applicant for a permit for any action for which an EAW is required, either by state law or by the County Board, shall pay all costs of preparation and review of the EAW, and upon the request of and in the manner prescribed by the Nobles County Planning & Zoning Administrator, shall prepare a draft EAW and supply all information necessary to complete that document.
3. Environmental Impact Statement (EIS). The County and the applicant for a permit for any action for which an EIS is required shall comply with the following payment provisions, unless the applicant and the County Board provide otherwise by a written agreement.
4. Payment of Costs. No permit for an action for which an EAW or an EIS is required shall be issued until all costs for preparation and review are paid by the applicant, and 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, and pursuant to any written agreement entered into by the applicant for the permit or permits and the County Board under the provision of paragraph #5 below.
5. Agreements Concerning Cost of Preparation and Review. The applicant for a permit for any action for which an EAW or EIS is required and the County Board may, in writing, agree as to a different division of the costs of preparation and review of any EAW or EIS as provided in Chapter 4410.

509.3 Administration

1. The Nobles County Planning & Zoning Administrator shall be responsible for the administration of the Environmental Review Program, this ordinance, and the rules adopted by reference.
2. The Nobles County Planning & 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 Minnesota Rules. The Administrator shall also determine those proposed actions for which an optional EAW may be required under the provisions of the ordinance and shall notify the Planning Commission and the County Board of these proposed actions.
3. All EAWs and EISs shall be prepared under the supervision of the Nobles County Planning & Zoning Administrator, reviewed by the Planning Commission, and reviewed and approved by the County Board.
4. When reviewing an EAW or EIS, the Nobles County Planning & 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.

5. After an EAW is prepared, the Planning Commission shall review the EAW and recommend to the County Board whether or not it should require the preparation of an EIS. The County Board shall require an EIS when it finds under Minnesota Rules that an action is major and has potential for significant environmental effects.

509.4 Optional Environmental Assessment Worksheet. The County Board may, upon recommendation by the Nobles County Planning & Zoning Administrator, require that an optional EAW be prepared on any proposed action if the action may be a major action and appears to have the potential for significant environmental effects. The following guidelines shall also be considered in determining whether an optional EAW shall be required:

1. Is the action to be in or near an area that is considered to be environmentally sensitive or aesthetically pleasing?
2. Is the action likely to have disruptive effects such as generating traffic and noise?
3. Are there public questions or controversy concerning the environmental effects of the proposed actions?

509.5. Enforcement and Penalty.

1. 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 complete.
2. Any person who violates any provision of this ordinance will be charged with a misdemeanor and, upon conviction, could be punished by a fine and/or imprisonment. Each day that the violation is permitted to exist constitutes a separate offense.
3. No work shall commence nor shall any work in progress proceed on any project for which environmental review procedures established by this ordinance are fully complied with.

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SECTION 6. ZONING DISTRICT AND DISTRICT PROVISION

601. Zoning Districts

The zoning districts in this ordinance are so designed as to assist in carrying out the basic goals and policies developed for Nobles County.

For purposes of this ordinance, Nobles County is hereby divided into the following Zoning Districts:

<u>SYMBOL</u>	<u>NAME</u>
AG	Agricultural Preservation
R-1	Urban/Residential Expansion
R-2	Rural Residential
B-1	Highway Business
I	General Industry
S	Shoreland Zoning
SP	Special Protection Shorelands
RDS	Residential/Recreation Shoreland
FP	Flood Plain

602. Zoning Map

The location and boundaries of the districts established by this Ordinance are set forth on the Zoning Map which is hereby incorporated as part of this ordinance. A copy of the official Zoning Map shall be kept in the Planning & Zoning Administrator's Office. It is the responsibility of the Planning & Zoning Administrator to continually maintain and update this map. Any amendments to the zoning map shall be recorded on such map within 30 days after the official adoption of the zoning amendment by the Nobles County Board.

District boundary lines as indicated on the Zoning Map follow lot lines, rights-of-way or centerlines of streets or alleys, the corporate limit lines, all as they exist upon the effective date of this Ordinance. If said boundary lines do not follow any of the above, the district boundary lines are established as drawn on the Zoning Map.

The boundary for the Flood Plain Overlay District has been taken from the Flood Insurance Rate Map (FIRM) for Nobles County date June 3, 1986 prepared by the Federal Emergency Management Agency (FEMA). This map is hereby adopted by reference and made a part of this ordinance. Whether there appears to be a conflict between a mapped boundary and actual field conditions the zoning administrator shall make the necessary interpretation based on elevations of the regional (100 year) flood profile, if available. If 100 year flood elevations are not available the zoning administrator shall: 1) Require a flood plain elevation consistent with Section 611.23 of this ordinance to determine a 100 year flood elevation for the site; or 2) Base his/her decision on available hydraulic/hydrologic or site elevation survey data which demonstrates the likelihood the site is within or outside the flood plain.

603. Agricultural Preservation District (AG)

603.1 Purpose

Agricultural Preservation areas are established for the purpose of preserving, promoting, maintaining and enhancing the use of land for commercial agricultural purposes, to prevent scattered and leap-frog non-farm growth, to protect and preserve natural resource areas and to stabilize increases in public expenditures for such public services as roads and road maintenance, police and fire protection, and schools.

603.2 Permitted Uses

1. Agricultural land uses.
2. Farmstead residences, to include manufactured homes if directly connected with the farming operation. Manufactured homes shall meet or exceed the requirements as set forth in Section 714 of this Ordinance.
3. Livestock confinement for the purposes of breeding, gestation, raising and feeding of poultry and animals for food, pleasure, or resale in buildings or confinement structures or areas in which abnormal amounts of manure and related wastes may originate by reason of such keeping of livestock.
4. Mining and gravel extraction operations - (see Section 508).
5. Forestry and nurseries.
6. Seasonal produce stands.
7. Essential services and power transmission lines under 35KV within the road right-of-way, and:
 - a. Any repairs necessary for the continued operation of those services.
 - b. Any placement changes made from the planned site locations of the utility due to unexpected circumstances will require written approval from the local road authority.
8. Farm drainage systems, flood control and watershed structures and erosion control devices meeting all County, State and Soil Conservation District standards.
9. Public recreation areas.
10. Historic sites and areas.
11. Fish and game farms.
12. Wildlife management areas.
13. Single-family, non-farm dwellings in areas classified by the Soil Conservation Service (S.C.S.) as poor or marginal for agricultural production purposes (agricultural production classes IV to XIII) or on previously established farmsteads no longer used as such.
14. Agricultural products and livestock processing plants.
15. Commercial grain storage and drying.
16. Livestock sales barns and accessory facilities.
17. Hatcheries.
18. Temporary housing for migratory or other farm workers, meeting the requirements of the State Board of Health Regulations and the Nobles County Board of Health and Sanitation Regulations.
19. Nursery and garden supplies.
20. Home occupations, provided they conform with standards specified in Section 723 of this ordinance.

- 21. Wetland restoration and wetland banking uses.
- 22. Stormwater control and treatment facilities.

603.3 Accessory Uses

Any incidental machinery, structure, or buildings necessary to the conduct of any agricultural operations or other permitted uses.

603.4 Conditional Uses

- 1. Livestock and confinement structures or buildings.

A new non-farm dwelling in areas classified by the Soil Conservation Service (S.C.S.) as poor or marginal for agricultural production purposes (agricultural production classes IV to XIII) and located one (1) mile or less of an existing livestock feedlot.

Home Extended Businesses.

Resorts.

Cemeteries.

Churches.

Dams, power plants, switching yards, transmission lines of over 35KV, flowage areas and pipelines.

Essential services and power transmission lines under 35KV outside the road rights-of-way.

Schools.

Commercial recreation including golf courses.

Dog kennels.

Oil drilling, oil pipelines and uranium exploration.

Sewage lagoons for treatment of wastes for humans, animals, and livestock.

Processing plants.

Any structure over one hundred fifty (150) feet in height.

Airports and airport landing strips, public or private.

Junkyards and disposal areas for solid and liquid items.

Refuse areas and sanitary landfills, subject to standards by Nobles County and the Minnesota Pollution Control Agency.

Municipal sewage disposal plants.

603.5 Performance Standards

Height Regulations

The maximum height of all buildings shall not exceed three (3) stories or forty-five (45) feet.

This height limitation shall not apply to grain elevators, silos, grain storage bins, windmills, elevator legs, cooling towers, water towers, chimneys and smokestacks, church spires.

Front Yard Regulations

- a. Required Minimum Setback Distance

<u>for Buildings From Road Centerline</u>	<u>Road Class</u>
125 ft.	State Highway
125 ft.	County Road
80 ft.	Township Road
- b. Required setbacks for essential services when not located within the road right-of-way shall meet the same setbacks requirements for buildings within this section.
- c. The minimum setback from the two lane section(s) of T.H. #60 shall be 225 feet from the centerline.
- d. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side or each corner lot. No accessory buildings shall project beyond the front yard of either road.

3. Side Yard Regulations

There shall be minimum side yards of 20 feet on each side of the building.

4. Rear Yard Regulations

All buildings shall have a minimum rear yard of 20 feet.

5. Lot Area Regulations

- a. The minimum lot area shall be two (2) acres.
- b. The minimum lot area shall be sufficient enough for the location of two standard septic soil treatment areas.

6. Lot Width and Depth Regulations

Every lot or plat of land on which one family dwelling is constructed shall have a minimum width of not less than one hundred fifty (150) feet and a minimum depth of not less than two hundred (200) feet.

7. Floor Area

The minimum floor area of any residential building shall be 800 sq. ft.

8. General Regulations

Additional requirements for parking, signs, sewage systems, and other regulations are set forth in Section 7.

9. Trees and Windbreaks

All trees, field windbreaks, and living snow fences shall be required to have a minimum setback of one hundred, fifty (150) feet from the right-of-way of any road.

All farmstead windbreaks and other trees shall have a minimum distance of twenty-five (25) feet from the right-of-way of any road. Any person wanting to plant a field windbreak or farmstead windbreak closer to the right-of-way must get written approval from the appropriate road authority.

604. Urban Residential Expansion (R-1) District

604.1 Purpose

This district is established within the County for the purpose of allowing limited urban growth and expansion in areas where urban services can be readily extended and provided. As such, these areas serve as transitional areas between rural and urban land uses. This district will be established immediately adjacent to cities which have sanitary sewer and water systems which can be extended and where urban growth and expansion is expected to take place.

604.2 Permitted Uses

1. Any agricultural land use already existing at the time of subdivision.
2. Farmstead residences.
3. Farm drainage systems, flood control and watershed structures and erosion control devices meeting all County, State and Soil Conservation District standards.
4. Single family detached residences.
5. Golf courses.
6. Churches.
7. Forestry.
8. Nurseries and green houses.
9. Public parks and recreation areas.
10. Essential services and power transmission lines under 35KV within the road right-of-way, and:
 - a. Any repairs necessary for the continued operation of those services.
 - b. Any placement changes made from the planned site locations of the utility due to unexpected circumstances will require written approval from the local road authority.
11. Fish and game farms.
12. Wildlife management areas.
13. Manufactured homes subject to the standards in Section 714.
14. Stormwater control and treatment systems.

604.3 Accessory Uses

Any incidental machinery, structure or buildings necessary to the conduct of agricultural operations, residential uses or other permitted uses including garages, fences, etc.

604.4 Conditional Uses

1. Manufactured homes subject to Section 714.
2. Home occupations, provided they meet the standards specified in Section 723.
3. Cemeteries.
4. Any change in agricultural practice that marks an intensification of present agricultural use including feedlots subject to the same standards as in the (AG) Agricultural Preservation District.
5. Commercial recreation areas, (excluding golf courses which are permitted uses).
6. Seasonal produce stands.

7. Power plants, pipelines and transmission lines and structures over 35KV.
8. Horse stables.
9. Airports and airport landing strips.
10. Residential Cluster Development, based upon standards contained in Section 710.
11. Wetland restoration and wetland banking.

604.5 Performance Standards

1. Height Regulations

- a. No building hereafter erected shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height.
- b. This height limitation shall not apply to chimneys and church spires.

2. Front Yard Regulations

a. Required Minimum Setback Distance

<u>for buildings From Road Centerline</u>	<u>Road Classification</u>
125 feet	State Highway
125 feet	County Road
80 feet	Township Road

- b. Required setbacks for essential services when not located within the road right-of-way shall meet the same setbacks requirements for buildings within this section.
- c. The minimum setback from the two lane section(s) of T.H. #60 shall be 225 ft. from the centerline.
- d. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side or each corner lot. No accessory buildings shall project beyond the front yard of either road.

3. Side Yard Regulations

There shall be a minimum side yard of ten (10) feet.

4. Rear Yard Regulations

All buildings shall have a minimum rear yard of ten (10) feet.

5. Lot Area Regulations

The minimum lot area shall be two (2) acres. The minimum lot area shall be sufficient enough for the location of two standard septic soil treatment areas.

6. Lot Width and Depth Regulations:

For dwelling units with private sewage treatment systems:

Minimum Lot Width - 150 feet

Minimum Lot Depth - 200 feet

7. General Regulations:

Additional requirement for parking, signs, sewage systems, and other regulations set forth in Section 7.

605. Rural Residential (R-2) District

605.1 Purpose

This district is created for the existing small unincorporated towns in the County and to allow for additional low density residential development in or adjacent to these towns.

605.2 Permitted Uses

1. Single family subdivisions provided they are contiguous to existing subdivisions or existing urban development.
2. Single-family detached dwellings on existing platted lots.
3. Two-family dwelling.
4. Parks and recreation areas.
5. Public or private schools.
6. Golf courses.
7. Churches.
8. Essential services and power transmission lines under 35KV within the road right-of-way, and:
 - a. Any repairs necessary for the continued operation of those services.
 - b. Any placement changes made from the planned site locations of the utility due to unexpected circumstances will require written approval from the local road authority.
9. Stormwater control and treatment systems.

605.3 Accessory Uses

1. Garages.
2. Fences.

605.4 Conditional Uses

1. Manufactured homes (subject to Section 715).
2. Home occupations, provided they meet the standards specified in Section 723.
3. Cemeteries.
4. Newly created commercial uses, including the modification of an existing commercial use to a new use.
5. Multi-family dwellings.
6. Residential Cluster Development, based upon standards contained in Section 710.
7. Commercial recreation.
8. Hospitals.
9. Hotel and motel.
10. Offices and medical centers.
11. Retail trade.
12. Government buildings.
13. Wholesale business.
14. Indoor recreation, such as theaters, restaurants, cafes, and supper clubs.
15. Passenger transportation terminal.
16. Drive-in business.

17. Clubs, lodges.
18. Automobiles service stations.
19. Essential services - Telephone, telegraph and power distribution poles and lines under 35KV and necessary appurtenant equipment and structures.
20. On and off sale liquor establishment.
21. Wetland restoration and wetland banking.

605.5 Performance Standards

1. Height Regulations

No building hereafter erected shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height.

2. Front Yard Regulations

a. Required Minimum Setback Distance for buildings from Road Centerlines

100 ft.
100 ft.
65 ft.

Road Classifications

State Highway
County Road
Township Road

If it is determined that these setback standards are not practicable, the setbacks shall be the average setback of existing buildings in the immediate area or block, but in no case shall the setback be less than 20 feet from the road right-of-way.

- b. Required setbacks for essential services when not located within the road right-of-way shall meet the same setbacks requirements for buildings within this section.
- c. The minimum setback from the two lane section(s) of T.H. #60 shall be 225 ft. from the centerline.
- d. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.

3. Side Yard Regulation

There shall be a minimum interior side yard setback of ten (10) ft.

4. Rear Yard Regulations

There shall be a rear yard setback of not less than ten (10) feet.

5. Lot Area Regulations

- a. Each single-family dwelling, provided it is served by both a county approved central water distribution system and a central sewage disposal system, together with its accessory buildings hereafter erected, shall be located on a lot having an area of not less than twelve thousand (12,000) sq. ft.
- b. For dwelling units with private sewer systems, the minimum lot size shall be one (1) acre, unless it can be demonstrated by taking a soils percolation test that the percolation rate of the soil is faster than 60 min. per inch, in which case the lot

may be reduced to one-half (1/2) acre plus the public right-of-way. The minimum lot area shall be sufficient enough for the location of two standard septic soil treatment areas.

- c. Each two-family dwelling, provided it is served by both a county approved central water distribution system and a central sewage disposal system, together with its accessory buildings hereafter erected shall be located on a lot having an area of not less than eighteen thousand (18,000) sq. ft.
- d. Lot coverage - not more than forty (40) percent of the lot or tract shall be occupied by buildings for residential use.

6. Lot Width and Depth Regulations

- a. For dwelling units with county approved central sewer and water systems
Minimum Lot width - 75 ft.
Minimum Lot depth - 125 ft.
- b. For dwelling units with private sewer systems
Minimum Lot width - 150 ft.
Minimum Lot depth - 200 ft.
- c. For two family dwellings with county approved central sewer systems
Minimum Lot width - 100 ft.
Minimum Lot depth - 150 ft.

7. Provisions for Multiple Dwellings

Multiple family dwellings are not permitted in areas without a County approved central water supply system and a central sewage system. The following minimum lot requirements shall apply to all multiple family dwellings that would be served by both a county approved central water system and a central sewage system.

- a. Start with a base lot size of 12,000 square feet, then for each efficiency unit, add two thousand (2,000) square feet of lot area to the base lot size; for each one bedroom unit, add two thousand six hundred (2,600) square feet of lot area to the base lot size; for each two bedroom unit, add two thousand seven hundred (2,700) square feet of lot area to the base lot size; and for each unit with three or more bedrooms, add three thousand (3,000) square feet of lot area to the base lot size.
- b. No multiple family dwelling, either detached or semi-detached, shall hereafter be erected or altered that provides less than twenty thousand (20,000) square feet of lot area and an average of one hundred twenty (120') feet of lot width for each building.
- c. All multiple family dwellings, including accessory buildings on any lot shall not cover more than forty percent (40%) of the area of such lot.
- d. Each lot containing a multiple family dwelling, or several such dwellings, either detached or semi-detached or grouped as a self-contained site arrangement, shall have ingress and egress by means of a public right-of-way.

- e. All multiple family dwellings erected on a single lot shall have a side yard setback of not less than ten (10') feet on each side; provided, however, that where several such dwellings either detached or semi-detached, are grouped as a self-contained site arrangement, the minimum distance between such dwellings in the interior of the group arrangement shall not be less than one-half ($\frac{1}{2}$) of the height of the individual buildings but in no case less than thirty (30') feet.
 - f. Each lot shall have a rear yard setback of not less than thirty-five (35') feet.
8. General Regulations

Additional requirements for parking, signs, sewage systems, etc., are set forth in Section 7.

606. Highway Business District (B-1)

606.1 Purpose

A Highway Business District is established to accommodate those types of businesses that require an accessibility to highways to serve the traveling public or to successfully function. To minimize unmanageable strip development, the District should allow only the type of businesses that absolutely require highway exposure or accessibility. This District is designed for all newly created and platted highway businesses.

606.2 Permitted Uses

1. Agricultural business.
2. Implement dealers.
3. Drive-in restaurant.
4. Drive-in retail stores or service uses.
5. Recreation equipment sales including marine boats and sales.
6. Motels or tourist camps.
7. Auto service stations.
8. Seasonal produce stand.
9. Auto sales lot.
10. Essential services and power transmission lines under 35KV within the road right-of-way, and:
 - a. Any repairs necessary for the continued operation of those services.
 - b. Any placement changes made from the planned site locations of the utility due to unexpected circumstances requires written approval from the local road authority.
11. Cafe and restaurant.
12. Professional offices.
13. Movie Theater.
14. Bowling alley.
15. Stormwater control and treatment systems.

606.3 Accessory Uses

1. Parking lots.
2. Any other incidental repair, processing and storage necessary to conduct a permitted principle use.

606.4 Conditional Uses

1. Other highway oriented business activities of the same general character as listed in permitted uses.
2. Commercial recreation.
3. Power lines over 35KV.

606.5 Performance Standards

Highway Business Districts shall be located only adjacent to thoroughfares. Each Highway Business District shall be provided with a service road having access to thoroughfares. Highway business oriented traffic shall not be routed on or directed to

local residential streets.

1. Service Road Standards

- a. Each service road shall be designed with a minimum right-of-way width of sixty-six (66') feet.
- b. Each service road shall have a driving width of at least twenty-four (24) feet.

2. Height Regulations

No building shall hereafter be erected or structurally altered to exceed four (4) stories or fifty (50) feet in height.

3. Front Yard Regulation

a. Required Minimum Setbacks

<u>for buildings from Road Centerlines</u>	<u>Road Classifications</u>
150 ft.	State Highway
150 ft.	County Road
135 ft.	Township Road

- b. Required setbacks for essential services when not located within the road right-of-way shall meet the same setbacks for buildings within this section.
- c. Where a lot is located at the intersection of two or more roads or highways there shall be a front yard setback on each road or highway side of each corner lot. No building shall project beyond the front yard line of either road.

4. Side Yard Regulations

- a. There shall be a side yard having a width of not less than twenty (20') feet on each side of a building.
- b. No building shall be located within fifty (50') feet of any side lot line abutting a lot line in any Residential District.

5. Rear Yard Regulations

- a. There shall be a minimum rear yard of thirty-five (35') feet.
- b. No building shall be located within fifty (50') feet of any rear lot line abutting a lot in any Residential District.

6. Lot Width Regulations

Every lot shall have a width of not less than one-hundred (100') feet.

7. Lot Coverage

Not more than fifty (50%) percent of the lot shall be occupied by buildings.

8. General Regulations

Requirements for signs, parking, shopping centers, and other regulations are set forth in Section 7.

607. Reserved for Future Use

608. General Industry (I)

608.1 Purpose

The purpose of this district is to provide areas in the county that will allow general industrial development and also industrial development essential to agricultural production and which may have adverse effects on densely residential areas. This District is designed for all newly created and platted general industries.

608.2 Permitted Uses

1. Any production, processing, cleaning, servicing, testing, repair or storage materials, goods or products which is not stated as a conditional or prohibited use provided said industry can conform to prescribed performance standards and is not impervious or offensive to the occupants of adjacent premises.
2. Transportation or freight terminal.
3. Wholesale business.
4. Warehouses.
5. Public utility and service buildings.
6. Highway maintenance shops and yards.
7. Auto repair garage.
8. Essential services - Telephone, telegraph and power distribution poles and lines under 35KV and necessary appurtenant structures.
9. Stormwater control and treatment systems.

608.3 Accessory Uses

Any incidental repair, processing, or storage necessary to conduct a permitted principle use.

608.4 Conditional Uses

1. Manufacturing, refining, and processing of chemicals.
2. Junk yards or salvage yards.
3. Extracting, processing and storage of sand, gravel, stone or other raw materials.
4. Distillation of coal, tar, petroleum, or wood.
5. Fertilizer manufacturing.
6. Livestock slaughter houses as processing plants.
7. Power lines over 35KV.
8. Restaurants.
9. Retail trade.
10. Wetland restoration and wetland banking.

608.5 Performance Standards

1. Height Regulations - No buildings shall hereafter be erected or structurally altered to exceed one hundred fifty (150') feet in height.
2. Front Yard Regulations – For the following setback standards, add one foot of setback for each foot in structure height above 50 feet. For example, if a proposed

structure is 80 feet in height, the front setback for that structure from a County Road centerline would be 180 feet (150' + 30').

<u>Required Minimum Setbacks for buildings from Road Centerline</u>	<u>Road Classifications</u>
150 ft.	State Highway
150 ft.	County Road
135 ft.	Township Road

- a. Where a lot is located at the intersection of two (2) or more roads or highways there shall be a front yard setback on each road or highway side of each corner lot. No building shall project beyond the front yard line of either road.
 - b. Required setbacks for essential services when not located within the road right-of-way shall meet the same setbacks requirements for buildings within this section.
3. Side Yard Regulations - For the following setback standards, add one foot of setback for each foot in structure height above 50 feet. For example, if a proposed structure is 80 feet in height, the side yard setback for that structure would be 50 feet (20' + 30'), or if abutting a residential lot in a Residential District, the side yard setback would be 80 feet (50' + 30').
- a. There shall be a side yard having a width of not less than twenty (20') feet on each side of a building.
 - b. No building shall be located within fifty (50') feet of any side lot line abutting a lot in any Residential District.
4. Rear Yard Regulations - For the following setback standards, add one foot of setback for each foot in structure height above 50 feet. For example, if a proposed structure is 80 feet in height, the rear yard setback for that structure would be 65 feet (35' + 30'), or if abutting a residential lot in a Residential District, the rear yard would be 80 feet (50' + 30').
- a. There shall be a minimum rear yard of thirty-five (35') feet.
 - b. No building shall be located within fifty (50') feet of any rear lot line abutting a lot in any Residential District.

5. Lot Width Regulations

Every lot shall have a minimum width of not less than one-hundred (100') feet abutting a public right-of-way.

6. Screening and Fencing

The county shall review all industrial developments to determine the need for screening or fencing of the proposed industrial use; to prevent visual blight from roadways and adjacent non-industrial lots, especially on side yards which face residential district. (Also see Section 704)

7. General Regulations

Other regulations related to signs, parking, etc., are set forth in Section 7.

609. Shoreland Management District

609.01 Statutory Authorization: This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, Minnesota Regulations, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394.

609.02 Policy: The uncontrolled use of shorelands of Nobles 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 the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by Nobles County.

609.03 Jurisdiction: The provisions of this ordinance shall apply to the shorelands of the public water bodies as defined in Section 3.0 of this ordinance and as classified in Subsection 609.20 below. Pursuant to Minnesota Regulations, Parts 6120.2500 - 6120.3900, no lake, pond, or flowage less than 10 acres in size in municipalities or 25 acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this ordinance.

609.04 Compliance: The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this ordinance and other applicable regulations. To assure the transition between land use and water quality, the Nobles County Comprehensive Water Management Plan may be used as a reference.

609.05 Abrogation and Greater Restrictions: It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions, the provisions of this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

609.10 Administration

1. Permits Required: A permit is required for the construction of buildings or building additions (and including such related activities as construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by Section 609.50 of this ordinance. Application for a permit shall be made to the Planning & Zoning Administrator on the forms provided. The application shall include the necessary information so that the Administrator can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided.

2. A permit authorizing an addition to an existing structure shall stipulate that an identified nonconforming sewage treatment system, as defined by Section 609.90, shall be reconstructed or replaced in accordance with the provisions of this ordinance.
3. Certificate of Zoning Compliance: The Planning & Zoning Administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified above. This certificate will specify that the use of land conforms to the requirements of this ordinance. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this ordinance and shall be punishable as provided in Section 8 of this ordinance.
4. Variances:
 - a. Variances may only be granted in accordance with Minnesota Statutes, Chapter 394, as applicable. A variance may not circumvent the general purposes and intent of this ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the Board of Adjustment must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.
 - b. The Board of Adjustment shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in #5 below shall also include the Board of Adjustment's summary of the public record/testimony and findings of facts and conclusions which supported the issuance of the variance.
 - c. For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system.
5. Notifications to Department of Natural Resources:
 - a. Copies of all notices of any public hearing to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten days before the hearings. Notices of hearing to consider proposed subdivisions/plats must include copies of the subdivision/plat.
 - b. A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action.

609.20 Shoreland Classification System: The public waters of Nobles County have been

classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for Nobles County, Minnesota.

The shoreland area for the water bodies listed below shall be as defined in Section 3 (definitions) and as shown on the Official Zoning Map.

1. Lakes

a. Natural Environment Lakes Protected Waters
Inventory I.D. #

Indian Lake Slough

53-0001

Unnamed	53-0003
Indian Lake	53-0007
Maroney (Woolstencroft Marsh)	53-0009
Unnamed	53-0010
Kinbrae (Clear Lake)	53-0016
Kinbrae Slough	53-0018
Jack	53-0019
East Graham	53-0020

West Graham

53-0021

Fury Marsh	53-0022
Unnamed	53-0023
Ocheda	53-0024
Peterson Slough (Gilstead Marsh)	53-0026
Wachter Marsh	53-0027
Tripp Slough	53-0030
Sieverding Marsh	53-0031
Bigelow Slough	53-0032
Groth Marsh	53-0037
Bella	53-0045
Unnamed	53-0046
Unnamed	53-0047
Unnamed	53-0048
Unnamed	53-0049
Unnamed	53-0052
Penning Marsh	53-0059

Willow**51-0048**

(Reference shall be made to the D.N.R. Division of Waters Map for Protected Waters and Wetlands of Nobles County, Minnesota.)

b. Rivers and Streams

<u>Tributary Stream Description</u>	<u>Streams Legal</u>
Norwegian Creek	07-101-42 thru 30-101-43
Unnamed to Norwegian Creek	24-101-43 thru 21-101-43
Unnamed to Unnamed SE 1/4	13-101-43 thru 22-101-43
Unnamed to Norwegian Creek	10-101-43 thru 20-101-43
Unnamed Tributary	04-101-43 thru 30-101-43
Unnamed Tributary	01-101-43 thru 07-101-43
Kanaranzi Creek	34-104-42 thru 06-101-43
Unnamed to Kanaranzi Creek	30-102-42 thru 31-102-43
Unnamed to Kanaranzi Creek	19-102-42 thru 13-102-43
East Branch Kanaranzi Creek	05-102-41 thru 05-102-42
Unnamed to E. Branch Kanaranzi Creek	22-102-42 thru 09-102-42
Unnamed to E. Branch Kanaranzi Creek	17-102-41 thru 05-102-41
Unnamed Tributary	07-103-41 thru 32-103-41
Unnamed to E. Branch Kanaranzi Creek	24-103-42 thru 36-103-42
Unnamed to Kanaranzi Creek NE 1/4	35-103-42 thru 05-102-42
Unnamed to Kanaranzi Creek	26-103-42 thru 32-103-42
Unnamed to Kanaranzi Creek	02-103-42 thru 20-103-42
Unnamed to Unnamed	11-103-42 thru 21-103-42
Unnamed to Kanaranzi Creek	04-103-42 thru 17-103-42
Unnamed to Kanaranzi Creek	28-104-42 thru 05-103-42
Unnamed to Kanaranzi Creek	25-104-43 thru 07-103-42
Unnamed to Unnamed	29-104-42 thru 06-103-42
Unnamed to Kanaranzi Creek	14-102-43 thru 15-102-43
Elk Creek	11-103-43 thru 31-103-43
Unnamed to Elk Creek	09-102-43 thru 18-102-43
Unnamed to Elk Creek	03-102-43 thru 06-102-43
Unnamed to Elk Creek	21-103-43 thru 31-103-43

Champepadan Creek		02-104-43 thru 07-103-43
Unnamed to Champepadan Creek	SW 1/4	27-104-43 thru 22-104-43
Unnamed to Champepadan Creek		18-104-42 thru 14-104-43
Unnamed to Champepadan Creek		04-104-42 thru 14-104-43
Unnamed to Champepadan Creek	NW 1/4	01-104-43 thru 02-104-43
Unnamed to Unnamed		06-104-42 thru 01-104-43
Unnamed to Champepadan Creek		03-104-43 thru 14-104-43
Unnamed to Rock River	SE 1/4	08-104-43 thru 18-104-43
Unnamed to Rock River		04-104-43 thru 07-104-43
Unnamed to Tom Creek		32-101-42 thru 32-101-42
Little Rock River		23-102-41 thru 35-101-42
Unnamed to Little Rock River		14-101-41 thru 09-101-41
Unnamed to J.D. #1		05-101-40 thru 06-101-41
Unnamed to J.D. #1		19-102-40 thru 34-102-41
Unnamed to Little Rock River		29-102-41 thru 04-101-41
Little Rock Creek	SE 1/4	13-102-42 thru 26-101-42
Unnamed to Little Rock Creek		12-101-42 thru 23-101-42
Unnamed to Little Rock Creek		32-102-41 thru 03-101-42
Unnamed to Unnamed		24-102-42 thru 02-101-42
Unnamed to Little Rock Creek		04-101-42 thru 10-101-42
Unnamed to Little Rock Creek		09-101-42 thru 15-101-42
Unnamed to Little Rock Creek		20-101-42 thru 26-101-42
Unnamed Tributary		33-101-41 thru 32-101-41
Unnamed Tributary	NW 1/4	22-101-41 thru 36-101-42
Ocheyedan River	Basin 9	32-102-39 thru 34-101-40
Unnamed to Bella Lake		36-101-40 Basin 45 26-101-40
Unnamed Tributary	St Hwy #60	19-101-40 thru 34-101-40
Unnamed to Ocheda Lake		28-102-40 Basin 24 10-101-40
Unnamed to Ocheda Lake		28-102-40 Basin 24 10-101-40
Indian Lake Outlet	Basin 7	34-101-39 thru 35-101-39
Unnamed to Indian Lake		29-101-39 Basin 7 27-101-39
Unnamed to Unnamed		21-101-39 thru 28-101-39
Unnamed to Okabena Lake		17-102-40 Basin 28 28-102-40
Okabena Creek		05-102-40 thru 15-102-40

Okabena Creek	St Hwy #60	08-102-39 thru 12-102-39
Unnamed to Okabena Creek		05-102-39 thru 10-102-39
Elk Creek		36-103-40 thru 36-103-39
Unnamed to Elk Creek		18-103-40 thru 28-103-39
Unnamed to Unnamed		17-103-40 thru 03-103-40
Unnamed to Unnamed		14-103-40 thru 07-103-39
Unnamed to Unnamed		14-103-40 thru 17-103-39
Unnamed to Unnamed		30-103-39 thru 20-103-39
Jack Creek		25-104-42 thru 36-104-39
Unnamed to Jack Creek		04-103-39 thru 04-103-39
Unnamed to Jack Creek		06-103-40 thru 25-104-40
Unnamed to Jack Creek		14-104-42 thru 30-104-41
Unnamed to Jack Creek		25-104-41 thru 29-104-40
Unnamed to Jack Creek		18-104-40 thru 22-104-40
North Branch Jack Creek		15-104-42 thru 03-104-41
North Branch Jack Creek		03-104-40 thru 19-104-39
Unnamed to North Branch Jack Creek		16-104-41 thru 10-104-41
Unnamed to North Branch Jack Creek		16-104-40 thru 03-104-40
Unnamed Tributary		01-104-40 thru 25-104-39

*All protected watercourses in Nobles County are shown on the Protected Waters Inventory map for Nobles County, a copy of which is hereby adopted by reference. Protected watercourse classifications shall be considered “Tributary”.

Furthermore, any discrepancy of boundary descriptions of the Protected Waters Inventory Map for Nobles County may be amended, if needed, on a case by case situation to the satisfaction of both the Minnesota Department of Natural Resources and Nobles County.

609.30 Land Use District Descriptions

609.31 Criteria for Designation. The land use districts in this Section, and the delineation of a land use district’s boundaries on the Official Zoning Map, must be consistent with the goals, policies, and objectives of the comprehensive land use plan (when available) and the following criteria, considerations, and objectives:

1. General Considerations and Criteria for All Land Uses:
 - a. preservation of natural areas;

- b. present ownership and development of shoreland areas;
 - c. shoreland soil types and their engineering capabilities;
 - d. topographic characteristics;
 - e. vegetative cover;
 - f. in-water physical characteristics, values, and constraints;
 - g. recreational use of the surface water;
 - h. road and service center accessibility;
 - i. socioeconomic development needs and plans as they involve water and related land resources;
 - j. the land requirements of industry which, by its nature, requires location in shoreland areas; and
 - k. the necessity to preserve and restore certain areas having significant historical or ecological value.
2. Factors and Criteria for Planned Unit Developments:
- a. existing recreational use of the surface waters and likely increases in use associated with planned unit developments;
 - b. physical and aesthetic impacts of increased density;
 - c. suitability of lands for the planned unit development approach;
 - d. level of current development in the area; and
 - e. amounts and types of ownership of undeveloped lands.

609.32 Land Use Descriptions. The land use districts provided below, and the allowable land uses therein for the given classifications of water bodies, shall be properly delineated on the Official Zoning Map for the shorelands of this community. These land use districts are in conformance with the criteria specified in Minnesota Regulations, Part 6120.3200, Subp. 3:

NOTE: All lakes and wetlands within Nobles County jurisdiction have been classified as Natural Environment.

609.33 Land Use Districts For Lakes

609.34 Special Protection District

1. Purpose: The intent of the Special Protection District is to guide the utilization of shorelands with special environmentally sensitive areas and unique natural and biological characteristics and to manage areas unsuitable for development due to high water table including wetlands and marshes, steep slopes, or large areas of exposed bedrock.
2. Permitted Uses.
 - a. All general agricultural pasture and minimum tillage cropland uses.

- i. In tilled cropland areas, where applicable, a one (1) rod wide, vegetative buffer strip is required from the ordinary high water level.
 - ii. In pastured areas, the roaming of livestock within the lake or wetland is discouraged.
 - b. Forestry.
 - c. Sensitive resource management of designated wetland areas, nature areas, hiking trails, and wildlife preserves.
 - d. Replacement of existing farm and non-farm dwellings, and other non-livestock structures.
- 3. Accessory Uses. Accessory uses customarily incident to the permitted uses.
- 4. Conditional Uses.
 - a. New farm or non-farm dwellings.
 - b. New or replacement of existing livestock structures.
 - c. Agricultural feedlots.
 - d. Mining of gravel, peat, metallic minerals and the excavation of other materials.
 - e. Parks, campgrounds, and historic sites.
 - f. All approved aerial or underground utility line crossings such as electrical, telephone, telegraph; pipelines for rural water, oil, gas or any other essential services which cannot be reasonably located in other than a special protection district.
 - g. Other uses of the same general character as permitted uses.
- 5. General Manure Management Regulations.

	<u>Surface Spreading</u>	<u>Incorporation or Injection</u>
Lakes	200 feet	100 feet
Water Wells	200 feet	200 feet
Dwellings *	300 feet	300 feet
Residential Devel.	300 feet	300 feet
Public Roadways	25 feet	10 feet

* Distance may be reduced with permission of the property owner.

- a. Surface spreading will not be allowed within this area November thru April.
- b. Aerial irrigation will not be allowed at any time within this area.

609.35 Residential-Recreational District

- 1. Purpose. The intent of the Residential-Recreational Shoreland District is to preserve areas which have natural characteristics suitable for both passive and active

recreational usage and to manage areas suitable for residential development of varying types including permanent and seasonal housing.

2. Permitted Uses.
 - a. Any use permitted in Special Protection District, as regulated therein.
 - b. Single family and duplex residential dwellings, including cottages.
 - c. Detached garage.
 - d. Private swimming pools.
3. Accessory Uses.
 - a. Boat houses and docks.
 - b. Park structures including shelters, toilets, storage buildings, garages, observation towers, and caretakers living quarters.
 - c. Decks and patios.
4. Conditional Uses.
 - a. Any use mentioned as a conditional use in the Special Protection District.
 - b. Residential subdivisions.
 - c. Manufactured homes.
 - d. Privately owned campgrounds that allow overnight camping with electrical, water, and sewer hook-ups.
 - e. Golf courses.
 - f. Triplex and quad residential developments.
 - g. Home occupations.
 - h. Commercial uses.
5. General Manure Management Regulations. Same general setback requirements as set forth in the Special Protection District.

609.36 Land Use District for Rivers and Streams.

609.37 Tributary Watercourses

1. Purpose. The intent of the land use regulations along tributary watercourses is to attempt to protect the surface water quality as it enters the meandering creeks, streams, or rivers as they flow through sensitive and numerous land use districts of the county.
2. Permitted Uses.
 - a. Agricultural cropland and pasture.
 - i. In tilled cropland areas, it is required that a vegetative buffer strip be seeded one (1) rod in width starting from the top of the bank of the channel.

- ii. In pastured areas, the roaming of livestock within the waterway and along the channel banks is discouraged.
 - b. Replacement of farm and non-farm dwellings and other non-livestock buildings.
 - c. Sensitive resources management, nature areas, wildlife preserves and historic sites.
 - d. Public and semi-public parks.
3. Accessory Uses. Accessory uses customarily incident to the permitted uses.
4. Conditional Uses.
- a. New or the replacement of an existing livestock structure.
 - b. Expansion of existing agricultural feedlots (see section 609.72).
 - c. New non-farm residential single family and duplex dwellings.
 - d. Mining of gravel, peat, metallic minerals and the excavation of other materials.
 - e. Golf courses.
 - f. Home occupations.
 - g. Commercial use.
5. General Manure Management Regulations.

	<u>Surface Spreading</u>	<u>Incorporation or Injection</u>
Streams and Rivers	200 feet	50 feet
Water Wells	200 feet	200 feet
Dwellings *	300 feet	300 feet
Public Roadways	25 feet	10 feet

* Distance may be reduced with permission of the property owner.

- a. Surface spreading will not be allowed within this area November thru April.
- b. Aerial irrigation will not be allowed at any time within this area.

609.40 Zoning and Water Supply/Sanitary Provisions

609.41 Lot Area and Width Standards: The lot area (in square feet) and lot width standards (in feet) for single, duplex, triplex and quad residential lots created after the date of enactment of this ordinance for the lake and river/stream classifications are the following:

1. Unsewered Lakes

Natural Environment:

	<u>Riparian Lots</u>		<u>Nonriparian Lots</u>	
	<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
Single	80,000	200	80,000	200
Duplex	120,000	300	160,000	400

	Triplex	160,000	400	240,000	600
	Quad	200,000	500	320,000	800
2. Sewered Lakes:					
Natural Environment:					
		Riparian Lots		Nonriparian Lots	
		<u>Area</u>	<u>Width</u>	<u>Area</u>	<u>Width</u>
	Single	40,000	125	20,000	125
	Duplex	70,000	225	35,000	220
	Triplex	100,000	325	52,000	315
	Quad	130,000	425	65,000	410

3. River/Stream Lot Width Standards. There is no minimum lot size requirement for rivers and streams. The lot width standards for single, and duplex residential developments for the river/stream classifications are:

		Tributary	
		<u>No Sewer</u>	<u>Sewer</u>
	Single	100	75
	Duplex	150	115

609.42 Additional Special Provisions.

1. Subdivisions of duplexes, triplexes, and quads on Natural Environment Lakes must also meet the following standards:
 - a. each building must be set back at least 200 feet from the ordinary high water level;
 - b. each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
 - c. watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
 - d. no more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.

2. One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in Section 609.41, provided the following standards are met:
 - a. for lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within the smallest duplex-sized lot that could be created including the principal dwelling unit;
 - b. a guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height; and
 - c. a guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.

3. Lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian 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. If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

Controlled Access Lot Frontage Requirements

Ratio of lake size to shore length (acres/mile)	Required increase in frontage (percent)
Less than 100	25
100-200	20
201-300	15
301-400	10
Greater than 400	5

- c. they must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot; 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 must also 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 the nonsignificant 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.

609.43 Placement, Design, and Height of Structures.

1. Placement of Structures on Lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact

zone or in a bluff impact zone. Structures shall be located as follows:

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

<u>Classes of Public Waters</u>	<u>Setbacks</u>		<u>Sewage Treatment System</u>
	<u>Structures</u>		
	<u>Unsewered</u>	<u>Sewered</u>	
Lakes			
Natural Environment	150	150	150
Rivers			
Tributary	100	50	75

*One water-oriented accessory structure designed in accordance with Section 609.44 of this ordinance may be set back a minimum distance of ten (10') feet from the ordinary high water level.

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

<u>Setback From:</u>	<u>Setback (in feet)</u>
(1) top of bluff;	30
(2) unplatted cemetery;	50
(3) right-of-way line of federal, state, or county highway; and	50
(4) right-of-way line of town road, public street, or other roads or streets not classified.	30

- 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 water 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.

609.44 Design Criteria for Structures.

1. High Water Elevations. Structures must be placed in accordance with any flood plain 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:
 - a. 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;
 - b. for rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data are available. If data are not available, by placing the

lowest floor at least three feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with parts 6120.500 to 6120.620 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and

- c. 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.
2. Water-oriented Accessory Structures. Each lot may have one water-oriented accessory structure not meeting the normal structure setback in Section 609.43 of this ordinance 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 250 square feet. Detached decks must not exceed eight 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 water and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
 - d. the roof may be used as a deck with safety rails, but just not be enclosed or used as a storage area;
 - e. the structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.
 3. 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, and planned unit developments;
 - 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, and planned unit developments;
 - c. canopies or roofs are not allowed on stairways, lifts, or landings;
 - d. stairways, lifts, and landings may be either constructed above the ground on posts

or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;

- e. stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
 - f. facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to share areas, provided that the dimensional and performance standards of subitems (a) to (e), specified above, are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.
4. 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.
 5. Steep Slopes. The Planning & 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 issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

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

609.51 Vegetation Alterations.

1. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Section 609.60 of this ordinance are exempt from the vegetation alteration standards that follow.
2. Removal or alteration of vegetation, except for agricultural uses as regulated in Section 609.72, is allowed subject to the following standards:
 - a. 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.
 - b. 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:

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

609.52 Topographic Alterations/Grading and Filling.

1. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.
2. Public roads and parking areas are regulated by Section 609.60 of this ordinance.
3. Notwithstanding Items #1 and #2 above, a grading and filling permit will be required for:
 - a. the movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and
 - b. the movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.
4. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:
 - a. Grading or filling in any type 1, 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*:
 - i. sediment and pollutant trapping and retention;
 - ii. storage of surface runoff to prevent or reduce flood damage;
 - iii. fish and wildlife habitat;
 - iv. recreational use;
 - v. shoreline or bank stabilization; and
 - vi. 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 Wetland Conservation Act, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. The applicant will be so advised.

- b. 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;
 - c. 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;
 - d. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
 - e. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the Natural Resource Conservation Service and Watershed District rules;
 - f. Fill or excavated material must not be placed in a manner that creates an unstable slope;
 - g. 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;
 - h. Fill or excavated material must not be placed in bluff impact zones;
 - i. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 103G.245;
 - j. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
 - k. Placement of natural rock riprap, including associated grading of the shorelines and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.
5. Connections to public waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.

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

- 1. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
- 2. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.

3. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Section 609.52 of this ordinance must be met.

609.61 Stormwater 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 stormwater runoff before discharge to public waters.
 - b. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
 - c. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.
2. Specific Standards:
 - a. Impervious surface coverage of lots must not exceed 25 percent of the lot area.
 - b. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
 - c. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

609.70 Special Provisions for Commercial, Industrial, Public/Semipublic, Agricultural, Forestry and Extractive Uses and Mining of Metallic Minerals and Peat.

609.71 Standards for Commercial, Industrial, Public, and Semipublic Uses.

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

- c. 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:
 - i. no advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff;
 - ii. 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
 - iii. 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.
2. 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 of be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

609.72 Agriculture Use Standards

1. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the NRCS, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.
2. Animal feedlots must meet the following standards:
 - a. new feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of 300 feet from the ordinary high water level of all public waters basins; and
 - b. modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.

609.73 Extractive Use Standards.

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

609.74 Mining of Gravel, Metallic Minerals and Peat. Existing mining of gravel, 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. New sites must also conform to Section 508, Mining and Excavation of the Nobles County Zoning Ordinance.

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

609.81 Evaluation Criteria. A thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site must be made to ensure:

1. the prevention of soil erosion or other possible pollution of public waters, both during and after construction;
2. the visibility of structures and other facilities as viewed from public waters is limited;
3. the site is adequate for water supply and on-site sewage treatment; and
4. the types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

609.82 Conditions attached to conditional use permits. The Nobles County Planning Commission upon consideration of the criteria listed above and the purposes of this ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

1. increased setbacks from the ordinary high water level;
2. limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and

3. special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

609.90 Water Supply and Sewage Treatment

609.91 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.

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

1. Publicly-owned sewer systems must be used where available.
2. All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document titled, "Individual Sewage Treatment Systems Standards, Chapter 7080", a copy of which is hereby adopted by reference and declared to be a part of this ordinance.
3. On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in Section 609.43, #1, of this ordinance.
4. All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in subitems (a) to (d) below. If the determination of a site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.

Evaluation criteria:

- a. depth to the highest known or calculated ground water table or bedrock;
 - b. soil conditions, properties, and permeability;
 - c. slope;
 - d. the existence of lowlands, local surface depressions, and rock outcrops;
5. Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with Section 609.103 of this ordinance.

609.100 - Nonconformities

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

609.101 Construction on Nonconforming Lots of Record.

1. Lots of record in the office of the county recorder on the date of enactment of local shoreland controls that do not meet the requirements of Section 609.41 of this ordinance may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this ordinance are met.
2. A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the board of adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
3. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Section 609.41 of this ordinance the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Section 609.41 of this ordinance as much as possible.

609.102 Additions/Expansions to Nonconforming Structures.

1. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Section 609.43 of this ordinance. Any deviation from these requirements must be authorized by a variance pursuant to Section 609.10, #4.
2. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:
 - a. the structure existed on the date the structure setbacks were established;
 - b. a thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
 - c. the deck encroachment toward the ordinary high water level does not exceed 15 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
 - d. the deck is constructed primarily of wood, and is not roofed or screened.

609.103 Nonconforming Sewage Treatment Systems.

1. A sewage treatment system not meeting the requirements of Section 609.90 of this ordinance 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 nonconforming if the only deficiency is the sewage treatment system's improper setback from the

ordinary high water level.

2. The governing body of Nobles County has by formal resolution notified the commissioner of its program to identify nonconforming sewage treatment systems. Nobles County will require upgrading or replacement of any nonconforming system identified by this program within a reasonable period of time which will not exceed 2-years. Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, Section 103F, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems, shall be considered nonconforming.

609.110 Subdivision/Platting Provisions

609.111 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 be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

609.112 Consistency with other controls. Subdivisions must conform to all official controls of this community. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with Sections 609.43 and 609.90 can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Section 609.41, including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.

609.113 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:

1. topographic contours at ten-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;
2. 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;

3. 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;
4. information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
5. location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and
6. 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.

609.114 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 stormwater and significant wetlands.

609.115 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. 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.

609.116 Controlled access or recreational lots. Lots intended as controlled accesses to public waters or for recreational use areas for use by nonriparian lots within a subdivision must meet or exceed the sizing criteria in Section 609.42 of this ordinance.

609.120 Planned Unit Developments (PUD’S)

609.121 Types of PUD’s Permissible. Planned unit developments (PUD’s) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. The land use districts in which they are an allowable use are identified in the land use district descriptions in Section 609.30 of this ordinance and the official zoning map.

609.122 Processing of PUD’s. Planned unit developments must be processed as a conditional use, except that an expansion to an existing commercial PUD involving 6 or fewer new dwelling units or sites since the date this ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Section 609.125. Approval cannot occur until the environmental review process (EAW/EIS) is complete.

609.123 Application for a PUD. The applicant for PUD must submit the following documents prior to final action being taken on the application request:

1. A site plan and/or plat for the project showing locations of property boundaries,

surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at ten-foot intervals or less. When a PUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.

2. A property owners association agreement (for residential PUD's) with mandatory membership, and all in accordance with the requirements of Section 609.126 of this ordinance.
3. Deed restrictions, covenants, permanent easements or other instruments that: 1) properly address future vegetative and topographic alterations, construction of additional buildings, teaching of watercraft, and construction of commercial buildings in residential PUD's; and 2) ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 609.126 of this ordinance.
4. When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.
5. Those additional documents as requested by the Nobles County Zoning Administration that are necessary to explain how the PUD will be designed and will function.

609.124 Site "Suitable Area" Evaluation. Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in Section 609.125.

1. The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

Shoreland Tier Dimensions

	Unsewered (feet)	Sewered (feet)
Natural environment lakes	400	320
All river classes	300	300

2. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

609.125 Residential and Commercial PUD Density Evaluation

The procedures for determining the "base" density of a PUD and density increase

multipliers are as follows: Allowable densities may be transferred from any tier to any other tier further from the water body, but must not be transferred to any other tier closer.

1. Residential PUD “Base” Density Evaluation:

The suitable area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth, unless the local unit of government has specified an alternative minimum lot size for rivers which shall then be used to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses here and the design criteria in Section 609.126.

2. Commercial PUD “Base” Density Evaluation:

- a. Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basement, unless they are habitable space.
- b. Select the appropriate floor area ratio from the following table:

Commercial Planned Unit Development
Floor Area Ratios*
Public Waters Classes

*Average unit floor area (sq.ft.)	tributary river <u>segments</u>	Natural environment <u>lakes</u>
200	.040	.010
300	.048	.012
400	.056	.014
500	.065	.016
600	.072	.019
700	.082	.021
800	.091	.023
900	.099	.025
1,000	.108	.027
1,100	.116	.029
1,200	.125	.032
1,300	.133	.034
1,400	.142	.036
1,500	.150	.038

*For average unit floor areas less than shown use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 square feet.

3. Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.
4. Divide the total floor area by tier computed in #3 above by the average inside living area size determined in #1 above. This yields a base number of dwelling units and sites for each tier.
5. Proposed locations and numbers of dwelling units or sites for the commercial planned unit development are then compared with the tier, density and suitability analyses herein and the design criteria in Section 609.126.

6. Density Increase Multipliers:

- a. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Section 609.40 are met or exceeded and the design criteria in Section 609.126 are satisfied. The allowable density increases in “b” below will only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback, or the impact on the water body is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25 percent greater than the minimum setback.
- b. Allowable dwelling unit or dwelling site density increases for residential or commercial planned unit developments:

Density evaluation tiers	Maximum density increase within each tier (percent)
First	50
Second	100
Third	200
Fourth	200
Fifth	200

609.126 Maintenance and Design Criteria

1. Maintenance and Administration Requirements
 - a. Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.
 - b. Open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:
 - i. commercial uses prohibited (for residential PUD’s);
 - ii. vegetation and topographic alterations other than routine maintenance prohibited;
 - iii. construction of additional buildings or storage of vehicles and other materials

prohibited; and

iv. uncontrolled beaching of watercraft prohibited.

- c. Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners association with the following features:
- i. membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;
 - ii. each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;
 - iii. assessments must be adjustable to accommodate changing conditions; and
 - iv. the association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.
2. Open Space Requirements. Planned unit developments must contain open space meeting all of the following criteria:
- a. at least 50 percent of the total project area must be preserved as open space;
 - b. dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space;
 - c. open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;
 - d. open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
 - e. open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.
 - f. open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities;
 - g. the appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and
 - h. the shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUD's, at least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the shore impact zone areas of new developments must be preserved in its natural state.
3. Erosion Control and Stormwater Management. Erosion control and stormwater management plans must be developed and the PUD must:

- a. be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and
 - b. be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area, except for commercial PUD's 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with Section 609.50.
4. Centralization and Design of Facilities. Centralization and design of facilities and structures must be done according to the following standards:
- a. planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-Site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Sections 609.43 and 609.90 of this ordinance. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;
 - b. dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with Section 609.125, #6, of this ordinance for developments with density increases;
 - c. shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for the loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers;
 - d. structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit if government, assuming summer, leaf-on conditions. Vegetative and topographic

screening must be preserved if existing, or may be required to be provided;

- e. accessory structures and facilities, except water oriented accessory structures, must meet the required principal structure setback and must be centralized; and
- f. water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 609.43 of this ordinance and are centralized.

609.127 Conversions. Local governments may allow existing resorts or other land uses and facilities to be converted to residential planned unit developments if all of the following standards are met:

1. Proposed conversions must be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.
2. Deficiencies involving water supply and sewage treatment, structure, color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.
3. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
 - a. removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
 - b. remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water; and
 - c. if existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.
4. Existing dwelling unit or dwelling site densities that exceed standards in Section 609.125 may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

610. Reserved for Future Use

611. Floodplain District

611.01 Statutory Authorization

The Legislature of the State of Minnesota has, in Minnesota Statutes Chapters 103F and Chapter (394 for counties or 462 for municipalities) delegated the authority to local governmental units to adopt regulations designed to minimize flood losses. Minnesota Statute, Chapter 103F further stipulates that communities subject to recurrent flooding must participate and maintain eligibility in the National Flood Insurance Program. Therefore the County of Nobles, Minnesota does ordain as follows.

611.02 Statement of Purpose

The purpose of this ordinance is to maintain the community's eligibility in the National Flood Insurance Program and to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

611.03 Warning of Disclaimer of Liability

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

611.04 Adoption of Flood Insurance Rate Map

The Flood Insurance Rate Map for the County of Nobles, dated June 3, 1986, developed by the Federal Emergency Management Agency is hereby adopted by reference as the Official Flood Plain Zoning District Map and made a part of this ordinance. This map was previously entitled the Flood Hazard Boundary map dated May 25, 1979.

611.05 Lands to Which Ordinance Applies. This ordinance shall apply to all lands designated as flood plain within the jurisdiction of Nobles County.

611.06 Interpretation

The boundaries of the flood plain district shall be determined by scaling distances on the Official Flood Plain Zoning District Map. Where interpretation is needed as to the exact location of the boundaries of the flood plain district, the Nobles County Zoning Administrator shall make the necessary interpretation based on elevations on the regional (100-year) flood profile, if available. If 100-year flood elevations are not available, the community shall:

1. Require a flood plain evaluation consistent with Section 611.23 of this ordinance to determine a 100-year flood elevation for the site; or
2. base its decision on available hydraulic/hydrologic or site elevation survey data which demonstrates the likelihood the site is within or outside of the flood plain.

611.10 Conflict with Pre-existing Zoning Regulations and General Compliance

611.11 The Flood Plain District as Overlay Zoning District

The flood plain zoning district shall be considered an overlay zoning district to all existing land use regulations of the community. The uses permitted in Sections 611.20 and 611.30 of this ordinance shall be permitted only if not prohibited by any established, underlying zoning district. The requirements of this ordinance shall apply in addition to other legally established regulations of the community and where this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

611.12 Compliance

No new structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations which apply to uses within the jurisdiction of this ordinance. Within the Floodway and Flood Fringe, all uses not listed as permitted uses in Section 611.20 shall be prohibited. In addition, a caution is provided here that:

1. New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provision of this ordinance and specifically Sections 611.20 and 611.100;
2. Modifications, additions, structural alterations or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this ordinance and specifically Section 611.70; and
3. As-built elevations for elevated structures must be certified by ground surveys as stated in Section 611.50 of this ordinance.

611.20 Permitted Uses, Standards and Flood Plain Evaluation Criteria

611.21 Permitted Uses in the Flood Plain. The following uses of land are permitted uses in the flood plain district.

1. Any use of land which does not involve a structure, an addition to the outside dimensions to an existing structure or an obstruction to flood flows such as fill, excavation, or storage of materials or equipment.
2. Any use of land involving the construction of new structures, the placement or replacement of manufactured homes, the addition to the outside dimensions of an existing structure or obstructions such as fill or storage of materials or equipment, provided these activities are located in the flood fringe portion of the flood plain. These uses shall be subject to the development standards in Section 611.22 of this

ordinance and the flood plain evaluation criteria in Section 611.23 of this ordinance for determining floodway and flood fringe boundaries.

3. Travel trailers and travel vehicles are regulated by Section 611.30 of this ordinance.

611.22 Standards for Flood Plain Permitted Uses

1. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation - FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.
2. Storage of Materials and Equipment:
 - a. 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.
 - b. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning or if placed on fill to the Regulatory Flood Protection Elevation.
3. No use shall be permitted which will adversely affect the capacity of the channels or floodways of any tributary to the main stream, or of any drainage ditch, or any other drainage facility or system.
4. All structures, including accessory structures, additions to existing structures and manufactured homes, shall be constructed on fill so that the basement floor, or first floor if there is no basement, is at or above the Regulatory Flood Protection Elevation. The finished fill elevation must be no lower than one foot below the Regulatory Flood Protection Elevation and shall extend at such elevation at least 15' beyond the limits of the structure constructed thereon.
5. All uses. Uses that do not have vehicular access at or above an elevation not more than two feet below the Regulatory Flood Protection Elevation to lands outside of the flood plain shall not be permitted unless granted a variance by the Board of Adjustment. In granting a variance, the Board shall specify limitation on the period of use or occupancy of the use and only after determining that adequate flood warning time and local emergency response and recovery procedures exist.
6. Commercial and Manufacturing Uses. Accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the Regulatory Flood Protection Elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth greater than two feet or be subject to flood velocities greater than four feet per second upon occurrence of the regional flood.

7. On-site Sewage Treatment and Water Supply Systems: Where public utilities are not provided:
 - a. On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems.
 - b. 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 Section.
 - c. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

611.23 Flood Plain Evaluation

1. Upon receipt of an application for a permit, manufactured home park development or subdivision approval within the flood plain district, the Nobles County Planning & Zoning Administrator shall require the applicant to furnish sufficient site development plans and a hydrologic/hydraulic analysis by qualified engineer of hydrologist specifying the nature of the development and whether the proposed use is located in the floodway or flood fringe and the Regulatory Flood Protection Elevation for the site. Procedures consistent with Minnesota Rules 1983 Parts 6120.5600 (Technical Standards and Requirements for Floodplain Evaluation) and 6120.5700 (Minimum Floodplain Management Standards for Local Ordinances) shall be followed during the technical evaluation and review of the development proposal.
2. The Planning & Zoning Administrator shall submit one copy of all information required by # 1, above, of this ordinance to the respective Department of Natural Resources' Area Hydrologist for review and comment at least 20 days prior to the granting of a permit or manufactured home park development; subdivision approval by the community. The Administrator shall notify the respective Department of Natural Resources Area Hydrologist within 10-days after a permit or manufactured home park development/subdivision approval is granted.

611.30 Utilities, Railroads, Roads and Bridges in the Flood Plain District

All utilities and transportation facilities, including railroad tracks, roads and bridges, shall be constructed in accordance with state flood plain management standards contained in Minnesota Rules 1983 Parts 6120.5000 - 6120.6200.

611.40 Subdivisions

611.41 Lot or Parcel Contains Sufficient Area

No land shall be subdivided and no manufactured home park shall be developed or

expanded where the site is determined to be unsuitable by the Nobles County Planning Commission for reason of flooding inadequate drainage, water supply or sewage treatment facilities. The Nobles County Planning Commission shall review the subdivision/development proposal to insure that each lot or parcel contains sufficient area outside of the floodway for fill placement for elevating structures, sewage systems and related activities.

611.42 Applicant Provides Information

In the Flood Plain District, applicants for subdivision approval or development of a manufactured home park or manufactured home park expansion shall provide the information required in Section 611.23 (# 1) of this ordinance. The Zoning Administrator shall evaluate the proposed subdivision or mobile home park development in accordance with the standards established in Sections 611.20, 611.23 and 611.30 of this ordinance.

611.43 Assess Roads Shall be Clearly Labeled

For all subdivisions in the Flood Plain, the Floodway and Flood Fringe boundaries, the Regulatory Flood Protection Elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

611.44 Removal of Special Flood Hazard Area Designation

The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

611.50 Administration

611.51 Permit Required

A permit issued by the Planning & Zoning Administrator shall be secured prior to the construction, addition, or alteration of any building or structure; prior to the use or change of use of a building, structure, or land; prior to the change or extension of a nonconforming use; and prior to excavation or the placement of an obstruction within the flood plain.

611.52 State and Federal Permits

Prior to granting a permit or processing an application for a variance, the Planning & Zoning Administrator shall determine that the applicant has obtained all necessary state and federal permits.

611.53 Certification of Lowest Floor Elevations

The applicant shall be required to submit certification by a registered professional

engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. The Planning & Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) for all new structures and alterations or additions to existing structures in the flood plain district.

611.60 Variances

611.61 Modification of a Specific Permitted Development

A variance means a modification of a specific permitted development standard required in an official control including this ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation.

611.62 Variance from the Terms of this Ordinance

The Board of Adjustment may authorize upon appeal in specific cases such relief or variance from the terms of this ordinance as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in the respective enabling legislation which justified the granting of the variance.

611.70 Nonconformities

A structure or the use of a structure or premises 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:

1. Increase of Nonconformity. No such use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.
2. Alteration Within the Inside. An alteration within the inside dimensions of a nonconforming use or structure is permissible provided it will not result in increasing the flood damage potential of that use or structure.
3. Cost. The cost of all structural alterations or additions both inside and outside of a structure to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the community's initial flood plain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds 50 percent of the current market value of the structure, then the structure must meet the standards of Section 611.20 of this

ordinance for new structures.

4. Structure Destroyed. If any nonconforming use of a structure or land or nonconforming structure is destroyed by any means, including floods, to an extent of 50 percent or more of its market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance. The Planning & Zoning Administrator may issue a permit for reconstruction if the use is located outside the floodway and, upon reconstruction, is adequately elevated on fill in conformity with the provisions of this ordinance.

611.80 Penalties for Violation

A 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 Variance) shall constitute a misdemeanor.

611.81 Enforcement of Controls and Correction of Ordinance Violations

In responding to a suspected ordinance violation, the Planning & Zoning Administrator and Local Government may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The community must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

611.82 Investigation

When an ordinance violation is either discovered by or brought to the attention of the Planning & Zoning Administrator, the Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the community's plan of action to correct the violation to the degree possible.

611.83 Notification

The Planning & Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other Official Controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the community. If the construction or development is already completed, then the Administrator may either:

1. issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls, or

2. notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30-days.

611.84 Violation

If the responsible party does not appropriately respond to the Planning & Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this ordinance and shall be prosecuted accordingly. The Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this ordinance.

611.90 Amendments

All amendments to this ordinance, including revisions to the Official Flood Plain Zoning District Map, shall be submitted to and approved by the Commissioner of Natural Resources prior to adoption. The flood plain designation on the Official Flood Plain Zoning District Map shall not be removed unless the area is filled to an elevation at or above the Regulatory Flood Protection Elevation and is contiguous to lands outside of the flood plain. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given 10-days written notice of all hearings to consider an amendment to this ordinance and said notice shall include a draft of the ordinance amendment or technical study under consideration.

611.100 Travel Trailers and Travel Vehicles

Travel trailers and travel vehicles that do not meet the exemption criteria specified in Section 611.101 below shall be subject to the provisions of this ordinance and as specifically spelled out in Sections 611.103 - 611.104 below.

611.101 Exemption. Travel trailers and travel vehicles are exempt from the provisions of this ordinance if they are placed in any of the areas listed in Section 611.102 below and further they meet the following criteria:

1. Have current licenses required for highway use.
2. Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect-type utilities commonly used in campground and trailer parks and the travel trailer/travel vehicle has no permanent structural type additions attached to it.
3. The travel trailer or travel vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.

611.102 Areas Exempted for Placement of Travel/Recreational Vehicles

1. Individual lots or parcels of record.

2. Existing commercial recreational vehicle parks or campgrounds.
3. Existing condominium-type associations.

611.103 Travel Trailers and Travel Vehicles

Travel trailers and travel vehicles exempted in Section 611.101 lose this exemption when development occurs on the parcel exceeding \$500 for a structural addition to the travel trailer/travel vehicle or an accessory structure such as a garage or storage building. The travel trailer/travel vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation requirements and the use of land restrictions specified in Sections 611.20 of this ordinance.

611.104 New Commercial Travel Trailer or Travel Vehicle Parks or Campgrounds and New Residential-Type Subdivisions and Condominium Associations

New commercial travel trailer or travel vehicle parks or campgrounds and new residential subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:

1. Any new or replacement travel trailer or travel vehicle will be allowed in the Floodway or Flood Fringe Districts provided said trailer or vehicle and its contents are placed on fill above the Regulatory Flood Protection Elevation determined in accordance with the provisions of Section 611.30 of this ordinance and proper elevated road access to the site exists in accordance with Section 611.20 of this ordinance. No fill placed in the floodway to meet the requirements of this Section shall increase flood stages of the 100-year or regional flood.
2. All new or replacement travel trailers or travel vehicles not meeting the criteria of (1) above may, as an alternative, be allowed if in accordance with the following provisions. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100-year flood. Said plan shall be prepared by a registered engineer or other qualified individual and shall demonstrate that adequate time and personnel exist to carry out the evacuation. All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Section 611.22 (# 7) of this ordinance.

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SECTION 7 PERFORMANCE STANDARDS

701. Purpose

The performance standards established in this section are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. The performance standards are designed to prevent and eliminate those conditions that cause blight. All future development in all districts shall be required to meet these standards and the standards shall also apply to existing development where so stated. The County Board shall be responsible for enforcing the standards.

Before any building permit is approved, the Planning & Zoning Administrator shall determine whether the proposed use will conform to the performance standards. The developer or landowners shall supply data necessary to demonstrate such conformance. Such data may include a description of equipment to be used, hours of operation, method of refuse disposal and type and location of exterior storage.

702. Exterior Storage

In residential districts, 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: laundry drying and recreational equipment, construction and landscaping materials and equipment currently being used on the premises, agricultural equipment and materials if these are used or intended for use on the premises, off-street parking of passenger automobiles and pick-up trucks. Boats and unoccupied trailers, less than twenty (20') feet in length, are permissible if stored in the rear yard more than ten (10') feet from the property line.

In all districts, the County may require a Conditional Use Permit for any exterior storage if it is demonstrated that such storage is a hazard to the public health and safety or has a depreciating effect upon nearby property values, or impairs scenic views, or constitutes a threat to living amenities.

703. Refuse

In all districts, all waste material, with the exception of animal manure, or crop residue debris, shall be contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse. Existing uses shall comply with this provision within six months following enactment of this ordinance.

Passenger vehicles and trucks in an inoperative state shall not be parked in residential districts for a period exceeding seven (7) days; inoperative shall mean incapable of movement under their own power and in need of repairs or junk yard. All exterior storage not included as permitted accessory use, a permitted use, or included as part of a conditional use permit, or otherwise permitted by provisions of this ordinance shall be considered as refuse.

704. Screening

Screening shall be required in residential zones where:

1. any off-street parking area contains more than four (4) parking spaces and is within thirty (30') feet of an adjoining residential zone, and
2. where the driveway to a parking area of more than six (6) parking spaces is within fifteen (15') feet of an adjoining residential use or zone.

Where any business or industry (structure, parking or storage) 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, parking lot, or industry is located across the street from a residential zone, but not on that side of a business or industry considered to be the front.

All exterior storage shall be screened. The exceptions are:

1. merchandise being displayed for sale;
2. materials and equipment presently being used for construction on the premises;
3. merchandise located on service station pump islands.

The screening required in this section may consist of a fence, trees, shrubs and berms, but shall not extend within fifteen (15') feet of any street or driveway. The screening shall be placed along property lines or in case of screening along a street, twenty (20') feet from the street right-of-way with landscaping between the screening and pavement. Planting of a type approved by the County Board may also be required in addition to or in lieu of fencing.

705. Landscaping Maintenance

In all districts, all structures and areas requiring landscaping and fences shall be maintained so as not to be unsightly or present harmful health or safety conditions.

706. Glare

In all districts, any lighting used to illuminate an off-street parking area, sign, or other structure, shall be arranged as to deflect light away from any adjoining residential zone or from public streets. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property. Any light or combination of lights which cast light on a public roadway or street shall not exceed one (1) foot candle (meter reading) as measured from the centerline of said street. Any light or combination of lights which cast light on residential property shall not exceed 0.4 foot candles (meter reading) as measured from said property.

707. Bulk Storage (liquid)

All uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals, and similar liquids in excess of 2,500 gallons, shall require a conditional use permit in order that the County Board may have assurance that fire, explosion, or water or soil contamination hazards are not present (that would be detrimental to the public health,

safety, and general welfare).

708. Nuisances

708.1 Nuisance Characteristics

No noise, odors, vibrations, smoke, air pollution, liquid or solid wastes, heat, glare, dust, or other such adverse influences shall be permitted in any district that will in any way have an objectionable effect upon adjacent or nearby property. All wastes in all districts shall be disposed of in a manner that is not dangerous to public health and safety nor will damage public waste transmission or disposal facilities. The following standards apply to non-industrial districts.

708.2 Odors

Odors shall not be allowed to exceed the standards stated in the Minnesota Rules, chapter 7009, or as amended.

708.3 Miscellaneous Nuisances

1. It shall be unlawful for any person to store or keep any vehicle without a current license, whether such vehicle be dismantled or not, outside of an enclosed building in residential districts.
2. It shall be unlawful to create or maintain a junk yard or vehicle dismantling yard except as herein provided.
3. The following are declared to be nuisances affecting public health or safety:
 - a. The effluence from any cesspool, septic tank, drainfield, or human sewage disposal system, discharging upon the surface of the ground, or dumping the contents thereof at any place except as authorized.
 - b. The pollution of any public cesspool, septic tank, drainfield or human sewage disposal system, discharging upon the surface of the ground, or dumping the contents thereof at any place except as authorized.
 - c. The ownership, possession or control of any unused refrigerator or other container, with doors which fasten automatically when closed, of sufficient size to retain any person, to be exposed and accessible to the public without removing the doors, lids, hinges or latches or providing locks to prevent access by the public.

709. Permitted Encroachments

The following are permitted encroachments on setback and height requirements, except as hereinafter provided:

1. In any yard: Posts, off-street open parking spaces, flues, belt courses, leaders, sills, pilasters, lintels, cornices, eaves, gutters, awnings, open terraces, service station pump

islands, open canopies, steps, chimneys, flag poles, ornamental features, open fire escapes, sidewalks, and fences, and all other similar devices incidental and appurtenant to the principal structure except as hereinafter amended.

710. Cluster Development

- 710.1 Cluster Development, the placing of residential dwelling units into compact groupings, may be permitted in any residential district following the completion and approval of a preliminary and final plat for a cluster development. The Planning Commission and County Board shall find that the proposed development plan is in substantial compliance with the applicable standards of this ordinance.
- 710.2 A cluster development shall be defined in this ordinance as a residential development in which a number of single-family dwelling units are grouped on smaller than usual or minimum lots, leaving some land undivided for common use by all residents of the development.
- 710.3 Common land may be preserved as open recreation space for recreational facilities, or for preservation of natural or scenic resources.
- 710.4 Except for minimum setbacks and height limitations for the district in which the development is proposed, altered dimensional standards may be allowed as exceptions to this ordinance for cluster development, provided that:
1. In residential (R-1 and R-2) districts of this ordinance, the number of dwelling units allowed shall not exceed the total number of dwelling units allowed if the development was based on the minimum lot size and density requirements for a single-family residential subdivision.
 2. Open space shall be preserved. At least forty (40) percent of the site shall be kept in its natural state or utilized for recreation purposes.
 3. In areas where public sewer and water are not available, adequate soil area shall be shown on the preliminary plat for one (1) reserve or back-up area.
 4. Complete plans and documents of the homeowners association are submitted which explain:
 - a. Ownership and membership requirements.
 - b. Organization of the association.
 - c. Time at which the developer turns the association over to the homeowners.
 - d. Approximate monthly or yearly association fee for homeowners.
 - e. Specific listing of items owned in common including such items as roads, recreation facilities, parking, common open space grounds, and utilities.
 5. No cluster development lot shall be less than seven thousand five hundred (7,500) square feet in area.

711. Accessory Building and Structures

711.1 In Residential Districts

1. No accessory building shall be located nearer the front lot line than the principal building on the lot.
2. No accessory building shall exceed the height of the principal building.
3. No private garage used or intended for the storage of passenger automobiles shall exceed one thousand two hundred (1,200) square feet of gross area.
4. When a private garage is oriented so as to face onto a public street, it shall not be less than twenty (20) feet from the front line.

711.2 In Commercial and Industrial Districts

1. No accessory building shall exceed the height of the principal building except by conditional use permit.
2. Accessory buildings may be located any place to the rear of the principal building.

711.3 In all Districts

1. No accessory building or use shall be constructed or developed on a lot prior to construction of the principal building.
2. An accessory building shall be considered as an integral part of the principal building if it is located less than six (6) feet from the principal building.
3. An accessory building may be located within the rear yard setback provided that the lot is not a through lot and said accessory building does not occupy more than twenty-five (25) percent of a required rear yard.

712. Dwelling Units Prohibited

No garage, tent, trailer, basement, or accessory building shall at any time be used as a permanent residence. The basement portion of a finished home or apartment may be used for normal eating and sleeping purposes, provided it is properly damp-proofed, has suitable fire protection and exits, and is otherwise approved by the Zoning Administrator.

713. Relocation Structures

713.1 Permit Required

Prior to the placement of a relocated structure, a land use permit must be obtained from the Zoning Administrator. The permit shall indicate the location of the lot on which the house is to be located, the dimensions of the lot and the proposed location of the structure on the lot along with setback distances. No permit to move a building shall be issued unless and until the following conditions are fully complied with and approved by the

Zoning Administrator.

1. The building to be moved must comply in all respects with the Nobles County Zoning Ordinance.
2. The lot on which the building is to be located must meet all the minimum dimensional requirements of the zoning district in which it is located.
3. The building must be placed on the lot so as to meet all the front, side, and rear yard requirements as set forth in the zoning ordinance.

713.2 Electrical Correction Requirements

In every case in which a permit shall be issued as herein provided, for the removal required or the displacement of any overhead electrical or other wires, it shall be the duty of the person, association, or corporation owning, operating or controlling such wires to remove or displace the same, so far as the same may be necessary to effect the removal thereof, shall be authorized by such permit.

The person to whom said permit shall have been issued shall notify the person, association, or corporation owning, operating, or controlling said wire to remove or displace the same to facilitate the removal of said building, and shall at the same time exhibit to said person, association, or corporation the properly issued permit authorizing the removal of said wires sufficiently to allow the passage of said building along the street over which said wires are suspended.

Any expense incurred or to be incurred in the moving, removing or displacing of such wire shall be paid for by the person who makes application for said permit.

714. Manufactured Homes

714.1 The placement of a manufactured home in the County must meet the following standards:

1. The home must be at least twenty four (24') feet in width;
2. The home must have at least 800 square feet of inside floor area;
3. The home must be placed on a permanent foundation, as approved by the Nobles County Planning & Zoning Administrator;
4. The home must have a conventional roof and roof line; and
5. The home must meet all other requirements contained in this ordinance.

714.2 Manufactured Home Sales Yard

A manufactured home may be placed within a manufactured home sales yard.

714.3 Care Facilities

A manufactured home may be permitted as an accessory use on a lot in an Agricultural

District or R-1 Residential District if the Planning & Zoning Administrator finds the following conditions are satisfied:

1. The manufactured home will be an accessory dwelling unit to be occupied by persons who are:
 - a. Infirm to the extent that they require extraordinary care; and
 - b. that such care can only be provided, without great economic hardship, by family members residing in the principal dwelling house on the premises; and
 - c. the infirmity and the need for care required by (a) and (b) above shall be shown by written statement of a physician.
2. This use will be so conditioned that it will expire and terminate at such time as the care facility is no longer the residence of the person or persons suffering from the infirmity which requires such care, or at such time as such care is **no longer required**.
3. The manufactured home allowed for this use does not need to conform to the rules in section 714.1, #1, #2, #3, or #4.
4. The manufactured home shall be connected to a water supply and an approved sewage system.
5. At the time of termination of the medical necessity, the manufactured home care facility shall be removed from the premises within thirty (30) days when practical.

714.4 Farm Dwelling

A manufactured home may be permitted as an accessory use in an Agricultural District if the Planning & Zoning Administrator finds the following conditions satisfied:

1. The manufactured home will be occupied by persons who are members of the family of the persons occupying the principal dwelling house on the premises, or
2. The occupants of the manufactured home are engaged in the occupation of farming on the premises as partners or other business associates of the persons living in the principal dwelling unit on the premises and who earn fifty percent (50%) or more of their annual gross income for federal income tax purposes from such farming on the premises.
3. The manufactured home shall be connected to an approved water supply and approved sewage system.
4. The manufactured home shall meet or exceed all other requirements specified in this ordinance.

714.5 Temporary Construction Office

A manufactured home may be permitted in any district if the Planning & Zoning Administrator finds the following conditions are satisfied:

1. The manufactured home will be utilized as a field headquarters for directing the ongoing construction of a project.
2. The manufactured home has adequate sanitary facilities or the site shall have temporary sanitary facilities installed.
3. The manufactured home and parking spaces shall adhere to all setbacks for the zoning district and shall only utilize the permitted access driveway.
4. The manufactured home shall not be used as a dwelling unit.
5. The manufactured home allowed for this use does not need to conform to the rules in section 714.1, #1, #2, #3, or #4.
6. The certificate of compliance is issued only after the building permit has been issued. The manufactured home shall not be placed on the construction site until both a certificate of compliance and a building permit have been issued.
7. Such permit shall expire when construction is completed or within one hundred eighty (180) days from the date of issuance, whichever is less. Renewal of such a permit may be approved by the Planning & Zoning Administrator.
8. The manufactured home shall be removed within thirty (30) days of the permit termination.

714.6 Temporary Dwelling Unit During Construction

A manufactured home may be permitted in any Residential or Agricultural District if the Planning & Zoning Administrator finds the following conditions are satisfied.

1. The manufactured home will be utilized as a temporary dwelling unit by the present or potential occupant of a single-family residence during the construction, reconstruction, or alteration of said residency by the present or potential occupant.
2. The manufactured home shall have adequate sanitary facilities as prescribed by the community building official/sanitarian.
3. The land use permit for the temporary dwelling is issued only after the building permit has been obtained for the proposed construction.
4. The manufactured home and parking spaces shall adhere to all setbacks for the zoning district and shall only utilize the permitted access driveways.
5. The manufactured home allowed for this use does not need to conform to the rules in section 714.1, #1, #2, #3, or #4.
6. Such a permit shall expire when construction is completed or within one hundred eighty (180) days from the date of issuance, whichever is less. Renewal of such permit may be approved by the Planning & Zoning Administrator.

714.7 All manufactured homes permitted under this Section shall meet or exceed the current Federal Manufactured Home Construction and Safety Standards. The manufactured home shall have a sanitary sewage treatment and disposal system in compliance with the Minnesota Pollution Control Agency and this zoning ordinance.

714.8 When the manufactured home is utilized as an accessory dwelling unit to the principal dwelling unit, the placement of the manufactured home is subject to the same zoning district dimensional setbacks as a principal dwelling unit.

714.9 Manufactured homes utilized as accessory dwelling units shall use the existing road access driveway of the principal dwelling unit.

714.10 Manufactured homes utilized as accessory dwelling units shall be separated by a minimum horizontal distance of forty (40') feet from any other structure.

714.11 Manufactured homes utilized as accessory dwelling units shall have ground anchors or tie downs as approved by the manufacturer.

715. Adult Use Regulations.

715.1 Findings and Purpose. This section is intended to regulate “adult uses,” on those premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas” which are capable of being seen by members of the public.

It is therefore in the best interest of the public health, safety, and welfare of the citizens of Nobles County that certain types of activities, as set forth in this ordinance, are prohibited upon the premises of licensed liquor, wine, and beer establishments so as to best protect and assist the owners and operators and employees of these premises, as well as patrons and the public in general. Further, the County intends that the standards in this ordinance reflect the prevailing community standards in the County of Nobles. This Ordinance is intended to prevent harm stemming from the physical immediacy and combination of alcohol, nudity, and sex. The County Board of Commissioners also desires to prevent any subliminal endorsement of sexual harassment or activities likely to lead to the possibility of various acts of criminal conduct such as prostitution, sexual assault, and disorderly conduct.

It is further the intent of this Ordinance to:

1. Protect the public health, safety, morals, comfort, convenience and general welfare of the citizens of the county.
2. Protect and preserve economically viable agricultural land.
3. Promote orderly development of the residential, commercial, industrial, recreational and public areas.
4. Conserve the natural and scenic beauty and attractiveness of the county.

5. Conserve and develop natural resources in the County.
6. Provide for the compatibility of different land uses and the most appropriate use of land throughout the County.
7. Minimize environmental pollution.

715.2 Adult Use License Required. No person shall own or operate an adult use establishment without first having secured an Adult Use License from Nobles County.

1. Application. The application for an Adult Use License shall be submitted on a form provided by the County and shall include.
 - a. If the application is an individual: the name, residence, phone number, and birth date of the applicant shall be provided. If the applicant is a partnership: the name, residence, phone number, and birth date of each general and limited partner shall be provided. If the applicant is a corporation: the name, residence, phone numbers, and birth dates of all persons holding more than five (5) percent of the issued outstanding stock of the corporation.
 - b. The name, address, phone number, and birth date of the operator and manager of such operation, if different from the owner(s).
 - c. The address and legal description of the premises where the adult establishment is to be located.
 - d. A statement detailing any gross misdemeanor or felony convictions relating to sex offenses, obscenity, or the operation of an adult establishment of adult business by the applicant, operator, or manager, and whether or not the applicant has ever applied for or held a license to operate a similar type business in any other community(s). In the case of a corporation, a statement detailing any felony convictions by the owners of more than five percent (5%) of the issued and outstanding stock of the corporation, and whether or not those property owners have ever applied for or held a license to operate a similar type of business in other community(s).
 - e. The activities and types of business to be conducted.
 - f. The hours of operation.
 - g. Provisions to be utilized to restrict access by minors.
 - h. A building plan of the premises detailing all internal operations and activities.
 - i. The permit shall expire on December 31 of the year it is issued.
2. Responsibility to Obtain Other Permits/Licenses. The granting of any permit or license pursuant to requirements of this Ordinance, or other applicable Nobles County Ordinances, shall not relieve applicants of their responsibility to obtain any required state or federal permits.

715.3 Adult Use License Fee.

1. Submittal of Fees. Each application for an Adult Use License shall be submitted to

the County Administrator and shall be accompanied by payment in full of the required fee for the Adult Use License.

2. Expiration of Adult Use License. Each license shall be issued for a period of one (1) calendar year. All licenses shall expire on the last day of December of each year. Any portion of a year less than 12 months shall be counted as a full year for the purpose of calculation of fees.
3. Annual Fee. The annual fee for an Adult Use License shall be as detailed in the fee schedule established by the Nobles County Board of Commissioners. The fee may be adjusted from time to time by County Board resolution.
4. Refund of Fee. An application for a license fee shall not be refunded. No part of the fee paid for any license issued under this Ordinance shall be refunded.

715.4 Granting of Adult Use License.

1. The Nobles County Sheriff or his designee shall investigate all facts set out in the application. Each owner of the establishment, be it individual, partner, limited partner, shall be subjected to a criminal history background check by the Sheriff or his designee. Costs of the criminal history investigations shall be borne by the applicant according to a fee schedule established by the Sheriff. The application for the adult use license shall not be considered complete until all required information has been furnished, the investigation has been completed by the Sheriff or his designee, and a report provided to the County Administrator by the Sheriff.

The Planning Commission shall hold a public hearing and report its findings to the County Board within thirty (30) days after the County Administrator receives a complete application. At the hearing opportunity shall be given to any person to be heard relating to the granting of the license. The County Board shall grant or deny said Adult Use License within sixty (60) days of the submission of a complete application.

2. The Adult Use License shall be issued only to the applicant and shall not be transferable to another holder. Each license shall be issued only for the premises described in the application. No license may be transferred to another premises or person without the written permission of the County. If the license is a partnership or corporation, a change in the identity of any of the principals of the partnership or corporation shall be deemed to be a transfer of the license.

715.5 Persons Ineligible for Adult Use License. No license shall be issued to any person:

1. Under twenty-one (21) years of age.
2. Who is overdue in payments to a city, county, state, or federal government of taxes, fees, fines or penalties, or charges for municipal services and utilities assessed against them or imposed upon them.
3. Who has been convicted of a gross misdemeanor or felony, or of violating any law of

this state or local Ordinance relating to sex offenses, obscenity offenses, or adult establishments.

4. Who is not the proprietor of the establishment for which the license is issued.
5. To any applicant who is acting as an agent for an individual who would be disqualified pursuant to the above criteria.
6. Who has not paid the required investigation/licensing fees required by this Ordinance.

715.6 Places Ineligible for Issuance of Adult Use License.

1. No license shall be granted for adult establishments on any premises where a licensee has been convicted of a violation of this Ordinance, or where any license hereunder has been revoked for cause, until one (1) year has elapsed after such conviction or revocation.
2. No license shall be granted for any adult establishment which is not in compliance with the County's land use regulations, or fire, health, and safety codes and all provisions of federal and state law.

715.7 Conditions of Adult Use License.

1. All licensed premises shall have the license posted in a conspicuous place at all times.
2. No Minor shall be permitted on the premises.
3. Any designated inspection officer of the County shall have the right to enter, inspect, and search the premises of a licensee during business hours.
4. No adult goods or materials shall be offered, sold, transferred, conveyed, given, displayed, or bartered to any minor.
5. In granting a license for an adult establishment, the County Board may impose additional conditions to protect the best interest of the surrounding area or the County as a whole.
6. The licensee must keep itemized written records of all transactions involving the sale or rental of all items or merchandise for at least one year after the transaction. At a minimum, those records must describe the date of the transaction, a description of the transaction, the purchase or rental price, and a detailed description of the item or merchandise that is being purchased or rented. These written records must be provided to the County upon request.
7. The licensee must cover or otherwise arrange all windows, doors, and apertures to prevent any person outside the licensed premises from viewing any items or merchandise inside the premises depicting specified sexual activities or specified anatomical areas.

715.8 Operational Restrictions Adult Uses - Principal

1. General Provisions. Adult uses, as defined in Section 3 of this Ordinance, shall be subject to the following general provisions:
 - a. No person(s) under eighteen (18) years of age shall be permitted in any adult use-principal premises, enterprise, establishment, business or place.
 - b. No liquor license shall be issued to any adult use related premises, enterprise, establishment, business, or place open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction, description of, or participation in “specified sexual activities” or “specified anatomical areas.”
 - c. No adult use related premises, enterprise, establishment, business or place shall allow or permit the sale or service of set ups to mix alcoholic drinks. No alcoholic beverages shall be consumed on the premises of such premises, enterprise, establishment, business, or place.
 - d. Activities classified as obscene are not permitted and are prohibited. In no instance shall the application or interpretation of this Ordinance be construed to allow an activity otherwise prohibited by law.
 - e. Adult uses, either principal or accessory, shall be prohibited from locating in any building which is also utilized for residential purposes.
 - f. An adult use which does not qualify as an accessory use pursuant to Section 715.11 below, shall be classified as an adult-use principal.
2. Permitted Locations for Adult Use-Principal.
 - a. Adult use-principal, shall only be allowed in the “B-1” Highway Business District, and the “I” Industrial District as Conditional Uses.
 - i. Access, parking, screening, lighting, setbacks and other relevant site related criteria for all Adult uses shall be as set forth in the Nobles County Land Use Ordinance.
 - b. Adult-use principal, shall be located at least one thousand (1,000) lineal feet, as measured in a straight line from the closest point of the main entrance of the building within which the adult use-principal is located, to the property line of:
 - i. Any residentially used or zoned property. Any residential site in an Agricultural Preservation District, for the purpose of this ordinance, will be considered the 10 acres surrounding the residential home.
 - c. Any licensed day-care center.
 - d. Any public or private educational facility classified as a pre-school, elementary, junior high, middle school, senior high school or college.
 - e. Any hotel or motel.
 - f. Any public park or trails system.
 - g. Any nursing home.
 - h. Any youth establishment.

- i. Any church or church related organization.
 - j. Another adult establishment. No adult use-principal shall be located in the same building or upon the same property as another adult use-principal.
3. Hours of Operation. Hours of operation for Adult-uses principal shall be from 9:00 a.m. to 12:30 a.m. A differing time schedule may be approved by the County Board if it can be satisfactorily demonstrated to the Board that all of the following apply:
- a. The use does not adversely impact or affect uses or activities within 1,000 lineal feet.
 - b. The use will not result in increased policing and related service calls.
 - c. Is critical to the operation of the business.
4. Sign Regulations. Adult use-principal shall adhere to the following sign regulations in addition to those set forth in the Nobles County Land Use Ordinance.
- a. Sign message shall be generic in nature and shall only identify the name and type of business. Signs shall not be pictorial.
 - b. Signs shall be limited to the size and number of signs permitted in the district in which the use is located.

715.9 Adult Cabaret Regulations.

1. The following additional restrictions apply to Adult Cabarets:
- a. No person, firm, partnership, corporation, or other entity shall advertise, or cause to be advertised, an adult cabaret without a valid Adult Use License.
 - b. An Adult Use Licensee shall maintain and retain for a period of two (2) years the names, addresses, and ages of all persons engaged, hired, or employed as dancers or performers by the licensee.
 - c. An adult cabaret shall be prohibited in establishments where alcoholic beverages are served.
 - d. No owner, operator, or manager of an adult cabaret shall permit or allow any dancer or other live entertainer to perform nude.
 - e. No patron or any person other than a dancer or live entertainer, as provided in subparts g & h below, shall be nude in an adult cabaret.
 - f. No dancer, live entertainer, performer shall be under eighteen (18) years of age.
 - g. All dancing shall occur on a platform intended for that purpose which is raised at least two (2') feet above the level of the floor.
 - h. No dancer or performer shall perform or dance closer than ten (10') feet from any patron unless such dancer or performer is enclosed behind a floor to ceiling glass partition.
 - i. No dancer or performer shall fondle or caress any patron and no patron shall

fondle or caress any dancer or performer.

- j. No person under eighteen (18) years of age shall be admitted to an adult cabaret.

715.10 Viewing Booth Regulations.

1. The following additional regulations apply to viewing booths:
 - a. Individual Motion Picture viewing booths must be without doors and the occupant must be visible at all times.
 - b. Only one person may be in a viewing booth at a time.
 - c. Walls separating booths must be such that the occupants cannot engage in sexual activity.
 - d. Each booth must be kept clean and sanitary.
 - e. Minimum lighting requirements must be maintained.

715.11 Adult Use, Accessory.

1. Permitted Locations for Accessory Adult Uses. Adult use-accessory shall be permitted in the “B-1” Highway Business District and the “I” Industrial Districts, provided the accessory use conforms with the provisions of this subdivision. Adult Use-Accessory shall:
 - a. Comprise no more than ten percent (10%) of the floor area of the establishment in which it is located.
 - b. Comprise no more than twenty percent (20%) of the gross receipts of the entire business operation.
 - c. Not involve or include any activity except the sale or rental of merchandise.
2. Separation of Area. Adult use-accessory shall be restricted from, and prohibit access to minors, by physically separating the following and similar items from areas of general public access:
 - a. Movie Rental display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view of, and under the control of, the persons responsible for the operation.
 - b. Magazines or publications classified as adult uses shall not be physically accessible to minors and shall be covered with a wrapper or other means to prevent display of any material other than the publication title.
 - c. Other adult uses not specifically cited shall comply with the intent of this Ordinance.
3. Advertising. Adult Use-Accessory shall be prohibited from both internal and external advertising and signing of adult materials and products.

715.12 Penalties.

Any person violating any provision of this Ordinance is guilty of a misdemeanor. In addition, Nobles County may sue for injunctive relief for any violation. Also, Nobles County may sue for injunctive relief to prevent a violation. They may suspend or revoke any permits or licenses issued by the Board with cause.

1. Suspension or Revocation of Adult Use License. Any violation of this Ordinance shall be a basis for suspension or revocation of any permit or license granted hereunder. In the event the County Board proposes to suspend or revoke the Adult Use License, the County Board shall hold a hearing. The County will provide 10 days written notice before such a hearing.
2. Revocation of Liquor License. Any violation of this Ordinance shall be a basis for suspension or revocation of a Liquor License issued pursuant to Minnesota Statutes, Chapter 340A. The Nobles County Board of Commissioners or anyone they delegate shall follow the notice and hearing requirements for contested cases under Minnesota Statutes, Chapter 14.57 to 14.70 of the Administrative Procedures Act.

716. Traffic Control

The traffic generated by any use shall be channelized and controlled in a manner that will avoid:

1. congestion on the public streets,
2. traffic hazards, and
3. excessive traffic through residential areas, particularly truck traffic.

Internal traffic shall be so regulated as to ensure its safe and orderly flow. Traffic into and out of business areas shall in all cases be forward moving with no backing into streets. On corner lots, (including rural areas) nothing shall be placed or allowed to grow with the exception of seasonal crops in such a manner as materially to impede vision between a height of two and one-half (2 ½') and ten (10') feet above the centerline grades of the intersecting streets to a distance such that a clear line of vision is possible of the intersecting street from a distance of fifty (50') feet from the intersection of the right-of-way lines.

717. Vacated Streets

Whenever any street, alley, easement, railroad, or public way is vacated by official action, the zoning district abutting the centerline of the said vacated area shall not be affected by such proceeding.

718. Access Drives and Access

Access drives may not be placed closer than five (5') feet to any side or rear lot line. No

access drive shall be closer than three (3') feet to any single or two family residence, no closer than five (5') feet to any multiple family building or commercial building. The number and types of access drives onto major streets may be controlled and limited in the interests of public safety and efficient traffic flow.

Access drives onto any roads shall require a review and permit by the applicable Road Authority. The Road Authority shall determine the appropriate location, size, and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow.

Access drives to principal structures which traverse wooded, steep, or open field areas shall be constructed and maintained to a width and base material depth sufficient to support access by emergency vehicles. The Planning & Zoning Administrator shall review all access drives (driveways) for compliance with accepted community access drive standards. All driveways shall have a minimum width of ten (10') feet with a strength capable of supporting emergency and fire vehicles.

All lots or parcels shall have direct adequate physical access for emergency vehicles along the frontage of the lot or parcel from either an existing dedicated public roadway, or an existing private roadway approved by the County Board.

719. Sewage and Wastewater Treatment

719.1 Purpose and Intent

The purpose of the Sewage and Wastewater treatment Ordinance shall be to provide minimum standards for and regulation of individual sewage treatment systems (ISTS) and septage disposal including the proper location, design, construction, operation, maintenance and repair to protect surface water and ground water from contamination by human sewage and waterborne household and commercial waste; to protect the public's health and safety, and eliminate or prevent the development of public nuisances pursuant to the authority granted under Minnesota Statutes Chapters 115 and 145A and Minnesota Rules Chapter 7080 as amended that may pertain to sewage and wastewater treatment.

719.2 General Provisions

1. Standards Adopted by Reference. The County hereby adopts by this reference, Minnesota Rules Parts 7080.0010 to 7080.0315 (and including 7080.0910) as now constituted and, from time to time, amended.
2. Permits. No person shall install, alter, repair or extend any individual sewage treatment system in the County without first applying for and obtaining a permit from the Environmental Services Office and at the same time paying a fee as listed in the Nobles County fee schedule. Such permit shall be valid for a period of twelve (12) months from the date of issuance.
3. License Requirements. No person shall engage in the evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance or pumping of on-

site individual sewage treatment systems without first obtaining a license to perform such tasks from the Minnesota Pollution Control Agency, except as provided under part 7080.0700, subpart 1.

4. **Failing Septic Systems.** A Notice of noncompliance shall be issued and copies provided to the property owner and to the County within 30 days under the following conditions:
 - a. A failing ISTS shall be upgraded, replaced or its use discontinued within one (1) year. The Department will give consideration to weather conditions as it establishes compliance dates.
 - b. An ISTS posing an imminent threat to public health or safety shall be upgraded, replaced or repaired, or its use discontinued, within an appropriate time no greater than 10 months.
5. **Additional Soil Treatment Area Requirements.** On all lots created after January 23, 1996, the system design shall include at least one designated additional soil treatment area which can support a standard soil treatment system.

719.3 Enforcement

1. Any person who violates any of the provisions of this Ordinance or who makes any false statement on a Certificate of Compliance shall be guilty of a misdemeanor, punishable by imprisonment or a fine or both as defined by law.
2. In the event of a violation of this Ordinance, in addition to other remedies, the County Attorney may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations.

720. Irrigation Systems

720.1 Permits

All proposed irrigation systems shall require a conditional use permit from the County Board as well as a permit from the Department of Natural Resources (DNR). The County Soil and Water Conservation District shall also review any proposed irrigation system. As part of the application for a conditional use permit from the County, the applicant shall submit a permit from the DNR.

721. Parking

721.1 General Provisions

1. Access drives may be placed adjacent to property lines except that drives consisting of crushed rock or other non-finished surfacing shall be no closer than one (1') foot to any side or rear lot line.

2. Parking spaces. Each parking space shall not be less than nine (9') feet wide and twenty (20') feet in length exclusive of an adequately designed system of access drives.
3. Control of off-street parking facilities. When required, accessory off-street parking facilities are provided elsewhere on the lot in which the principal use served is located, they shall be in the same ownership or control, either by deed or long term lease, as the property occupied by such principal use, and the owner of the principal use shall file a recordable document with the County Board requiring the owner and his or her heirs and assigns to maintain the required number of off-street spaces during the existence of said principal use.
4. Use of parking area. Required off-street parking space in any District shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable or for sale or rent.

721.2 Design and Maintenance of Off-Street Parking Areas

1. Parking Areas shall be designed so as to provide adequate means of access to a public alley or street. Such driveway width access shall be determined by the appropriate Road Authority and shall be so located as to cause the least interference with traffic movement.
2. Signs. No signs shall be located in any parking area except as necessary for orderly operation of traffic movement and such signs shall not be a part of the permitted advertising space.
3. Parking space for six (6) or more cars. When a required off-street parking space for six (6) cars or more is located adjacent to a Residential District, a fence of adequate design, not over five (5') feet in height nor less than four (4') feet in height shall be erected along the Residential District property line.
4. Maintenance of off-street parking space. It shall be the joint and several responsibility of the operator and owner of the principal use, uses, and/or building to maintain, in a neat and adequate manner, the parking space, access ways, landscaping and required fences.
5. Determination of areas. A parking space shall not be less than three hundred (300) square feet per vehicle of standing and maneuvering area.

721.3 Truck Parking in Residential Areas

No motor vehicle over one (1) ton capacity bearing a commercial license and no commercially licensed trailer shall be parked or stored in a platted residential district or a public street except when loading, unloading, or rendering a service. Pickups are not restricted by the terms of this provision.

721.4 Other Parking in Residential Areas

Parking in residential areas (off-street and on-street) shall be limited to motor vehicles for the use of the residents of those homes. Except for short-term parking, six (6) hours or less) and guest parking, the number of vehicles parking on or in front of a residential lot shall not exceed double the number of persons residing on the premises and having automobile driver's licenses.

721.5 Off-Street Spaces Required (One space equals 300 square feet)

USES	SPACES REQUIRED
One and Two family residences	Two (2) spaces per dwelling unit.
Multiple Dwellings	Two (2) spaces per dwelling unit.
Churches, Theaters, Auditoriums,	One (1) space for each three (3) seats or and other places of assembly or each five (5') feet of pew length, based upon maximum design capacity.
Business and Professional Offices	One (1) space for each 400 square feet of gross floor space.
Medical and Dental Clinics	Five (5) spaces per doctor or dentist plus one (1) space for each employee
Hotel, or Motel	One (1) space per rental unit plus one (1) space per employee.
Schools	At least one (1) parking space for each four (4) students based on design capacity, plus one (1) additional space for each classroom.
Hospital	At least one (1) parking space for each three (3) hospital beds, plus one (1) space for each four (4) employees, other than doctors, plus one (1) parking space for each resident and regular staff doctor.
Drive-In Food Establishment	At least five (5) parking spaces for each alley, plus additional spaces as may be required herein for related uses such as restaurant, plus one (1) additional space for each employee.
Automobile Service Station	At least two (2) off-street parking spaces plus four (4) off-street parking spaces for each service stall.
Retail Store	At least one (1) off-street parking space for each one hundred fifty (150) square feet of gross floor area.
Restaurants, Cafes, Bars, Taverns, Night Clubs	At least one (1) space for each three (3) seats based on capacity design.

USES	SPACES REQUIRED
Funeral Homes	Sufficient off-street parking shall be required to accommodate the maximum number of guests expected to be in attendance at a funeral home at any given time. The number of required spaces shall be determined by the local governing body after due consideration is given to the expected parking needs of the funeral home.
Industrial, Warehouse, Storage	At least one (1) space for each employee on Handling of Bulk Goods maximum shift or one (1) space for each two thousand (2000) square feet of gross floor area, whichever is larger.
Uses Not Specifically Noted	As determined by the County Board following review by the Planning Commission.

722. Sign Regulations

All signs hereinafter erected, altered, substantially repaired, relocated and maintained, except official traffic and road or street signs shall conform with the provisions of this ordinance and shall also be regulated by Minnesota law relating to the placement of advertising devices along interstate and truck highways.

722.1 General Provisions

1. Except for Exempt Signs, all signs shall be considered structures or part of structures for the purpose of height and yard requirements.
2. Except for governmental signs, all signs are prohibited from being located within public rights-of-way, within public easements, or on public property without written permission from the appropriate governmental unit.
3. All square footage area calculations shall include the signage border, but exclude structural supports.
4. All signed locations shall be kept free from unreasonable growth, debris or rubbish, and failure to correct such conditions after being so directed in writing by the Planning & Zoning Administrator shall be cause for revocation of the existing permit and removal of the sign or signs on said location or locations.
5. All signs erected in Nobles County shall be identified by owner or erector in four inch letters.
6. Signs intended to be read from the water shall be set back to the established structure setback from normal high water elevations, shall be attached to a building, and shall not exceed thirty (30) square feet in gross area.

7. Projecting signs, awnings, or canopies that overhang a pedestrian way shall provide a minimum clearance above said pedestrian way of ten (10') feet or more. No projecting sign shall extend more than four (4') feet from the building wall to where it is attached.
8. Prohibited signs or sign characteristics are:
 - a. Any sign that interferes with visibility of drivers or obstructs traffic signs.
 - b. Any signs that are illuminated by a flashing light or by any light directed towards a neighboring residence, a traveled portion of a highway or street, or towards the water, except emergency or warning signs.
 - c. Any signs that are composed of any conspicuous animated part.
 - d. Any signs that are mounted on a dock or float.
 - e. Roof signs shall be prohibited.
 - f. Any signs that resemble, imitate, or are similar to the shape, form, or color of railroad or traffic signs, signals, or devices.
 - g. Any signs that emit sounds.

722.2 Sign Classifications

1. On-Site Advertising Signs: These are signs that advertise a business, product, service, commodity, or profession located on the same premises as the sign.
2. Off-Site Advertising Signs: These are signs that advertise or direct attention of the general public to a business, product, service, commodity, or profession that is conducted, sold, or offered at a place other than on the premises on which the sign is located.
3. Temporary Advertising Signs: These are signs that advertise a business, product, service, commodity, or profession located on the same premises as the sign and which are not permanently affixed to the premises.
4. Exempt Signs: These are signs that do not require a permit as long as the pertinent performance standards are satisfied. These types of signs include those that are required by units of government, temporary construction and real estate signs, election signs, public service signs, garage/yard/rummage sale signs, name plate or identification signs, window signs, and farm signs.

722.3 Performance Standards

1. On-Site Advertising Signs
 - a. Free Standing Signage Size Allowance. One (1) free standing sign with a maximum square footage of one hundred (100) square feet in size on lots with 300 linear feet in frontage is permitted in B-1 or I Districts. Two (2) free standing signs of one hundred (100) square feet in size or one (1) free standing sign of two

hundred (200) square feet in size on lots with more than 300 linear feet in frontage is permitted in commercial or industrial districts.

- b. Other signs. All other on-site signs shall be limited to signs attached to walls, facia, or painted on the surface of the building or structure.
 - c. Height Regulations. The maximum height of any free standing On-Site sign shall not exceed fifty (50') feet.
 - d. Spacing. No free standing On-Site sign shall be closer than fifty (50') feet to any other free standing on-site sign.
 - e. Lighting. On-Site signs may be illuminated.
 - f. Setback. Free standing On-Site signs shall maintain a side yard setback equal to the height of the sign structure.
 - g. Free standing signs in Residential Districts. Commercial uses that are allowed in residential districts may have one (1) sign with a maximum square footage of thirty two (32') feet. The sign may be a back to back or "V" type sign, with each side sized at a maximum thirty two (32') square feet.
2. Off-Site Advertising Signs.
- a. Size. The maximum sign area for any one face of an Off-Site sign shall not exceed 400 square feet. This size limitation shall apply to each face of a sign structure. These signs may be placed in a back-to-back or in a "V" type construction, which is not to exceed 45 degrees. For purposes of calculating the area of a back-to-back or "V" type construction sign, only one face of the sign shall be considered.
 - b. Location. These types of signs are allowed to be placed within B-1 or I Districts.
 - c. Height. The maximum height of any Off-Site sign shall not exceed fifty (50') feet.
 - d. Spacing. No Off-Site sign shall be erected closer than 500 feet from another off-site sign located on the same side of the highway, road, or street. This provision does not prohibit back-to-back or "V" type signs.
 - e. Lighting. Off-Site signs may be illuminated.
 - f. Setback. Off-Site signs shall maintain a side yard setback of fifty (50') feet.
3. Temporary Signs.
- a. Temporary signs shall be limited to banners, pennants, and portable signs.
 - b. Size. The maximum square footage allowed for temporary signs on any one lot is one (1) square foot of sign area for every one (1) linear foot of lot frontage.
 - c. Height. The maximum height for all temporary signs not attached to buildings shall not exceed ten (10') feet.
 - d. Time limitation. Temporary signs are allowed by permit for a time period not to exceed thirty (30) consecutive days within any one hundred eighty (180) day period.

4. Exempt Signs.

- a. **Government Signs.** These signs shall be allowed in any district as required by the governing body having jurisdiction including, but not limited to school districts, Nobles County, and State of Minnesota. Exempt signs include fire numbers and emergency identification numbers. Size, height, spacing, and other requirements shall conform to those set by the appropriate governing body.
- b. **Real Estate Signs.** For the purpose of selling, renting, or leasing any real estate, a sign of twenty-five (25) square feet or less may be placed in the front yard. Said sign shall be removed within seven (7) days following the sale, rental, lease, or termination of sales agreement.
- c. **Construction, Temporary.** One (1) temporary construction or identification sign may be installed upon a construction site in any district denoting the name of the architect, engineer, contractor, and/or future business, provided the sign shall not be installed prior to the issuance of a building permit and provided the sign shall be removed within thirty (30) days following occupancy of the building. This sign shall be sized one hundred (100) square feet or less.
- d. **Public Service Signs.** Temporary signs advertising a special event or a public service nature may be displayed in any commercial or industrial district for thirty (30) days or less per calendar year.
- e. **Informational Signs.** Signs of a non-advertising nature which informs, directs, provides address information, warns, or similar signs shall be allowed in all districts provided that the total area of such signs shall not exceed six (6) square feet in surface area. Informational signs include, but are not limited to, signs that indicate to a visitor on the property that the visitor should enter, exit, stop, not enter, or not trespass.
- f. **Election Signs.** Signs, posters, or banners which pertain to an upcoming election of a candidate, political issue, or election shall be permitted in all districts. This exemption shall not include Off-Site advertising signs purchased or rented by political candidates or by those connected to a political issue. The maximum square footage for an exempt election sign shall be twenty five (25) square feet. The maximum height for this type of sign shall not exceed ten (10') feet, shall not be placed within any right-of-way or on any public property, shall not be placed on any public utility pole, nor placed on any private property without the consent of the owner or occupant, shall not be placed so as to constitute a hazard to any person or property, and shall not be allowed to remain on the location more than ten (10) days following the election. Removal of the signs shall be the responsibility of the owner or occupant of the lot upon which the sign is located.
- g. **Garage/Yard/Rummage Sale Signs.** These signs are permitted in all districts provided they are located on private property and not placed within public rights-of-way, shall not exceed four (4) square feet in size, and shall be removed within one (1) day of the sale's termination.
- h. **Name Plate or Identification Signs.** Signs identifying the name of a building or occupants of a building or structure and/or the address of a building shall be

permitted in all districts provided that the signs do not exceed three (3) square feet in surface area.

- i. Window Signs. Signs located on or inside a window are permitted in all districts.
- j. Farm Signs. Signs identifying the name of a farm or farm related products are permitted in all districts provided they are located on private property and do not exceed twenty five (25) square feet.

722.4 Permits

1. Except as otherwise noted, no sign shall be located, erected, moved, reconstructed, extended, enlarged, or structurally altered within the County until a sign permit has been issued by the Planning & Zoning Administrator.
2. No permit or permit fees are required for temporary signs, exempt signs, or to make copy changes on existing permitted signs.
3. Applications for signs shall include the following information:
 - a. Location of the proposed sign;
 - b. Dimensions of the proposed sign;
 - c. Listing of the materials with which the proposed sign will be constructed;
 - d. Information on proposed illumination;
 - e. Name and address of the owner of the property on which the sign is to be constructed;
 - f. Name and address of the person that is to construct the proposed sign; and
 - g. Any additional information consistent with the provisions of this ordinance.
4. An application for a sign permit shall be accompanied by a sign fee, as established by the County Board. No application will be considered unless and until the required fee has been paid by the applicant.
5. Any sign permit issued by the Planning & Zoning Administrator under this ordinance shall be valid for a period of twelve (12) months from the date of issuance. If the construction of the sign is not completed within the 12 month period, the permit becomes null and void.

722.5 Certification of Structural Design.

1. The structural design of any freestanding sign with a surface area greater than fifty (50) square feet or extended to a height greater than fifteen (15') feet shall be certified by a qualified engineer.
2. The certification will be required of any projecting sign with a surface area greater than fifty (50) square feet.

722.6 Sign Maintenance

1. **Painting.** The owner of any sign shall be required to have such sign properly painted at least once every two years, if needed, including all parts and supports of the sign, unless such parts of supports are galvanized or otherwise treated to prevent rust.
2. **Area Around Sign.** The owner, or lessee of any sign or the owner of the land on which the sign is located shall keep the grass, weeds, or other growth cut and the area free from refuse between the sign and the public right-of-way and also for a distance of six (6') feet behind and at the ends of said sign.

722.7 **Non-conforming Signs.** All signs not in conformity with the provisions of this Ordinance shall be removed within 3 years from the date of this ordinance's approval.

722.8 **Obsolete Signs.** Any sign which no longer advertises a bona fide business conducted or a products sold shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, or land upon which the sign may be found within ten (10) days after written notice from the Planning & Zoning Administrator.

722.9 **Unsafe or Dangerous Signs.** Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety shall be taken down and removed by the owner, agent, or persons having the beneficial use of the building, structure, or land upon which the sign is located within ten (10) days after written notification from the Planning & Zoning Administrator.

723. **Home Occupations**

723.1 Home occupations shall be subject to the following regulations:

1. Applicants shall secure a Home Occupation permit.
2. Not more than twenty-five percent (25%) of the gross floor area of the residence is used for this purpose.
3. Only articles made or originating on the premises shall be sold on the premises, unless such articles are incidental to a permitted commercial service.
4. No articles for sale shall be displayed so as to be visible from any street in residential district.
5. No person is employed other than a member of the household residing on the premises.
6. No mechanical or electrical equipment is used if the operation of such equipment interferes unreasonably with the desired quiet residential environment of the neighborhood or TV and radio reception and the health and safety of the residents is not endangered.

7. No outside storage of material shall be allowed.
8. Conducting of the home occupation shall result in no change of outside appearance of the building.

723.2 Home occupations allowing retail sales or employment of persons other than the members of the household residing on the premises may be permitted if the following conditions are met:

1. No articles for sale shall be displayed so as to be visible from any street.
2. No mechanical or electrical equipment is used if the operation of such equipment interferes unreasonably with the desired quiet residential environment of the neighborhood.
3. Such occupation does not generate more than two vehicles at any one time.
4. Such occupation must provide off-street parking.

723.3 Home Extended Business. The following standards and requirements apply to rural business activities that meet the definition found in Section 3 and do not comply with the standards found in Section 723.1.

1. The business is conducted primarily within an accessory building by the inhabitants residing at the residence with no more than five (5) employees.
2. The home business shall be incidental and subordinate to the primary use of the premises for farming and /or residential purposes.
3. Said use shall not create odor, dust, noise, electrical disturbances, glare or vibrations noticeable outside of the dwelling.
4. Junk and Salvage Yards are prohibited.
5. No sign other than one (1) non-illuminated name plate containing not more than twelve (12) square feet in area shall be allowed. The sign must be located on the property of the business subject to setback requirements.
6. The business shall not generate business or industrial waste unless a plan for off-site disposal of the waste is approved.
7. The business shall only generate normal domestic household sewage waste unless a plan for off-site disposal of waste is approved.
8. Parking for employees and customers must be provided off-street.
9. A Home Extended Business permit form shall be filed with the Planning & Zoning Administrator and shall be made a part of the Conditional Use Permit application. It shall request the following information:

- a. Name, address, and phone number of landowner/operator;
 - b. Date of application;
 - c. Type of business use, and date the business began operations on the property or intends to begin operations;
 - d. Date the business operation initially began;
 - e. Structure the business occupies, including any outside storage;
 - f. A site plan of the business uses and parking on the property in relation to roads and other non-business structures;
 - g. Sewage and wastewater disposal information;
 - h. Types, amounts and locations of storage of hazardous materials;
 - i. Number of employees;
 - j. Number of off-street parking stalls and their location;
 - k. Approximate number of vehicle trips generated per day, including employees, shopping and deliveries; and
 - l. Information on any signage proposed.
10. Update. Information on Home Extended Business permit forms shall be updated annually by the business owner.
11. The Conditional Use Permit is valid for one (1) year from date of issuance unless otherwise specified in the resolution for approval and thereafter shall be automatically renewed each year unless objections or complaints are received from neighboring property owners, the County Board, or Planning & Zoning Administrator. A Conditional Use Permit will become null and void if the business is discontinued or abandoned for a period of one (1) year.

724. Exotic or Dangerous Animals

- 724.1 Exotic Animals. No person shall own, harbor, keep, breed, sell or import any exotic animal within any zoning district without first securing an exotic animal permit. Additionally, omnivorous and carnivorous Minnesota species such as bear, wolves, coyote, fox, lynx, and bobcat are deemed exotic, as are animals that are the result of crossbreeding domestic animals with exotic animals. Any animal that is commonly sold by a bona fide commercial pet shop is permitted. Animals purchased or adopted and housed on the subject property prior to the adoption of this ordinance are exempted from such prohibition, provided that:
- 1. A bill of sale or notarized statement that verifies this date is provided.
 - 2. Such exotic animal be confined in a house, building, or other suitable enclosure in such a way that human contact cannot occur with any person other than the owner(s).

3. Exotic animals may be held for exhibit or use by research institutions and other governmental agencies having legal authority to possess such wild animals, by publicly supported zoos, by circuses or by extensions thereof.

724.2 Exotic animal permit.

It is unlawful for any person to own or keep an exotic animal without a permit. A person, over the age of eighteen years of age, may obtain an exotic animal permit upon:

1. Demonstrating sufficient knowledge of the species to provide adequate care;
2. Presenting proof of adequate caging appropriate for the species;
3. Presenting proof that the animal poses no threat to the health and safety of the community in the event that the animal should escape. The Environmental Services Director may consult with a review board comprising of federal, state and local public health authorities in considering a request for an exotic animal permit; and
4. Presenting proof of required, if any, state or federal permits.
5. For the purpose of this section, to demonstrate “sufficient knowledge” of a species, a person must show that he/she has adequate knowledge of a species to provide for its basic needs to maintain the animal’s health and welfare. The Environmental Services Director may consider the person’s experience, education, apprenticeship or by examination when determining that a person has sufficient knowledge of a species.
6. Presenting proof of having adequate liability insurance specifically referring to the possession of exotic animals. The amount of the liability insurance for this purpose shall be \$2 million dollars at a minimum.
7. All persons in Nobles County possessing exotic animals will secure an exotic animal permit within 24 months of this ordinance’s adoption.

724.3 Dangerous or vicious animals.

It is a violation of this ordinance for an owner or handler of a dangerous or vicious animal to allow or permit such animal to go or be off his/her premises unless such animal is under secure restraint and muzzled and/or confined so as to prevent it from injuring any person, property or other animal. The owner of any dangerous or vicious animal shall microchip the animal and register the microchip number with the County. Every animal so vicious and dangerous that it cannot be controlled by reasonable restraints, and every dangerous and vicious animal not effectively controlled by its owner or person having charge, care or control of such animal, so that it shall not injure any person or property, is a hazard to public safety, and the director may take the same action in regards to such animal as is permitted in Section 724.4 or may seek a court order for destruction of or muzzling of the animal.

724.4 Attacks by animals—Owner liability—When destruction shall be authorized.

1. It is unlawful for the owner or person having charge, care, custody or control of any animal to allow such animal to attack, chase or worry any human, domesticated animal, any species of hoofed wildlife protected by any law or ordinance, or any pet or companion animal. “Worry,” as used in this section, means to harass or intimidate by barking or baring of teeth, growling, biting, shaking or tearing with the teeth; or approaching any person in an apparent attitude of attack or any aggressive behavior which would cause a reasonable person to feel they were in danger of immediate physical attack.
2. Any penalty imposed as a result of prosecution of a person under subsection #1 above of this section shall be in addition to any penalties or liabilities imposed upon such person by any other law or ordinance.
3. Defenses. The following shall be considered in mitigating the penalties or damages, or in dismissing a charge brought under subsection #1 of this section:
 - a. That the animal was properly confined on the premises; or
 - b. That the animal was deliberately or maliciously provoked.
4. Animals May Be Killed. Any person may kill (or take other protective action) an animal while it is committing any of the acts specified in subsection #1 of this section or while such animal is being pursued thereafter or to protect him/herself, or members of the public from any threat of death or personal injury then being posed by the animal.

725. Livestock Feedlots.

725.1 Intent

An efficient and profitable livestock industry is an economic benefit to Nobles County and to the State of Minnesota. It provides a value added opportunity to our crop based agriculture and creates service industries which provide employment and further economic activity. An efficient industry also produces high quality food and fiber for consumers at reasonable prices. The wastes produced in livestock production have the potential, when improperly stored, transported or disposed, to contribute to air, surface water, and ground water pollution. When properly utilized such wastes contribute to soil fertility and structure and enhance efficient crop production. The following ordinance has been promulgated to reduce risk of pollution of natural resources from feedlots.

This ordinance addresses production sites as well as manure, process wastewater, manure storage areas and land application. These rules comply with the policy and purpose of the State of Minnesota statues regarding control of pollution as set forth in Chapters 115 and 116. The goal of this ordinance is to address economic and environmental needs as they specifically relate to necessary stipulations of livestock feedlots and established farmsteads and urban areas to optimize the general welfare of the citizens of Nobles County. **All existing and future feedlots in Nobles County shall comply with the minimum standards set forth within the Minnesota Pollution Control Agency (MPCA) Chapter 7020 rules and updates, as well as the good neighbor policy, and this Ordinance.**

Good Neighbor Policy: A good neighbor is neighborly, amiable and obliging to the people impacted by their farming operation. A good neighbor is considerate of wind direction, odor and timing of manure application to minimize odors to others, shields the view of dead animals from the public and avoids and minimizes other possible annoyances or nuisances when ever reasonably possible.

725.2 Feedlot License Requirements

No person shall operate an animal feedlot without first obtaining Feedlot License from Nobles County. A Nobles County Feedlot License shall be issued to all existing and new feedlots with greater than 10 animal units, who have applied for a license and meet the minimum standards set forth in this ordinance and that of MPCA Chapter 7020 rules and updates. All other applications may be considered for a Conditional Use Permit, issued by Nobles County.

The Nobles County Feedlot License will be valid for a period of four (4) years from issuance. If there has been no change in the operation in the four year period and the operator is in compliance with the Nobles County ordinances and the various State laws and regulations that are in effect at the end of the four year period, then the license may be renewed for an additional four year period. The county shall notify owners at least 90 days prior to the scheduled registration update deadlines about re-registration and send a

receipt of registration to owners within 30 days of receipt of the registration. The owner of a proposed or existing animal feedlot of greater than 10 animal units shall make an application to Nobles County for a Construction Short Form or Interim Permit when any of the following conditions exist:

1. A new feedlot is proposed where a feedlot did not previously exist. A new feedlot will be defined as any site that is not registered, and/or does not have a Nobles County Feedlot License at the time of adoption of this ordinance.
2. Expansion of an existing feedlot or animal facility (increase in animal numbers).
3. Remodeling or modification of an existing feedlot or animal facility (no increase in animal numbers.)
4. Change of animal type
5. An existing feedlot is to be restocked after being abandoned for 5 or more years.
6. An inspection by Minnesota Pollution Control Agency (MPCA) staff or county feedlot officer reveals that the feedlot is creating a potential pollution hazard.
7. A National Pollutant Discharge Elimination System (NPDES) permit application is required under state or federal rules and regulations.

725.25 Notice of Application for Livestock Feedlot Permit.

1. A person who applies for a permit to construct or expand a feedlot with a capacity of 500 animal units or more shall, no fewer than 20 business days before the date on which a permit is issued, provide notice to the Clerk of the Township in which the feedlot is proposed, and each resident and each owner of real property within 5,000 feet of the perimeter of the proposed feedlot. The notice may be delivered by first class mail, in person, or by the publication in a newspaper of general circulation within the affected area and must include information on the type of livestock and the proposed capacity of the feedlot. Notification under this subdivision is satisfied under an equal or greater notification requirement of the County's Conditional Use Permit.
2. The County must verify that notice was provided as required above prior to issuing a permit.

725.3 Feedlot Licenses

Feedlots which do not have a potential pollution hazard and meet the minimum requirements of this ordinance, shall be allowed and shall be registered and issued a Nobles County License by the County. All other feedlots may be considered for a Conditional Use Permit

The owner of a proposed or existing animal feedlot of greater than 10 animal units shall make an application to Nobles County for a feedlot license when any of the following

conditions exist:

1. A change of ownership
2. A County Feedlot License has expired

725.4 Animal Feedlot Pollution Control Requirements

1. **General.** No animal feedlot or manure storage area shall be constructed, located, or operated in a manner which will create or maintain a potential pollution hazard.
2. **Vehicles, Spreaders.** All vehicles used to transport animal manure on township, county, state, and interstate highways or through municipalities shall be leak-proof. Manure spreaders with end gates shall be in compliance with this provision provided the end gate works effectively to restrict leakage and the manure spreader is leak-proof.
3. **Manure Storage Capacity.** New manure storage capacity shall be for a minimum of nine months when animal manure is utilized as domestic fertilizer. Animal manure packs or mounding within the animal feedlot shall not be considered as part of the storage capacity. Generally, this ordinance does not recommend animal manure packs and mounding within any feedlots, for a period longer than one year. If the operation is abandoned, the stored manure shall not be stored for more than one year.
4. **Manure Management.** Any animal manure shall be treated or disposed of in accordance with applicable state rules; MPCA Rules 7020.2225.
5. For any site proposing new construction a Manure Management Plan (MMP) must be completed.
 - a. All feedlot sites with over 300 A. U. must develop a MMP and keep it on site.
 - b. All feedlots between 100 A.U and 300 A.U. must maintain manure application records indicating date, location and amount applied.
 - c. ***All feedlots over 100 A.U. applying manure within a wellhead protection area must do yearly soil and manure sampling and provide that information to the county environmental office and public water suppliers.***

Application rates should be consistent with Best Management Practices that are site specific as established by the State of Minnesota. Feedlots over 1,000 A.U. who have made changes to their management style must revise their manure management plan and resubmit it to the MPCA. Feedlots with less than 9 months of storage for manure should have land available (small grains, hay land, pasture, or set-aside) through the growing season for manure application.

It is the owner's responsibility that each operator become informed through personal, private, or public sources of the amounts and value of fertilizer elements in the manure from their feedlot(s) and formulate a multi-year plan on the best method(s) to

utilize the manure in a manner which will maximize its economic value and minimize the potential for water pollution.

Record Retention, Access to Records, and Inspections (MN Rule 7020.0250)

A person required to keep records under this chapter shall maintain at the animal feedlot or manure storage area, or at the person's business address, for three years from the date the record was made, unless otherwise specified, all information required to be recorded under applicable state and federal rules. The person shall make these records available for examination and copying upon request of the commissioner, county feedlot pollution control officer, or agent of the commission and shall, upon request, submit these records to the commissioner, county feedlot pollution control officer or agent of the commissioner within 30 days.

6. **Owner's Duties.** The owner or operator of any animal feedlot shall be responsible for the storage, transportation, and disposal of all animal manure generated in a manner consistent with the provision herein.

725.5 Animal Units

Animal unit calculations will be consistent with MN 7020 Rules.

725.6 Permit Types

Prior to issuing a Nobles County Feedlot License, the County Feedlot Officer or the MPCA may issue 1 of 4 permits as follows:

1. Construction Short Form (CSF) Permit

The CSF Permit covers owners and operators of animal feedlots and manure storage areas having a capacity of 300 to 999 Animal Units who are constructing or expanding their facility. The CSF Permit is issued to facilities that do not have a pollution hazard. The CSF Permit shall be good for a period of 24 months from the issuance date and may be extended for one 24 month period if construction is not complete.

2. Interim Permit:

The Interim Permit covers owners and operators of animal feedlots and manure storage areas that have an identified pollution hazard at their facility to correct. The Interim Permit shall be good for a period of 24 months from the issuance date but may be extended for an additional 90 days if construction is not complete. An owner issued an Interim Permit that authorizes construction for an expansion shall not stock the expansion prior to correcting all pollution hazards identified in the Interim Permit. The 2005/2010 Open Lot Agreement may be applicable if the facility is less than 300 Animal Units and does not pose an immanent pollution hazard.

3. National Pollutant Discharge Elimination System (NPDES) Permit; if:

The feedlot meets the criteria for CAFO. Required of all sites over 1,000 A.U.

4. State Disposal System (SDS) Permit

The construction and operation of an animal feedlot or manure storage area that has been demonstrated not to meet the criteria for CAFO and is capable of holding 1,000 or more animal units or the manure produced by 1,000 or more animal units. The owner is proposing to construct or operate a new technology.

725.7 Information Required for a Feedlot License, NPDES, SDS, Construction Short Form or Interim Permit

1. A map or aerial photo indicating dimensions of feedlot, showing the location of all existing home, buildings, lakes, ponds, water courses, wetlands, dry runs, rock outcroppings, roads, wells, contour and surface water drainage within 1,000 feet of the feedlot or proposed feedlot, including waste storage areas.
2. A description of the animal types, the maximum number of animals of each type which can be confined at the animal feedlot, the location of the animal feedlot, soil type, and hydro geological conditions.
3. Provide Nobles County with a Dead Animal Disposal Plan indicating the type of disposal and/or type of facility to shield dead animals from public view. The method or plan for disposal of dead animals shall be consistent with the Minnesota Board of Animal Health Regulations, Statute 35.82.
4. A manure management plan including manure handling and application techniques, acreage available for manure application and plans for any proposed manure storage structure, if not part of a building. Any plans for concrete manure storage structures of 20,000 gallons capacity or larger, or any earthen storage basin or lagoons shall have been prepared by a registered professional engineer or qualified Natural Resource Service employee.
5. If the applicant does not own enough land required by his MMP for manure disposal, a signed land spreading agreement must be provided for each parcel of land that will be used for disposal. ATTACHMENT B
6. Any other additional information requested by the County Feedlot Officer or MPCA needed for the completion of the application.

725.8 Required Separation Distance for New Feedlots.

New feedlots will meet the following separation requirements set forth in this ordinance.

1. All new feedlots will be prohibited within 100 year floodplain areas and in shoreland.
2. New feedlots shall not be located within 100 feet of a private well, or within 1,000 feet of a community water supply well or wells serving a school or licensed childcare center as stipulated in Minnesota Rules 44725.4450.
3. No new feedlot shall be located within 1,000 feet of the normal high water mark of a

lake or within 300 feet of the normal high water mark of a stream or river.

4. No new feedlots shall be located within 300 feet of a public, county, judicial, or private drainage ditch.
5. Feedlots that do not meet permitted separation distances as outlined in Table 2 will require a Conditional Use Permit.

Table 2 Permitted Separation Distances for New Feedlots

ANIMAL UNITS

	10 to 250	251 to 1,000	1,001 to 2,000	2,001 to 5,000	More than 5,000
Rural*	1/4 mile	3/8 mile	1/2 mile	3/4 mile	1 mile
Population Centers**	1 mile	1 mile	1 mile	1 1/2 miles	3 miles

*: Habitable Residence, Commercial and Industrial Uses Within the Agricultural Preservation District

** : Includes Public Parks, Corporate limits of any city, R-1, R-2, B-1, or I Districts and concentration of 10 or more residential lots.

Note: Increase the distance by 1.5 times if open liquid earthen manure storage is used and 1.2 times if open liquid containment tanks are used.

1. Property line. A minimum setback of 100 feet from property line.
2. Setback from public right-of-way line. The minimum setback from the public right-of-way line shall be 250 feet.
3. All feedlots will comply with the feedlot standards in Section 725 Feedlot License Requirements of Nobles County Zoning Ordinance.
4. Conditional use permits required. Conditional use permits may be required as established by this ordinance section 725.13.
5. All setbacks will be in accordance with Nobles County Zoning Shoreland Ordinance 609.34, .35, and .37.

725.9 Required Setback Distances for Expansion of Existing Feedlots (This applies to feedlots existing before 1997)

1. The public road right-of-way. A minimum of 100 feet setback from the public right-of-way.
2. Property line. A minimum setback of 100 feet from the property line.
3. All existing or expanding feedlots shall meet the Shoreland Standards outlined in the

Nobles County Shoreland Ordinance Section 609.34, .35, and .37.

725.10 Expansion of Feedlots Permitted as New After 1997

1. Additional new structures and additions to existing structures to new feedlots permitted after 1997 shall have a minimum setback of 250 feet from the public right-of-way.
2. Property line. A minimum setback of 100 feet from the property line.

Table 3 Permitted Separation Distances for Expansion of Existing Feedlots

	10 to 250	251 to 1,000	1,001 to 2,000	2,001 to 5,000	More than 5,000
Rural*	1/4 mile	3/8 mile	1/2 mile	3/4 mile	1 mile
Population Centers**	1 mile	1 mile	1 mile	1 1/2 miles	3 miles

*: Habitable Residence, Commercial and Industrial Uses within the Agricultural Preservation District.

** : Includes Public Parks, Corporate limits of any city, R-1, R-2, B-1, or I Districts and concentration of 10 or more residential lots.

Note: Increase the distance by 1.5 times if open liquid earthen manure storage is used and 1.2 time if open liquid containment tanks are used.

1. All feedlots will comply with the feedlot standards in Section 725 of Nobles County Zoning Ordinance.
2. Conditional Use Permits required. See Section 725.13 of this ordinance.
3. All setbacks will be in accordance with Nobles County Zoning Ordinance.
4. If an existing feedlot expands, and cannot meet the permitted separation distances as outlined in Table 3, it will require a conditional use permit.

725.11 Land Application of Manure (MN Rules 7020.2225)

1. Manure and process wastewater land application must conform to MN Rules 7020.
 - a. Must not result in a discharge to waters of the state during the application process, except that manure and process wastewater application is allowed onto seasonally saturated soils that are seeded to annual farm crops or crop rotations of perennial grasses or legumes; or
 - b. Must not cause pollution of waters of the state due to manure-contaminated runoff.
2. Manure and process wastewater application into road ditches is prohibited.

3. All manure and process wastewater applications to land must meet the requirements of this part except where specifically exempted.
4. When ownership of manure or process wastewater is transferred from an animal feedlot with capacity of 300 or more animal units or a manure storage area capable of holding the manure produced by 300 or more animal units for application to land not owned or leased by the owner of the animal feedlot or the manure storage area, any person receiving the manure or the process waste water shall:
 - a. comply with the manure management plan completed by the owner of the animal feedlot where the manure or process wastewater was produced; and
 - b. complete the manure management plan requirements in subpart 4, item D, except for provisions that were completed by the owner of the animal feedlot where the manure or process wastewater was produced.

5. Surface Manure Application Setbacks to Sensitive Areas:

All manure and process wastewater applied within 300 feet of sensitive areas must be injected or incorporated within 24 hours of application.

Sensitive areas include: surface waters, waterways, rights-of-way and open tile intakes.

Irrigation: Manure and process wastewater application by a traveling gun, center pivot, or other irrigation equipment is not permitted. *Top water with less than 15 lbs. of nitrogen per 1,000 gallons may be applied to standing crops. Tests shall be taken at any time as requested by the County Feedlot Officer.

725.12 Manure Stockpiling Sites (MN Rules 7020.2125)

This part describes requirements for permitting, design, construction, location, operation, and maintenance of short-term and permanent stockpiling sites. Stockpiling sites must comply with part 7020.2005.

1. Manure stockpiling sites must be located and constructed such that manure-contaminated runoff from the site does not discharge to waters of the state.
2. Manure must not be placed on a stockpiling site unless a three-to-one horizontal-to-vertical ratio can be maintained or the manure has, at least, a 15 percent solids content.
3. The use of rock quarries, gravel or sand pits, bedrock, and mining excavation sites for stockpiling manure is prohibited.
4. The size of a short-term stockpile must not exceed a volume based on agronomic needs of the crops on 320 acres of fields and must not exceed the agronomic needs of the crops on the tract of land on which the stockpile is to be applied. The agronomic needs of the crops must comply with the application rates in part 7020.2225.
5. Not be located within:

- a. 300 feet of flow distance and at least 50 feet horizontal distance, to waters of the state, sinkholes, rock outcroppings, open tile intake, and any uncultivated wetland which are not seeded to annual farm crops or crop rotations involving perennial grasses or forages;
 - b. 300 feet of flow distance to any road ditch that flows to the features identified in sub item (a) or 50 feet of any road ditch where sub item (a) does not apply;
 - c. 100 feet of any private water supply or unused and unsealed well and 200 feet from any private well with less than 100 feet of watertight casing and that is not cased through a confining layer at least ten feet thick; and
 - d. 100 feet from field drain tile that is three feet or less from the soil surface;
6. Maintain a minimum distance of two feet between the base of the stockpile and the seasonal high water table or saturated soils, as identified in the most recent USDA/NRCS soil survey manual or based on a site-specific soils investigation.

725.13 Conditional Use Permits

If an applicant cannot comply with rules and specifications established in this ordinance, then a conditional use permit may be applied for. The procedures for obtaining a conditional use permit will be the same as those established by Nobles County Zoning Ordinance Section 505. To apply for a conditional use permit, applicants should contact Nobles County Planning & Zoning Administrator.

1. Conditional Use Permit will be required when:
 - a. An existing feedlot is expanded over total operation of 1,000 animal units or a new feedlot is proposed with over 1,000 animal units.
 - b. Any feedlot constructing a lagoon system, earthen storage basin, or any other open liquid containment tanks for the storage or treatment of animal waste.
 - c. When permitted separation distances cannot be met as identified in Table 2 & Table 3, Section 725.8 of this ordinance
 - d. New facilities for the raising, breeding, housing, selling, training, or any other form of keeping of animals for profit or pleasure may be permitted by Conditional Use Permit when lots one (1) acre or more in size in an R-1, R-2, B-1, or I District.
2. Standards for Conditional Use Permits.
 - a. The County may impose, in addition to the standards and requirements set forth in this ordinance, additional conditions which the Planning Commission or County Board consider necessary to protect the health, safety, and welfare of the public. This may include the planting of trees or shrubs to be used as a windbreak, a grass filter strip, establishing of a buffer zone, collection of water samples, methods of manure application, dead animal disposal, and all other conditions deemed necessary.
 - b. All feedlots shall be operated in a manner consistent with the MN 7020 Rules and

Nobles County Feedlot License.

725.14 Animal Feedlot or Manure Storage Area Closure (MN RULES 7020.2025)

The owner of an animal feedlot or manure storage area is responsible for closure and shall:

1. Within one (1) year of ceasing operation, remove and land apply manure and manure-contaminated soils from manure storage areas and animal holding areas in accordance with part 7020.225;
2. As soon as practicable after completing the requirement in item 1, reduce soil nitrogen by growing alfalfa, grasses, or other perennial forage for at least five years; and
3. Within 60 days after final closure, submit a certified letter to the commissioner or county feedlot pollution control officer stating that the animal feedlot or the manure storage area has been closed according to the requirements in this part. The letter must identify the location of the animal feedlot or the manure storage area by county, township, section, and quarter section.

725.15 Environmental Reviews, pursuant to Minnesota Rules, Chapter 4410

1. The MPCA is the responsible Government Unit for mandatory environmental reviews pursuant to the Environmental Quality Board (EQB), Minnesota Rules, Chapter 4410.

The EQB rules are the final source of information which activate the environmental review of feedlots. A mandatory environmental review is activated by: a new facility or an expansion, totaling more than 1,000 animal units within a concurrent 3 year period.

2. Discretionary Environmental Review. Any agency of government with an approval interest in the project has the authority pursuant to the EQB rules to order discretionary environmental review for any project.

725.16 Standards for Earthen Basins, Lagoons, Concrete Pits

1. The standards for these structures shall be in compliance with MPCA requirements.
2. The capacity of any earthen basin, lagoon, or concrete pit for manure storage or treatment should be in accordance with NRCS or Midwest Planning Service guidelines, and have a minimum storage capacity of nine (9) months plus a wastewater factor.

725.17 Feedlot Licenses with Potential Pollution Hazards

Non-conforming Animal Feedlot. The MPCA or the County Feedlot Officer may make an on-site inspection of any of the county's feedlots, and:

1. If a potential pollution problem does not exist the animal feedlot owner shall be notified.

2. If a potential pollution hazard is found to exist, the animal feedlot owner shall be notified. Upon the notification, the owner must, within 15 working days, respond to MPCA or the County Feedlot Officer with plans and a timetable for abatement.

725.18 Variance - Nobles County

1. A variance may be applied for to the Nobles County Board of Adjustment where the required setbacks in the Nobles County Feedlot Ordinance cannot be met due to hardship.
2. Or, any feedlot where rules may create a unique hardship due to conditions not created by the feedlot operator or owner.

725.19 Variance - State Rules

Any person may apply for a variance from any requirements of MN Chapter 7020.2000 to 7020.2225 MPCA feedlot regulations. Such variance shall be applied for and acted upon by the MPCA in accordance with Minnesota Statutes, section 116.07, subdivision 5, and other applicable statutes and rules.

726. Minnesota Accessibility Code.

- 726.1 Purpose. The following provisions are adopted for the administration and enforcement: regulation of the erection, construction, enlargement, alteration, moving, conversion, occupancy, equipment, use, and maintenance of all building and/or structures subject to the handicap regulations in Nobles County; providing for the issuance of permits and collection of fees.
- 726.2 The Minnesota State Accessibility Code is known as Chapter 1341 of the Minnesota Rules. It is hereby confirmed as the building code for handicapped persons in the County of Nobles and incorporated in this ordinance as completely as if set out in full.
- 726.3 Application, Administration and Enforcement. The application, administration and enforcement of the code shall be in accordance with Minnesota Chapter 1305. A Minnesota certified building official will be appointed by the County to administer the code.
- 726.4 Permits and Fees. Review and inspection to comply with Chapter 1341 will be billed to applicants on a time and material basis. In addition, a surcharge fee shall be collected on all permits issued for work covered by Chapter 1305 in accordance with Minnesota Statutes.

727. Mass Assembly Regulations

- 727.1 No person, firm or corporation shall conduct, maintain, operate, promote, organize, manage, or advertise, nor sell or give tickets of admission to, a show, exhibition or assembly of any nature (hereinafter called assembly) for which it is planned or may reasonably be expected that 400 or more persons attending the assembly may remain, or may be permitted to remain, upon the site, lot, field, or tract of land (hereinafter called the premises) upon which the exhibition, show or assembly is conducted for eight or more consecutive hours without first obtaining a permit as required by this ordinance.
- 727.2 This ordinance does not apply to:
1. Any regular established, permanent structure for worship, or any stadium, arena, auditorium, or coliseum, or other similar permanently constructed facility for assembly.
 2. Any shows or exhibitions held within the incorporated limits of a city.
 3. Any family celebratory gathering taking place entirely upon the premises of a family member.
- 727.3 The applicant shall make application in writing, accompanied by written approval by the County Sheriff and the Town Board of the Township in which the premises are located, verified under oath by the applicant or, if a corporation is the applicant, by its president and secretary, filed with the County Administrator not less than one hundred twenty (120) days prior to the proposed beginning date of the assembly and shall set forth:
1. The full name, age, residence and mailing address of the applicant, or names and addresses of the partners if applicant is a partnership, or the names and addresses of

- the officers and all persons owning more than ten percent (10%) of the stock of the corporation if the applicant is a corporation.
2. A legal description of the premises upon which it is proposed to conduct the assembly, with the names and addresses of all persons owning an interest in the premises, stating the nature of the interest.
 3. The nature and purpose of the assembly, the proposed beginning and ending date(s), and hours during which the assembly will be conducted, and a detailed statement of the manner in which it will be conducted.
 4. The maximum number of persons that the applicant will permit to assemble on the premises at any time during the assembly. This given maximum number shall be specified on the issued permit as a condition of any permit issued.
 5. The plans of the applicant to limit and control admission to the premises to the maximum number of persons stated on the permit. This may include erecting a fence or some other type of barrier, if required by the review, which shall enclose the Assembly Area and shall have sufficient numbers of entrances and exits to allow safe and easy movement into and out of the Assembly Area.
 6. The plans of the applicant to provide parking area of sufficient size for the maximum number of persons authorized to be assembled. Sufficient parking will be determined to be at least one (1) parking space for every three (3) persons. If overnight camping is permitted, a separate area will be designated in the plan.
 7. Description of existing facilities, and plans for providing sewage services, garbage and waste disposal system, the source of water supply and plans for water distribution on the premises and methods of fire protection to be used during such assembly.
 8. The proposed method of lighting the structures and premises during the assembly.
 9. The number, location, and power of amplifiers and speakers, and plans for sound control during the assembly, if applicable.
 10. Plans for maintenance of security and order on the premises, including the proposed number, deployment, and hours of availability of licensed, uniformed security guards upon the premises prior to, during, and immediately after the close of the assembly, said plans to be approved by the County Sheriff. The application shall include the names, addresses and credentials of all licensed, uniformed security guards to be employed during the assembly.
 11. Plans for the preparation and distribution of food and refreshments upon the premises.
 12. Plans for medical services, including the names and hours of availability of physicians and nurses, and provisions for ambulance and other emergency services.
 13. Applicant must provide proof that appropriate licenses have been obtained for the sale

or consumption of any alcoholic beverages as required by MS § 340A.

14. Applicant must provide plans for compliance with standards as set forth by the State Pollution Control Agency regarding maximum levels of noise under MS § 116.07 and Minnesota Rules, Chapter 7030.

727.4 The application shall be accompanied by a fee in an amount which shall be set annually by the County Board, together with a bond in the penal sum of an amount in the maximum liability established by MS § 466.04, with a minimum of \$1,000,000 with sureties to be approved by Nobles County, or a general liability insurance policy in a like amount naming Nobles County as additional insured, conditioned that the permittee:

1. Carries out all of the plans and keeps and performs all of the conditions of the application and permit,
2. Maintain order on the premises,
3. Leave the premises in neat and respectable condition,
4. Pay, when due, to the person or persons entitled thereto, all debts and obligations incurred in promoting, advertising, and conducting and operating the assembly, and
5. Indemnify and hold harmless Nobles County, its officers, agents and employees, from any liability or causes of action arising in any way from the conduct of the assembly. The bond shall provide that any person damaged by the breach of any condition of the bond may maintain an action in his own name to recover his damages, after first giving written notice to Nobles County, or that Nobles County may maintain an action in its own name for the benefit of the persons damaged. In the event that the County Board of Commissioners shall deny approval of the application, the fee shall be returned.

727.5 Within thirty days of filing an application, the County Board shall consider the application:

1. If the application is denied the County Board shall inform the applicant in writing the reasons for denying the application. If the objection can be corrected, the applicant may amend the application and resubmit it for approval.
2. If the application is approved, the applicant shall be given an approval report which shall permit the applicant to proceed according to the plans stated in the application, provided, however, that such approval shall not relieve the applicant from compliance with all applicable statutes, ordinances, and regulations.
3. Plans and statements submitted in an approved application shall be deemed a condition of the approval report and of any permit issued pursuant thereto, whether or not stated in the report or permit.

727.6 Not less than ten days prior to the start of the assembly the applicant shall file with the County Administrator.

1. The names and addresses of all food and service concessionaires who would be

permitted to operate on the premises, with the license or permit number of each.

2. A report showing completion of all construction and installation necessary to comply with the application for permit, or in the event that such remain incomplete, evidence satisfactory to the county that completion will be had prior to the scheduled commencement of the assembly.
3. Upon receipt of such report and after making such investigation and inspection of the premises as it may deem proper, and finding that all plans and requirements stated in the application have been or will be complied with, the county shall issue a permit.
4. The permit shall at all times allow law enforcement officers and agents and officers of the county to enter upon the premises upon which the assembly is to be, or is being, conducted.

727.7 No permittee shall sell tickets to, nor permit to assemble, more than the number of persons stated in the permit.

727.8 The permit may be revoked at any time if any of the conditions of the approval report or permit are not performed or complied with, or cease to be performed or complied with. The county shall forthwith upon revocation serve upon the permittee a notice specifying the way or ways in which the permittee has failed to comply; upon satisfactory proof of compliance, the county board, may, in its discretions, reinstate said permit.

727.9 If the permit shall be denied or revoked, the applicant and all persons under the applicant's direction and control shall forthwith cease and desist from all acts for the promotion, advertisement, organization, and operation of the assembly, and shall do all things necessary to advise persons who may intend to assemble of the refusal or revocation of permit, and shall do all things necessary to disperse persons who may have assembled upon the premises. In the event the permittee does not comply with a cease and desist order and terminate operations the Sheriff or his designees or agents are authorized to take whatever actions necessary to enforce provisions of the order. The cost of any such actions shall become the sole responsibility of the permittee.

727.10

is to be conducted, and the adequacy of facilities for the protection of the public peace, health, safety, and welfare to be provided on the premises and in the area of the assembly, and plans to secure compliance with the conditions of the permit.

In considering

Any person, firm, corporation, or association violating or failing to comply with any provisions of this ordinance, or any permittee who fails to comply with the conditions of a permit, shall be charged with a misdemeanor and subject to penalties pursuant to current state statutes. The County Attorney may institute in the name of the County, upon direction of the County Board and/or the County Sheriff, any appropriate actions or proceedings for the enforcement of this ordinance and the conditions of permits issued pursuant to it. The promotion, conduct, operation or maintenance of an assembly in violation of this ordinance or any license issued pursuant to it is hereby declared a public nuisance.

728. Wireless Communication Tower Regulations

728.1 Purpose. The purposes of the regulations and requirements of this chapter are to:

1. Accommodate the communication needs of residents and businesses while protecting the public health, safety and general welfare. This ordinance is not intended to have the effect of prohibiting wireless services to or within the County.
2. Facilitate the provision of wireless communication facilities through careful siting and design standards.
3. Minimize adverse visual effects of wireless communication facilities through careful siting and design standards.
4. Avoid potential damage to adjacent properties from the placement, construction and operation of wireless communication facilities through structural standards and setback requirements.
5. Maximize the use of existing and approved towers and structures to accommodate new wireless communication antennas, to reduce the number of towers needed to serve the industry.
6. To allow for open competition and substantially equal opportunity for providers of functionally equivalent services to establish such services within the County.

728.2 Applicability

1. Pre-existing towers and antenna support structures.
 - a. Any tower or antenna supporting structure for which a permit has been issued prior to the effective date of this ordinance shall not be required to meet the requirements of this chapter, other than the requirements of Section 728.3, subsections (1) and (6).
 - b. Any addition, reduction or modification to any pre-existing tower or antenna supporting structure that substantially modifies the number, placement or types of antennas on that tower or structure shall make such tower or structure subject to all applicable requirements of this ordinance. A substantial change is one in which fifty percent (50%) or more of the antenna design capacity upon the tower or structure is modified. It is the intention of this subsection that the owner/operator of the tower or structure not be required to move the physical structure, unless said modification is determined by the Zoning Administrator to create a physical threat to the public safety.
 - c. Any pre-existing tower or antenna supporting structure that fails, or becomes structurally unsound such that the tower or antenna supporting structure must be replaced or requires repairs costing greater than fifty percent (50%) of the value

of said tower or antenna support structure, shall be required to meet all provisions of this ordinance.

- d. The provisions of this Chapter shall not apply to the replacement of an existing lawful tower with a height of seventy-five (75') feet or more providing communication services for the State of Minnesota or any of the State's political subdivisions on the same property as the existing tower provided that both the existing tower and the replacement tower provide communication services for the State of Minnesota or any of its political subdivisions. The existing tower must be completely removed from the site upon construction of the replacement tower and the replacement tower shall not exceed three-hundred (300') feet in height. The replacement tower must continue to provide communication services for the State of Minnesota and/or any of its political subdivisions during the life of said tower or the tower shall be promptly removed or come into full compliance with all requirements of this ordinance. Any tower in excess of three-hundred (300') feet shall fully comply with this Chapter.
2. District height limitation. The requirements set forth in this chapter shall govern the design and siting of towers that exceed the height limitations specified for each zoning district under Chapter 6.
 3. Amateur radio. This ordinance shall not govern the installation of any tower or antenna support structure that is owned and/or operated by a federally licensed amateur radio operator, that is less than 75 feet in height and is placed at a distance equal to or more than one and one-half the height of the tower from any adjacent property line.
 4. Towers or additions of minimal height.
 - a. This ordinance shall not govern the installation or maintenance of any tower not more than 75 feet in height, other than as required in (c) below.
 - b. This ordinance shall not govern the installation or maintenance of any addition to an existing structure, the purpose of which is to attach an antenna, which does not raise the overall height of that structure by more than 20 feet in height, other than as required in (c) below.
 - c. A land use permit must be acquired prior to the construction or modification of any tower or structure if otherwise required by any law, administrative rule or ordinance.

728.3 General Requirements

1. All towers and antennas shall comply with all FCC and FAA regulations.
2. Design and installation of all towers shall comply with the manufacturers' specifications and with ANS/TIA/EIA standards. Plans shall be approved and stamped by a professional engineer registered in the State of Minnesota.

3. Installation of all towers shall comply with applicable state and local building and electrical codes.
4. For leased sites, written authorization for siting the wireless communication facilities from the property owner must be provided as set forth in Section 728.7, (2), (c).
5. All wireless communication facilities must be adequately insured for injury and property damage, proof of which shall be provided with the application.
6. All unused towers must be removed within six (6) months of cessation of operation or use, unless a written exemption is provided by the Planning & Zoning Administrator. After the facilities are removed, the site shall be restored to its original condition or as close as possible. If removal and/or restoration is not completed within 90 days of the expiration of the six (6) month period specified herein, the County may complete removal and site restoration and any cost shall be assessed against the property as a special assessment.
7. Proposals to erect new towers shall be accompanied by any required federal, state or local agency licenses or applications for such licenses.
8. Only one (1) tower is allowed on a parcel of land. Positioning of multiple users upon a single tower is the preferred method of siting multiple antennas.
9. No application to place a telecommunications tower may be denied based upon the potential effects of non-ionizing electromagnetic radiation, providing such tower's emission complies with applicable FCC emission standards.

728.4 Prohibitions

1. No tower may be installed on a parcel within a residential subdivision or any property zoned residential, created for residential purposes or within an area designated for future residential development in the County land use plan.
2. No advertising message or sign shall be affixed to any tower.
3. Towers shall be illuminated only as provided for by FCC and FAA regulations.
4. No part of any tower, including guy-wires, shall extend across, over or into the setback of any right-of-way, public street, highway, sidewalk or other property beyond the siting parcel without written permission of the Planning & Zoning Administrator and adjacent property owner(s).
5. No temporary mobile communication sites are permitted except in the case of equipment failure, equipment testing, and equipment replacement, or in the case of emergency situations. Placement of temporary equipment shall be limited to 90 days unless extended in writing by the Planning & Zoning Administrator.

728.5 District Requirements

1. In Agricultural, Commercial, and Industrial zoning districts, the following are permitted with a land use permit from the Planning & Zoning Administrator issued under this chapter:
 - a. A new tower greater than 75 feet but less than 150 feet in height.
 - b. The modification to any structure such that any attached antenna does not extend more than 20 feet above the highest point of the preexisting tower or structure.
2. In Agricultural, Commercial, and Industrial zoning districts, the following are authorized with a conditional use permit issued by the Nobles County Board pursuant to Section 728.7, (1), (b):
 - a. Attachments to existing towers or structures extending more than 20 feet above the highest point of the tower or structure, provided that the overall height of the tower or structure exceeds 75 feet.
 - b. Any new tower not otherwise covered, to a maximum of 300 feet.
3. In Residential zoning districts.
 - a. Siting of towers greater than 75 feet in height within these districts shall not be permitted.
 - b. If this prohibition leads to areas that cannot receive any wireless telecommunication service, an applicant may petition Nobles County to vary the requirements of this ordinance.

728.6 Performance Standards

1. General. Except as provided in this ordinance, all wireless communication facilities shall meet the dimensional standards of the zoning district in which they are located. Where the facilities are the principal use on a separate parcel, the parcel shall meet the minimum lot size requirements of the respective zoning district. On a parcel of land that already has a principal use, the facilities shall be considered as an accessory use and a smaller area of and may be leased provided that all requirements of this chapter can be met.
2. Setbacks and separation. Generally, tower structures, including guy-wires, shall be set back from the road right-of-way or nearest property line, whichever is most restrictive, a distance of the height of the tower plus ten (10') feet; provided however, that the towers shall not be located within 500 feet of any residence other than the residence on the parcel on which the tower is to be located, and shall not be located within 1,000 feet of any single family dwelling in a platted subdivision. Guy-wires and their structures and any other structures, other than the tower itself, shall be subject to the district's structure setbacks. Setback reductions may be had by obtaining the written agreement of the adjacent property owner(s) and the Planning & Zoning Administrator. The setback requirements contained in this sub-section shall

not apply to the replacement of an existing lawful tower with a height of seventy-five (75') feet or more on the same property as the existing tower. The existing tower must be completely removed from the site upon construction of the replacement tower. The replacement tower shall comply with all other provisions of this ordinance.

3. Co-location or sharing of facilities.

- a. No new tower shall be permitted unless the applicant demonstrates by reasonable and credible evidence that no existing tower or structure can accommodate the applicant's proposed antenna. Supporting evidence may consist of any of the following conditions:
 - i. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
 - ii. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements, and modification of existing towers or structures cannot be made at a reasonable cost.
 - iii. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment, and modification of existing towers or structures can not be made at a reasonable cost.
 - iv. The applicant's proposed system would cause electromagnetic interference with the system on the existing tower or structure, or the system on the existing tower or structure would cause interference with the applicant's proposed system, and the interference cannot be eliminated at a reasonable cost.
 - v. The fees, cost or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.
 - vi. The applicant demonstrates that there are other limiting factors that render existing towers or structures unsuitable.
 - vii. Costs are considered reasonable if they conform to contractual terms standard in the industry and do not exceed the cost of new tower development by more than twenty-five percent (25%).
- b. New commercial towers shall be designed structurally and electrically to accommodate the applicant's antennas and comparable antennas for at least three (3) additional users. Towers must also be designed to allow for future rearrangement of antennas on the tower and accept antennas mounted at different heights.
- c. The holder of a permit for a tower shall not make access to the tower and tower site for the additional users economically unfeasible. If additional user(s) demonstrate (through an independent arbitrator or other pertinent means, with the cost to be shared by the holder of the permit and the proposed additional user) that the holder of a tower permit has made access to such tower and tower site economically unfeasible, then the permit shall become null and void.

- d. County and local governmental agencies shall have the right to reserve sites upon any new tower or upon any tower being substantially modified. Reservation of the accommodation upon the structure shall be acquired during the permit approval process. The governmental agency shall promptly utilize the reserved space, negotiate a delay in the use of the reserved space, or surrender such space back to the tower owner/operator.
4. Screening and landscaping.
 - a. The tower and facility location shall provide for the maximum amount of natural screening as possible. The site shall be landscaped and maintained with a buffer of plant materials that effectively screens the view of all tower accessory structures, guy-wire anchors, equipment and other improvements at ground level.
 - b. The area should be made to appear as natural and undisturbed, preserving natural vegetation as much as possible.
 - c. If the tower facility is located in an area that is under cultivation during the growing season, the planting of additional screening vegetation is not required. The intent of this subsection is to allow for the maximum use of productive farmland.
 - d. In locations where the visual impact of the tower would be minimal, or where the requirements of this section are otherwise impracticable, the landscaping and screening requirements of this section may be reduced or waived by the Planning & Zoning Administrator. Existing mature vegetation and natural landforms on the site shall be preserved to the maximum extent possible, or replaced to present a natural, undisturbed appearance in keeping with the intent of this section.
 5. Security fencing, lighting and signs.
 - a. All towers shall be reasonably protected against unauthorized access. The bottom of the tower from ground level to 12 feet above ground shall be designed to preclude unauthorized climbing or access to the tower or structure. A chain link security fence of no less than six (6') feet in height surrounding the tower or structure is required to prevent unauthorized access. This requirement may be waived if anti-climbing devices or equipment is placed on the tower or structure that completely precludes unauthorized access. Such waiver shall be in writing and issued by the Planning & Zoning Administrator.
 - b. Security lighting for on-ground facilities and equipment is permitted, as long as it is down shielded to keep light within the boundaries of the site.
 - c. Signs shall be displayed on or adjacent to the tower or structure prohibiting entry without authorization, warning of the danger from electrical equipment and/or unauthorized climbing of the tower, and identifying the owner of the tower and telephone number for 24 hour contact in case of emergency.
 6. Color and materials.
 - a. All towers, antennas and accessory structures shall use building materials, colors, textures, screening and landscaping that blend the facilities with the surrounding

natural features and built environment to the greatest extent possible. The tower shall be a color that minimizes visibility or as required by FCC or FAA regulations.

- b. All metal towers shall be constructed or treated with corrosion resistant material.
7. Parking and access. Adequate parking spaces shall be provided on each site so that parking on public road right-of-way will not be necessary. Additional parking may be required by the Planning & Zoning Administrator if the minimum parking proves to be inadequate. Access must be provided by a gated, all-weather gravel or paved driveway.
8. Operators of communication facilities governed pursuant to this ordinance shall be required to submit to the Environmental Services Department accurate copies of all pertinent licensing or certification documentation from or required by federal or state licensing authorities, which are required for said operators of said tower or facility. This shall be provided on an annual basis or as provided to the licensing authority, and shall include all monitoring reports required by the FCC.

728.7 Permit Requirements

1. The construction or installation of any wireless communication facility requires the issuance of a land use permit or conditional use permit under this ordinance.
 - a. Land use permit. Land use permits may be obtained from the Planning & Zoning Administrator or designated representative of the Planning and Zoning Department.
 - b. Conditional use permit. Uses and facilities requiring a conditional use permit under this chapter may be authorized by Nobles County upon the submittal and approval of a properly completed application for a conditional use permit under this section and Chapter 5 of this Ordinance.
2. Applications. Applications for land use permits or conditional use permits for new wireless communication facilities shall include the following information:
 - a. A report stamped and signed by a professional engineer registered in the State of Minnesota which:
 - i. Certifies that a detailed engineering soils report has been completed and that the design of the tower foundation is based on that report.
 - ii. Describes the tower height and design, including a cross section elevation and foundation design.
 - iii. Certifies the facility's compliance with structural and electrical standards.
 - iv. Describes the tower's capacity, including the potential number and type of antennas that can be accommodated, and the type of equipment proposed to be used on the tower.
 - v. Identifies the location of all sites that were considered as possible alternates to the site being applied for.

- vi. Describes the lighting and/or painting to be placed on the tower.
 - vii. Certifies that the applicant or tenant has a valid license from the FCC to operate the proposed facilities, and identifies both the class of the license and the license holder.
 - viii. Describes how the requirements and standards of this chapter will be met by the proposed facilities.
- b. Each application shall include a facility plan. The County will maintain an inventory of all existing and proposed wireless communication site installations and all providers shall provide the following information in each plan. The plan must be updated with each submittal as necessary.
 - i. Written description of the type of consumer services each provider will provide to its customers (cellular, PCS, SMR, ESMR, paging or other anticipated wireless communication services).
 - ii. Provide a list of all existing sites, existing sites to be upgraded or replaced and proposed telecommunication sites within the County for these services to be provided by the provider. The intent of this requirement is to obtain the provider's current five-year plan for providing service within the County.
 - iii. Provide a map showing the geographic service areas of the existing and proposed telecommunications sites in the County and the nearest sites in adjacent counties.
 - c. Landowner acknowledgment. Written acknowledgment by the landowner of a leased site that he/she will abide by all applicable terms and conditions of the land use permit or conditional use permit, including the restoration and reclamation requirements of this chapter. Such acknowledgment shall be made applicable to all successors, heirs and assignees.
 - d. Additional information and analysis.
 - i. The County may, at its discretion, require visual impact demonstrations, including mock-ups and/or photo montages, screening and painting plans, network maps, alternative site analysis, lists of other nearby wireless communication facilities, or facility design alternatives for the proposed facilities.
 - ii. The County may employ an independent technical expert to review technical materials submitted by the applicant or to prepare any technical materials required but not submitted by the applicant. The applicant shall pay the reasonable costs of such review and/or independent analysis. The applicant may provide a list of consultants for the County's consideration, but the County is not thereby required to use any consultant from that list.
- 3. Denial of an application for a permit shall be in writing supported by evidence in a written record prepared by the appropriate permit approval authority.
 - 4. The applicant may be required to provide detailed engineering documentation or pay for an independent evaluation of the proposed tower facility to assist the County in the evaluation of an application for a proposed facility or to show the existence of a

hardship, to a preponderance of the evidence standard.

728.8 Transferability.

All permits issued under this chapter shall be transferable, and all subsequent holders of such permits shall be subject to all applicable requirements of this chapter and any permit conditions that may exist. Written notice shall be made to the Planning & Zoning Administrator within 30 days of such transfer.

728.9 Appeals.

Appeals to the Nobles County Board of Adjustment may be taken by any person aggrieved or affected by any decision of the Planning & Zoning Administrator or body of Nobles County as provided for in Chapter 5 of this ordinance.

729. Wind Energy Conversion System Regulations

729.1 Procedures: Land Use Permits, Conditional Use Permits and Variances shall be applied for and reviewed under the procedures established in Section 5 of the Nobles County Zoning Ordinance, except where noted below.

1. The application for all WECS shall include the following information:
 - a. The names of project applicant
 - b. The name of project owner
 - c. The legal description and address of the project.
 - d. A description of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
 - e. Site layout, including the location of property lines, wind turbines, electrical wires, interconnection points with the electrical grid, and all related accessory structures. The site layout shall include distances and be drawn to scale.
 - f. Engineer's certification
 - g. Documentation of land ownership or legal control of the property.
2. The application for Commercial WECS shall also include:
 - a. The latitude and longitude of individual wind turbines
 - b. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other WECS within 10 rotor diameters of the proposed WECS.
 - c. Location of wetlands, scenic, and natural area (including bluffs) within 1,320 feet of the proposed WECS.
 - d. An Acoustical analysis
 - e. FAA Permit Application

- f. Location of all known communication towers within 2 miles of the proposed WECS.
- g. Decommissioning plan
- h. Description of potential impacts on nearby WECS and wind resources on adjacent properties.

729.2 Aggregated Projects – Procedures: Aggregated Projects may jointly submit a single application and be reviewed under joint proceedings, including notices, hearings, reviews, and as appropriate approvals. Permits will be issued and recorded separately. Joint applications will be assessed fees as one project (Aggregated projects having a combined capacity equal to or greater than the threshold for State oversight as set forth in MS Statute 116C.691 through 116C.697 shall be regulated by the State of Minnesota).

729.3 District Regulations

WECS will be permitted, conditionally permitted or not permitted based on the generating capacity and land use district as established in the table below:

District	Non-Commercial*	Commercial	Meteorological Tower
Agricultural Preservation	Permitted	Conditionally Permitted	Permitted
Urban Residential (R-1)	Conditionally Permitted	Not Permitted	Not Permitted
Rural Residential (R-2)	Conditionally Permitted	Not permitted	Not Permitted
Highway Business (B-1)	Conditionally Permitted	Not Permitted	Not Permitted
General Industry (I)	Conditionally Permitted	Not Permitted	Not Permitted
Shoreland (S)	Conditionally Permitted	Not Permitted	Not Permitted
Special Protection Shoreland (SP)	Conditionally Permitted	Not Permitted	Not Permitted
Residential Recreational Shoreland (RDS)	Conditionally Permitted	Not Permitted	Not Permitted

*(Non-Commercial WECS and Meteorological towers shall require a conditional use permit if over 150 feet in height in accordance with Section 603.4 of the Nobles County Planning and Zoning Ordinance.)

729.4 Setbacks – Wind Turbines and Meteorological Towers

All towers shall adhere to the setbacks established in the following table:

	Wind Turbine – Non-Commercial WECS	Wind Turbine – Commercial WECS	Meteorological Towers
Property Lines	1.1 times the total height or in Agricultural or Industrial Use Districts, the distance of the fall zone, as certified by a professional engineer + 10 feet	1.25 times the total height	The fall zone, as certified by a professional engineer + 10 feet or 1.1 times the total height.
Neighboring Dwellings (*)	500 feet	750 feet	The fall zone, as certified by a professional engineer + 10 feet or 1.1 times the total height.
Road Rights-of-Way (**)	The distance of the fall zone, as certified by a professional engineer + 10 feet or 1 times the total height (or equivalent to centerline)	1 times the height, may be reduced for minimum maintenance roads or a road with an Average Daily Traffic County of less than 10. (Or equivalent to centerline)	The fall zone, as certified by a professional engineer + 10 feet or 1 times the total height.
Other Rights-of-Way (Railroad, power lines etc.)	The lesser of 1 times the total height or the distance of the fall zone, as certified by a professional engineer + 10 feet.	To be considered by the planning commission	The fall zone, as certified by a professional engineer + 10 feet or 1 times the total height.
Public conservation lands managed as grasslands	NA	600 feet	600 feet
Wetlands, USFW Types III, IV and V	NA	600 feet	600 feet
Other Structures	NA	To be considered	600 feet
Other Existing WECS	NA	To be considered based on: -Relative size of the existing an proposed WECS -Alignment of the WECS relative to the predominant winds -Topography -Extent of wake	600 feet

	Wind Turbine – Non-Commercial WECS	Wind Turbine – Commercial WECS	Meteorological Towers
		interference impacts on existing WECS -Property line setback of existing WECS -Other setbacks required Waived for internal setbacks in multiple turbine projects including aggregated projects.	

(* The setback for dwelling shall be reciprocal in that no dwelling shall be constructed within 750 feet of a commercial wind turbine)

(** The setback shall be measured from future rights-of-way if a planned changed or expanded right-of-way is known).

729.5 Setbacks – substations and accessory facilities

Minimum setback standards for substations and feeders lines shall be consistent with the standards for essential services established in Section 6 of the Nobles County Planning and Zoning Ordinance, district standards.

Substation setback requirements:

- 25 foot structure setback from ROW – located wholly outside the ROW.
- 25 foot structure setback from adjoining property lines.

729.6 Requirements and Standards

1. Safety Design Standards:

- a. Engineering Certification – For all WECS, the manufacturer’s engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.
- b. Clearance – Rotor blades or airfoils must maintain at least 12 feet of clearance between their lowest point and the ground.
- c. Warnings:
 - i. For all Commercial WECS, a sign or signs shall be posted on the tower, transformer and substation warning of high voltage. Signs with emergency contact information shall also be posted on the turbine or at another suitable point.
 - ii. For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points and along the

outer and innermost guy wires up to a height of 8 feet above the ground. Visible fencing shall be installed around anchor points of guy wires.

- iii. Consideration shall be given to painted aviation warning on metrological towers of less than 200 feet.

2. Standards

- a. Total height – Non-Commercial WECS shall have a total height of less than 200 feet.
- b. In those districts where meteorological towers are a permitted use, meteorological towers of less than 200 feet shall be exempt from submitting a height variance application.
- c. Tower configuration – All wind turbines, which are part of a commercial WECS, shall be installed with tubular, monopole type tower.
- d. Meteorological towers may be guyed.
- e. Color and Finish – All wind turbines and towers that are part of a commercial WECS shall be white, grey or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matt or non-reflective. Exceptions may be made for metrological towers, where concerns exist relative to aerial spray applicators.
- f. Lighting – Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations. Red strobe lights are preferred for night-time illumination to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided. Exceptions may be made for metrological towers, where concerns exist relative to aerial spray applicators.
- g. Other Signage – All signage on site shall comply with section 722 of the Nobles County Planning and Zoning Ordinance. The manufacturers or owner's company name and/or logo may be placed upon the nacelle, compartment containing the electrical generator of the WECS.
- h. Feeder Lines – All communications and feeder lines, equal to or less than 34.5 kV in capacity, installed as part of a WECS shall be buried (where reasonably feasible). Feeder lines installed as part of a WECS shall not be considered an essential service. This standard applies to all feeder lines subject to Nobles County authority.
- i. Waste Disposal – Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.
- j. Discontinuation and Decommissioning – A WECS shall be considered a discontinued use after 1 year without energy production, unless a plan is developed and submitted to the Nobles County Planning & Zoning Administrator outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to four (4') feet below ground level

within 90 days of the discontinuation of use.

- k. Each Commercial WECS shall have a Decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a competent party; such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the WECS and accessory facilities.
- l. Orderly Development – Upon issuance of a conditional use permit, all Commercial WECS shall notify the Environmental Quality Board Power Plant Siting Act Program Staff of the project location and details on the survey form specified by the Environmental Quality Board.

729.7 Other Applicable Standards:

1. Noise – All WECS shall comply with Minnesota Rules 7030 governing noise.
2. Electrical codes and standards – All WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.
3. Federal Aviation Administration – All WECS shall comply with FAA standards and permits.
4. Uniform Building Code – All WECS shall comply with the Uniform Building Code adopted by the State of Minnesota.
5. Interference – The applicant shall minimize or mitigate interference with electromagnetic communication, such as radio, telephone, microwaves, or television signals cause by any WECS. The applicant shall notify all communication tower operators within two (2) miles of the proposed WECS location upon application to the County for permits. No WECS shall be constructed so as to interfere with County or Minnesota Department of Transportation microwave transmissions.

729.8 Avoidance and Mitigation of Damages to Public Infrastructure

1. Roads – Applicants shall identify all county, city or township roads to be used for the purpose of transporting WECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the WECS and obtain applicable weight and size permits from the impacted road authority(ies) prior to construction.
2. Conduct a pre-construction survey, in coordination with the impacted local road authority(ies) to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public facility.
3. Be responsible for restoring or paying damages as agreed to by the applicable road authority(ies) sufficient to restore the road(s) and bridges to preconstruction conditions.
4. Drainage System – The Applicant shall be responsible for immediate repair of damage to

public drainage systems stemming from construction, operation or maintenance of the WECS.

730. Uniform Rural Address System.

730.1 Purpose. The following standards mandates the use of a uniform rural address system for residents of Nobles County in order to promote the convenience, safety, and general welfare of those residents and provides for the a penalty.

730.2 New Structures and Manufactured Homes.

1. All persons, firms, corporations, and other legal entities constructing new structures or locating or relocating manufactured homes in Nobles County, Minnesota shall obtain an address notification form duly issued by the Nobles County Planning and Zoning Administrator.
2. No zoning permit shall be issued for any building, new structure, or manufactured home, including a manufactured home that is moved from one location to another, until it has been issued a valid address and issued an address notification form by the Zoning Administrator.
3. Applicants shall apply for the address notification form from the Zoning Administrator. Applications shall be presented in person to the Zoning Administrator's office. The Zoning Administrator's Office shall furnish the applicant with a completed copy of the address notification form. When a request is made for an address, the approximate location of the new structure, building or manufactured home will be obtained from the Applicant along with any identifying structures or landmarks that may help locate the structure or property requiring the address. In addition, applicant shall provide a legal description of the property to the Zoning Administrator. The Zoning Administrator shall maintain a record of the addresses issued.
4. Every person erecting or relocating a building or a new structure shall, prior to commencement of construction, notify the Zoning Administrator who shall within sixty (60) days assign an address and/or number to such structure.
5. The provisions of this ordinance shall not apply to accessory buildings by may apply to such buildings located on a separate unit of frontage if requested by the owner of proprietor and approved.

730.3 Change of Road Name

1. This section applies to a petitioning for a change of road name.
2. A petition for a change in road name shall be signed by at least ninety percent (90%) of the recorded land owners by which the proposed road passes. The petition is to be filed with the County Board in the office of the County Administrator.
3. The petition must describe the proposed road's location in whole segments and reasons why the petition for change in road name is being requested.

4. The County Board upon receipt of a petition for change of road name shall set a date for a public hearing on the matter. All recorded land owners shall be notified by U.S. Mail of the date and time of the hearing.
 5. Should the petition be granted, the County Board shall be responsible for establishing a new name for the roadway using names of historical reference.
 6. All costs incurred for notifying the appropriate authorities of a change in road name will be the responsibility of the County. Petitioners are responsible for all costs associated with the changing of signs to reflect the new name. Payment for such costs shall be paid in advance by the petitioners.
- 730.4 Area of Enforcement. The uniform rural address system shall extend over the entire unincorporated area of Nobles County.
- 730.5 Implementation of System. The Nobles County Board of Commissioners shall direct the Zoning Administrator to assign addresses in accordance with the system selected by the Board.
- 730.6 Enforcement of Uniform Rural Address System. The Office of the Nobles County Sheriff shall be responsible for the enforcement of the uniform rural address system in Nobles County.
- 730.7 Conflict With Other County Ordinances. The provisions of this ordinance shall take precedence over any other county ordinances or parts of county ordinances in direct conflict with the provision of this ordinance. Said conflict shall not be considered a repealer of those ordinances in conflict with this ordinance.

SECTION 8 ENFORCEMENT

801. Violations and Penalties

- 801.1 Violations. The violation of any provision of this ordinance or the violation of the conditions or provision of any permit issued pursuant to this ordinance shall be a misdemeanor, and upon conviction thereof, the violator shall be subject to a fine of not more than five hundred dollars (\$500) or imprisonment for a term not to exceed ninety (90) days or both, plus in either case, the cost of prosecution.
- 801.2 Penalties. Unless otherwise provided, each act of violation and every day on which such violation occurs or continues constitutes a separate offense.
- 801.3 Application to Community Personnel. The failure of any officer or employee of the county to perform any official duty imposed by this ordinance shall not subject the officer or employee to a penalty imposed for violation unless a penalty is specifically provided for such failure.
- 801.4 Equitable Release. In the event of a violation or the threatened violation of any provision of this ordinance, or any provision or condition of a permit issued pursuant to this ordinance, the county in addition to the other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violation or threatened violation.

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SECTION 9 SEPARABILITY, SUPREMACY, REPEALS, AND EFFECTIVE DATE

901. Separability.

Every section, provision, or part of this ordinance or any permit issued pursuant to this ordinance is declared separable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this ordinance or any permit issued pursuant to this ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

902. Supremacy.

When any condition imposed by any provision of this ordinance on the use of land or buildings or on the bulk of buildings is either more restrictive or less restrictive than similar conditions imposed by any provision of any other community ordinance or regulation, the more restrictive conditions shall prevail.

This ordinance is not intended to abrogate any easement, restrictions, or covenants, relating to the use of land or imposed on lands within the community by private declaration or agreement, but where the provision of this ordinance are more restrictive than any such easement, restriction, or covenant, or the provision of any private agreement, the provisions of this ordinance shall prevail.

903. Repealer, Effective Date, Signatures.

1. Repealer. The previous Zoning Ordinance and all subsequent amendments to that ordinance adopted by the Nobles County Board are hereby repealed in their entirety. Any previous Zoning Ordinance which has not been repealed is also hereby repealed in its entirety.
2. Effective Date. This ordinance shall be in full force and effect from and after March 7, 2006, the date of this ordinance's passage and publication according to law.
3. Signatures.

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SECTION 10 NOBLES COUNTY POLICY PLAN

1001 Introduction.

In order to update and revise the existing zoning ordinance and subdivision regulations, it is necessary at the same time to develop some basic goals and growth policies for future development in the county. These goals and policies can then serve as a basis for the ordinance including the zoning districts and the performance standards in the zoning ordinance and subdivision regulations.

Basically, Nobles County is a rural county with the major land uses and economic activity consisting of agriculture and agriculturally-oriented industries. The county also contains several cities and small, unincorporated communities which serve as trade centers for the surrounding agricultural areas.

Perhaps the most distinguishing natural features in the county are the highly productive soils and relatively flat land which has helped to make Nobles County one of the most agriculturally productive counties in the state. In addition there are several water bodies located throughout the county including lakes, streams, rivers, and sloughs. The lakes are located in the eastern portion of the county in and around Worthington and Kinbrae. The rivers and creeks are located throughout the county.

In order to protect the quality of the ground water resources as well as to minimize soil erosion, several major watershed districts have been created in the county. This includes the Okabena-Ocheda Watershed District, the Heron Lake Watershed District and the Kanaranzi-Little Rock Watershed District.

Population growth in the county has stabilized during the last decade as farm consolidations have continued. As of 2000, the total county population stood at 20,832. Over half of this population is currently located in Worthington (11,283) which actually gained slightly in population during the last decade. Thus, the future population growth pressures in the county are likely to continue to be in or near the City of Worthington.

In summary, most of the land in the county consists of prime agricultural land with some lakes and streams also being located in different portions of the county. Most of the growth in the county is currently taking place in or near the City of Worthington located in the eastern portion of the county.

In view of the importance of agriculture to the local economy, the county officials have adopted a policy of encouraging the protection of the agricultural land by strictly limiting urban development in the prime agricultural areas of the county. This will also minimize the conflict between urban development and agricultural operations such as animal feedlots. The county officials have also adopted the state standards for regulating development in the flood plains and shorelands of the lakes, streams and rivers. Thus, urban growth will be encouraged to continue within or adjacent to the City of Worthington, Adrian, and other municipalities where city services are either available or can easily be extended.

1002. Major Rationale for the Protection of Agricultural Land and Environmentally Sensitive Areas.

The Nobles County Board has adopted land use regulations and ordinances which limit the density of development in the prime agricultural areas of the county. In essence, this is accomplished by allowing non-farm residential development only on land which is classified by the NRCS as poor for agricultural production (Classes IV to VIII). The minimum lot size has been established at two (2) acres to ensure that the private sewer systems will function, properly. The following are some of the major reasons for adopting this system of regulating development in the county.

1. Agriculture is a Vital Part of the Local Economy. Nobles County is essentially a rural county which has and continues to be highly dependent upon an agricultural economy. This is true both in relation to agricultural production in the townships as well as agricultural-related industries and businesses in the communities. Thus, it is of interest to both the county as well as the local communities to protect the existing agricultural land as a permanent and vital part of the local economy.
2. Prohibit Scattered Urban Development. Another reason for omitting development in agricultural areas is to prohibit scattered urban development into the rural areas of the county with its consequent adverse effects on agriculture, rising services costs, etc. Thus, urban developments are encouraged to take place within the existing communities where urban services can easily be provided or extended.
3. Minimize Urban/Rural Conflicts. Scattered urban development in prime agricultural areas often results in conflicts between the urban land uses and agricultural production. Oftentimes, there are complaints from the occupants of non-farm residential units over the noise, smell and hours of operation from agricultural operations. In order to minimize this conflict, there is a need to carefully control the density of non-farm development.
4. Minimize Local Service Costs. An increasingly important reason for regulating urban development is to minimize public service costs such as road maintenance, etc. and the consequent increases in property taxes. Oftentimes, the occupants on non-farm dwellings demand the same level of services available in cities, especially related to road maintenance, snow removal, etc. This places an increasing burden on the township officials and results in higher property taxes which makes it difficult for farmers to continue farming.
5. Protect Wetlands, Sloughs, and Streams. The sloughs, streams and rivers in the county serve an important function in terms of absorbing stormwater runoff and snow melt, to act as a natural filter for the stormwater runoff, snow melt and to serve as wildlife habitat. Thus, it is important to regulate development in these areas in order to minimize stormwater runoff and consequent soil erosion and loss of wild habitat.
6. Minimize Pollution Problems. The density control system adopted by the county is also designed to minimize pollution problems from private sewer systems. This is the reason for a minimum lot size of two (2) acres for residential dwellings.

1003. Development Goals and Policies for Nobles County

1. Over-All Growth Goals

- a. Preservation of commercial agriculture as a viable, permanent land use and an essential long-term permanent activity in the county.
- b. Protection of major natural resource areas in the county including wetland and woodlands to serve as a basis for recreation and tourism in the county.
- c. Location of urban density development near the cities where urban services can easily be provided and extended.

2. Over-All Policies

- a. Enact programs to protect and preserve prime agricultural land which has been historically tilled.
- b. Locate rural housing development away from recognized commercial agricultural areas and into areas with marginal agricultural soil, and areas adjacent to existing cities where urban services can easily be extended.
- c. Allow rural housing, which is not scheduled to receive central sewage disposal service only in areas where the soils, topography and water table are such that the individual sewage disposal systems can properly function.
- d. Enact programs to protect and preserve shorelands and flood plains from urban development which may be detrimental to the general public health and welfare.
- e. Adopt State of Minnesota standards as minimum requirements for the protection of shorelands, flood plains, solid waste disposal, feedlots, sanitary waste disposal, water quality standards, and other necessary pollution control measures.
- f. Coordinate county policies with the adopted policies of the cities for extension of their development into the rural county areas.
- g. Enact programs to protect the natural resources in the county. Use natural resource information as a basis for determining future areas for urban expansion.
- h. Locate transportation facilities in a manner that will minimize environmental damage, and reinforce county policies and plans for the area. These uses include highways, airports, railroads and other modes of moving people and goods.
- i. Adopt utility standards and programs (sewer and water) that will minimize pollution and reinforce the county development policies.
- j. Prohibit extensions of public services into areas where development should not occur due to natural and man-made constraints. Such areas include Flood plains, Airport Clear Zones, Freeway Corridors, and designated Open Space and Parks.
- k. Enact programs to preserve and protect historically significant areas throughout the county.
- l. Carefully regulate oil and uranium exploration and drilling to minimize pollution problems and the impact on prime agricultural areas and environmentally sensitive areas.

3. Agricultural Area Goal
 - a. Preservation of commercial agriculture as a viable, permanent land use and as a significant economic activity in the county.
4. Agricultural Area Policies
 - a. Protect and preserve prime agricultural land throughout the county by strictly limiting development in these areas. Prime agricultural lands are lands classified by the NRCS as Class I, II, and III soils.
 - b. Promote county and state legislation which will retain and promote agriculture as significant economic activity and land use in the county.
 - c. Encourage governmental units to avoid locating major public facilities, roads, and developments in good agricultural land areas.
 - d. Encourage farmers to adopt and maintain sound soil erosion control practices such as contour plowing, strip cropping, minimum tillage, shelter belts, etc.
 - e. Carefully control the location of feedlots and other animal confinement areas in the county to minimize pollution and nuisance problems.
 - f. Require lot sizes of sufficient size to meet the MPCA and Nobles County standards for private sewer systems.
5. Urban Expansion Area Goal. Areas adjacent to incorporated communities are most susceptible to urban growth pressures; therefore, distinct policies should be adopted to assure orderly and timely growth, and to retrain the land for agriculture purposes until such time as conversion to another use is appropriate.
 - a. Orderly urban growth and expansion in the areas around the cities.
6. Urban Expansion Area Policies.
 - a. Carefully regulate urban expansion in the areas around the cities to minimize leap-frog development.
 - b. Develop a review procedure between the cities and the county for all development proposed in this area.
 - c. Allow urban development in this area only if it is part of the city's Capital Improvements Program for providing public services such as sanitary sewers and highways.
 - d. Base any additional future urban expansion area around the cities on projected land use needs as determined by population projections and urban growth trends.
7. Unincorporated Urban Communities Goal. Unincorporated Urban Communities in Nobles County are unique in their development and represent a mini-incorporated community having residential, commercial and industrial areas. However, these areas have no identifiable boundaries and are governed by the county. Because of their unique situation, a series of policies for land use within these areas are needed and the zoning of each of the major land use categories must fall under specific districts.

- a. Orderly urban development and redevelopment to minimize pollution problems and conflicts with agricultural uses.
8. Unincorporated Urban Communities Policies.
- a. Recognize unincorporated communities as urban type densities and require all land use controls to apply accordingly.
 - b. Require all new urban density development in the unincorporated communities to install a Community Sewer System that meets the State of Minnesota Department of Health Standards, the Minnesota Pollution Control Agency requirements, and the Nobles County Sanitation Ordinance requirements. Urban densities are those identified in the Nobles County Zoning Ordinance.
 - c. Require all new development to conform to the land use classification zoning district as established by the county.
 - d. Allow existing parcels of land not meeting minimum lot standards or density requirements to be developed providing they meet standards for disposal of onsite sewage disposal.
9. Economic Development Goals
- a. Promotion of diversified economic development in the county which will provide for continued employment opportunities for citizens.
 - b. Continued expansion of trade and service industries in the county.
 - c. Location of commercial facilities so as to provide reasonable access for the citizens to an adequate supply of goods and services.
 - d. Continued expansion of industrial development in the county to provide employment opportunities for the citizens.
 - e. Location of commercial and industrial development to minimize conflict with surrounding land uses.
10. Economic Development Policies
- a. Encourage programs that will promote diversified economic development in the county, including industrial, retail, trade, and service industries.
 - b. Encourage industrial development in such a way as to enhance the tax base and increase employment opportunities while at the same time place minimal demands on the environment.
 - c. Encourage major industrial developments to locate in or near existing cities where public services (city sewer and water) can easily be extended and near places of good accessibility.
 - d. Encourage major commercial developments (shopping centers) to locate in or near existing cities where public services (sewer and water) can easily be extended and near places of good accessibility.
 - e. Discourage unplanned, scattered, and strip commercial development that will have an adverse effect on existing commercial centers.

11. Residential Development Goals.

- a. A broad choice of housing types for all income groups.
- b. A convenient access for housing to public and private facilities and activities.
- c. Safe, healthful and blight-free residences and residential developments.

12. Residential Development Policies

- a. Encourage the location of residential subdivisions and major developments near existing cities where urban services can easily be provided.
- b. Discourage scattered and “leap-frog” residential development in commercial agricultural areas.
- c. Encourage the use of natural resource information such as soils, topography, groundwater, etc., in residential site designs.
- d. Prohibit the location of rural housing with septic tanks and drain fields in areas of high bedrock or water table to minimize pollution problems.
- e. Use soils and other natural resource information as a basis for establishing minimum lot sizes for rural housing with septic tanks and drain fields.
- f. Encourage the location of mobile homes within mobile home parks where adequate services can be provided.
- g. Encourage the location of mobile home parks in urban residential or mobile home residential districts which are served by central sewer and water services.
- h. Only allow the location of multi-family residential development in areas where community sewer and water facilities are available.
- i. Develop and adopt provisions in development ordinances which encourage innovative site and housing unit designs.
- j. Enact programs to encourage the rehabilitation of existing older homes.

13. Natural Resource Protection Goals

- a. Protection and enhancement of the air, water, and land resources in the county as a vital ingredient of the living environment.

14. Natural Resource Protection Policies

- a. Promote land management practices that protect the natural resources in the county including wetlands, woodlands, and prime agricultural areas.
- b. Protect the woodlands in the county by carefully regulating the location and density of development and by prohibiting the clear-cutting of the woodlands. Woodlands need to be protected for the following reasons:
 - i. To serve as a windbreak to minimize wind erosion of soils.
 - ii. To absorb stormwater in order to minimize wind erosion of soils.
 - iii. To serve as a continuous source of lumber and firewood.
 - iv. To serve as vegetation in order to retain a proper balance of nature.

- c. Protect existing wetlands in the county by prohibiting development in the wetlands and the draining of wetlands. Wetlands need to be protected for the following reasons:
 - i. To absorb stormwater and snow melt and thereby minimizing rapid stormwater runoff or consequent soil erosion.
 - ii. To serve as a wildlife area.
- d. Promote the preservation and improvement of all lakes, rivers and streams in an unpolluted state by enacting flood plain and shoreland ordinances.
- e. Promote soils conservation and erosion control practices in both urbanized and rural portions of the county.
- f. Encourage subdivisions and urban development to conform to the natural limitations presented by topography and soils so as to create the least potential for soil erosion.
- g. Control the location of feedlots and other animal confinement areas in the county to minimize pollution and nuisance problems.
- h. Regulate the location of solid waste disposal sites to minimize pollution and nuisance problems.
- i. Regulate oil and uranium exploration and drilling in environmentally sensitive areas.

15. Open Space and Recreation Goals

- a. Sufficient parks and open space to meet the recreation needs of the citizens in the county.
- b. Recreation facilities and programs in the existing parks to meet the needs of all income and age groups.

16. Open Space and Recreation Policies

- a. Establish sufficient county parks to meet the demands of citizens in the county.
- b. Provide sufficient recreation facilities in the existing parks to maximize the use of the parks.
- c. Encourage the protection of natural resource areas (wetlands, flood plains, woodland, steep slopes) through public acquisition for both active and passive recreation uses.

17. Public Facilities Goals

- a. Provision of public facilities in a manner that maximizes public health, safety and welfare.

18. Public Facilities Policies

- a. Discourage development in areas where on-site sewer systems are likely to malfunction due to poor soil characteristics.

- b. Enforce the Minnesota Pollution Control Agency's standards concerning on-site sewer systems.
- c. Discourage extensions of public utilities over large undeveloped parcels to serve small pockets of scattered development.
- d. Concentrate major residential, commercial and industrial land uses near cities which have city sewer routes and water systems.
- e. Carefully regulate the location of oil pipelines and high voltage transmission lines in the county to minimize pollution problems and the impact on prime agricultural areas.

19. Transportation Goals

- a. A transportation system which compliments land use development and land use policies through the county.

20. Transportation Policies

- a. Develop a transportation system which reinforces the county's growth policies.
- b. Integrate land use and transportation plans to minimize the adverse effects of transportation systems (noise, air pollution) on the adjacent development.
- c. To the extent possible, avoid locating transportation facilities so as to adversely affect the natural resources and prime agricultural areas of the county.
- d. Encourage the development of a transportation system which properly balances considerations of safety, accessibility, environmental protection and cost.
- e. Carefully control land use development at the major transportation intersections and interchanges to avoid compromising safety, accessibility and functions of the highways.
- f. Encourage the development of a transportation system which properly integrates the various types and levels of highways (state, county, and local) to maximize safety and accessibility.

21. Implementation Strategies Goals

- a. Implementation of the county goals and policies.

22. Implementation Strategies Policies

- a. Develop and adopt methods that will effectively implement the county's policies.
- b. Encourage effective and coordinated implementation methods that properly balance private incentives and the protection of the public interest.
- c. Effectively coordinate the various public implementation tools such as regulatory devices (zoning ordinance, subdivision regulations, etc.) public acquisition, utility extensions (sewer, water, highways) and property tax policies.
- d. Review and update, if necessary, the development ordinances for the county on a periodic and regular basis.

1004. Generalized County Land Use Plan

1. Over-all Land Use Plan

As was indicated previously, Nobles County is essentially a rural county with most of the existing land uses consisting either of agricultural land or natural resource areas such as sloughs, rivers and streams. Agricultural production is an essential part of the local economy, both to the county as a whole, as well as, the township and cities. Thus, the county officials have determined to strictly regulate any non-farm development in the agricultural areas. The county officials have also determined that it is important to protect the environmentally sensitive areas such as the water resources from scattered urban growth to minimize pollution to the ground water supply, to minimize soil erosion and to preserve the wildlife habitat.

For these reasons, the county officials have designated most of the land in the county for agricultural and natural resource protection in the land use plan. In order to effectively protect these areas, the zoning ordinance has designated most of the county for Agricultural Protection District where non-farm development will be strictly regulated. In addition, the flood plains and shorelands of the rivers and streams will be protected through adoption of state-mandated standards for these areas.

Most of the urban development will be encouraged to take place in or near certain cities in the county such as Worthington and Adrian. Both of these cities are located in the central portion of the county adjacent to I-90. It should also be noted that existing subdivisions in various parts of the county have been incorporated in both the land use plans and zoning ordinance. However, future proposed subdivisions in the rural areas will be discouraged.

2. Land Use Plan for Areas Adjacent to Certain Cities in the County

Several urban development projects either have taken place or have been proposed adjacent to certain cities in the county, especially the larger cities such as Worthington. While future urban development in the county will be encouraged to take place within the existing city boundaries, in some cases this type of development is appropriate adjacent to some cities provided that sanitary sewers and other urban services can easily and economically be extended by the city to these areas. The following is a brief discussion of the more specific land use plans for the areas adjacent to some cities in the county.

Worthington

As was indicated previously, much of the urban growth in the county has taken place within and adjacent to the City of Worthington. Based upon past growth trends and future projections, additional urban growth is expected to continue in this area. In 1972, the city took steps to accommodate this growth by entering into an orderly annexation agreement with the surrounding townships whereby the city can annex certain areas to the west and east of the city when the timing is appropriate.

A land use plan was also recently adopted by the city which reinforces this growth policy. The following is a brief description of the recommendations of that land use plan.

Residential Development

As can be seen on map, future residential development has been designated for the area immediately west of the city to reinforce existing residential growth in the western portion of the city. This area consists of good buildable land with no major environmental barriers or problems. A sufficient amount of area has been designated both in the county planning and zoning ordinance to accommodate future growth for some time in the future.

Industrial and Commercial Development

Future commercial development has been designated north of the city to reinforce existing commercial growth trends in these areas. One area is to the northwest of the city adjacent to T.H. #266 and the other is north of the city adjacent to U.S. #59.

Areas for future industrial development has been designated to the northeast of the city on both sides of T.H. #60 to reinforce existing industrial development in this area. In addition, an area south of the city adjacent to T.H. #60 has also been designated for industrial development.

Adrian

Several areas adjacent to Adrian have also been designated for future urban growth and expansion. An area north and northeast of the city, adjacent to I-90 has been designated for future commercial development. Areas for future residential development have been designated immediately south and southeast of the city.

Rushmore

A small area immediately southwest of the city as well as a larger area north of the city adjacent to I-90 (I-90 and C.S.A.H. #13 interchange) has been designated for future commercial development.

Leota, St. Kilian, Org and Reading

There are several small unincorporated communities located throughout the county. It is not expected that these communities will experience any appreciable growth in the near future. These communities have been designated in the county plan and ordinances for residential development to recognize the existing pattern of development.

3. Shorelands and Flood Plains

There are several lakes in the county, most of which are located in the eastern portion of the county. This includes West Graham, East Graham and Jack Lakes in the north-eastern portion of the county and Ocheda, Indian Lake and Iowa Lakes located in the

southeastern portion of the county. Developments along all lakes are subject to County Shoreland Ordinance for shoreland areas which include minimum setbacks, lot sizes and the type of developments depending upon the classification of the lakes.

In addition, the county includes several rivers and streams, all of which are subject to local and federal standards for flood plain areas. Thus, any proposed developments in these areas will be subject to County and federal standards for flood plain areas. Thus, any proposed developments in these areas will be subject to the County and federal floodplain standards including setbacks, lot sizes and the types of developments in these areas.

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SECTION 11 NOBLES COUNTY SUBDIVISION REGULATIONS

1101. **Title**

This ordinance shall be known and may be cited as the Nobles County Subdivision Regulations.

1102. Intent and Purpose. All subdivisions of land hereafter submitted for approval shall fully comply, in all respects, with the regulations set forth herein. It is the purpose of these regulations to:

1. Encourage well planned, efficient and attractive subdivisions by establishing adequate standards for design and construction.
2. Provide for the health and safety of residents by requiring the necessary services such as properly designed streets and adequate sewage and water service.
3. Place the cost of improvements against those benefiting from their constructions.
4. Secure the rights of the public with respect to public lands and waters.

1103. **Scope and Legal Authority**

1. **Applicability.** The rules and regulations governing plats and subdivision of land contained herein shall apply within the County and other land as permitted by State Statutes. Except in the case of resubdivision, this ordinance shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the County Recorder prior to the effective date of this ordinance, nor is it intended by this ordinance to repeal, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by, or in conflict with this ordinance, or with restrictive covenants running with the land. Where this ordinance imposes a greater restriction upon the land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this ordinance shall control.
2. **Amendments.** The provisions of this ordinance may be amended by the Nobles County Board.
3. **Validity.** Should a court of competent jurisdiction declare any part of this ordinance to be invalid, such decision shall not affect the validity of the remainder.
4. **Administration.** This ordinance shall be administered by the Nobles County Zoning Administrator.

1104. **Administration**

The following procedures shall be followed in the administration of this ordinance and no real property within the jurisdiction of this ordinance shall be subdivided and offered for sale or a plat recorded until a preliminary plat and a final plat of the proposed subdivision have been reviewed by the Planning Commission, and until the final plat has been

approved by the County Board as set forth in the procedures provided herein. Plans of group developments for housing, commercial, industrial or other uses or for any combination of uses designed for rental purposes shall be presented in the same manner as other plats for the review of the Planning Commission and the approval of the County Board.

1104.1 Pre-application Meeting

Prior to the preparation of a preliminary plat, the subdividers or owners may meet with the Nobles County Zoning Administrator, and other appropriate officials in order to be made fully aware of all applicable ordinances, regulations and plans in the area to be subdivided. At this time or at subsequent informal meetings, the subdivider may submit a general sketch plan of the proposed subdivision and preliminary proposals for the provision of water supply and waste disposal. The sketch plan can be presented in simple form but should show that consideration has been given to the relationship of the proposed subdivision to existing community facilities that would serve it, to neighboring subdivisions and developments, and to the topography of the site.

The subdivider is urged to avail himself of the advice and assistance of the county planning staff at this point in order to save time and effort, and to facilitate the approval of the preliminary plat.

1104.2 Preliminary Plat

1. After the pre-application meeting, the subdividers or owners shall file with the Zoning Administrator ten (10) copies of a preliminary plat.
2. The Zoning Administrator shall refer an appropriate number of copies to the County Planning Commission for their review and report. Any proposed plat located within two (2) miles of a city shall be referred to that city for review and comment. One copy each shall also be submitted to the Town Board in which the proposed plat is located, the County Soil and Water Conservation District, the County Highway Engineer for review and to all existing utility companies including telephone, power, etc. Any comments regarding said plat shall be returned to the County Zoning Administrator within 30 days.
3. Within forty-five (45) days after the plat has been filed and after reports and certifications have been received as requested, the County shall hold a hearing after notice of the time and place thereof has been published once in the official newspaper at least (10) days before the day of the hearing. This shall constitute the public hearing on the plat as required by state law. Within thirty (30) days of the date of the public hearing, the Planning Commission shall make its report to the Nobles County Board.
4. The County Planning Commission and the County Zoning Administrator may forward to the County Board a favorable, conditional or unfavorable report and said reports shall contain a statement of findings and recommendations.

5. The Nobles County Board shall act to improve or disapprove the preliminary plat within forty five (45) days after receiving the recommendations of the Planning Commission, or no more than 120 days after receiving the plat request. If the County Board disapproves the preliminary plat, the grounds for any such disapproval shall be set forth in the Minutes of the Board meeting and reported to the owners or subdividers.
6. The 120 day limit decision making requirement can be extended if the petitioner signs off on a time limit waiver, as requested by the County.
7. The approval of a preliminary plat is an acceptance of the general layout as submitted, and indicates to the subdivider that he may proceed toward final plat in accordance with the terms of approval and provisions of the ordinance.
8. During the intervening time between approval of the preliminary plat and the signing of the final plat, the subdivider must submit acceptable engineering plans for all required improvements.
9. In the case of all subdivisions, the Planning Commission shall recommend denial of, and the County Board shall deny, approval of a preliminary plat if it makes any of the following findings:
 - a. That the proposed subdivision is in conflict with adopted applicable general and specific plans of Nobles County.
 - b. That the physical characteristics of this site, including but not limited to topography, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site is not suitable for the type of development or use contemplated;
 - c. That the site is not physically suitable for the proposed density of development;
 - d. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage;
 - e. That the design of the subdivision or the type of improvements is likely to cause serious public health problems;
 - f. That the design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgment of a court.

1104.3 Final Plat

1. The owners or subdividers shall file two (2) copies of a hardshell and one (1) mylar of the final plat with the Zoning Administrator. If this is not done within six (6) months after approval of the preliminary plat, the preliminary plat will be considered void unless for good cause an extension is requested in writing by the subdivider and granted by the Board. The owners or subdividers shall also submit at this time an up to date certified abstract of title or registered property report.
2. The final plat shall have incorporated all changes recommended by the County Zoning Administrator and County Engineer regarding roads, and the County Board as

to conditions to approval of the preliminary plat, but in all other respects it shall conform to the preliminary plat as approved. It may constitute only that portion of the approved preliminary plat which the subdivider proposed to record and develop at that time, provided that such a portion conforms with all requirements of this ordinance.

3. The Zoning Administrator shall refer an appropriate number of copies of the final plat to the Planning Commission for its review and report. The report of these agencies and persons shall be submitted to the County Board within thirty (30) days of the date of submission of the plat and the County Board shall act on the final plat within sixty (60) days of submission of the plat.
4. Upon approval of the final plat by the Nobles County Board the subdivider shall record such final plat with the County Recorder, as provided for by that office, within sixty (60) days after the approval. Otherwise the approval of the final plat shall be considered void. The sub divider shall, within thirty (30) days of recording, furnish the Zoning Administrator with one copy of the recorded plat.

1105 Data For Preliminary and Final Plats

1105.1 Data for Preliminary Plat. The sub divider shall engage a qualified land planner, registered land surveyor or engineer to prepare a preliminary plat of the area to be subdivided. The preliminary plat shall contain:

1. Identification and Description
 - a. Proposed name of subdivision, which shall not duplicate or be similar in pronunciation or spelling to the name of any plat heretofore recorded in the County and the name must have approval of the County Zoning Administrator.
 - b. Location by section, township, range, and by legal description.
 - c. Names and addresses of the record owner and any agent having control of the land, sub divider, land surveyor, engineer, and designer of the plan.
 - d. Graphic scale not less than one (1) inch to one hundred (100) feet.
 - e. North arrow.
 - f. Key map including area within one (1) mile radius of plat.
 - g. Date of preparation.
 - h. A current Abstract or Title or a Registered Property Certificate along with any unrecorded documents and an Opinion of Title by the Subdivider's attorney.
2. Existing Conditions
 - a. Boundary line of proposed subdivision, clearly indicated and to a close degree of accuracy.
 - b. Existing zoning classifications for land within and abutting the subdivision.
 - c. A listing of the acreage and dimensions of the lots.

- d. Location, right of way width, and names of existing or platted streets, or other public ways, parks, and other public lands, permanent buildings and structures, easements and section and corporate lines within the plan and to a distance one hundred fifty (150) feet beyond shall also be indicated.
- e. Boundary lines of adjoining unsubdivided or subdivided land within one hundred fifty (150) feet, identified by name and ownership, including all contiguous land owned or controlled by the subdivider.
- f. Topographic data, including contours at vertical intervals of ten (10) feet, water courses, marshes, rock outcrops, power transmissions poles and lines, and other significant features shall also be shown.
- g. A soils analysis and soil percolation tests of the subdivision using NRCS data and information may be required by the County Board if conditions warrant it.

3. Subdivision Design Features

- a. Layout of proposed streets showing the right of way widths, centerline gradients, typical cross sections, and proposed names of streets. The name of any street heretofore used in the county or its environs shall not be used unless the proposed street is a logical extension of an already named street, in which event the same name shall be used.
- b. Locations and widths of proposed pedestrian ways.
- c. Layout, numbers and preliminary dimensions of lots and blocks.
- d. When lots are located on a curve or corners, the width of the lot at the building setback line.
- e. Areas, other than streets, pedestrian ways, and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.

4. Other Information

- a. Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units and type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population.
- b. Provision of surface water and sanitary sewage disposal, drainage, and flood control.
- c. If any zoning changes are contemplated, the proposed zoning changes for the areas.
- d. Where the sub divider owns property adjacent to that which is being proposed for the subdivision, the Planning Commission shall require that the sub divider submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be shown to relate well with existing or potential adjacent subdivisions.

- e. Potential resubdivision and use of excessively deep or wide (over 200 feet) lots shall be indicated in a satisfactory manner.
- f. A plan for soil erosion and sediment control both during construction and after development has been completed may be required. The plan may include gradients of waterways, design of velocity and erosion control measure, and landscaping of the erosion and sediment control system.
- g. Such other information as may be requested by the County Zoning Administrator or County Planning Commission.

1105.2 Data for Final Plat

- 1. The plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall comply with the provisions of Minnesota State Statutes (M.S. 505) and of these regulations.
- 2. Surveying requirements of the final plat shall be under the regulation of a Registered Surveyor.
- 3. Title opinion by a practicing attorney licensed in the State of Minnesota based upon an examination of an abstract of the records of the Nobles County Recorder for the lands included within the plat and showing the title to be in the name of the owner or sub divider. The date of continuation of the abstract examined or the date of the examination of the records shall be within thirty (30) days prior to the date the final plat is filed with the County Auditor. The owner or sub divider shown in the title opinion shall be the owner or record of the platted lands on the date of recording of the plat with the County Recorder.
- 4. Execution by all owners of any interest in the land and any holders of a mortgage herein of the certificate required by Minnesota Statutes and which certificate shall include an accurate legal description of any area to be dedicated for public use and shall include a dedication to the County of sufficient easements to accommodate utility services.
- 5. Special conditions and or restrictions pertaining to the approval of the final plat by the County Board shall be recorded as covenants. Recording of the special conditions or restrictions shall be the obligation of the developer.

1105.3 Certifications

- 1. Form for approval by signature of county officials concerned with the recording of the plat.
 - a. Checked and approved as to compliance with Chapter 505, Minnesota Statutes.

Dated this _____ day of _____ A.D., 20_____.

(Name) Nobles County Engineer

b. No delinquent taxes and transfer entered this _____ day of _____ 20__.

(Name) Nobles County Auditor

Document Number _____.

I hereby certify this instrument was filed in the office of the County Recorder for record on this _____ day of _____ 20__ at _____ o'clock ____ .M. and was duly recorded in Book _____ of _____ on page _____.

(Name) County Recorder, Nobles County

c. Checked and approved as in compliance with the Nobles County Zoning Ordinance and Subdivision Regulations.

Chairman, Nobles County Planning
Planning Commission

2. Form for approval by the County Attorney:

I hereby certify that proper evidence of title has been presented to and examined by me and I hereby approve this plat as to form and execution.

Dated this _____ day of _____ A.D., 20__ .

(Name) Nobles County Attorney

3. Form for approval by the Township:

We hereby certify that the Township Board for the Township of _____ has examined this plat.

Dated this _____ day of _____ A.D., 20__.

(Name) Chairman, Town Board

4. Approved by Nobles County Board of Commissioners this _____ day of _____ A.D., 20__.

(Name) Chairman of Nobles County Board

Attest:

County Auditor

1106. Subdivision Design Standards

1106.1 Generally, design standards assure that the layout of the subdivision harmonizes with existing plans affecting the development and its surroundings and shall be in conformity with the development objectives of the County.

1106.2 Streets

1. The design of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to runoff of storm waters and to the proposed uses of the area to be served.
2. Where new streets extend existing adjoining streets, their projections shall be at the same or greater width, but in no case less than the minimum required width. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets. When a new subdivision adjoins unsubdivided land susceptible to being subdivided, then the new streets shall be carried to the boundaries of such unsubdivided land.

The following standards of street design shall be observed by the subdivider:

Right-of-Way - All Streets 70 feet

Gravel Surfaced Residential Streets:

Minimum width shoulder to shoulder	22 feet
2-3 inch layers of Class 5 gravel	6 inch total, construction in 2 lifts
In or shoulder slope	4:1 & approximately 8 feet wide
Depth of ditch from shoulder	2 feet & approximately 8 feet wide
Back slope	4:1 or variable to 3:1

Hard Surfaced Residential Streets:

Min. street width to curb backs	36 feet
Boulevard width (includes any sidewalks)	17 feet each side of street
Gravel base, 3138 Class 5 Aggregate	12 inches compacted in 4-3" lifts
Hot mix bituminous surface	2 inches min. thickness with prim

Curb and Gutter - Use State of MN specs for CSAH construction

Finished elevation shall be .5' below grade at R.O.W. line.

Finished elevation shall be .5' above gutter drainage elevation.

Design standards for other than residential shall comply with those established for County-State Aid Highways in the State of Minnesota.

3. Street Intersections - Insofar as practical, streets shall intersect at right angles. In no case shall the angle formed by the intersection of two streets be less than 60 degrees. Intersections having more than four corners shall be prohibited. Adequate land for future intersection and interchange construction needs shall be dedicated

4. Tangents - A tangent of at least three hundred (300) feet shall be introduced between reverse curves on arterial and collector streets.
5. Street Jogs - Street jogs with centerline offsets of less than 150 feet shall be avoided for local streets.
6. Cul-de-sac - The maximum length of a street terminating in a cul-de-sac shall be 500 feet, measured from the centerline of the street of origin to the end of the right of way. The minimum radius of a cul-de-sac shall be eighty (80) feet.
7. Access to Arterial Streets - In the case where a proposed plat is adjacent to a limited access highway (arterial), there shall be no direct vehicular or pedestrian access from individual lots to such highways. As a general requirement, access arterials shall be at intervals of not less than 1/4 mile and through existing and established crossroads where possible.
8. Half Streets - Half streets shall be prohibited except where it will be practical to require the dedication of the other half when the adjoining property is subdivided, in which case the dedication of a half street may be permitted. The probable length of time elapsing before dedication of the remainder shall be considered in this decision.
9. Private Streets - Private streets shall be prohibited.
10. Access Roads - Access roads shall be constructed so as to permit access for all emergency vehicles.
11. Hardship to Owners of Adjoining Property - The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

1106.3 Blocks

The maximum length of a block shall be 640 feet. The width and acreage of blocks shall be sufficient to provide for convenient access, circulation, control and safety of street design. Pedestrian ways shall be at least ten (10) feet wide and shall be located so as to minimize intersections with streets.

1106.4 Lots

1. Size - The lot dimensions shall be such as to comply with the minimum lot areas specified in the zoning ordinance.
2. Side lot lines - Side lines of lots shall be substantially at right angles to straight street lines or radial to curved street lines.
3. Lots - The lot shall be graded so as to provide drainage way from building locations.
4. Natural Features - In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, wetlands, steep slopes, water courses, historic

spots, or similar conditions, and plans adjusted to preserve those which will add attractiveness, safety and stability to the proposed development.

5. Lot Remnants - All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels.
6. Double Frontage Lots - Double frontage (lots with frontage on two parallel streets) or reverse frontage shall not be permitted excepts where lots back on an arterial or collector street. Such lots shall have an additional depth of at least ten (10) feet in order to allow for screen planting along the back lot line.

1106.5 Sewage Disposal. For proposed plats in rural areas, the size and relative location of on-side soil absorption sewer systems shall be governed by the Sewage Disposal Standards as stated in Section 7 of the Zoning Ordinance.

1106.6 Easements. All easements shall be dedicated by appropriate language on the plat as required by M.S. 505.02, Subdivision 2.

1. Utilities easements shall be provided for utilities where necessary and shall have a minimum width of twenty (20) feet.
2. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right of way substantially within the lines of such water course, together with such further width or construction or both, as will be adequate for storm water runoff. The easement shall include not only the stream channel, but also adjoining areas that have been subject to flooding in years of heavy runoff.

1106.7 Steep Slopes. Subdivision design shall be consistent with limitations presented by steep slopes.

1107. Improvements Required

1107.1 Improvements Listed and Described. Prior to the approval of a final plat, the subdivider shall have agreed in the manner set forth below to install in conformity with construction plans approved by the County Engineer and in conformity with all applicable standards and ordinances, the following improvements on the site:

1. Monuments - Monuments of a permanent character, as required by M.S. 505.02, shall be placed at each corner or angle on the outside boundary of the subdivision; and pipes or steel rods shall be placed at corners, angle points and curve points on each lot.
2. Street - All the streets shall be improved in accordance with the minimum engineering specifications established in Section 702 and surfaced with a minimum of 6 inches of gravel or as determined by the Town Board.

3. Sanitary Sewer - In all cases where trunk line sanitary sewer facilities are available, the subdivider shall be required to install sanitary sewers and connect the same to such trunk line sewers. In other instances, sanitary sewage disposal shall be by a central system serving the subdivision or by individual systems. In all cases, sewage disposal systems shall be provided in accordance with Sanitation Board specifications.
4. Drainage - A system that will adequately take care of the surface water runoff within the subdivision shall be provided. Storm sewers and culverts shall be installed where necessary in conjunction with the grading of streets. Cross drains shall be provided to accommodate all natural water flow and shall be of sufficient length to permit full-width roadways and required side slopes. A proposed grading program shall be required.

1108 Payment for Installation of Improvements

1108.1 General. Before a Final Plat is approved by the County Board, the Board may require that the subdivider submit a performance bond or cash escrow agreement to assure the following:

1. The subdivider shall pay for the cost of all improvements required in the subdivision and the subdivision shall share of the costs of any trunk facilities to be extended to the subdivision with the exception of individual wells and individual sewage disposal systems.
2. Guarantee completion of the required improvements within a two (2) year period.
3. Payment by the subdivider for all costs incurred by the County for review and inspection. This would include preparation and review of plans and specifications by technical assistants and costs incurred by the County Attorney, as well as other costs of a similar nature. This payment would be in addition to the subdivision fee aid with the submission of the preliminary plan.
4. The County may elect to install any of the required improvements under the terms of a cash escrow agreement.
5. The performance bond or cash escrow agreement shall be equal to one and one-quarter (1 1/4) times the estimated cost of the required improvements.
6. If the required improvements are not complete within the two (2) year period, all amounts held under the escrow agreement or performance bond shall be turned over and delivered to the County and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider.

1108.2 Construction Plans. Construction plans for the required improvements, conforming in all respects to the standards of the county and the applicable ordinances, may be required at the Subdivider's expense by a professional engineer who is registered in the State of

Minnesota; and said plans shall contain his seal. Such plans, together with the quantity of construction items, shall be submitted to the County Engineer for his approval and for his estimate of total cost of the required improvements; upon approval they shall become a part of the contract required. Two reproducible prints of the plan approved by the county, shall be provided to and filed by the county.

1109. Amendments, Modification and Exceptions

1109.1 Amendments. The County Board may amend the provisions of this ordinance upon recommendation of the Planning Commission after a public hearing thereon has been held according to law.

1109.2 Modifications and Exceptions

1. Hardship. The County Board may grant a modification upon receiving a report from the Planning Commission in any particular case where the subdivider can show, by reason of exceptional topography or other physical conditions, that strict compliance with these regulations would cause exceptional and undue hardship provided such relief may be granted without detriment to the public welfare without impairing the intent and purpose of these regulations. The Planning Commission may recommend modification of the requirements of this ordinance in specific which, in its opinion, do not affect the comprehensive plan or the intent of this ordinance. Any modifications thus recommended shall be entered in the minutes of the Planning Commission in setting forth the reasons which justify the modifications. The County Board may approve modifications from those requirements in specific cases which, in its opinion, meets the above requirements and do not adversely effect the purpose of this ordinance.
2. Minor Subdivisions. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of these regulations, the County Board, following consideration of the Planning Commission, shall have the power to modify the requirements established in harmony with the general purpose and intent thereof, so that the public health, safety, and general welfare may be secured and substantial justice done.

In particular, for small subdivisions of a minor nature in size or complexity, certain requirements of these regulations may be waived if the County Board, following recommendation by the Planning Commission, so determines, and following compliance with procedures as follows:

3. Simple Lot Split. When one parcel or lot of record is divided to result in two lots or parcels, the submission of topographic maps, soil tests and other data may be waived. Transfer of title or the process of subdividing shall be by filing of a final plat.

1110. Conveyance by Metes and Bounds

No conveyance of land in which the land conveyed is described by metes and bounds shall be made or recorded, and building permits shall be made or recorded, and building

permits shall be withheld for structures on such land, unless and except the parcel described:

1. was a separate parcel of record at the effective date of this ordinance, or
2. was the subject of a written agreement to convey entered into prior to such date, or
3. is a parcel of land not less than two and one half acres in area and 150 feet in width.

The County and township may refuse to take over tracts which have been subdivided and conveyed by this method as streets or roads, or to improve, repair, or maintain any such tracts.

1111. Survey Requirements

All parcels less than 2.5 acres must be surveyed by a registered surveyor and the survey must be recorded with the property transfer.

1112. Building Permits

No building permits will be issued for the construction of any building or structure on any lot in the subdivision as defined herein which has been approved for platting until all requirements of this ordinance have been fully complied with.

NOBLES COUNTY

JOINT JURISDICTIONAL ZONING ORDINANCE

March 26, 2008

607 Joint Jurisdictional Area

607.01 Intent and Purpose

This district is established within the County for the purpose of regulating the use of land within a one half mile radius of the City of Worthington including the regulation of the location of size, use and height of buildings, the arrangement of buildings on lots and the density of population for the purpose of:

- A. To regulate development within this area according to a system of uniform procedural standards.
- B. Protecting the public health, safety, order, convenience and general welfare.
- C. Promoting orderly development and redevelopment of the residential, commercial, industrial, and public areas as well as the preservation of agricultural areas.
- D. Conserving the natural and scenic beauty and attractiveness of Worthington and Nobles County.
- E. Providing for the compatibility of different land uses and the most appropriate use of land throughout the jurisdictional area.
- F. Providing the encouragement of cooperation among governmental agencies to help achieve land use policy goals.
- G. To encourage the provision of fair and efficient means for enforcement of land development regulations.
- H. Promoting orderly development of the community to provide adequate levels of service in areas of public safety, utilities, service, transportation and administration in a financially responsible manner.
- I. Insure the efficient and effective use of financial, physical and human resources of both Nobles County and the City of Worthington.

607.02 Relation to Land Use Plan

The County recognizes the Land Use Plans of this Jurisdictional Area as the policy to regulate land use and development in accordance with the policies and purpose herein set forth.

607.03 Standard Requirements

- A. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of public health, safety and welfare unless otherwise noted.
- B. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statutes, resolution or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

- C. Except as herein provided, no structure shall be erected, converted, enlarged, reconstructed or altered and no structure or land shall be used for any purpose nor in any manner which is not in conformity with this Ordinance.
- D. Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this Ordinance.
- E. This Ordinance is not intended to abrogate any easement, restrictions, covenants, relating to the use of land or imposed on lands within the Joint Jurisdictional Area by private declaration or agreement, but where the provisions of this Ordinance are more restrictive than any easement, restriction, or covenant, or the provision of any private agreement, the provisions of this Ordinance shall prevail.

607.04 Uses Not Provided for Within Zoning Districts

Whenever in any zoning district a use is neither specifically permitted or denied, the use shall be considered prohibited. In such cases, the Joint Planning Commission, on their own initiative or upon request, may conduct a study to determine if the use is acceptable and if so, what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the use with or without conditions. The Joint Planning Commission or property owner, upon receipt of the study, shall if appropriate, initiate an amendment to the zoning regulations to provide for the particular use under consideration or shall find that the use is not compatible for development within the Jurisdictional area.

607.05 Monuments

For the purpose of this Ordinance, all international, federal, state, county and other official monuments, benchmarks, triangulation points and stations shall be preserved in their precise locations; and it shall be the responsibility of the applicant to insure that these markers are maintained in good condition during and following construction and development. All section, one-quarter (1/4) section and one-sixteenth (1/16) section corners shall be duly described and tied.

607.06 Separability

Every section, provision or part of this Ordinance or any permit issued pursuant to this Ordinance is declared separable from every other section, provision or part thereof to the extent that if any section, provision or part of this Ordinance or any permit issued pursuant to this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision or part thereof.

607.10 Rules and Definitions

607.11 Rules

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- A. The singular number includes the plural and the plural the singular.
- B. The present tense includes the past and future tenses, and the future the present.
- C. The word "shall" is mandatory, and the word "may" is permissive.
- D. The masculine gender includes the feminine and neuter.
- E. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be constructed as set for in such definition.
- F. All measured distances expressed in feet shall be to the nearest one-hundredth of a foot.
- G. Whenever a calculation is made based upon the provisions herein, if a fraction of a number results, the more restrictive rounding to the whole number shall apply.

607.12 Definitions

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words used in the present tense shall include the future, the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure," the word "used" shall include "arranged, designed, constructed, altered, converted, rented, leased" or "intended to be used," the word "may" is permissive and the word "shall" is mandatory and not discretionary.

ACCESSORY USE OF STRUCTURE - A use or structure subordinate to the principal use of a building or to the principal use of land and which is located on the same parcel serving a purpose customarily incidental to the use of the principal building or land use. Accessory uses in residential districts shall not involve the conduct of any business, trade or industry, except as defined under HOME OCCUPATION, or any private way or walk giving access to such activity and shall not include the boarding of animals or the keeping of fowl or farm animals. Accessory uses or structures to residential principal uses may include:

1. Garages, carports, other parking spaces, swimming pools, tennis courts, and tool sheds for the exclusive use of residents of the premises and their guests; and

2. Gardening and the keeping of a limited number of household pets exclusively for the personal enjoyment of residents of the premises and not for commercial purposes.

BASEMENT - A story partly underground, having at least one-half-of its height below the ground.

BEGINNING OF CONSTRUCTION - The incorporation of labor and material into the foundations or walls of the building or buildings.

BOARDING HOUSE - A dwelling or part thereof occupied by a single housekeeping unit where meals and lodging are provided for three or more persons for compensation by previous arrangement, excluding transients.

BUILDING - Anything, temporary or permanent, which is built or constructed for the shelter, support or enclosure of persons, animals, or property of any kind.

BUILDING, HEIGHT OF - The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

BUILDING LINE - An imaginary line separating **BUILDABLE LOT AREA** and required **YARDS**.

BUILDABLE LOT AREA - That part of the lot not included within the open areas required by this title.

CHAIRPERSON - The Chairperson of the Joint Planning Commission.

CITY - The incorporated City of Worthington, Nobles County, State of Minnesota.

COMPREHENSIVE GUIDE PLAN - The long-range plan (Master Plan) for the desirable use of land in the city/county as officially adopted and as amended from time to time by the City Council or County Board; the purpose of such plan being, among other things to serve as a guide in the zoning and progressive changes in the zoning of land to meet changing needs, in the subdividing and use of undeveloped land, and in the acquisition of rights-of-way or sites for public purposes. This plan establishes the goals, objectives, and policies of the community.

CONDITIONAL USE - A use or development that conforms to the comprehensive land use plan of the County/City and is classified as conditional generally because it is appropriate or desirable in a specified zone, but requires special approval because if not carefully located or designed it may create special problems such as excessive height or bulk or abnormal traffic congestion.

CONDITIONAL USE PERMIT - A document signed by the Planning Administrator specifying the requirements under which a conditional use may be permitted within a

zoning unit. A conditional use is a use permitted within a district other than a principally permitted use or accessory use.

CONVALESCENT (REST) HOME - Home designed and licensed to provide care for aged or infirm persons requiring or receiving personal care or custodial care complying with the standards established by the State Board of Health.

COUNTY BOARD - The County Board of the County of Nobles, Minnesota.

DAY (CHILD) CARE CENTER - Facilities organized to provide all day care for six or more children under state license and operated in accord with state and federal standards.

DENSITY - A unit of measurement: The number of dwelling units per acre of land. As used in this ordinance, the acreage involved includes only the land devoted to residential uses (NET DENSITY). GROSS DENSITY is the number of units per acre of the total land to be developed.

DEVELOPMENT - Except where the context otherwise requires, and in the absence of a more limiting provision in this title, DEVELOPMENT means the performance of any building or mining operation, the making of any material change in the use or appearance of any structure or land, the division of land into two or more parcels, and the creation or termination of rights or access or riparian rights.

The following activities or uses shall be taken to involve DEVELOPMENT unless expressly excluded by this title:

- a. A change in type or use of a structure or land, a change from one class of use to a use in another class or designated in this title.
- b. A reconstruction, alteration of the size, or material change in the external appearance, of a structure or land.
- c. A material increase in the intensity of use of land, such as an increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
- d. Commencement of mining or excavation of a parcel of land.
- e. Demolition or moving of a structure or removal of trees.
- f. Deposit of refuse, solid or liquid waste or fill on a parcel of land.
- g. In connection with the use of land, the making of any material change in noise levels, thermal conditions, or emissions of waste material.
- h. Commencement or change in the location of an advertising structure or use of land, and the commencement or change in location of advertising on the external part of a structure.

- i. Alteration of a shore, bank or flood plain of a waterfront, river, stream, lake, pond, or artificial body of water.
 - j. Reestablishment of a use which has been abandoned for one year.
 - k. Departure from the normal use for which development permission has been granted, or failure to comply with the conditions of this title granting the development permission under which the development was commenced or is continued.
 - l. Curb cuts along a public right-of-way.
 - m. Work for the maintenance, renewal, improvement or alteration of any structure if: the work affects the interior or the color of the structure, or affects the decoration of the exterior of the structure; and, the work has a cost or value of \$5,000 or more.
 - n. Installation, alteration, or extension of any private well or private sewage disposal facility.
2. The following operations or uses do not constitute DEVELOPMENT for the purposes of this ordinance:
- a. The maintenance or improvement of a public road or railroad track not involving substantial engineering redesign if the work is carried out on land within the boundaries of the right-of-way.
 - b. Work by any utility not involving substantial engineering redesign for the purpose of inspection, repair, renewal or construction on established right-of-way of any sewer, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks or the like.
 - c. Work for the maintenance, renewal, improvement or alteration of any structure, if the work affects only the interior or the color of the structure or decoration of the exterior of the structure (but does not otherwise materially affect the external appearance of the structure, and has a cost or value of less than \$5,000).
 - d. The use of any structure or land devoted to dwelling uses for any purposes customarily incidental to enjoyment of the dwelling.
 - e. The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products other agricultural purposes except the growing or storage of livestock.
 - f. A change in use of land or structure from a use within a class specified in this ordinance to another use in the same class.
 - g. A transfer of title to land not involving the division of land into parcels.

- h. The creation of time units in existing parcels of land.
 - i. The creation or termination of easements, covenants concerning development of land, or other rights in land not otherwise involving development.
3. Development as designated in the ordinance or development permit includes all other development customarily associated with it unless otherwise specified. Activities which may result in development as defined herein include erection, construction, redevelopment, alteration, or repair when appropriate to the result of development. Reference to any specific operation as not involving development is not intended to mean that the operation or activity when part of other operations or activities is not development. Reference to particular operations is not intended to limit the generality of this definition.

DEVELOPMENT CONTRACT - A written agreement made prior to the issuance of a development permit between the county and a developer, detailing the responsibilities of the county and the developer regarding a development and executed by the developer and County.

DEVELOPMENT PERMIT - A document issued by the Planning Administrator authorizing development consistent with the terms of this title and for the purpose of carrying out or enforcing its provisions.

DWELLING - Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, excluding a tent, cabin, mobile home, trailer, or other temporary or portable housing.

DWELLING, MULTI-FAMILY - A building or portion thereof, designed for or used by three or more families living independently of each other.

DWELLING, SINGLE FAMILY. A building designed for and exclusively used for residence purposes by one family.

DWELLING, TOWNHOUSE - A dwelling joined to other dwellings by party wall or party walls.

DWELLING, TWO-FAMILY - A building designed for and exclusively used for residence purposes by two families living independently of each other.

DWELLING UNIT - One room, or suite of private or interconnecting rooms, designed for occupancy by one family for living and sleeping purposes and having cooking, toilet, and bathing facilities.

EQUAL DEGREE OF ENCROACHMENT (FLOOD) - A method of determining the location of encroachment lines so that the hydraulic capacity of flood plain lands on each side of a stream are reduced by an equal amount when calculating the increases in flood stages due to flood plain encroachments.

ESSENTIAL SERVICES - The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipe, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or governmental agencies or for the public health or safety or general welfare, but not including buildings.

FAMILY - A person living alone, or two or more persons living together as a single housekeeping unit, in a dwelling unit, as distinguished from a group occupying a boarding house, motel or hotel, fraternity or sorority house, provided that unless all members are related by blood, adoption, marriage, or are legally cared for, no such family shall contain over five persons.

FLOOD - A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.

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 PLAIN - The areas adjoining a watercourse which have been or hereafter may be covered with 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 the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood.

FLOOR AREA. For the purpose of determining the floor area ratio the FLOOR AREA of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings.

FLOOR AREA - of a building shall include basement floor area (but not cellar floor area), elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except when located on the roof, penthouses, attic space having headroom of seven feet or more, interior balconies and mezzanines, enclosed porches and floor area devoted to accessory uses. However, any space devoted to parking and loading shall not be included in FLOOR AREA. The FLOOR AREA for enclosed space having a floor to ceiling height in excess of 20 feet shall be computed on the basis that each 15 feet of height shall be equal to one floor for purposes of computation. Space intended for recreational use in apartment buildings may be excluded from these calculations if the

Planning Administrator finds that said recreational uses are suitable for the size and use of the proposed structure.

FLOOR AREA RATIO - The floor area of the building or buildings on a lot divided by the area of such lot. The FLOOR AREA RATIO requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory building) in direct ratio to the gross area of the lot.

FRONTAGE - All the property abutting on one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or city boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.

HOME OCCUPATION - Any occupation or profession carried on by a member of the immediate family residing on the premises as an accessory use, provided no exterior storage of equipment or materials is used in connection with the home occupation; the use occupies no more than one-quarter of the area of one floor; that no structural alterations or construction involving features not customarily found in dwellings are required, and the entrance to the space devoted to such use shall be from within the dwelling. There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, or any other annoyance resulting from the home occupation.

JOINT JURISTICAL AREA - The land area that is designated as part of the land use map. Said area falls within a one-half (1/2) mile radius from the incorporated city boundary of the City of Worthington.

PLANNING ADMINISTRATOR - Enforcement officer and development administrator of this title, staffed by the County.

JOINT PLANNING COMMISSION - An advisory body that reviews land use decisions, development applications and amendments. The Joint Planning Commission shall be made up of eight (8) voting members. Two from each of the following local units of government: Lorain Township, Worthington Township, Nobles County and City of Worthington.

JUNK YARD - An open area where waste or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, used lumber and bottles. A junk yard includes automobile wrecking yards, and used implement storage yard, and includes any area of more than 200 square feet for storage, keeping or abandonment of junk but excludes uses established entirely within enclosed buildings in nonresidential districts. It also excludes establishments for the sale or purchase of used operable automobile, and the processing of used, discarded or salvage materials as part of those manufacturing operations which conform to this title.

LOADING SPACE - An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

LOT - A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open space as required by this title, and having frontage on a street.

LOT, CORNER - A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lines is the corner.

LOT DEPTH - The mean horizontal distance between the front and the rear lot lines.

LOT, INTERIOR - A lot other than a corner lot.

LOT LINE, FRONT - The line separating the lot from a street.

LOT LINE, REAR - The lot line opposite and most distant from the front lot line.

LOT LINE, SIDE - Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

LOT, THROUGH - A lot having frontage on two parallel or approximately parallel streets.

LOT WIDTH - The mean width of the lot measured at right angles to its depth.

MAJOR STREET - An officially designated federal or state numbered highway or county or other road or street designated on the official Thoroughfare (or Major Streets) Plan of the County or City of Worthington.

MOBILE HOME - A manufactured re-locatable unit designated for long-term human occupancy which is 30 feet or more in overall length.

MOBILE HOME PARK - Any tract of land under single ownership which has been planned, improved and approved by the city for the placement of two or more mobile homes for non-transient use.

NON-CONFORMING LOT - A lot which does not comply with the minimum lot area or width requirements of the district in which it is located.

NON-CONFORMING STRUCTURE - A structure which does not comply with the bulk, yard, setback or height regulations of the district in which it is located, and does not comply with all other applicable regulations of this title.

NON-CONFORMING USE OF LAND - Any use of a lot which does not conform to the applicable use regulations of the district in which it is located.

NON-CONFORMING USE OF STRUCTURES -A use of a structure which does not conform to the applicable use regulations of the district in which it is located.

OBJECTIONABLE ELEMENT - Any use operated in the manner described under the performance standards of this title.

OBSTRUCTION (FLOOD) - Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area 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, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

PARCEL - A parcel of land means any contiguous quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit. Parcel includes an easement supporting or related to a primary parcel, and a condominium unit.

PARKING SPACE - A permanently surfaced area of not less than 200 square feet, either within a structure or in the open, exclusive of driveways or access drives for the parking of a motor vehicle.

PERFORMANCE STANDARD - A standard established in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases and other objectionable and dangerous elements, which are generated by and inherent in or incidental to land use.

PLANNED UNIT DEVELOPMENT DISTRICT - A district which is established by the County in order to encourage more efficient use of land and public services, and to encourage greater amenity by allowing - under certain circumstances - a more flexible means of land development and redevelopment than is otherwise permissible under the lot by lot restrictions of each use district. A Planned Unit Development District may be located in any existing zone district or districts.

PUBLIC WATERS - Any waters of the state which serve a beneficial public purpose, as defined in M.S. § 105.37(6). However, no lake, pond or flowage of less than ten acres in size and no river or stream having a total drainage area less than two square miles shall be regulated for the purposes of these regulations. 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 Commissioner of Natural Resources shall be exempt from the provisions of these regulations.

REACH (FLOOD) - A hydraulic engineering term to describe longitudinal segments 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 the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval.

REGULATORY FLOOD PROTECTION ELEVATION - The elevation of the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachments on the flood plain. It is the elevation to which uses regulated by this ordinance are required to be elevated or flood proofed.

SHOPPING CENTER - A preplanned group of retail stores with common use areas for access, pedestrian, auto and service circulation, common parking and landscaping.

SHORELAND - Land located within the following distances from public waters:

1. 1,000 feet from the ordinary high water mark of a lake, pond, or flowage; and
2. 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater.
3. The practical limits of shorelands may be less than the statutory limits where such limits are designated by natural drainage divides at lesser distances, as shown on the official zoning map of the municipality.

SIGN, AREA OF - The total area enclosed by a single continuous perimeter enclosing the extreme limits of the sign structure computed in square feet for:

A sign having but one exposed exterior surface and

One-half the total of the exposed exterior surface computed in square feet of a sign having more than one such surface intended for display.

SLOPE - An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude. (That is a 3:1 slope is a three feet horizontal and one foot vertical.)

STREET - A public or private right-of-way more than 30 feet in width, approved or accepted by public authority or user, which provides a primary means of public access to abutting property. The term STREET shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term.

STRUCTURE - Any building; or any piece of work artificially built up or composed of parts joined together in some definite manner, the use of which requires permanent

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

TOWNHOUSE - Any one of two or more attached dwellings in a continuous row, each such dwelling designed and erected as a townhouse unit on a separate lot and separated from one another by an approved wall or walls.

TRAILER - Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation or used for storage or conveyance for merchandise, tools, equipment, machinery, or other personal property, and so designed that it is or may be mounted on wheels and used as a. conveyance on highways and streets. Any trailer less than 30 feet in overall length is defined as a travel trailer and any re-locatable unit over 30 feet in overall length is defined as a MOBILE HOME.

USE - The purpose for which land or a building or structure is arranged, designed or intended, or for which either land or a building or structure is, or may be, occupied or maintained.

YARD - An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward except as otherwise provided in this title.

YARD, FRONT - A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot. Such depth shall be measured from the right-of-way line of the existing street on which the lot fronts (the front lot line); provided, however, that if the proposed location of the right-of-way line of such street as established on the Thoroughfare Plan or on the Official Map of the City of Worthington or Nobles County differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated on said Thoroughfare Plan or Official Map.

YARD, REAR - A yard extending across the full width of the lot, the depth of which is the minimum distance between the rear lot line and a line parallel thereto on the lot.

YARD, SIDE - A yard extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the side lot line and a line parallel thereto on the lot.

YARD, SIDE, LEAST WIDTH, HOW MEASURED - Such width shall be measured from the nearest side lot line and, in case the nearest side lot line is a street lot line, from the right-of-way line of the existing street; provided, however, that if the proposed location of the right-of-way line of such street as established on the Thoroughfare Plan or on the "Official Map of the City of Worthington or Nobles County" differs from that of the existing street, then the required side yard least width shall be measured from the right-of-way of such street as designated on the Thoroughfare Plan or Official Map.

607.13 General Performance Standards

As may be applicable, the evaluation of any proposed conditional use permit request shall be subject to and include, but not limited to, the following general performance standards and criteria:

- A. The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated.
- B. If applicable, a pedestrian circulation system shall be clearly defined and appropriate provisions made to protect such areas from encroachment by parked or moving vehicles.
- C. Adequate off-street parking and off-street loading shall be provided in compliance with Title XV, Section 155.042 of the City of Worthington Ordinance.
- D. Loading docks and drive-up facilities shall be positioned so as to minimize internal site access problems and maneuvering conflicts, to avoid visual or noise impacts on any abutting residential use or district, and are in compliance with Title XV, Section 155.042 of the City of Worthington Ordinance.
- E. General appearance and buffering shall be provided in compliance with Title XV, Section 155.044 the City of Worthington Ordinance.
- F. All exterior lighting shall be so directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses or districts, and shall be in compliance with Title XV, Section 155.044(A)(3) of the City of Worthington Ordinance.
- G. The site drainage system shall be subject to the review and approval of the City/County Engineer.
- H. The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing or potential buildings and area so as to cause impairment of property values or a blighting influence. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.
- I. Provisions shall be made for an interior location for recycling and trash handling and storage or an outdoor, enclosed receptacle area shall be provided in compliance with Title XV, Section 155 or the City of Worthington Ordinance.
- J. The use and site shall be in compliance with any federal or state laws or regulations which are applicable and any related permits are obtained and documented to the County.
- K. Any applicable business licenses mandated by Nobles County that fall within regulations are approved and obtained.
- L. The hours of operation may be restricted when there is potential negative impact upon a residential use or district.
- M. The use complies with all applicable performance standards of the zoning district in which it is located.

607.14 Lapse of Conditional Use Permit by Non-Use

Whenever within one (1) year after granting a conditional use permit, the use as allowed by the permit shall not have been initiated or utilized, then such permit shall become null and void unless a petition for an extension of time in which to complete or utilize the use that has been granted by the County. Such extension shall be requested in writing and filed with the Planning Administrator at least thirty (30) days before the expiration of the original conditional use permit. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to complete or utilize the use permitted in the conditional use permit. Such petition shall be presented to the Joint Planning Commission for a recommendation.

607.15 Conditional Use Permits - Initiation

The Joint Planning Commission may, upon their own motion, initiate a request for a conditional use permit in conformance with the provisions of this Ordinance. Any person owning real estate or having documented interest therein, within the jurisdictional area may initiate a request for a conditional use permit for real estate in conformance with the provisions of this Ordinance.

607.20 Administration Interim Use Permits

607.21 Purpose and Intent

The purpose and intent of allowing interim uses is:

- A. To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction.
- B. To allow a use that is presently judged acceptable by the Joint Planning Commission but that with anticipated development or redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the respective district.
- C. To allow a use which is reflective of anticipated long range change to an area and which is in compliance with the Comprehensive Plan provided that said use maintains harmony and compatibility with surrounding uses and is in keeping with the architectural character and design standards of existing uses and development.

607.22 Procedure

Uses defined as interim uses which do not presently exist within a respective zoning district shall be processed according to the standards and procedures for a conditional use permit as established by Section 505 of this Ordinance.

607.23 General Standards

An interim use shall comply with the following:

- A. Meet the standards of a conditional use permit set forth in Section 505 of this Ordinance.
- B. Conform to the applicable general performance standards of Section 505 of this Ordinance.
- C. The date or event that will terminate the use can be identified with certainty.
- D. The use will not impose additional unreasonable costs on the public.
- E. The user agrees to any conditions that the County deems appropriate for permission of the use.

607.24 Termination

An interim use shall terminate on the happening of any of the following events, whichever occurs first:

- A. The date stated in the permit.
- B. Upon violation of conditions, as determined by the Joint Planning Commission and under which the permit was issued.
- C. Upon changing in the County's zoning regulations which renders the use non-conforming.
- D. The redevelopment of the use and property upon which it is located to a permitted or conditional use as allowed within the respective zoning district.

607.30 Administration Variances

607.31 Purpose

The purpose of this section is to provide for deviations from the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of physical circumstance unique to the individual property under consideration, and to grant such variance only when it is demonstrated that such actions will be in keeping with the spirit and intent of this Ordinance.

607.32 General provisions and Standards

The Nobles County Board of Adjustment shall serve as the Board of Adjustment and Appeals. The Joint Planning Commission may make recommendations to the Nobles County Board of Adjustment.

Conditions governing considerations of variance requests:

1. In considering all requests for variance and in taking subsequent action, the Planning Administrator and the Board of Adjustment shall make a finding of fact that the proposed action will not:
 - a. Impair an adequate supply of light and air to adjacent property.
 - b. Unreasonably increase the congestion in the Public Street or county roads.
 - c. Increase the danger of fire or endanger the public safety.
 - d. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this Ordinance.
 - e. Violate the intent and purpose of this ordinance.
 - f. A variance from the terms of this Ordinance shall not be granted unless it can be demonstrated that:
 - i. Undue hardship will result if the variance is denied due to the existence of special conditions and circumstance which are peculiar to the land, structure or building involved.
 - ii. Special conditions may include exceptional topographic or water conditions or, in the case of an existing lot or parcel of record, narrowness, shallowness, insufficient area or shape of the property.
 - iii. Undue hardship caused by the special conditions and circumstances may not be solely economic in nature, if a

reasonable use of the property exists under the terms of this Ordinance.

- g. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance, or deny the applicant the ability to put the property in question to a reasonable use.
 - h. The special conditions and circumstances causing the undue hardship do not result from the actions of the applicant.
 - i. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district.
 - j. The request is not a use variance.
 - k. Variance requested is the minimum variance necessary to accomplish the intended purpose of the applicant.
- 2. Application for a variance shall set forth reasons that the variance is justified in order to make reasonable use of the land, structure or building.
 - 3. The County may grant a variance from the strict application of this Ordinance so as to relieve such difficulties or hardships to the degree considered reasonable, provided such relief may be granted without impairing the intent of this Ordinance.

607.33 Procedure

The procedure for variance shall follow Section 506 of this Ordinance. Additional procedural requirements are as follows:

- A. Variances:
 - 1. Processing:
 - a. Request for variances, as provided within this Ordinance, shall be filed with the Planning Administrator. Such application shall be accompanied by a fee as provided for by the County Fee Schedule. Such application shall also be accompanied by fifteen (15) copies of detailed written and graphic materials fully explaining the proposed change, development, or use and a list of property owners located within 500 feet of the subject property. The request for variance shall be placed on the agenda of the first possible Joint Planning Commission meeting. The request shall be considered as being officially submitted when all the information requirements are complied with.
 - b. Upon receipt of said application, the Planning Administrator shall set a public hearing following proper hearing notification. The Joint Planning Commission may conduct a hearing, and report its finding and recommendations to the Nobles County Board of Adjustment.

- c. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Ordinance.
- d. The Planning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the Joint Planning Commission.
- e. The Joint Planning Commission and Planning Administrator shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure of an applicant to supply all necessary supportive information may be grounds for denial of the request.
- f. The applicant or representative thereof shall appear before the Joint Planning Commission to answer questions concerning the proposed variance.
- g. The Joint Planning Commission may make findings of fact and recommend approval or denial of the request to the Nobles County Board of Adjustment. The Nobles County Board of Adjustment shall reach a decision within sixty (60) days after the first regular meeting at which the variance request was considered by the Commission.
- h. Upon receiving the report and recommendation of the Joint Planning Commission, the Planning Administrator shall place the report and recommendation on the agenda for the next Board of Adjustment meeting. Such reports and recommendations shall be entered in and made part of the permanent written record of the meeting.
- i. All decisions by the Board of Adjustment involving a variance request shall be final except that an aggrieved person or persons shall have the right to appeal within thirty (30) days of the decision to the Nobles County District Court.

607.34 Lapse of Variance

If within one (1) year after granting a variance the use as allowed by the variance shall not have been initiated or utilized, then such a variance shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the Planning Commission Administrator.

607.40 Appeals

607.41 Joint Jurisdictional Designation

The County's Board of Adjustment shall hear all Appeals.

607.42 Applicability

An appeal shall only be applicable to an interpretation of legislative intent of provisions of this Ordinance. City and County staff and/or hired consultants opinions and evaluations as they pertain to the impact or result of a request are not subject to the appeal procedure.

607.43 Procedures

- A. An appeal from the ruling of an administrative officer of the Planning Commission shall be made by the property owner or their agent within thirty (30) days after the making of the order being appealed.
- B. The property owner or their agent shall file with the Planning Administrator a notice of appeal stating the specific grounds upon which the appeal is made.
- C. Any appeal filed shall be comprehensive and include all matters subject to question. Subsequent appeals filed by the same individual or group which are intended to cause unjustifiable delay in the decision-making process shall not be accepted by the County.
- D. The filing of an appeal shall be accompanied by a fee as provided for by the County.
- E. The Board of Appeals shall make a finding of fact and its decision by resolution within thirty (30) days from the date at which the County first considered the appeal.

607.50 Site Plan Review

607.51 Purpose

The purpose of this section is to establish a formal site plan review procedure and provide regulations pertaining to the enforcement of site design standards consistent with the requirements of this Ordinance.

607.52 Exceptions to Review

The following shall be excluded from the foregoing requirements:

- A. Agricultural developments in the A-1 Zoning District.
- B. Single family detached dwellings in the R-1 Zoning District.

607.53 Procedures

Pursuant to Minnesota Statutes §15.99, an application for site plan approval shall be approved or denied within sixty (60) days from the date of its official and complete submission unless extended pursuant to Statute or a time waiver is granted by the applicant. If applicable, processing of the application through required state or federal agencies shall extend the review and decision-making period an additional sixty (60) days unless this limitation is waived by the applicant. Additional requirements are as follows:

- A. Application: An application for site plan approval shall be filed with the County for all developments (except for agricultural developments in A-1 Districts and R-1 single family detached dwellings within the Joint Jurisdictional Area). Such application shall be filed with the Planning Administrator on an official application form and shall be accompanied by a fee as provided for by the County. The proposed site plan shall be placed on the agenda of the Joint Planning Commission. The plan shall be considered as officially submitted only when all of the information and fee requirements are complied with.
- B. Site Plan:
 - 1. Purpose. The purpose of the site plan is to provide a specific and particular plan upon which the Joint Planning Commission will base its recommendation to County and with which substantial compliance is necessary for the preparation of the final plan.
 - 2. Schedule.
 - a. The developer shall meet with the Planning Administrator to discuss the proposed development.
 - b. The developer shall submit to the Planning Administrator the necessary application data in site plan form as required herein, and filing fee at least

fourteen (14) days prior to the Joint Jurisdictional Commission meeting on which the proposal is tentatively scheduled to be heard.

- c. The Planning Administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate and provide general assistance in preparing a recommendation on the action to the County.
- d. The Joint Planning Commission and staff shall have the authority to request additional information from the applicant concerning operational factors or to obtain expert testimony with the consent and at the expense of the applicant concerning operational factors; said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance.
- e. The applicant or a representative thereof shall appear before the Joint Planning Commission to present the proposal and answer any questions concerning the proposed development.
- f. Whenever an application for site plan review has been considered and denied by the Joint Planning Commission and County, a similar application affecting substantially the same property shall not be considered again by the Joint Planning Commission or County Board for at least twelve (12) months from the date of its denial.

C. Final Site Plan:

- 1. Purpose. The final site plan is to serve as a complete, thorough, and permanent public record of the manner in which the subject site is to be developed. It shall incorporate all prior approved plan revisions resulting from the site plan review process.
 - 2. Schedule. Upon receiving all required final approvals through the site plan review process, the developer shall prepare a final site plan reflecting all revisions and conditions of approval. Three (3) copies of this final site plan shall be submitted to the Planning Administrator for review and approval.
 - 3. Planning Administrator shall review the final site plan for consistency with the conditions of approval outlined by the Joint Planning Commission. If all conditions for approval have been met, the Planning Administrator shall grant final site plan approval. Failure to meet the specific conditions shall result in denial of final site plan approval.
 - 4. Any modifications of the proposal, not specified as a condition for approval by the County Board, shall result in review of the proposal by the Joint Planning Commission and County Board pursuant to the procedures outlined in multiple places in Sections 3, 4 and 5 of this Ordinance.
- D. If, after one (1) year from being granted site plan approval, the plan as permitted by the approval shall not have been initiated, then such approval shall become null and void unless a request by petition for an extension of time has been made to and granted by the County Board

- E. The request for extension shall state facts showing a good faith attempt to complete or utilize the use permitted in the site plan approval. Such petition shall be presented to the County Board for a decision.

607.54 Evaluation Criteria

The Joint Planning Commission and the County shall evaluate the effects of the proposed site plans. This review shall be based upon, but not be limited to, compliance with the Land Use Plan and provisions within this Ordinance.

607.55 Information Requirement

The information required for all site plan applications generally consists of the following items and shall be submitted when requested and specified by the Planning Administrator.

A. Site Plan:

1. Name and address of developer/owner.
2. Name and address of architect/designer.
3. Date of plan preparation.
4. Dates and description of all revisions.
5. Name of project or development.
6. Scale of plan (engineering scale only, at one (1) inch equals fifty (50) feet or less).
7. North point indication.
8. Lot dimension and area.
9. Required and proposed setbacks.
10. Location, setback and dimension of all buildings on the lot including both existing and proposed structures.
11. Location of all adjacent buildings, wells and septic systems located within one hundred (100) feet of the exterior boundaries of the property in question.
12. Location, number, and dimensions of existing and proposed parking spaces.
13. Location, number, and dimensions of existing and proposed loading spaces.
14. Curb cuts, driveways.
15. Vehicular circulation.
16. Sidewalks, walkways.
17. Location and type of all proposed exterior lighting.
18. Location of recreational and service areas.
19. Location of rooftop equipment and proposed screening.
20. Provisions for storage and disposal of waste, garbage, and recyclables.
21. Location of proposed well and sewage treatment systems.

- B. Grading/Storm Water Drainage Plan:
1. Existing contours at two (2) foot intervals.
 2. Proposed grade elevations, two (2) foot maximum intervals.
 3. Drainage plan including configuration of drainage areas and calculations.
 4. Storm sewer, catch basins, invert elevations, type of castings, and type of materials.
 5. Spot elevations.
 6. Proposed driveway grades.
 7. Surface water ponding and treatment areas.
 8. Erosion control measures.
 9. Wetland boundaries.
- C. Other Plans and Information: (May be submitted in combination pursuant to approval by the Planning Administrator)
1. Legal description of property under consideration.
 2. Proof of ownership of the land for which a site plan approval has been requested.
 3. Architectural elevations of all principal and accessory buildings (type, color, and materials used in all external surfaces).
 4. "Typical" floor plan and "typical" room plan.
 5. Extent of and any proposed modifications to land within the Shoreland, Wetland, or Floodplain Overlay Districts as needed.
 6. Type, location and size (area and height) of all signs to be erected upon the property in question.
 7. Restrictive covenants.

607.56 Lapse of Approval

- A. Unless otherwise specified by the Planning Administrator or County Board as may be applicable, the site plan approval shall become null and void one (1) year after the date of approval, unless the property owner or applicant has substantially started the construction of any building, structure, addition or alteration, or use requested as part of the approved plan. The property owner or applicant shall have the right to submit an application for time extension in accordance with this section.
- B. An application to extend the approval of a site plan for up to an additional one (1) year shall be submitted to the Planning Administrator not less than thirty (30) days before the expiration of said approval. Such an application shall state the facts of the request, showing a good faith attempt to utilize the site plan approval, and it shall state the additional time being requested to begin the proposed construction. The request shall be heard by the Joint Planning Commission with a recommendation being forwarded to the County Board. The County Board shall have final decision.

- C. In making its determination on whether an applicant has made a good faith attempt to utilize the site plan approval, the Planning Administrator or the County Board, as applicable, shall consider such factors as the type, design, and size of the proposed construction, any applicable restrictions on financing, or special and/or unique circumstances beyond the control of the applicant which have caused the delay.

607.57 Building and Other Permits

Except as otherwise expressly provided herein, upon receiving notice from the Planning Administrator that the final site plan has been approved and a properly executed performance agreement has been received, and upon application of the applicant pursuant to the applicable ordinances of the County, all appropriate officials for the County may issue building and other permits to the applicant for development, construction, and other work in the area encompassed by the final site plan provided, however, that no such permit shall be issued unless the appropriate official is first satisfied that the requirements of all codes and ordinances which are applicable to the permit sought, have been satisfied.

607.58 Inspection During Development

- A. Compliance with Overall Plan: Following final plan approval of a site plan, or a stage thereof, the Planning Administrator shall, periodically until the completion of the development, review all permits issued, and construction undertaken and compare actual development with the approved site plan.
 - 1. If the Building Official finds that development is not proceeding in accordance with the approved plan, he or she shall immediately notify the County Board.
 - 2. Within thirty (30) days of such notice, the County Board shall either by the provisions of the Ordinance revoke the site plan approval or shall take such steps as it shall deem necessary to compel compliance with the final site plan as approved; or shall require the landowner or applicant to seek an amendment of the final site plan.

607.60 Flood Hazard District

Where land located within the Flood Hazard District, the applicant shall be required to submit certification by a registered engineer or architect that the finished fill or building elevation, flood proofing or other flood protection measures were accomplished in compliance with the provisions of the County Floodplain Regulation. A registered land surveyor shall certify fill and building excavations.

607.70 Administration Enforcement and Penalties

607.71 Administration

This Ordinance shall be administered and enforced by the Planning Administrator who is appointed by the County Board.

607.72 Violations

Any person who violates any of the provisions of this Ordinance shall, upon conviction thereof, be fined not more than the maximum penalty for a misdemeanor prescribed under state law. Each day that a violation is permitted to exist shall constitute a separate offense.

607.73 Enforcement Procedures

- A. Upon receipt of complaint, identification of a violation of this Ordinance, or by the direction of the Joint Planning Commission or County Board, the Planning Administrator shall investigate said violation to determine its validity.
- B. If it is determined that a condition or provision of this Ordinance or a permit issued pursuant to this Ordinance has been violated, the investigator shall submit a report to the Joint Planning Commission identifying the violation, the location, and the property owner(s) responsible for the violation.
- C. Upon submission of the report, the Planning Administrator shall, on behalf of the County, send the property owner(s) a letter of citation informing them of said violation and ordering compliance with the provisions of this Ordinance. The letter of citation shall include a time frame in which the property owner(s) must bring the property in compliance with this Ordinance.

607.80 Non-Conforming Buildings, Structures, Uses and Lots

607.81 Purpose

It is the purpose of this section to provide for the regulation of non-conforming buildings, structures, uses, and lots, and to specify those requirements, circumstance, and conditions under which non-conforming buildings structures, uses and lots will be operated, maintained, and regulated. It is necessary and consistent with the establishment of this Ordinance that the non-conforming buildings, structures, uses, and lots will be operated maintained, and regulated. It is necessary and consistent with the establishment of this Ordinance that the non-conforming buildings, structures, uses and lot not be allowed to continue without restriction. Furthermore, it is the intent of this section that all non-conformities shall be eventually brought into conformity.

607.82 General Provisions

- A. Conditional Uses: Any established use, building or lot legally existing prior to January 1, 2008 and which is herein classified by this Ordinance as requiring a conditional use permit may be continued in like fashion and activity and shall automatically be considered as having received conditional use permit approval. Any change to such a use or building shall however require a new conditional use permit be processed according to this Ordinance.
- B. Interim Uses: Any established use, building or lot legally existing prior to January 1, 2008, and which is herein classified by this Ordinance as requiring an interim use permit may be continued in like fashion and activity and shall automatically be considered as having received interim use permit approval. Any change to such a use or building shall, however, require a new interim use permit be processed according to this Ordinance.
- C. Threats to General Welfare: Non-conforming buildings, structures, and/or uses, which based upon documented study and evidence, pose a danger and/or threat to the health, safety, and general welfare of the community, shall:
 - 1. Be legally declared a nuisance by the County.
 - 2. Upon being identified by the County and upon the owner being notified in writing by the Planning Administrator, the owner shall provide to the County a documented time schedule and program with rationale to support the proposed amortization of the building, structure, or use investments which will result in the termination or correction of the non-conformity.
 - a. The termination/correction time schedule shall be based upon, but not be limited to factors such as the initial investment and the degree of threat or danger being posed.
 - b. The acceptability of the time schedule shall be recommended by the Joint Planning Commission to the County Board.
 - c. In no case shall a time schedule exceed two (2) years.

607.83 Non-Conforming Uses

- A. **Effective Date:** The lawful use of building, structure or land existing at the effective date of this Ordinance which does not conform to the provisions of this Ordinance may be continued; provided, however, that no such non-conforming use of land shall be enlarged or increased, nor shall any such non-conforming use be expanded to occupy a greater area of land than that occupied by such use at the time of the adoption of this Ordinance, nor shall any such non-conforming use be moved to any other part of the parcel of land upon which the same was conducted at the time of the adoption of this Ordinance.
- B. **Continued Use:** A lawful, non-conforming use shall not be enlarged (except for existing residences), but may be continued at the same size and in the same manner of operation as it existed on the date it became legally non-conforming except as hereinafter specified.
- C. **Changes to Non-Conforming Uses:**
 - 1. When a lawful non-conforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any non-conforming use.
 - 2. A lawful non-conforming use of a structure or parcel of land may be changed to lessen the non-conformity of use. Once a non-conforming structure or parcel of land has been changed, it shall not be so altered to increase the non-conformity.
- D. **Discontinuance:** In the event that a nonconforming use of any building or premises is discontinued for a period of one (1) year, the use of the same shall thereafter conform to the regulations of the district in which it is located.
- E. **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 repair and incidental alterations which do not extend or intensify the non-conforming use.
- F. Residences of record in B-1 Highway Business and I-1 Industry Zones may be increased in size up to 50%.

607.84 Non-Conforming Buildings and Structures

- A. **Restoration:** No lawful non-conforming building or structure which has been damaged by fire, explosion, act of God or a public enemy, to the extent of more than fifty (50) percent of its value shall be restored, except in conformity with the regulations of this Ordinance.
- B. **Alterations:** Alteration and normal maintenance to a lawful non-conforming building or structure may be made provided:
 - 1. The alterations do not expand the building size.
 - 2. The alterations do not change the building occupancy capacity or parking demand.
 - 3. The alteration does not increase the non-conformity of the building or the use.

607.85 Non Conforming Lots

A. Vacant or Redeveloped Lots:

1. Lot Combination: If an owner has an interest in more than one (1) lot of record contiguous to other lots of record, all such lots shall be combined to meet the requirements of this section or the applicable zoning district standards. If sufficient contiguous property is held in one ownership to comply with the standard of the applicable zoning district, then those more restrictive provisions will apply. In no circumstances will there be approval of any proposal for multiple lot developments based upon lots of record, and not conforming with the provisions of the existing zoning district.
2. Developed Lots: An existing conforming use on a lot of substandard size and/or width may be expanded or enlarged if such expansion or enlargement meets all other provisions of this Ordinance.

607.90 General Building, Parking, Loading, and Performance Requirements

607.91

For the purposes of this Ordinance, any building, redevelopment or development that occurs within the Joint Jurisdictional area shall conform to the General Zoning District Provisions found in Section 6 of this Ordinance. The Planning Administrator and Joint Planning Commission shall have the authority to recommend additional requirements, as needed. These requirements shall be found within Title XV, Section 155.041 (Height and bulk), Title XV, Section 155.042 (Parking and Loading), Title XV, Section 155.043 (Appearance and buffering) and Title XV, Section 155.044 (Performance standards) of the City of Worthington.

607.100 General Zoning District Provisions

607.101 Establishment of Districts

In order to classify, regulate and restrict the location of trade and industry and the location of buildings designated for specific uses, to protect residential and agricultural uses, and limit the height and bulk of buildings hereafter erected or altered, to regulate and limit the intensity of the use of lot areas, the Joint Jurisdictional Area is hereby divided into the following zoning districts:

- A. Agricultural Districts
 - 1. A-1 Agricultural Jurisdictional District
- B. Residential Districts
 - 1. R-1 Rural Residential Jurisdictional District
 - 2. R-3 Medium Density Jurisdictional District
- C. Business Districts
 - 1. B-1 Highway Commercial Jurisdictional District
- D. Industrial Districts
 - 1. I-1 Industrial Jurisdictional District
- E. Special Districts
 - 1. Airport District

607.102 Zoning Map

The location and boundaries of the districts established by this text are hereby set forth on the Zoning Map entitled “Joint Jurisdictional Map of Worthington and Nobles County.” Said map shall be on file with the Zoning Authority and hereinafter referred to as the “Zoning Map.” Said map and all the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and thereby made a part of this Ordinance by reference.

607.110 R-3 Medium Density Jurisdictional District

Multi-family Special Review

No site plan approval shall be issued for a multi-family use until the Joint Jurisdictional Commission has made a determination that:

- A. Adequate facilities have been made for on-site private recreation use for all ages to occupy the building.
- B. Trash storage will not adversely affect the occupants enjoyment of the dwelling units, nor occupants of surrounding uses.
- C. Parking areas are separated physically from designated recreation areas and have a minimum impact on surrounding uses.
- D. Hard surfacing of alleys is planned if access to required parking is via the alley.

All requests for Medium Density Zoning shall be in conformance with Title XV, Section 155.070, 155.071(e), 155.072, 155.073, and 155.075 of the City of Worthington Zoning Ordinance.

607.120 Performance Standards

17. General Regulations

Other regulations related to signs, parking, etc., shall be defined in Title XV, Section 155.042, 155.043 and 155.044 of the City of Worthington Zoning Ordinance.

607.130 Special District Airport

As defined in Title XV, Section 156: Airport Zoning of the City of Worthington Zoning Ordinance.