

**NORMAN
COUNTY
ZONING
ORDINANCE**

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Zoning Ordinance

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ZONING ORDINANCE FOR NORMAN COUNTY, MINNESOTA

NORMAN COUNTY, MINNESOTA

AN ORDINANCE FOR THE PURPOSE OF PROMOTING HEALTH, SAFETY, ORDER, CONVENIENCE, AND GENERAL WELFARE, BY REGULATING THE USE OF LAND, THE LOCATION AND THE USE OF BUILDING AND THE ARRANGEMENT OF BUILDINGS ON LOTS, AND THE DENSITY OF POPULATION, AND THE DIVISION OF THE COUNTY INTO DISTRICTS FOR THE ORDERLY FUTURE DEVELOPMENT OF THE AREA OF NORMAN COUNTY, MINNESOTA OR PARTS THEREOF OUTSIDE THE INCORPORATED LIMITS OF THE MUNICIPALITIES.

The Norman County, Minnesota Board of Commissioners ordains:

SECTION 1.0 SHORT TITLE

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

SECTION 2.0 INTENT AND PURPOSE

This Ordinance is adopted for the purpose of:

protecting the public health, safety, comfort, convenience, and general welfare.

dividing the unincorporated portions of the county into zones and districts regulating therein the location, construction, reconstruction, alteration, and use of structures and land.

promoting orderly development of residential, business, industrial, recreational, and public areas.

providing for adequate light, air, and convenience of access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties.

limiting congestion on the public rights-of-way.

providing for the administration of this Ordinance and defining the powers and duties of the administering officer as provided hereinafter.

prescribing penalties for the violation of the provisions in this Ordinance or any amendment thereto.

SECTION 3.0 RULES

3.1 Hereafter no person shall erect, alter, wreck, or move any building or part thereof without first securing a building permit. Application for a building permit shall be made to the Administrator on blank forms furnished by the County Board. Each application for a permit to construct or alter a building shall be accompanied by a plan, drawn to scale, showing the dimensions of the lot to be built upon, the size and location of the building, and accessory buildings to be erected. Applications for any kind of building permit shall contain such other information as may be deemed necessary for the proper enforcement of this Ordinance.

3.2 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, and welfare.

Where the conditions of this Ordinance are comparable with condition imposed by any other law, ordinance, statute, resolutions, or regulation, the regulations which are more restrictive shall prevail.

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 the provisions of this Ordinance.

3.3 No cellar, garage, tent, trailer, basement with unfinished structure above, or accessory building shall at any time be used as a dwelling unit. The basement portion of a finished home may be used for normal living, eating, and sleeping purposes provided it is properly damp-proofed, has suitable fire protection and exits, and is approved by the Administrator.

3.4 Before any house or other structure is moved onto a vacant lot, the Planning Commission shall report to the County Board whether the structure will be compatible with other developments in the area. The applicant shall submit photographs taken from two or more angles of the structure to be moved and photographs of the lot on which the structure is to be located together with photographs of adjacent lots and structures. These requirements do not apply to construction sheds, agricultural buildings, or temporary structures to be located on a lot for 18 months or less.

3.5 Non-Conforming Uses and Structures

3.5(1) Any non-conforming use existing on the date of this Ordinance other than a use specified in 3.5(2) and 3.5(3) may be continued until its normal expiration except that any non-conforming use or building may not be:

3.5(1)a Changed to another non-conforming use:

3.5(1)b Re-established after discontinuance for 6 months:

3.5(1)c Rebuilt after damage exceeding 50 percent of its market value as determined by the County Assessor.

3.5(2) No junkyard or auto reduction yard may continue as a non-conforming use for more than one year after the effective date of this Ordinance, except that it may continue as a conditional use in an industrial or agricultural district if, within that period, it is completely enclosed within a building or within a

continuous solid fence, not less than 8 feet high so as to screen completely the operations of the junk yard. Plans of such building or fence shall be reviewed by the Planning Commission and approved by the County Board before it is erected.

3.5(3) No outdoor advertising structure may continue as a non-conforming use for more than 18 months after the effective date of this Ordinance.

3.5(4) Any structure which will, under this Ordinance, become non-conforming but for which a building permit has been lawfully granted prior to the effective date of this Ordinance and continues to completion within one year, after the effective date of this Ordinance, shall be a non-conforming structure.

3.5(5) 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.

3.6 Existing Farming Operations

3.6(1) All farm operations currently in existence will be permitted to continue operation subject to the following conditions:

3.6(1)a New buildings in which farm animals are kept shall be a distance of 60 feet or more from any residential lot.

3.6(1)b Limited sales of products produced may be conducted on the premises from a roadside stand but such stand shall not exceed 12 feet in height or 500 square feet in floor area.

3.7 Miscellaneous Rules

~~**3.7(1)** The conveyance of land by metes and bounds shall be prohibited when said parcel is 10 acres or less in size.~~ 5/22/03

3.7(2) All subdivisions shall conform to the adopted Official Map and be in harmony with the Comprehensive Plan.

3.7(3) 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, 1/4 section and 1/16 section corners shall be duly described and tied.

SECTION 4.0 DEFINITIONS

For the purpose of these regulations, the following terms, phrases, words, and their definitions shall have the meaning given in this section. When inconsistent with the context, words used in the present tense shall include the future tense; words in the singular number shall include the plural and words in the plural shall include the singular. The masculine gender includes the feminine and neuter genders.

4.0(1) Administrator: The duly appointed person charged with enforcement of this Ordinance.

4.0(2) Agricultural, Rural: An area of more than 10 contiguous acres which is used for the production of crops, their storage or for raising of farm animals.

4.0(3) Agricultural, Urban: An area of 10 or less contiguous acres which is used for growing produce intended solely for the use of residents on the property.

4.0(4) 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 building or other port structures or right-of-way.

4.0(5) Airport Elevation: The established elevation of the highest point on the usable landing area.

4.0(6) Airport Hazard: A structure, tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport.

4.0(7) Airport Reference Point: The point established as the approximate geographic center of the airport landing area and so designated.

4.0(8) Animal Feedlot: A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For the purposes of this Ordinance, open lots used for feeding and rearing of poultry (poultry ranges) shall be considered animal feedlots. Pastures shall not be considered feedlots. The County Feedlot Officer shall define the area covered by a feedlot.

4.0(8)a. Animal Feedlot, new: “Animal feedlot, new” means an animal feedlot constructed and operated at a site where no animal feedlot existed previously or where a preexisting animal feedlot has been abandoned or unused for a period of five years or more. It also means when an existing feedlot of less than 300 animal units expands to more than 300 animal units.

4.0(9) Attorney: The person licensed by the State to practice law who has been engaged by the County Board.

4.0(10) Basement: A portion of a building located partly underground. A basement shall be counted as a story if it has $\frac{1}{2}$ or more of its height above the highest level of the adjoining ground and/or if it is intended to be used for dwelling or business purposes.

4.0(11) Block: An area of land within a subdivision that is entirely bounded by streets or a combination of streets, exterior boundary lines of the subdivision and/or bodies of water.

4.0(12) Boulevard: That portion of a street right-of-way between the curb or curb line and the property line.

4.0(13) Building: Any structure having a roof which may provide shelter or enclosure of persons, animals, or chattel. When said structure is divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.

4.0(14) Building Height: The vertical distance from the average elevation of the adjoining ground level to the top of the highest point of the structure.

4.0(15) Building Line: Means that line measured across the width of the lot at the point where the main structure is placed in accordance with setback provisions.

4.0(16) Business: Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials, or where services are offered for compensation.

4.0(17) Cellar: A portion of a building located partly underground and having more than $\frac{1}{2}$ of the floor to ceiling height below the average grade of the adjoining ground.

4.0(18) Channel: A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

4.0(19) Channel Flow: Water which is flowing within the limits of a defined channel.

4.0(20) 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.

4.0(21) Club or Lodge: A club or lodge is a non-profit association of persons who are bona fide members paying annual dues, use of premises restricted to members and their guests.

4.0(22) Commercial Recreation: Bowling alley, cart track, jump center, golf, pool hall, vehicle racing, or amusement, dance hall, skating, tavern, theater, firearms range, and similar uses.

4.0(23) Comprehensive Plan: Unless otherwise stated, it is the general plan for land use, transportation, and community facilities prepared and maintained by the Planning Commission.

- 4.0(24) Conditional Use Permit:** A permit specially and individually granted for a conditional use permitted in any use district.
- 4.0(25) Dwelling:** A room or group of rooms providing complete living facilities for one household.
- 4.0(26) Dwelling-Attached:** A structure having dwelling units joined by one or more party walls.
- 4.0(27) Dwelling-Detached:** A dwelling unit having open space on all four sides.
- 4.0(28) Dwelling-Multiple:** A building having two or more dwelling units.
- 4.0(29) Dwelling-Townhouse:** A dwelling unit having one or more walls in common with another oriented so as to have direct access outside.
- 4.0(30) Easement:** Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.
- 4.0(31) Encroachment, Equal Degree of:** A method of determining the location of encroachment lines so that the hydraulic capacity of the flood plain lands on each side of a stream are reduced by an equal amount when calculating the increases in flood stage due to flood plain encroachments.
- 4.0(32) Encroachment Lines:** Are limits of obstruction to flood flows. These lines are generally parallel to the stream. The lines are established by assuming that the area landward (outside) of the encroachment lines will be ultimately developed in such a way that it will not be available to convey flood flows. The stream channel and adjoining flood plains between these lines will be maintained as open space and will be adequate to convey a flood without adversely increasing flood heights.
- 4.0(33) Engineer:** The professional engineer engaged by the County Board.
- 4.0(34) Essential Services:** Underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings.
- 4.0(35) Family:** An individual, or two or more persons each related by blood, marriage, or adoption living together as a single housekeeping unit, or a group of not more than 4 persons not so related, maintaining a common household.
- 4.0(36) Fence:** Any partition, structure, wall or gate erected as a dividing marker, barrier, or enclosure which is 30 percent open to the passage of light and air.
- 4.0(37) Final Plat:** A drawing, in final form, showing a proposed subdivision containing all information and detail required by state statutes and by this Ordinance to be presented to the County Board for approval, and which, if approved, may be duly filed with the County Register of Deeds.
- 4.0(38) Flood:** A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.

- 4.0(39) Flood Frequency:** The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
- 4.0(40) Flood Fringe:** That portion of the flood plain outside of the floodway.
- 4.0(41) Flood Plain:** The land adjacent to a body of water which has been or may be hereafter covered by flood water.
- 4.0(42) 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 to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.
- 4.0(43) Flood, Regional:** 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.
- 4.0(44) Flood, Regulatory Protection Elevation:** A point not less than one foot above the water surface profile associated with the regional flood plus any increase 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.
- 4.0(45) 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.
- 4.0(46) Floor Area:** 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 and shall include basement floor area except for porches, balconies, breezeways, and attic areas having a head room of less than 7'6".
- 4.0(47) Floor Area Ratio:** The numerical value obtained through dividing the floor area of a building or buildings by the lot area on which such building or buildings are located
- 4.0(48) Garage-Private:** An accessory building or portion of the principal building, which is used for storing vehicles not in excess of 7,000 pounds gross vehicle weight.
- 4.0(49) Garage-Public:** A building or portion of a building used for the storage of vehicles for remuneration.
- 4.0(50) Garage-Repair:** A building or space for the maintenance of vehicles but not including auto wrecking or junk yards.
- 4.0(51) Governing Body:** The Board of County Commissioners.
- 4.0(52) Home Occupation:** A gainful occupation when engaged in by person or persons residing in the dwelling and which is not noticeable nor dangerous to the surrounding properties.
- 4.0(53) Hotel:** A building having provision for 9 or more guests in which lodging is provided with or

without meals for compensation and which is open to transient or permanent guests and where no provision is made for cooking in any guest room, and in which ingress and egress to and from all rooms is made through an inside lobby.

4.0(54) House Trailer: Any trailer or semi-trailer not used as a residence but is used for temporary living quarters for recreational or vacation activities and one that is towed on public roads in connection with such use.

4.0(55) Junk Yard: An area where used, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including, but not limited to scrap iron, and other metals, paper, rages, rubber products, bottles, and used building materials. Storage of material in conjunction with construction or a manufacturing process shall not be included. Such use shall not include garbage.

4.0(56) Landing Area: The area of the airport used for the landing, taking off, or taxiing of aircraft.

4.0(57) Landscaping: Plantings such as trees, grass, and shrubs.

4.0(58) Licensed Engineer: A person licensed as a professional engineer by the State of Minnesota.

4.0(59) Lot: A parcel, piece, or portion of land designated by metes and bounds, registered land survey, auditors plat, or other means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof.

4.0(60) Lot, Butt: A lot located on the end of a block, excluding corner lots.

4.0(61) Lot, Corner: A lot situated at the junction of and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

4.0(62) Lot, Interior: A lot other than a corner lot, including through lots.

4.0(63) Lots, Through: Any lot other than a corner lot which abuts more than one street.

4.0(64) Lot Area: The area of a lot on a horizontal plane bounded by the lot lines.

4.0(65) Lot Line: A lot line is the property line bounding a lot except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line.

4.0(66) Lot Depth: The mean horizontal distance between the front lot line and the rear lot line.

4.0(67) Lot Line, Front: That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public street except that a corner lot in a non-residential area shall be deemed to have frontage on both streets.

4.0(68) Lot Line, Rear: That boundary of a lot which is opposite the front lot line. If the rear lot line is less than 10 feet in length or if the lot forms a point at the rear, the rear lot line shall be a line 10 feet in

length within the lot, parallel to the front lot line.

4.0(69) Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.

4.0(70) Lot of Record: A platted lot or metes and bounds parcel which has been recorded in the office of the Register of Deeds prior to the adoption of this Ordinance.

4.0(71) Lot Width: The horizontal distance between the side lot lines of a lot measured parallel to the front line of the lot at the setback line.

4.0(72) Manufacturing - Heavy: All manufacturing, compounding, processing, packaging, treatment or assembly of products and materials that may emit objectionable and offensive influences beyond the lot on which the use is located.

4.0(73) Manufacturing - Light: All uses which include the compounding, processing, packaging, treatment, or assembly of products and materials provided such use will no generate objectionable influences that extend beyond the lot on which the use is located.

4.0(74) May: means permissive.

4.0(75) Mean Flow Level: The average flow elevation of a stream or river computed as the mid-point between extreme low and extreme high water.

4.0(76) Mining: The extraction of sand, gravel, rock, soil, or other material from the land in the amount of 400 cubic yards or more and the removal thereof from the site. The only exclusion from this definition should be removal of minerals associated with the nominal construction of a building.

4.0(77) Mobile Home: Any structure designed, constructed, and equipped for use as a human dwelling place, living abode, or living quarters built to meet the requirements of the United States of America Standard Institute Code A 119.1 except travel and camp trailers.

4.0(78) Mobile Home Park: Any site, lot, field, or tract of land upon which two or more occupied mobile homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of such mobile home park.

4.0(79) Motor Courts, Motor Hotel, or Motel: A building or group of buildings other than a hotel used primarily as a temporary residence.

4.0(80) Motor Freight Terminal: A building or area in which freight brought by motor truck is transferred and/or stored for movement.

4.0(81) Motor Fuel Station: A retail place of business engaged primarily in the sale of motor fuels, but also may be engaged in supplying goods and services generally associated with the operation and maintenance of motor vehicles. These may include sale of petroleum products, sale and servicing of tires, batteries, automotive accessories, and replacement items, washing and lubrication services; and the performance of minor automotive maintenance and repair.

4.0(82) Normal High Water Mark: Means a mark delineating the highest water level which has been

maintained for a sufficient period of time to leave evidence upon the landscape. The normal high water mark is commonly that point where the natural vegetation changes from predominately aquatic to predominately terrestrial.

4.0(83) Noxious Matter of Materials: Material capable of causing injury to living organisms by chemical reaction, or capable of causing detrimental effects on the physical or economic well-being of individuals.

4.0(84) Nursery, Day: A use where care is provided for pay for 3 or more children for periods of 4 hours or more per day.

4.0(85) Nursery, Landscape: A business growing and selling trees, flowering, and decorative plants, and shrubs.

4.0(86) Nursing Home: Any institution or facility required to be licensed as such by the State Board of Health, under Minnesota Statutes.

4.0(87) Obstruction: 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 projected 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.

4.0(88) Official Map: The map established by the County Board, in accordance with State Statutes, showing streets, highways, and parks and drainage, both existing and proposed.

4.0(89) Open Sales Lot: Land devoted to the display of goods for sale, rent, lease, or trade where such goods are not enclosed within a building.

4.0(90) Open Storage: Storage of material outside of a building.

4.0(91) Owner: Any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity having proprietary interest in the land.

4.0(92) Parking Space: A surfaced and maintained area for the storage of one standard automobile (10'x20').

4.0(93) Party Wall: A common wall which divides 2 independent structures.

4.0(94) Person: An individual, to include both male and female and shall also extend and be applied to bodies political and corporate and to partnership and other unincorporated associations.

4.0(95) Planned Unit Development: A development which consists of two or more principal structures or uses on a single parcel of land.

4.0(96) Planning Commission or Commission: The duly appointed planning and zoning advisory commission of the County Board.

4.0(97) Primary Surface: A clear zone extending a distance of 500 feet centered on the center line of a runway, and extending to a distance of 200 feet beyond the end of a runway.

4.0(98) Property Line: The legal boundaries of a parcel of land.

4.0(99) Protective Covenant: A contract between parties which constitutes a restriction on the use of property for the benefit of the owners.

4.0(100) Public Land: Land owned and/or operated by a governmental unit.

4.0(101) Public Water: Means a body of water capable of substantial beneficial public use. For the purposes of this Ordinance, this shall be construed to mean any lake, pond, or flowage of 10 acres in size or more, or any river or stream with a total drainage area of two square miles or more, which has the potential to support any type of recreational pursuit or water supply purpose. 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 Conservation shall be exempt from the provisions of this Ordinance.

4.0(102) Reach: 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.

4.0(103) Recreation Equipment: Play apparatus such as swing sets and slide, sandboxes, poles for nets, picnic tables, lawn chairs, barbecue stands, and similar apparatus but not including tree houses, swimming pools, playhouses exceeding 25 square feet of floor area, or sheds utilized for storage of equipment.

4.0(104) Retail Sales: Stores and shops selling personal services or goods.

4.0(105) Runway: The paved surface of an airport landing strip.

4.0(106) Setback: Means the minimum horizontal distance between a structure and the nearest specified property line, road or highway, or normal high water mark.

4.0(107) Setback, Pump: the distance from the street right-of-way line to the centerline of the motor fuel station pump island measured as a perpendicular distance from the right-of-way.

4.0(108) Shall: means mandatory.

4.0(109) Shelter-Fallout or Blast: A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fallout, blasts, air raids, storms, or other emergencies.

4.0(110) Shoreland: Means land located within the following distances from public waters: 1,000 feet from the normal high water mark of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent to a flood plain designated by ordinance on such river or stream, whichever is greater, except where the limits are designated by natural drainage divides as lesser distances.

4.0(111) Sign: The board or display used to identify or advertise a place of business goods or services.

4.0(112) Sign - Advertising (Billboard): A sign which is not related to the use of the property on which it is located.

- 4.0(113) Sign-Business:** A sign which is related to the use of the property on which it is located.
- 4.0(114) Sign-Flashing:** An illuminated sign which is not constant in intensity or color at time of operation.
- 4.0(115) Sign-Gross Area of:** The area within the frame shall be used to calculate the gross area except that the width of the frame in excess of 12 inches shall be added thereto. When letters or graphics are mounted without a frame the gross area shall be the area bounded by straight lines 6 inches beyond the periphery of said letters or graphics. Each surface utilized to display a message or to attract attention shall be measured as a separate sign.
- 4.0(116) Sign-Illuminated:** A sign which is artificially lighted.
- 4.0(117) Sign-Nameplate:** A sign which states the name and/or address of the occupant.
- 4.0(118) Sign-Temporary:** A sign allowed for a period of 90 days or less.
- 4.0(119) Story:** That portion of a building between the surface of a floor and the surface of the floor above it; or if there is no floor above, the space between the floor and the ceiling above. A basement shall be counted as a story only if it conforms to the definition of a basement in Section 4.0(9) of this Ordinance.
- 4.0(120) Street:** A public right-of-way which affords a primary means of access to abutting property.
- 4.0(121) Street, Collector:** A street which serves or is designed to serve as a trafficway for a neighborhood or as a feeder to a major street.
- 4.0(122) Street, Dead-End or Cul-de-sac:** A street with only one vehicular traffic outlet.
- 4.0(123) 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.
- 4.0(124) Street, Minor:** A street intended to serve primarily as an access to abutting properties.
- 4.0(125) Street, Private:** A street which is not dedicated to the community for public use.
- 4.0(126) Street, Width:** The width of the right-of-way, measured at right angles to the center of the street.
- 4.0(127) Structure:** Anything constructed or erected, the use of which requires location on the ground, or attached to something having a location on the ground.
- 4.0(128) Structure, Non-Conforming:** A structure which is legally existing upon the effect date of this Ordinance, which would not conform to the applicable regulations if the structure were to be erected under the provisions of this Ordinance.
- 4.0(129) Structural Alteration:** A change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders, or foundations.

4.0(130) Subdivider: Any person, firm, corporation, partnership, or association, who shall lay out any subdivision or part thereof as defined herein, either for himself or others.

4.0(131) Subdivision: Means improved or unimproved land or lands which are divided for the purpose of ready sale or lease, or divided successively within a five year period for the purpose of sale or lease, into two or more lots or parcels of less than five acres each, contiguous in area and which are under common ownership or control.

4.0(132) Surveyor: A person duly registered as a land surveyor by the State of Minnesota.

4.0(133) Unincorporated Area: Means the area within the County outside of the County's incorporated cities and/or villages.

4.0(134) Use: The purpose or activity for which the land or structure thereon is designated, arranged, or intended, or for which it is occupied, utilized, or maintained.

4.0(135) Use, Accessory: A use subordinate to and serving the principal use or structure on the same lot.

4.0(136) Use, Conditional: The uses designated in each Zoning District which for their respective conduct, shall require reasonable conditions, established by the County Board.

4.0(137) Use, Non-Conforming: Use of land or structures legally existing upon the effective date of this Ordinance which would not conform to the regulations if the use were to be established under the provisions of this Ordinance.

4.0(138) Use, Permitted: A use which conforms with the requirements of the zoning district within which it is located.

4.0(139) Use, Principal: The primary use of the land or structures as distinguished from accessory uses.

4.0(140) Variance: Means a modification or variation of the provisions of the zoning ordinance where it is determined that, by reason of exceptional circumstances, the strict enforcement of any provision of the ordinance would cause unnecessary hardship, or that strict conformity with the provisions of the local ordinance would be unreasonable, impractical or not feasible under the circumstances.

4.0(141) Veterinary: Those uses concerned with the diagnosis, treatment, and medical care of animals, including animal or pet hospitals.

4.0(142) Warehousing: The storage of materials or equipment within an enclosed building.

4.0(143) Water Supply Purpose: Includes any uses of water for domestic, commercial, industrial or agricultural purposes.

4.0(144) Wholesaling: The selling of goods, equipment and materials by bulk to another business that in turn sells to the final customer.

4.0(145) Yard: A required open space on a lot, which is unoccupied and unobstructed by any structure from its lowest ground level to the sky except as expressly permitted in this Ordinance.

4.0(146) Yard, Front: A yard extending across the front of the lot between the side property lines and lying between the front lot line and the nearest line of the building.

4.0(147) Yard, Rear: A yard extending across the rear of the lot between the side property lines and lying between the rear lot line and the nearest line of the building.

4.0(148) Yard, Side: A yard between the side line and the nearest line of the building and extending from the front yard line to the rear yard line.

4.0(149) Zoning District: An area within the limits of the zoning jurisdiction for which the regulations and requirements governing use, lot and bulk of structures and premises are uniform.

SECTION 5.0 ZONING DISTRICTS

5.0(1) Zoning District Classification for the purposes of this Ordinance, the County is hereby divided into the following Use Districts:

- 5.0(1)a** Agricultural District "A"
- 5.0(1)b** General Flood Plain District "GFP"
- 5.0(1)c** Shoreland Special Protection District "SL"
- 5.0(1)d** Conservation District "C"
- 5.0(1)e** Airport Zones "AZ"

5.0(2) Zoning District Map

The boundaries of the Districts as established by this Ordinance are as shown on the map designated as the "Zoning District Map". A permanent and updated copy of the "Zoning District Map" shall be filed with the County Register of Deeds.

5.0(3) Zoning District Boundaries

The district boundary lines are intended to follow street and highway right-of-way lines; street and highway centerlines, lot and property or section lines, unless a boundary line is otherwise indicated on the map. In the case of unsubdivided property or in any case where street or lot lines are not used as boundaries, the district boundary lines shall be determined by the dimensions appearing on the map or those scaled from the map.

5.0(4) Permitted Uses

No structure, building, or tract of land shall be devoted to any use other than a use permitted, hereinafter in the Zoning District in which such structure, or tract of land shall be located, with the following exceptions:

- 5.0(4)a** Conditional uses allowing in accordance with the provisions of Section
- 5.0(4)b** Uses already established before the effective date of this Ordinance, and rendered non-conforming by the provisions thereof, shall be subject to those regulations governing non-conforming uses.

5.0(5) Conditional Uses

Conditional uses may be allowed in the districts indicated, subject to the issuance of Conditional Use Permits. The County Board may require the posting of a performance bond as a condition of granting a Conditional Use Permit. The amount of such bond shall be established by the County Board at the public hearing on the Conditional Use Permit.

5.0(6) Lot Size Requirements

Lot size requirements are specified under each zoning district. In addition, the following regulations shall be complied with:

5.0(6)a No use shall be established or hereinafter maintained on a lot recorded after the effective date of this Ordinance which is of less area or width than prescribed for the Zoning District in which it is to be located.

5.0(6)b In any Residential District on a lot-of-record, a single-family dwelling may be constructed provided said lot is at least 60% of the required size.

5.0(6)c In areas not served by public water and sewer systems, all on-site facilities shall be required to have properly designed and laid out field systems. The size, design and location of such systems shall be based upon the adopted standards of the county and the percolation rate established by trained personnel.

5.0(6)d Where a proposed plat is submitted incorporating an extensive park area as an integral part of the subdivision, minimum lot area, frontage and width requirements for the district in which the plat is located may be reduced subject to conditions and approval of plans by the County Board. Land area taken from individual lots to create the park must be over and above the percent of total land area required for park purposes under the subdivision regulations.

5.0(6)e Single family homes may be excluded from lot area and setback requirements provided a Conditional Use Permit is issued under terms of a "planned development". Density zoning shall be interpreted to mean the permission of reduced lot area standards under conditions whereby the number of dwelling units permitted is not greater than permitted by the application of the regular provision of the district but with all land excluded from the lot area requirements added onto public open space.

5.0(6)f Public right-of-ways are not a part of the buildable lot area and therefore shall not be included as part of the minimum lot area required.

5.0(7) Yard Requirements

Yard requirements are set forth under each zoning district. In addition, the following requirements shall be complied with:

5.0(7)a No required yard or other open space allocated to a building or dwelling group shall be used to satisfy yard, other open space, or minimum lot area requirements for any other building.

5.0(7)b On a corner lot, nothing shall be placed or allowed to grow in such a manner as to impede vision between a height of 2-1/2 and 10 feet above the intersecting right-of-way lines nor within 50 feet of the intersecting right-of-way lines.

5.0(7)c In no event shall off-street parking space structures cover more than 60 percent of the lot area.

5.0(7)d In rear yards: recreational and laundry drying equipment, open arbors and trellises, balconies, breezeways, porches, and detached outdoor living rooms, are permissible, provided these are no less than 2 feet from any lot line.

5.0(7)e The following shall not be considered to be encroachments on yard requirements:

5.0(7)e i. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, mechanical devices, cornices, eaves, gutters, and the like, provided they do not extend more than 2-1/2 feet, off-street parking except as hereinafter regulated.

5.0(7)e ii. Yard lights and nameplate signs for one and two family dwellings, lights for illuminating parking areas, loading areas or yards for safety and security purposes, may be located within 5 feet of the front lot line.

5.0(7)e iii. Fences which do not exceed 3-1/2 feet in height and terraces, steps, uncovered porches, stoops or similar structures, which do not extend above the height of the ground floor level of the principal building and extend to a distance of less than 2 feet from any lot line.

5.0(7)e iv. Within side or rear yards; bays not to exceed a depth of 2 feet not to contain an area of more than 20 square feet, fire escapes not to exceed a width of 3 feet, fences and walls not to exceed a height of 5 feet above grade and open off-street parking for 3 or less vehicles may be located to within 5 feet of the lot line.

5.0(7)e v. Within rear yards; balconies, accessory structures except that no structure shall be closer than 8 feet from the rear lot line, breezeways, detached outdoor picnic shelters and recreational equipment, except as regulated hereinafter.

5.0(7)e vi. Inside yards only; accessory structures except that no accessory structure shall be closer than 5 feet from any side lot line.

5.0(7)f Buildings may be excluded from side yard requirements if party walls are utilized or if the adjacent buildings are planned to be constructed as an integral structure and a Conditional Use Permit is secured.

5.0(7)g Through lots shall have a required front yard on each street.

5.0(8) Building Bulk Limitations

In all residences except mobile homes, the gross floor area in square feet developed on a lot shall not be less than 800 square feet.

5.0(9) Height Requirements

All structures and building are subject to the requirements specified for each zone.

5.0(10) Essential Services Electric Transmission Lines, Electric Distribution Lines, Telephone Lines, Gas Transmission Lines, Gas Distribution Lines, Water Lines, Sewer System Lines, and all such Essential Public Services.

5.0(10)a Since essential services, as defined by this Ordinance, may have an affect upon urbanizing areas of the County, County land uses, County highway locations, and County parks and recreation areas, the location of all such essential service in any zoning district shall be filed with the designated County Official prior to commencement of any condemnation action or construction by the owner.

5.0(10)b An application for a permit for Essential Transmission Services shall follow the following procedure:

5.0(10)b.i. The owner shall file with the Zoning Administrator such maps indicating the location, alignment, and type of service proposed as shall be requested.

5.0(10)b ii. The maps and accompanying data on location and alignment of transmission line shall be submitted to the Norman County Planning Commission for review, and recommendations regarding the relationship to urban growth, land uses, highways, and recreation and park areas.

5.0(10)b iii. Following such review, the County Planning Commission shall make a report of its findings and recommendations on the proposed transmission services and shall file such report with the County Board within 30 working days after receipt of the application. Failure to act within 30 working days shall constitute approval.

5.0(10)b iv. Upon receipt of the report of the County Planning Commission on the planned transmission services, the Board of County Commissioners shall consider the maps and accompanying data at their next regularly scheduled meeting and shall indicate to the owner its approval or modifications considered desirable under this Ordinance.

5.0(10)c An application for a permit for Essential Distribution Services shall follow the following procedures:

5.0(10)c i. The applicant shall file with the County Engineer, on forms supplied by the County, an application for such permit accompanied by maps indicating the locations, alignment, and type of service proposed.

5.0(10)c ii. The application and accompanying data shall be reviewed by the County Engineer, and the County Engineer may issue the permit after determining that the application is acceptable and in the best interest of the County.

5.0(10)c iii. The County Engineer may require in conjunction with the issuance of such permit that:

5.0(10)c iii a The applicant submit as built drawings of the essential service after construction.

5.0(10)c iii b The applicant construct the essential service to take into consideration

contemplated widening, regrading, or location of a County or County State Aid Highway.

5.0(10)c iii c The County will furnish to the Utility or Owner of the essential services easement for contemplated widening, regrading, or location of a County or County State Aid Highway as provided in part (2) of this subsection.

5.0(10)d Recognizing the need for adequate and timely service by owners of essential services, the County Engineer shall act upon all information filings or permit applications of Section 3 within five working days. Failure to act within five working days shall constitute approval.

5.0(10)e Location of underground essential services upon request will be the responsibility of the Utility or Owner within five (5) working days from the date of such request.

5.0(10)e i Each Utility or Owner must file with the County Office or official designated by the County Board, a plat book showing the Sections and Townships within which service is rendered or planned for future installations.

5.0(10)e ii Each Utility, Contractor, or Owner doing work in Norman County shall be responsible for contacting the supplier of essential service to have such service facilities properly located before any work is begun.

5.0(10)f No fee shall be charged for administration of this section.

5.0(10)g Essential Services are permitted uses in all zoning districts and are not subject to height, yard, or setback requirements or permits, except for height limitations in any Airport Zone and except as provided in Section 5.0(10).

5.0(10)h Public utility buildings shall be permitted uses in all zoning districts subject to the specific restrictions the particular district imposes upon permitted buildings.

5.0(10)i A violation of any condition set forth in a Conditional Use Permit shall be a violation of this Ordinance. The Zoning Administrator shall give written notice of the violation and require an appearance by the permit holder before the Planning Commission to explain the violation and arrange for correction of the violation within a reasonable time.

5.0(10)j Fences over 4 feet in height and with a security arm for barbed wire may be located on a lot line and shall be permitted when needed for security reasons as approved by the Zoning Administrator. Other fencing over 4 feet in height shall require a Conditional Use Permit, unless such fencing is shown and described in a permit application for a project.

5.0(11) Setback Requirements

5.0(11)a Wood piles, feed piles, stack bales, and the like shall be set back a minimum of one hundred

forth (140) feet from the center of all roads, County, Watershed and Judicial Ditches and other drainage systems.

5.0(11)b All field shelter belts running nonperpendicular with roads and County, Judicial, and Watershed Ditches shall be set back a minimum of two hundred (200) feet from the center of all roads, ditches, or drainage systems.

All field shelter belts perpendicular to a road or drainage system shall have a set back minimum of one hundred forty (140) feet.

5.0(11)c All machinery left outside of a farmsite during the winter months from November 15 through March 31 shall not be placed, stored, or allowed to remain less than one hundred forty (140) feet from the center of a road, drainage system, or ditch. " Farmsite " as used herein means the building site and all adjacent woods immediately contiguous therewith.

5.0(11)d All trees, shrubs, bushes, and the like within the farmsite shall a minimum set back of seventy-five (75) feet from the center of a road, drainage system, or ditch.

5.0(11)e The term " road " as used herein shall include all Township, County, and State highways and roads.

5.0(11)f All field drain tile shall be setback a minimum of seventy-five (75) feet from the center of a road. This does not include outlets.

5.1 Agricultural District " A "

5.1(1) Permitted Uses

Farm residence; 1 mobile home when associated with farm operation; general farming and related buildings, horticulture, field crops; dairying; livestock raising; wildlife, forest and wetland management; apiaries and home occupations.

5.1(2) Conditional Uses

5.1(2)a Private, public and semi-public clubs; tourist camps or camp grounds; mobile home parks; seasonal dwellings; single-family non-farm residences.

5.1(2)b Animal feed lots with 300 animal units or more; livestock sales yards; livestock experimentation; small animal and restricted livestock farming; kennels; animal hospitals; intensive poultry farming; and greenhouses.

5.1(2)c Processing and packaging of agricultural products, including livestock; cold-storage plants, slaughterhouses; stockyards; rendering plants; fertilizer plants, pea viners; bulk liquid storage; warehousing; forest industries; open storage yard, filling holes, pits, quarries; manufacturing and processing of natural resources indigenous to the county; auto reduction and junk yard; storage garages.

5.1(2)d Motor fuel stations and commercial repair garages, restaurants and refreshment stand; retail stores; personal service shops; stand for sale of agricultural products; commercial and non-commercial recreational facilities; artificial lakes; dams and reservoirs, outdoor advertisements.

5.1(3) Lot Size Requirements

Minimum Lot Size: 3 acres
Minimum Lot Width: 200 feet

5.1(4) Yard Requirements

Front yard setback: 140 feet from centerline of public road.
Side yards: 60 feet or 140 feet from centerline of a public road if a corner lot.
Rear yard: 100 feet

5.1(5) Building Height Limitations

Residence: Two stories or 25 feet whichever is greater.

5.1(6). New Feedlot Setback Requirements.

All new feedlots shall comply with each and every one of the following requirements:

5.1(6)a. Public Park: No new feedlot of 300 animal units or less may be located within 1/4 mile of a public park. No new feedlot of more than 300 animal units may be located within 1/2 mile of a public park.

- 5.1(6)b. Drainage Ditch:** No new feedlot may be located within 300 feet of a County, Judicial or private drainage ditch.
- 5.1(6)c. Private residence:** No new feedlot may be located within 1/4 mile of any residence other than the landowner's or operator's. No new feedlot of more than 300 animal units may be located within 1/2 mile of any private residence.
- 5.1(6)d. Municipal border:** No new feedlot of 300 animal units or less may be located within 1/2 mile of a municipal border. No new feedlot of more than 300, but less than 1,000 animal units may be located within 1 mile of a municipal border. No new feedlot of 1,000 animal units or more may be located within 2 miles of a municipal border.
- 5.1(6) e. Church or similar facility:** No new feedlot of 300 animal units or less may be located within 1/4 mile of a active church building or similar facility. No new feedlot of 300 animal units or more may be located within 1/2 mile of a church building or similar facility.

5.2 General Flood Plain District " GFP "

The basic purpose of these regulations is to guide development in the flood plain areas consistent with the flooding threat and a community's land needs. Unwise use of flood plain lands causes loss of life and property, disruption of commerce and governmental services, unsanitary conditions, and interruption of transportation and communications. Sound land use development can reduce damages, expenses, and inconvenience and assure that all lands are put to their most appropriate use.

5.2(1) Permitted Uses

The following open space uses shall be permitted within the General Flood Plain District to the extent that they are not prohibited in any other portion of this ordinance, and provided that they do not require structures, fill or storage of materials or equipment. In addition, no use shall adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility or system.

5.2(1)a Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.

5.2(1)b **Industrial-Commercial** uses such as loading areas, parking areas, and airport landing strips.

Private and Public Recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.

Residential uses such as lawns, gardens, parking areas, and play areas.

Conditional Uses All uses other than those specified in Section 5.2(1) are permitted only upon application to the Zoning Administrator and the issuance of a Conditional Use Permit. The General Flood Plain District encompasses both floodway and flood fringe areas. Therefore, the Board of Adjustment, shall determine whether the proposed Conditional Use is located within the floodway or flood fringe area. If it is determined that the proposed use is located within the floodway the provisions of Section 5.2(3) of this Ordinance shall apply. If it is determined that the proposed use is located within the flood fringe the provisions of Section 5.2(4) of this Ordinance shall apply. All uses shall be subject to standards contained in this Ordinance.

Special Provisions Applying to the Floodway Portion of the GFP District Uses permitted in Section 5.2(1) are permitted uses. Other uses are allowed only as Conditional Uses within the floodway provided they comply with the provisions of this Section, any other standards established by this Ordinance, and any conditions attached by the governing body to the issuance of the Conditional Use Permit. No structure (permanent or temporary), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses shall be permitted which acting alone or in combination with existing or reasonably anticipated uses unduly affect the efficiency or the capacity of the floodway or unduly increase flood heights. Consideration of the effects of a proposed use shall be based upon a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream.

Conditional uses include: uses or structure accessory to open space; circuses, carnivals and similar transient amusement enterprises; drive-in theaters, new and used car lots, road side stands, signs and billboards; extraction of sand, gravel and other materials; marinas, boat rentals, piers, docks, wharves, and water control structures; railroads, streets, bridges, utility transmission lines and pipelines; storage yards for equipment, machinery or materials; kennels and stables; other uses similar in nature to uses described in the Section.

Fill Any fill or materials proposed to be deposited in the floodway will be allowed only upon issuance of a Conditional Use Permit. The fill or materials must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials. Such fill or other materials shall be protected against erosion by rip-rap, vegetative cover, or bulkheading.

5.2(3)c Structures (Temporary or Permanent) Accessory to Condition Uses Listed in Section

5.3(3)e Structures shall not be designated for human habitation; shall have low flood damage potential; shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters; whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures; shall be firmly anchored to prevent flotation; and service facilities such as electrical and hearing equipment shall be placed at or above the regulatory flood protection elevation for the particular area or adequately floodproofed.

5.2(3)d Storage of Material and Equipment The storage or processing of materials that in time of flooding are buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited. Storage of other material or equipment may be allowed upon issuance of Conditional Use Permits, if not subject to major damage by floods and firmly anchored to prevent flotation or readily removable from the area within the time available after flood warning.

5.2(3)e Garbage and Solid Waste Disposal No Conditional Use Permits for garbage and waste disposal sites shall be issued for floodway area, and there shall be no further encroachment upon the floodway at existing sites.

5.2(3)f Structural Works for Flood Control Structural works for flood control such as dams, levees, dikes, and floodwalls shall not be allowed within the floodway except upon issuance of a Conditional Use Permit.

5.2(4) Special Provisions Applying to the Flood Fringe

Uses listed in Section 5.2(1) as Permitted Uses are permitted uses within the flood fringe. Structural and other uses shall be permitted within the flood fringe as Conditional Uses to the extent they are not prohibited by any other Section of the Ordinance, excepting 5.2(3), and they meet the following applicable standards:

5.2(4)a Residential Uses

Residences shall be constructed on fill with the first floor or basement floor at or above the regulatory flood protection elevation. The finished fill elevation shall be no more than one foot below the regulatory flood protection elevation for the particular area and shall extend at such elevation at least fifteen (15) feet beyond the limits of any structure or building erected thereon. Where existing streets or utilities are at elevations which make compliance with this provision impractical or in other special circumstances, the governing body may authorize other techniques for protection.

5.2(4)b Non-Residential Uses

Structures other than residences shall ordinarily be elevated on fill as provided in Section 5.2(4)a but may, in special circumstances, be protected as provided in Section 5.2(6) to a point at or above the regulatory flood protection elevation.

5.2(4)c Commercial Uses

Commercial structures generally must be constructed on fill with no first floor or basement floor below the flood protection elevation. Accessory land uses, such as yards, railroad track and parking lots may be at lower elevation. However, a permit for such facilities to be used by the general public shall not be granted, in absence of a flood warning system, if the area is inundated to a depth greater than two feet or subject to flood velocities greater than four feet per second upon the occurrence of the regional flood.

5.2(4)d Industrial Uses

Manufacturing and other industrial buildings, structures and appurtenant works shall be protected to the flood protection elevation. Measure shall be taken to minimize interference with normal plant operations, especially for streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Section 5.2(4)c above. In considering permit applications, due consideration shall be given to the needs of industry whose business requires that it be located in flood plain areas.

5.2(4)e Utilities, Railroad Track, Streets and Bridges

Public utility facilities, roads, railroad tracks and bridges within the flood plain shall be designed to minimize increase in flood elevations and shall be compatible with local comprehensive flood plain development plans. Protection to the regulatory flood protection elevation shall be provided where failure or interruption of these public facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Where failure or interruption of service would not endanger life or health, a lesser degree of protection may be provided for minor or auxiliary roads, railroad, or utilities.

5.2(4)f Waste Treatment and Waste Disposal

5.2(4)f.i. No new construction, addition, or modification to existing waste treatment facilities shall be permitted within the flood plain unless emergency plans and procedures for action to be taken in the event of flooding are prepared, filed with, and approved by the Minnesota Pollution Control Agency. The emergency plans and procedures must provide measures to prevent introduction of any pollutant or toxic material into the flood waters.

5.2(4)f ii. There shall be no disposal of garbage or solid waste materials within the flood plain areas except upon issuance of a Conditional Use Permit at site approved by the Minnesota Pollution Control Agency and subject to the requirements of Section 5.2(3)e.

5.2(4)g Flood Control Works

Any flood control works shall require a Conditional Use Permit, approved by the State Department of Conservation and the U.S. Army Corp of Engineers. Flood control works shall generally be subject to the following provisions:

5.2(4)g i. The minimum height and design of any dikes, levees, floodwalls, or similar structural works shall be based upon the flood profile of the regional flood confined between the structures subject to the following:

The minimum height and design of structural works shall be at least three feet above the elevation of the regional flood or at the elevation of the standard project flood, whichever is greater.

Modifications and additions to existing structural works shall assure that the work will provide a means of decreasing the flood damage potential in the area. Any existing structural work which potentially threatens public health or safety shall be modified or reconstructed to meet the standards contained herein within one year of the effective date of this Ordinance.

5.2(4)g ii. Flood protection elevations and floodway limits which reflect proposed measures for flood control shall not be effective until such measures are constructed and operative unless the proposed measures will increase flood height, in which event, the regulatory flood protection elevations and flood plain limits shall reflect the anticipated increases.

5.2(4)g iii. Detailed plans shall be submitted to the County Planning Commission for any new developments placed on the flood plain landward from dikes and levees. The plans must provide for ponding areas or other measures to protect against flooding from internal drainage.

5.2(5) Application for Conditional Use Permit in " GFP " Zone

The applicant must furnish the following information as is deemed necessary by the Planning Commission for determining the regulatory flood protection elevation, whether the proposed use is located in the floodway or flood fringe, and other factors necessary to render a decision on the suitability of the particular site for the proposed use.

5.2(5)a Plans in triplicate, drawn to scale, showing the nature, location, dimensions and elevation of the lot, existing or proposed structures, fill, storage of materials, floodproofing measures, and the relationship of the above to the location of the channel.

5.2(5)b A typical cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water formation.

5.2(5)c Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities, photographs showing existing land uses and vegetation upstream and downstream, soil types, and other pertinent information.

5.2(5)d Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.

5.2(5)e Specifications of building construction and materials, floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

5.2(5)f Transmit one copy of the information described in subsections 5.2(5) a-e to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is located in the floodway or flood fringe, in determining the regulatory flood protection elevation, and in evaluating the proposed project in relation to flood damage to the use, the adequacy of the plans for protection and other technical matters.

5.2(5)g Methods Used to Analyze Flood Hazard

5.2(5)g i. Estimate the discharge of the regional flood which is representative of large floods known to have occurred in this region and which are reasonably characteristic of what can be expected to occur on the particular streams subject to this Ordinance. It is in the general order of a flood which could be expected to occur on the average of once every 100 years.

5.2(5)g ii. Determine the specific flooding threat at the site of the proposed Conditional Use and determine whether the use is located in a floodway or flood fringe area by:

Calculation of water surface elevations and flood protection elevations based upon a hydraulic analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood. Flood protection elevations shall be one foot above the water of the regional flood plus the increase in flood heights caused by the proposed development.

Computation of the floodway required to convey this flood without increasing flood heights to an extent which would cause substantial upstream or downstream damage to existing or reasonably anticipated future development. Computation of increases in flood heights caused by any encroachment shall be based upon the reasonable assumption that there will be an equal degree of encroachment on both sides of the stream within that reach. Generally, any increase in flood stages attributable to encroachments on the flood plain of any river or stream shall not exceed 0.5 feet in any one reach or for the cumulative effect of several reaches.

5.2(5)g iii. Evaluate the effects of the proposed use upon the public health, safety, and general welfare in light of the purposes of this Ordinance and the standards established herein.

5.2(5)h Based upon the technical evaluation of the designated engineer or expert, the Planning

Commission shall determine whether the proposed use is located within the floodway or flood fringe, determine the specific flood hazard at the site and shall evaluate the suitability of the proposed use in relation to the flood hazard.

5.2(6) Decision Factors for Conditional Use Permits

5.2(6)a The danger to life and property due to increase flood heights or velocities caused by encroachments.

5.2(6)b The danger that materials may be swept onto other lands or downstream to the injury of others.

5.2(6)c The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

5.2(6)d The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

5.2(6)e The importance of the services provided by the proposed facility to the County.

5.2(6)f The requirements of the facility for a waterfront location.

5.2(6)g The availability of alternative locations not subject to flooding for the proposed use.

5.2(6)h The compatibility of the proposed use with existing development and the relationship of the proposed use to the comprehensive plan and the flood plain management program for the area.

5.2(6)i The safety of access to the property in times of flood for ordinary and emergency vehicles.

5.2(6)j The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

5.2(6)k Such other factors which are relevant to the purposes of this Ordinance.

5.3 Shoreland Special Protection Districts " SL "

All public waters within Norman County are hereby classified as Natural Environment Lakes and Streams. It is the objective of the County, by means of this Ordinance, to preserve and enhance the quality of public water by protecting them from pollution and to protect the shorelands of public waters which are determined to be unsuitable for development; to maintain a low density of development; and to maintain high standards of quality for permitted development.

5.3(1) Permitted Uses

All general agricultural pasture and minimum tillage cropland uses; except that no wetlands shall be drained to facilitate cultivation of shoreland within distances, specified by the East Agassiz Soil and Water Conservation District, of lake or streams depending upon topography and soils. Forestry, parks, waysides and golf courses which do not maintain overnight camping facilities. Nature areas, hiking and riding trails, wildlife preserves, and designated official wetland areas. Designated historical sites.

5.3(2) Conditional Uses

All approved aerial or underground utility line crossings such as electrical telephone, telegraph, or gas lines which cannot be reasonably located outside of this special district. Non-residential structures used solely in conjunction with raising wild animals or fish provided the structures are of a design approved by the County Board as being compatible with other general allowable uses of the district. Permitted uses in the Agricultural District ((See 5.1). All permitted and conditional uses in the Conservation District (See 5.4). Park, public, or private, which do maintain overnight camping facilities.

5.3(3) Water Supply

Any public or private supply of water for domestic purposes must conform to Minnesota Department of Health standards for water quality. Public water supplies shall be used where available and where feasible. No person, firm, corporation, or government shall install, alter, repair, or extend any private well without first obtaining a permit to do so from the Zoning Administrator for the specific installation, alteration, repair or extension.

5.3(4) Waste Disposal

No rubbish, trash, or junk of any sort shall be thrown or discarded in any manner into any public water or into any water course leading to public water. No solid waste disposal site shall be located within this special protection district.

5.3(5) Sewage Disposal

Any premises intended for human occupancy must be provided with an adequate method of sewage disposal to be maintained in accordance with acceptable standards. Public collection and treatment facilities must be used where available and where feasible. No person, firm, corporation or government shall install, alter, repair or extend any individual sewage disposal system without first obtaining a permit to do so from the Zoning Administrator for the specific installation, alteration, repair, or extension.

5.3(6) Lot Sizes

5.3(6)a The minimum lot size, for lots newly platted or created by metes and bounds description, shall be three(3) acres and at least 200 feet in width at the building line and at least 200 feet in width at the water line for lots abutting public water.

5.3(6)b Furthermore, in addition to the above, lot size shall be increased so that the total area of all structures proposed on a lot will not equal more than 30 percent of the lot area.

5.3(6)c Lots of record in the County Register of Deeds office prior to the date of the enactment of this Ordinance which do not meet the requirements of this section may be allowed as building sites provided: such use is permitted in the zoning district, the lot is in separate ownership from abutting lands, and all sanitary and dimensional requirements of this Ordinance are complied with insofar as practical.

5.3(7) Placement of Structures on Lots

5.3(7)a All structures, except boat houses, piers and docks shall be set back at least 200 feet from the normal high water mark. In areas of unusual topography of substantial elevation above the normal high water mark, the water setback may be varied to allow a riparian owner reasonable use and enjoyment of his property by issuance of the Variance by the County Board of Commissioners.

5.3(7)b All septic tanks and soil absorption systems shall be setback at least 150 feet from the normal high water mark.

5.3(8) Shoreland Alterations

5.3(8)a The removal of natural vegetation shall be restricted to prevent erosion into public waters, to consume nutrients in the soil, and to preserve shoreland aesthetics. Removal shall be restricted within a strip paralleling the normal high water line and extending inland a distance of 100 feet.

5.3(8)b Grading and filling in shoreland areas or any alteration of the natural topography where the slope of the land is toward a public water or a watercourse leading to a public water must be authorized by a conditional use permit obtained from the County Board.

5.3(8)c Excavations on shorelands where the intended purpose is connected to a public water shall require a permit from the County Zoning Administrator before construction is begun. Such permit may be obtained only after the Commissioner of Natural Resources has issued a permit for work in the beds of public waters.

5.3(9) Storage

Storage of flammable, explosive, or other chemical materials which may be harmful to human, animal, or plant life shall be prohibited within this district.

5.4 Conservation District " C "

The Conservation District is established to preserve and perpetuate in an open state, certain areas, such as wetlands, marshes, woodlands, and other areas of aesthetic and scenic value which, because of their physical features, are desirable as water retention areas, natural habitat for plant and animal life, green space or other uses beneficial to the county.

5.4(1) Permitted Uses

Harvesting of wild crops (marsh hay, ferns, moss berries, tree fruit and seeds) hunting, fishing and trapping; wildlife, fish, and forest management; public recreation such as hiking.

5.4(2) Conditional Uses

Farm residences; single-family non-farm residence; general farming and related buildings; horticulture; field crops; dairying; non-publicly owned recreational facilities; accessory buildings.

5.4(3) Lot Size Requirements

Minimum Lot Area: 3 acres
Minimum Lot Width: 200 feet

5.4(4) Yard Requirements

Front yard setback: 140 feet from centerline of public road.
Side yards: 60 feet or 140 feet corner lot measured from centerline of a public road.
Rear yard: 100 feet.

5.4(5) Building Height Limitations

Residences: Two stories or 25 feet whichever is greater.

5.5 Airport Zones " AZ "

5.5(1) Height Limitations

Except as otherwise provided in this Ordinance, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by this Ordinance to a height in excess of the height limit herein established for such zone. When an area is covered by more than one height limitations, the more restrictive limitation shall prevail.

5.5(2) Use Restrictions

Notwithstanding any other provisions of this Ordinance, no residential use may be made of the land within any approach zone established by this section of the Ordinance, nor shall any use be made of the land within any airport zone which would result in the gathering of large numbers of people. Further, no use may be made of the land within any airport zone in such manner as to create electrical interference with air navigation aids or with radio communication between airport and aircraft, make it difficult for flyers to distinguish between airport lights and other, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, taking off, or maneuvering of aircraft.

5.5(3) Runway Approach Zone " AZ-1 "

5.5(3)a An approach zone is established at each end of all runways for landings and take offs. The zone shall begin at the end of the primary surface with a width of 500 feet and extend to a distance of 10,000 feet beyond the end of the primary surface, having a width at its greatest extent of 2,500 feet, its central line being a continuation of the center line of the runway.

5.5(3)b Height Limitations

One foot in height for each 40 feet in horizontal distance beginning at the end of the primary surface and extending to the limit of the approach zone.

5.5(4) Horizontal Zone " AZ-2 "

A horizontal zone is hereby established as the area within a circle, its center at the Airport Reference Point, and have a radius of 11,500 feet. The zone is located at a height of 150 feet above the airport elevation, and does not include the approach zones or the transition zones.

5.5(5) Transition Zone " AZ-3 "

5.5(5)a Transition zones are hereby established adjacent to each primary surface and approach zone as indicated on the zoning map. Transition zone, symmetrically located on either side of the primary surfaces, have variable widths as shown on the zoning map. Transition zones extend outward from the primary surfaces, for the length of the primary surfaces, and are parallel and level with the primary surfaces. Further, transition zones are established adjacent to approach zones for the entire length of the approach zones. These transition zones have variable widths as shown on the zoning map. Such zones flare symmetrically with either of the approach zones from the base of such zones, and slope upward and outward.

5.5(5)b Height Limitations

One foot in height for each seven (7) feet in horizontal distance beginning at the edge of the primary surface and extending to a height of 150 feet above the airport elevation. In addition, there are established height limits of one (1) foot vertical height for each seven (7) feet of horizontal distance measured from the edges of all approach zones for the entire length of the approach zones and extending upward and outward to the points where they intersect the horizontal or conical surfaces.

5.5(6) Conical Zone " AZ-4 "

5.5(6)a A conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 7,000 feet.

5.5(6)b Height Limitations

One foot in height for each 20 feet of horizontal distance beginning at the periphery of the horizontal zone, and extending to a height of 350 feet above the horizontal zone.

5.5(7) Public Hearing

A public hearing must be held (See 8.7) before any property can be placed in an airport zoning district.

SECTION 6.0 PERFORMANCE STANDARDS

The guiding of land development into a compatible relationship of uses depends upon the maintenance of certain standards. In the various Use Districts, all uses shall conform to the following standards within 12 months following the adoption of this Ordinance.

6.1 Nuisance Standards

6.1(1) Noise Any use established shall be so operated that no undue noise resulting from said use is perceptible beyond the boundaries of the property on which such use is located. This standard shall not apply to incidental traffic, parking, loading, construction, farming or maintenance operations.

6.1(2) Vibration Any use creating periodic earth-shaking vibration shall be prohibited if undue vibrations are perceptible beyond boundaries of the property on which the use is located. The standard shall not apply to vibrations created during the process of construction.

6.1(3) Glare and Heat Any use producing intense heat or light transmission shall be performed with the necessary shielding to prevent such heat or light from being detectable at the lot line of the site on which the use is located.

6.1(4) Smoke and Particulate Matter Any use established, enlarged, or remodeled after the effective date of this Ordinance shall be so operated as to meet the minimum requirements of the Minnesota Pollution Control Agency for the emission of smoke or particulate matter.

6.1(5) Toxic or Noxious Matter No use shall discharge into the atmosphere, water, or subsoil, any toxic or noxious matter.

6.1 (6) All abandoned refrigerators, icebox, freezer or similar devices from which the doors and other covers have not been removed, or which are not equipped with a device for opening from the inside by pushing only and is in a location or manner accessible to children.

6.2 Storage Standards

6.2(1) Exterior Storage

All materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following: laundry drying and recreational equipment, construction and landscaping materials and equipment currently being used for construction on the premises, agricultural equipment and materials if these are used or intended for use on the premises, off-street parking except as otherwise regulated herein. Boats and house trailers, less than 20 feet in length, are permissible if stored in the rear yard not less than 10 feet distant from any property line.

6.2(2) Bulk Storage (Liquid)

6.2(2)a All uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals and similar liquids shall comply with the requirements of the Minnesota State Fire Marshall's and Minnesota Department of Agriculture offices and have documents from those offices stating that the use is in compliance.

6.2(2)b All existing, above ground liquid storage tanks having a capacity in excess of 2,000 gallons shall comply with the requirements of Minnesota State Fire Marshall's office.

6.3 Visual Standards

6.3(1) Screening

6.3(1)a Where any business or industrial use is adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business or industry is across the street from a residential zone, but not on that side of a business or industry considered to be the front as determined by the Zoning Administrator. The screening required herein shall consist of a solid fence or wall at least 50 percent opaque not less than 5 feet nor more than 6 feet in height but shall not extend within 15 feet of any street or driveway opening onto a street. The screening shall be placed along the property lines or in case of screening along a street, 15 feet from the street right-of-way with landscaping, between the screening and the pavement.

6.3(2) Fencing

6.3(2)a Residential Fences

6.3(2)a i. Fences may be located on any lot line to a height of 3-1/2 feet and a fence up to 6 feet in height may be erected behind the nearest rear corner of the principal building.

6.3(2)a ii. Should the rear lot line be common with the side lot line of an abutting lot, that portion of the rear lot line equal to the required front yard of the abutting lot shall not be fenced to a height of more than 3-1/2 feet.

6.3(2)b Business and Industrial Fences

6.3(2)b i. Fences may be located on a lot line to a height of 4 feet.

6.3(2)b ii. Fences over 4 feet in height and with a security arm for barbed wire, shall require a Conditional Use Permit.

6.4 Erosion, Sediment, and Runoff Control Standards

6.4(1) No land shall be developed and no use shall be permitted which causes erosion, flood, or sediment damage to: properties being developed, surrounding properties, or public waters. Runoff water shall be properly channeled into a storm drain, water course, ponding area or other suitable facility. Measures used to control erosion and reduce sedimentation shall meet the standards and specifications of the Soil and Water Conservation Service.

6.5 Traffic Standards

6.5(1) Traffic Control

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

6.5(2) Access Driveways

6.5(2)a The distance from a driveway to the intersection of two streets shall not be less than 20 feet measured along the street curb line from the point of intersection of the property line extended and the curb line to the point of tangency of the curb return of the driveway with the street curb line, provided, however, that if, in the opinion of the Engineer, present or future traffic conditions warrant greater distances, such greater distances shall be required subject to approval by the County Board. The distance from a driveway to the intersection of 2 thoroughfares shall be no less than 100 feet as measured in the same manner.

6.5(2)b The minimum distance between driveways shall be 25 feet measured from the point of tangency of the street curb line with the curb return of the driveway; provided however, that if, in the opinion of the Engineer, present or future traffic conditions warrant greater distances, such greater distances shall be required subject to approval by the County Board.

6.5(2)c The driveway angle to the street shall be 90 degrees unless otherwise recommended by the Engineer and approved by the County Board.

6.5(2)d The distance from a driveway to the property line of an adjacent property shall no be less than 5 feet measured along the street curb line between the point of intersection of the street curb line with the property line extended and the point of tangency of the street curb line with the curb return of the driveway unless otherwise recommended by the Engineer and approved by the County Board.

6.5(2)e Access driveways for other than single family dwelling, shall be 30 feet wide measured along the property line between the curb faces of the driveway unless otherwise recommended by the Engineer and approved by the County Board.

6.5(2)f Access driveways for single family dwellings shall be not less than 12 feet nor more than 24 feet wide measured along the property line between curb fences of the driveway unless otherwise recommended by the Engineer and approved by the County Board.

6.6 Hazardous Elements Standards

6.6(1) Explosives

Any use requiring the storage, utilization, or manufacturing of products which could decompose by

detonation shall be located not less than 400 feet from any residence. This section shall not apply to the storage or usage of liquefied petroleum or natural gas for normal residential or business purposes.

6.6(2) Radiation Emission

All activities that emit radioactivity shall comply with the minimum requirements of the Minnesota Pollution Control Agency.

6.6(3) Electrical Emission

There shall be no electrical disturbance adversely affecting the operation of any equipment including but not limited to radio and television reception other than that of the creator of the disturbance.

SECTION 7.0 SPECIAL PROVISIONS

7.1 Signs

7.1(1) Signs are a permitted accessory use in all use districts subject to the following regulations:

7.1(1)a Private signs are prohibited within the public right-of-way or easements.

7.1(1)b Illuminated signs may be permitted but devices giving off intermittent or rotating beam of rays of light shall be prohibited.

7.1(1)c For purpose of selling, renting, or leasing a single parcel, a sign not in excess of 25 square feet per surface may be erected upon the project site.

7.1(1)d For the purpose of selling or promoting a residential project, commercial area, or an industrial area, one sign not to exceed 240 square feet of surface may be erected upon the project site.

7.1(1)e No sign shall, by reason of position, shape or color interfere in any way with the proper functioning or purpose of a traffic sign or signal.

7.1(1)f Except with industry, signs shall not be painted directly on the outside wall of a building.

7.1(1)g Signs shall not be painted on fences, rocks, or similar structures or features nor shall paper or similar signs be attached directly to a building wall by an adhesive or similar means.

7.1(1)h There shall be no more than one temporary sign on any lot, and such sign shall not exceed 25 square feet in size.

7.1(1)i Election signs are permitted provided such signs are removed within 10 days following the election as related to the sign. No election sign shall be permitted more than 2 months preceding the election the sign relates to.

7.1(1)j No sign shall be within a public right-of-way.

7.1(2) Signs permitted with Residences

7.1(2)a One nameplate sign for each dwelling not to exceed 2 square feet in area per surface, and no sign shall be so constructed as to have more than two surfaces.

7.1(2)b One nameplate sign for each dwelling group of 6 or more units. Such sign not to exceed 6 square feet in area per surface and no sign shall be so constructed as to have more than 2 surfaces.

7.1(2)c One nameplate sign for each permitted non-residential use or use by conditional permit. Such signs shall not exceed 12 square feet in area per surface and no sign shall be so constructed as to have more than 2 surfaces.

7.1(2)d Symbols, statues, sculptures, and integrated architectural features on buildings may be illuminated by flood lights provided the source of light is not visible from a public right-of-way or adjacent property.

7.1(2)e Any sign over one-half square foot in area shall be setback at least 10 feet from any property line. No sign shall exceed 10 feet in height above the average grade level. Signs may be illuminated but such lighting shall be diffused or indirect and not illuminated beyond any lot line.

7.1(3) Signs Permitted with Business

7.1(3)a The aggregate square footage of sign space per lot shall not exceed the sum of one square foot for each front foot of lot, or 160 square feet, whichever is less.

7.1(3)b No sign shall extend in height more than 6 feet above the highest outside wall or parapet of any principal building except that one identification sign in a commercial area of 3 or more outlets may extend 30 feet above the highest roof provided that such a sign is not closer than 30 feet from any lot line.

7.1(4) Sign Permitted with Industries

7.1(4)a The aggregate square footage of sign space per lot shall not exceed the sum of 4 square feet per front foot of building, plus one square foot per front foot of property not occupied by a building. No individual sign surface shall exceed 160 square feet except advertising signs.

7.1(4)b No ground sign shall exceed a height of 40 feet above the average grade and no roof sign or sign attached to a building shall exceed a height of 30 feet above the highest outside wall or parapet of any principal building. No sign shall be located closer than 10 feet from any lot line.

7.1(5) Advertising Road Signs

7.1(5)a Advertising road signs may be permitted as a Conditional Use in all Business, Industrial, and Agricultural Districts subject to the following conditions.

7.1(5)b No advertising road sign shall be erected, placed, or maintained along a public road without a permit therefor obtained from the Zoning Administrator. Application for permit shall be made on forms provided by the Administrator. The application shall contain a signed statement from the applicant that the applicant has obtained the consent of the owner or occupant of the land to erect, place, or maintain a sign on the premises.

7.1(5)c The aggregate square footage of an advertising road sign shall not be more than 650 square feet nor less than 30 square feet.

7.1(5)d The annual fee for each such permit or renewal thereof shall be determined by the County Board of Commissioners.

7.1(5)e The provisions of this section shall be effective on the date of the adoption of this ordinance, and the provisions relating to permits and fees shall apply to the existing devices as well as signs that may be erected and maintained thereafter.

7.1(5)f Permits shall expire on the last day of December of each year. They may be renewed upon payment of the annual fee and without the filing of a new application. There shall be no additional fee for change in advertising copy.

7.1(5)g A penalty of \$2.00 shall be charged upon failure to renew the permit on or before January 2 of each year.

7.1(5)h There shall be submitted, together with the fee for the annual renewal, a statement by the applicant that the owner or occupant of the property has consented to the continued use of his property for such advertising signs.

7.1(5)i The permits are not assignable.

7.1(5)j The Zoning Administrator may revoke any permit granted herein after hearing upon 30 days written notice of such hearing to the permittee. A permit may be revoked upon determination by the Administrator after hearing that the advertising device under permit is not in a reasonable state of repair or that it violates any of the provisions of this Ordinance. The administrator, within ten days after hearing, shall notify the permittee what he must do to retain his permit and the permittee shall have 30 days therefrom in which to comply with the order of the Zoning Administrator.

7.1(5)k Every permit issued by the Zoning Administrator shall be assigned an identification number. The administrator shall also issue with each permit an identification number which shall be attached to the advertising sign in a conspicuous place by the permittee in accordance with the rules of the Administrator. The permittee shall also have his name plainly marked on each advertising sign.

7.1(5)l Prohibited Devices

7.1(5)l i. which purports to be or resembles any official traffic control device or railroad sign or signal or which hides from view or interferes in any material degree with the effectiveness of any traffic control device or railroad sign or signal;

7.1(5)l ii. which prominently displays the word "stop" or "danger";

- 7.1(5)l iii. on the right-of-way of any public road;
- 7.1(5)l iv. on private land without the consent of the owner or occupant thereof;
- 7.1(5)l v. on trees, shrubs, rocks, or on public utility poles;
- 7.1(5)l vi. which has flashing or moving lights;
- 7.1(5)l vii. to which access can be obtained only from the highway.

7.1(5)m Prohibited Locations

From the date of the adoption of this Ordinance, no advertising device shall be erected:

- 7.1(5)m i. which would prevent any traveler on any public road from obtaining a clear view of approaching vehicles on the same road for a distance of 500 feet along the road;
- 7.1(5)m ii. which would be closer than 300 feet from the intersection of two or more public roads, at grade, or a public road with a railroad; provided, that advertising may be affixed to or located adjacent to a building at such intersection in such a manner as not to cause any greater obstruction of vision than that caused by the building itself;
- 7.1(5)m iii. in or within 500 feet of any public park or recreation area, picnic ground, or rest area;
- 7.1(5)m iv. within 100 feet of a church or school;
- 7.1(5)m v. which is closer than 800 feet to any other advertising device on the same side of such public road.

7.1(6) Sign Removal

Any advertising sign or device lawfully erected before the date of the adoption of this Ordinance, and

not conforming to the provisions of this Ordinance with respect to distance, spacing, or location shall be removed by its owner within 36 months of the adoption of this Ordinance.

7.2 Off-Street Parking

7.2(1) General Provisions

7.2(1)a If, in the application of these provisions, a fractional number is obtained, one parking space shall be provided for that fraction. Each space required constitutes a gross area of 300 square feet.

7.2(1)b Existing off-street parking spaces upon the effective date of this Ordinance shall not be reduced in number unless said number exceeds the requirements set forth herein for a similar new use.

7.2(1)c Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles, except in the Agricultural District where those vehicles generally associated with farming operations common to the County may be permitted, or for the parking of automobiles belonging to the employees, owners, tenants, or customer of nearby business of manufacturing establishments.

7.2(1)d Required off-street parking spaces shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable or for sale or for rent.

7.2(2) Location Requirements

All off-street parking facilities required herein shall be located in respect of the following:

7.2(2)a Spaces accessory to one family, two family, and multiple dwellings on the same lot as the principal use served.

7.2(2)b Spaces accessory to businesses and industries; within 300 feet of a main entrance to the principal building served.

7.2(2)c There shall be no off-street parking space within 10 feet of any street right-of-way.

7.2(2)d No off-street parking area containing more than 4 parking spaces shall be located closer than 15 feet from an adjacent lot zoned or used for residential purposes.

7.2(2)e Garage stalls and open parking spaces accessory to residential structures, may be located anywhere on the lot other than a required yard area except that garages may be located to within 5 feet of an interior side lot line and to within 8 feet of a rear lot line. No garage stall accessory to a residential structure on a corner lot or other similar situation shall be located within any required yard area abutting a street except by conditional use permit.

7.2(2)f Business and Industrial off-street parking spaces shall not be less than 20 feet from a property line.

7.2(3) Design Requirements

7.2(3)a Each parking stall shall be not less than 10 feet wide and 20 feet in length, exclusive of access drives. All outside parking spaces shall be clearly marked.

7.2(3)b Parking areas shall be designed so as to provide adequate means of access to public streets. Such driveway access shall not exceed 30 feet in width.

7.2(3)c All of the area intended to be utilized for parking space and driveways shall be surfaced with a material which controls dust and drainage. Parking areas for less than 3 vehicles shall be exempt. Plans for surfacing and drainage shall be subject to approval of the Engineer.

7.2(3)d All lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining property and right-of-ways.

7.2(3)e All open off-street parking areas shall provide a curb or a guard of normal bumper height to ensure that no portion of a vehicle encroaches into the required setback.

7.2(3)f All off-street parking spaces shall have access off driveways and not directly off the public street.

7.2(4) Required Off-Street Parking Spaces

7.2(4)a Dwellings: (Except in Agricultural and Conservation Districts) Two spaces per unit.

7.2(4)b Churches, theaters, auditoriums, mortuaries, and other places of assembly: One space for each 3 seats based on maximum design capacity.

7.2(4)c Business Offices: One space for each 100 square feet of gross floor space.

7.2(4)d Medical and Dental Clinic: Three spaces for each doctor or dentist.

7.2(4)e Hotel, motel: One space per unit plus one space per employee.

7.2(4)f Schools, Elementary, and Junior High: Two spaces for each classroom plus one additional space for each 200 student capacity.

7.2(4)g Schools, High School and Colleges: One space for each 7 students based on design capacity, plus 2 additional spaces for each classroom.

7.2(4)h Hospital, Sanitarium, convalescent home, rest home, nursing home, or institution: One space for each 2 hospital beds, plus one space for each 3 employees, plus one parking space for each resident and staff doctor.

7.2(4)i Drive-In Food Establishments: One space for each 10 square feet of gross floor space in the building.

7.2(4)j Bowling Alley: Five spaces for each alley, plus additional space as may be required herein for related uses such as a restaurant.

7.2(4)k Motor Fuel Station: Four off-street spaces plus 2 off-street spaces for each service stall.

- 7.2(4)l** Retail Store: One off-street space for each 100 square feet of gross floor area.
- 7.2(4)m** Restaurants, cafes, bars, taverns, night clubs: One space for each 3 seats based on capacity design.
- 7.2(4)n** Wholesale, auto sales, repair shops: Three spaces for each 1,000 square feet of gross floor area.
- 7.2(4)o** Open sales lots: Three spaces for each 5,000 square feet of lot area.
- 7.2(4)p** Industrial: One space for each 2 employees on maximum shift or one for each 500 square feet of gross floor area, whichever is the larger.
- 7.2(4)q** Uses not specifically noted: Determined by the County Board following review by the Planning Commission.

7.3 Loading Spaces

7.3(1) Design Requirements

- 7.3(1)a** If, in the application, a fractional number is obtained, one loading space shall be provided for that fraction.
- 7.3(1)b** All required loading berths shall be off-street and shall be located on the same lot as the building or use to be served. A loading berth shall not be located less than 100 feet from the intersection of 2 street right-of-way in a residential district. Loading berths shall not occupy the required front yard space.
- 7.3(1)c** Unless otherwise specified, a required loading berth shall be not less than 15 feet in width, 50 feet in length and 14 feet in height, exclusive of aisle and maneuvering space.
- 7.3(1)d** All loading berths and accessways shall be improved with a durable material to control the dust and drainage.
- 7.3(1)e** Any space allocated as a loading berth or maneuvering area shall not be used for the storage of goods, inoperable vehicles or be included as a part of the space requirements necessary to meet the off-street parking area.

7.3(2) Required Loading Spaces

- 7.3(2)a** Retail sales and service stores and offices: One loading berth for each 6,000 square feet of floor area.
- 7.3(2)b** Manufacturing, fabrication, processing and warehousing: One loading berth for each building having 3,000 square feet of floor area plus one loading berth for each additional 25,000 square feet of floor area up to 100,000 square feet plus one loading berth for each 50,000 square feet of floor area over the first 100,000 square feet of floor area.

7.3(2)c Uses not specifically noted: As determined by the County Board following review by the Planning Commission.

7.4 Drive-In Businesses

7.4(1) Location requirements

- 7.4(1)a** No drive-in business shall be located within 500 feet of a school or church.
- 7.4(1)b** No drive-in shall be located within 300 feet of any residentially zoned property.
- 7.4(1)c** No drive-in shall be located on any street other than a thoroughfare of business service road.
- 7.4(1)d** No access drive shall be within 50 feet of intersecting street right-of-way lines.

7.4(2) Site Requirements

- 7.4(2)a** No less than 30 percent of the gross lot area shall be landscaped.
- 7.4(2)b** The entire area other than that occupied by structure or landscaping shall be paved surface which will control dust and drainage.
- 7.4(2)c** Adequate area shall be designated for snow storage such that clear visibility shall be maintained from the property to any public street.
- 7.4(2)d** Lighting shall have no direct source visible from the public right-of-way or adjacent land.
- 7.4(2)e** A 6 inch non-surmountable curb shall separate all walks and landscape areas from parking areas.
- 7.4(2)f** A screen fence not over 6 feet in height nor less than 4 feet, at least 50 percent opaque throughout its height shall be constructed along the property line abutting a residential zoning district. Should the use be a drive-in theater, an opaque fence not less than 8 feet in height and extending at least to within 2 feet of the ground shall be constructed around the property.

7.5 Mining and Related Activities

7.5(1) Land Reclamation

Land reclamation shall be permitted only upon issuance of a Conditional Use Permit. Such permit shall include as a condition thereof, a finished grade plan which will not adversely affect the adjacent land, and

as conditions thereof shall regulate the type of fill permitted, program for rodent control, plan for fire control and general maintenance of the site, controls of vehicular ingress and egress, and for control of material disbursed by wind or hauling of material to or from the site

7.5(2) Mining

In all districts, mining shall be permitted only upon issuance of a Conditional Use Permit. Such permit shall include as a condition thereof, a site plan where the processing is to be done, showing the route of trucks moving to and from the site in removing processed material from the site, the condition in which the site shall be left upon completion, and such permit shall not be granted for a period of longer than 12 months.

7.6 Motor Fuel Stations

7.6(1) General Provisions

7.6(1)a For architectural purposes, each side of a motor fuel station shall be considered as a front face.

7.6(1)b The storage of items for sale outside the principal building shall be displayed in specially designed containers.

7.6(1)c All trash, waste materials, and obsolete parts shall be stored within a separate enclosure.

7.6(1)d All goods for sale, other than those required for the operation and maintenance of motor vehicles shall be displayed within the principal structure.

7.6(1)e No sale of motor vehicles, trailers or campers shall be permitted.

7.6(1)f Open dead storage of motor vehicles shall not be permitted for a period of more than 48 hours.

7.6(1)g All rental campers, trailer, or motor vehicles shall be stored within the rear and/or side yard not adjacent to the street.

7.6(2) Site Requirements

7.6(2)a Wherever a motor fuel station abuts residential property, a fence or compact evergreen hedge not less than 50 percent opaque not less than 6 feet high shall be erected and maintained along the side and rear property line that abuts the residential property. Application of this provision shall not require a fence within 15 feet of any street right-of-way line.

7.6(2)b A minimum 15 foot landscaped yard shall be painted and maintained behind all property lines except at driveway entrances.

7.6(2)c The entire motor fuel station site, other than that part devoted to landscaping and structures, shall be surfaced with concrete or bituminous surfacing to control dust and provide adequate drainage.

7.6(2)d Driveways shall not exceed 30 feet in width nor be spaced closer than 30 feet apart measured

at the property line. No more than 2 access drives to any street shall be permitted.

7.6(2)e A 6 inch non-surmountable, curb shall separate all walks and landscape areas from parking and maneuvering areas.

7.6(2)f The total height of any overhead canopy or weather protection shall not exceed 20 feet.

7.6(3) Signs

7.6(3)a Motor fuel stations and truck stops shall have no more than 2 pedestal type business identification signs not to exceed 20 feet in height erected within any yard except that no part of said sign shall be less than 5 feet from a property line measured as a horizontal distance. Said sign shall have no more than 3 faces and shall not exceed more than 150 square feet per face. No part of said sign surface shall be less than 16 feet vertical distance from the grade of the nearest driveway or parking area. The pedestal shall not be less than 5 feet from a driveway at its nearest point.

7.6(3)b Motor fuel stations and truck stops may have 2 accessory signs. Said signs shall have no more than 2 faces per sign and shall not exceed more than 20 square feet per face. The top of said sign shall not be more than 20 feet in height from the grade of the nearest driveway or parking area.

7.6(4) Setbacks

7.6(4)a	<u>Side Yard</u>					
	Lot Width	Front Yard	Adjacent to Another lot	Adjacent to Street	Rear Yard	Pump Setback
Motor Fuel Station	200'	70'	30'	70'	30'	30'
Truck Stop	200'	80'	60'	80'	60'	30'

7.6(4)b The setback of any overhead canopy or weather protection, free-standing or projecting from the station structure shall be not less than 10 feet from the street right-of-way line or less than 20 feet from an adjacent property line.

7.7 Fall-Out and Blast Shelters

Fall-out and blast shelters are a permitted accessory use or structure. Shelters may be contained in other structures or may be constructed separately but shall not be used for purposes prohibited expressly or by implication in the district.

SECTION 8.0 ZONING ADMINISTRATION

8.1 Enforcing Officer

This Ordinance shall be administered and enforced by a Zoning Administrator appointed by the County Board.

8.2 Duties of the Administrator

8.2(1) Determine if applications comply with the terms of this Ordinance.

8.2(2) Conduct inspections of buildings and use of land to determine compliance with the terms of this Ordinance.

8.2(3) Maintain permanent and current records of this Ordinance, including but not limited to, maps, amendments, conditional uses, variances, appeals and applications.

8.2(4) Receive, file and forward all applications for appeals, variances, conditional uses and amendments to the designated official bodies.

8.2(5) Institute in the name of the county any appropriate actions or proceedings against a violator as provided for.

8.2(6) Serve as an ex-officio member of the Planning Commission.

8.3 Board of Adjustments A Board of Adjustment is hereby created.

8.3(1) The board of adjustment shall consist of five members, including at least one member from the unincorporated area of the county, all of whom shall be appointed by the County Board for three year terms. A member may be removed by the County Board for nonperformance of duty or misconduct in office. Vacancies on the Board of Adjustment shall be filled by appointment by the County Board. No elected officer of the county nor any employee of the board of commissioners shall serve as a member of the board of adjustment and one member of the board of adjustment shall also be a member of any planning commission appointed under the provisions of M.S.A. Sections 394.21 to 394.37. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a regular board member from voting thereon shall be decided by majority vote of all regular board members except the member who is being challenged.

8.3(2) Alternate Member. An alternate member shall also be appointed by the County Board for a three year term and is subject to removal as provided in 8.3(1). When directed by the chair of the Board of Adjustment, the alternate member shall attend all meetings and participate fully, but shall not vote on any issue unless authorized by the Chair. If a regular member is absent, physically incapacitated, abstains because of a possible conflict of interest or is prohibited by law from voting on an issue, the alternate member shall be permitted a vote.

8.3(3) 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 a board. It shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings, and determinations.

8.3(4) Meetings. The meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as the board in its rules of procedure may specify.

8.3(5) Authority. The board of adjustment shall have the authority to order the issuance of variances, hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official charged with enforcing any ordinance adopted pursuant to the provision of M.S.A. Sections 394.21 to 394.37, order the issuance of permits for buildings in areas designated for future public use on an official map, and perform other duties as required by the official controls. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of a town, municipality, county, or state. In exercising its powers under this subdivision, the board of adjustment shall take into consideration the town board's recommendation when the board of adjustment's decision directly affects land within the town.

8.3(6) Appeals. An appeal from any order, requirement, decision, or determination of any administrative official shall be taken within thirty (30) days of delivery of the written order by filing with the board of adjustment a notice of appeal specifying the grounds thereof. "Delivery" shall be deemed effective commencing on the day of mailing or personal delivery. The board of adjustment shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the appellant and the officer from whom the appeal is taken and to the public and decide the same within thirty (30) days. An appeal stays all proceedings in furtherance of the action appealed from unless the board of adjustment to whom the appeal is taken certifies that by reason of the facts stated in the certificate a stay would cause imminent peril to life or property. The board of adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit. The reasons for the board's decision shall be stated in writing.

8.4 Variances; hardship

8.4(1) The board of adjustment shall have the exclusive power to order the issuance of variances from the terms of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control in cases when there are practical difficulties or particular hardships in the way of carrying out the strict letter of any official control, and when the terms of the variance are consistent with the comprehensive plan. "Hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the ordinance. Variances shall be granted for earth sheltered construction as defined in M.S.A. 216C.06, subdivision 2, when in harmony with the official controls. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. The board of adjustment may impose conditions in the granting of variances to insure compliance and to protect adjacent properties and the public interest. The board of adjustment may consider the inability to use solar energy systems a "hardship" in the granting of variances.

8.4(2) Filing orders. A certified copy of any order issued by the board of adjustment acting upon an appeal from an order, requirement, decision or determination by an administrative official, or a request for a variance, shall be filed by the Chair of the Board of Adjustment with the county recorder. The order issued by the board of adjustment shall include the legal description of the property involved.

8.4(3) Appeal to district court. All decisions by the board of adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision or determination shall be final except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right of appeal within 30 days, after receipt of notice of the decision, to the district court serving Norman County.

8.4(4) Violations. A violation of any condition set forth in granting a variance shall be a violation of this Ordinance and automatically terminates the variance.

8.4(5) Void. A variance shall become void one year after it was granted unless made use of.

8.5 Conditional Use Permits

8.5(1) Conditional Use Permits may be issued for any of the following:

8.5(1)a Any of the uses or purposes for which such permits are required or permitted by the provisions of this Ordinance.

8.5(1)b To permit the location of any of the following uses in a district from which they are excluded by the provisions action it deems advisable. It may designate conditions and require guarantees in the granting of permits in the manner provided for the grant of adjustments. Upon Philanthropic or charitable nature, cemetery, crematory, mausoleum, or any other place for the disposal of the human dead.

8.5(2) Application for the issuance of a Conditional Use Permit shall be made to the Planning Commission, except that any proceedings to classify certain uses as conforming uses as provided in this section may be initiated either by such application or by the County Board or the Planning Commission. The Planning Commission may hold such hearings on the proposal to issue a Conditional Use Permit as it may consider necessary; but at least one public hearing shall be held on any application for a use permit for the establishment of any use listed in Section 8.5(1)b. Following the hearing, the Planning Commission shall make a report to the County Board recommending whatever action it deems advisable. It may designate conditions and require guarantees in the granting of adjustments. Upon receipt of the report of the Planning Commission, the County Board shall hold whatever public hearing it deems advisable and shall make a decision upon the proposal to grant a use permit. If it finds that the conditions exist which are necessary under this section in order for the Planning Commission to recommend the granting of a use permit, the County Board may grant the use permit and it may attach to the permit such condition and guarantees as may be necessary to assume reasonable development.

8.5(3) Any use permitted under the terms of any Conditional Permit shall be established and conducted in conformity to the terms of such permit.

8.5(4) A periodic review of the permit and its conditions shall be maintained. The permit shall be issued for a particular use on a specific parcel and not for a particular person or firm.

8.5(5) Revocation: A violation of any condition set forth in a Conditional Use Permit shall be a violation of this Ordinance and automatically terminate the permit.

8.5(6) A Conditional Use Permit shall become void one year after being granted by the County Board unless

made use of and if discontinued for a period of 90 days or more.

8.5(7) Notice of a public hearing on any Conditional Use Permit affecting land within two miles of the boundary of a municipality, shall be sent to the municipal clerk by certified mail not less than 20 days prior to the hearing thereon.

8.6 Certificate of Occupancy

8.6(1) A Certificate of Occupancy shall be obtained before:

8.6(1)a Any vacant land is hereafter occupied or used, except for agricultural purposes other than intensive livestock or poultry farming.

8.6(1)b Any building hereafter erected or structurally altered is occupied or used.

8.6(1)c The use of any such building is altered.

8.6(2) Application for a Certificate of Occupancy for a new building or for an existing building which has been altered shall be made to the Administrator as part of the application for construction or alteration of such building. The certificate shall be issued within 10 days after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this Ordinance.

8.6(3) Pending the issuance of such a certificate, the Administrator may issue a temporary Certificate of Occupancy for a period of not exceeding 6 months during the completion of the erection or alteration of such building. The temporary certificate shall not be construed as in any way altering the respective rights, duties, or obligations of the owners or of the county relating to the use or occupancy of the premises or any other matter except under such restrictions and provisions as will adequately insure the safety of the occupants.

8.6(4) Written application for a Certificate of Occupancy for the use of vacant land or for a change in the character of the open use of the land as provided in Section 8.6(1) shall be made before any such land shall be so occupied or used. Such a Certificate of Occupancy shall be issued within 5 days after the application therefore has been made if the use is in conformity with the provisions of this Ordinance.

8.6(5) Every Certificate of Occupancy shall state that the building or proposed use of a building or land complies with all provisions of this Ordinance.

8.6(6) A record of all Certificates of Occupancy shall be kept on file in the office of the Administrator.

8.7 Amendments

8.7(1) The procedure for amending this Ordinance is the same as prescribed by law for its adoption.

8.7(2) An amendment to this Ordinance and/or the Zoning Map shall be construed as an amendment to the Comprehensive Plan and its map.

8.7(3) Notice of a public hearing on any amendment affecting land within two miles of the boundary of a municipality shall be sent to the municipal clerk by certified mail not less than 20 days prior to the hearing thereon.

8.8 Fees

8.8(1) The fees for a building permit, rezoning, variance, amendment, or conditional use permit shall be established by the County Board. The County Board may review and revise the fee schedule periodically. The administrator shall issue the building permit only after the fee has been paid and a determination has been made that the building plans, together with the application, comply with the terms of this Ordinance.

8.8(2) Any person filing a petition for an amendment to this Ordinance, requesting a variance or a change in regulations within any use district shall pay the prescribed fees according to the schedule established by the County Board before any work proposed may commence. The fee is payable at the time of filing a petition and is not refundable.

8.8(3) Municipal corporations and governmental agencies shall be exempt from the fee requirements as prescribed by this Ordinance.

8.9 Violations and Penalties

8.9(1) Violation of this Ordinance shall be a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed \$300.00 and/or imprisonment for a period not to exceed 90 days for each offense. Each day that the violation is permitted to exist shall constitute a separate offense.

8.9(2) In the event of a violation or a threatened violation of this Ordinance, the Board, or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violations or threatened violations and it is the duty of the Attorney to institute such action.

8.9(3) Any taxpayer of the county may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.

SECTION 9.0 EFFECTUATION

9.1 Separability

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

9.1(1) If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgement shall not affect any other provisions of this Ordinance not specifically included in said judgement.

9.1(2) If any court of competent jurisdiction shall adjudge invalid the application of any portion of this Ordinance to a particular property, building, or other structure, such judgement shall not affect the application of said provision to any other property, building, or structure not specifically in said judgement.

9.2 Repeal

Sections 1 through 7, inclusive of the "Interim Zoning and Platting Ordinance of Norman County" adopted the 14th day of February, 1969 is hereby repealed.

9.3 Effective Date

Passed by the Norman County Board this "6" day of "May" 1971 and amended this "8th day of August 1998, amended this 16th day of November, 2000, amended May 22, 2003, amended March 2, 2004, and amended October 21, 2004.

Norman County Wind Energy Ordinance

The Board of Commissioners of the County of Norman, Minnesota Hereby ordains as Follows:

Section 1: Title

The title of this ordinance is the Norman County Wind Energy Ordinance, and will be referred to herein as "this Ordinance".

Section 2: Purpose

This ordinance is established to regulate the installation and operation of Wind Energy Conversion Systems (WECS) within Norman County not otherwise subject to siting and oversight by the State of Minnesota pursuant to Minnesota Statutes, Chapter 216F, Wind Energy Conversion Systems, as amended, and consideration by the State of Minnesota as permitted by statute.

Section 3: Jurisdiction

The regulations of this Ordinance shall apply to all areas of Norman County outside the incorporated limits of municipalities.

Section 4: Interpretation

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

Section 5: Definitions

1. **Aggregated Project.** Aggregated projects are groups of more than one WECS developed in a coordinated fashion, but which have multiple entities separately owning individual WECS within the larger group of WECS. 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.
2. **Board of Adjustment.** An officially constituted quasi-judicial body appointed by the County Board whose principle duties are to hear appeals for decisions of the Environmental Services Officer and, where appropriate, grant variance for the strict application of this Ordinance.
3. **C-BED Project.** A C-Bed Project is a Community Based Energy Development Project that meets the MN statutory definition of a C-Bed Project (MN State Statute 216.B.1612), as amended.
4. **Commercial WECS.** A WECS of equal to or greater than 100kW (.1MW) in total name plate generating capacity.
5. **Comprehensive Plan.** Comprehensive plan means the policies, statements, goals, and interrelated plans for private and public land and water use, transportation, and community facilities including the recommendations for plan execution, documented in texts, ordinances and maps which constitutes the guide for the future development of the unincorporated areas of the County.
6. **Conditional Use.** A land use or development as is defined by the Zoning Ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon the finding that: (1) certain conditions as detailed in the Zoning Ordinance exist, and (2) use or development conform to the comprehensive plan of the County and (3) is compatible with the existing neighborhood.
7. **County.** Norman County, Minnesota.
8. **County Board.** Includes the County Commissioners, the Board of County Commissioners or any other word or words meaning the Norman County Board of Commissioners.
9. **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.
10. **Feeder Line.** Power lines that transport electrical power between wind turbines and from one or more wind turbines to the point of interconnection with the electrical utility grid.

11. **Generator nameplate capacity.** The maximum rated output of electrical power production of a generator under specific conditions designated by the manufacturer with a nameplate physically attached to the generator.
12. **High-voltage transmission line.** A conductor of electric energy and associated facilities designed for and capable of operation at a nominal voltage of 100 kilovolts or more and is greater than 1,500 feet in length.
13. **Meteorological Tower.** For the purposes of this 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.
14. **Micro-WECS.** Micro-WECS are WECS of 1kW (.001 MW nameplate generating capacity or less and utilizing supporting towers of 40 feet or less.
15. **Non-Commercial WECS.** A WECS of less than 100 kW (.1 MW) and greater than 1 kW (.001 MW) in total name plate generating Capacity.
16. **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.
17. **Project Boundary/Property Line.** The boundary line of the area over which the entity applying for a WECS permit has or intends to have legal control for the purposes of installation of a WECS. This control may be attained through fee title ownership, easement, or other appropriate contractual relationship between the project developer and landowner. The permit applicant must submit a map showing the final Project Boundary, based on property actually under their control, prior to the start of construction.
18. **Public Conservation Lands.** Land owned in fee title by State or Federal agencies and managed specifically for [grassland] conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, State Scientific and Natural Areas, federal Wildlife Refuges and Waterfowl Production Areas. For the purposes of this section public conservation lands will also include lands owned in fee title by non-profit conservation organizations. Public conservation lands do not include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.
19. **Rotor Diameter (RD).** The diameter of the circle described by the moving rotor blades.

20. **Substation.** Any electrical facility designed to convert electricity produced by wind turbines to voltage above 40 kV for interconnection with the electric utility grid.
21. **Total Height.** The highest point, above ground level, reached by a rotor tip or any other part of the WECS.
22. **Total name plate capacity.** The total of the maximum rated output of the electrical power production equipment of a WECS project.
23. **Tower.** Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment.
24. **Tower Height.** The total height of the WECS measured from the ground level to the center of the blade hub, exclusive of the rotor blades.
25. **WECS- Wind Energy Conversion Systems.** A device such as a wind charger, windmill, or wind turbine and associated facilities that converts wind energy to electric energy, including, but not limited to: power lines, transformers, substations, and meteorological towers. The energy may be used on-site or distributed into the electrical grid.
26. **Wind Turbine.** Any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.
27. **Zoning Ordinance.** The Norman County Zoning Ordinance.

Section 6: Procedures

Subdivision 1: Permit Application

Land Use Permits, Conditional Use Permits and Variances shall be applied for and reviewed under the procedures established in the Zoning Ordinance and Minnesota Statutes Chapter 394, except where noted below. An application to the County for a permit under this section is not complete unless it contains the following:

1. Letter from the State Agency responsible for size determination of a project, pursuant to Minnesota Statutes, Chapter 216F.011, as amended.
2. The names and addresses of project applicant.
3. The names and addresses of the project owner(s). For C-BED projects, must provide percent of ownership for each of the project owners.

4. The legal description(s) and address(es) of the project.
5. A description of the project including: Number, type, total name plate generating capacity, tower height, rotor diameter, total height of all wind turbines, and means of interconnecting with the electrical grid.
6. Site layout, including the location of project area boundaries (purchased wind rights), property lines, roads, 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.
7. Documentation of land ownership or legal control of the property and current land use on the site and surrounding area.
8. The approximate latitude and longitude of individual wind turbines, in decimal degrees.
9. A USGS topographical map, or map with similar data, of the property within the Project Boundary and surrounding area, including any other properties within 1,320 feet of the Project Boundary that have existing or known proposed WECS.
10. Location of wetlands, scenic, and natural areas including bluffs inside the Project Boundary or within 1,320 feet of the Project Boundary.
11. Copies of all permits or documentation that indicates compliance with all other applicable local, State and Federal Regulatory Standards:
 - a. Uniform Building Code, as amended.
 - b. The National Electrical Code, as amended.
 - c. Federal Aviation Administration (FAA), as amended.
 - d. Minnesota Pollution Control Agency (MPCA), as amended.
 - e. Microwave Beam Path Study.
 - f. Acoustical Analysis.
 - g. Minnesota Department of Natural Resources (MNDNR).
 - h. Minnesota State Historical Preservation Office (MNSHPO).
 - i. U.S. Fish and Wildlife Service (USFWS).
12. Location of all known Communications Towers within 2 miles of the proposed WECS.
13. Location of all known public or private Airports/Airfields or Heliports within 5 miles of the proposed WECS.
14. Detailed Decommissioning Plan including how decommissioning costs would be covered. Applicant may be required to establish an escrow account to fund decommissioning costs.

15. Description of potential impacts on nearby existing or known planned WECS and wind resources within 5 RD of the Project Boundary. A Wake Loss Study may be required if the county determines the proposed project may have a significant impact on nearby WECS.
16. Additional information stated in Minnesota Rules, part 7836.0500 (subpart 1), as amended.
17. Identification of Haul Routes to be utilized for material transportation and construction activities: State, Federal, County and/or Township roads. Must provide written documentation that all haul routes have been approved by each of the road authorities with jurisdiction.
18. Locations and site plans for all temporary, non-residential construction sites and staging areas.

Section 7: 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 (P = Permitted, C = Conditionally Permitted, NP = Not Permitted, I = Interim Permitted):

Zoning District	Micro-WECS	Non-Comm <100 kW	Commercial >100 kW	Meteorological Towers
General Floodplain	C	C	C	C/I
Floodway	NP	NP	NP	NP
Flood Fringe	P	C	C	C/I
Special Protection	C	NP	NP	NP
Residential District	C	NP	NP	NP
Special Protection - Low Development	C	NP	NP	NP
Resource Protection Wellhead	P	C	NP	C/I
Resource Protection Aggregate	P	C	C	C/I
Resource Protection Biological	C	C	C	I
Agricultural General	P	P	C	C/I
Agricultural Service Center	P	C	C	C/I
Urban Expansion District	P	C	C	C/I
Highway Commercial	P	C	C	C/I
Limited Highway Commercial	P	C	C	C/I
Landing Field Overlay	NP	NP	NP	NP

Section 8: Setbacks

All towers shall adhere to the setbacks established in the following table, as measured from the edge of each tower.

Subdivision 1: Setbacks

	Micro-WECS	Non-Commercial < 100 kW	Commercial >100 kW	Meteorological Tower
1. Non-participating properties	An amount equal to the total height of the structure	1.1 time the total height	3 RD in the non-prevailing wind axis and 5 RD in the prevailing wind axis or 1,500 feet whichever is greater	1.1 time the total height. Minimum 250 feet. Any guy wires must meet the setbacks of the Zoning District.
2. Occupied Dwelling	Not applicable if all other setbacks are met	500 feet and/or sufficient distance to meet state noise standards whichever is greater	1,200 feet from dwellings.	1.1 times the total height. Minimum 250 feet.
3. Noise Standard	Minnesota Rule 7030, as amended	Minnesota Rule 7030, as amended. Non-participant dwellings <40 dB(A) during night hours (10pm-7am)	Minnesota Rule 7030, as amended. Non-participant dwellings <40 dB(A) during night hours (10pm-7am)	N/A
4. Public Road Right of Way	1.1 times total height.	1.1 times total height.	1.1 times total height.	1.1 times total height. Minimum 250 feet. Any guy wires must meet the setback requirements of the Zoning District.
5. Other rights of way (recreational trails, vulnerable utility infrastructure, etc.)	1.1 times total height.	1.1 times total height.	1.1 times total height.	1.1 times total height. Minimum 250 feet.
6. Public Conservation lands managed as grasslands	An amount equal to the total height of the structure.	3 RD in the non prevailing wind axis and 5 RD in the prevailing wind axis.	3 RD in the non prevailing wind axis and 5 RD in the prevailing wind axis.	1.1 times the total height. Minimum 250 feet.
7. Wetlands, USFWS Types III, IV, and V	An amount equal to the total height of the structure	Follow USFWS requirements, as amended	Follow USFWS requirements, as amended	1.1 times the total height. Minimum 250 feet
8. Other vulnerable Structures	1.1 times total height	1.1 times total height	1.1 times total height	1.1 times total height. Minimum 250 feet
9. Other existing or known planned WECS Project Boundaries and Internal Turbine Spacing	N/A	3 RD in the non prevailing wind axis and 5 RD in the prevailing wind axis.	3 RD in the non prevailing wind axis and 5 RD in the prevailing wind axis.	N/A

Subdivision 2: Additional Setback Requirements

1. Based on their total aggregate name plate generating capacity, projects may be considered Micro-WECS, Non-Commercial WECS or Commercial WECS as defined in this Ordinance, and will follow the setbacks established for the category for which they fall under, as listed in Section 8, Sub. 1 of this Ordinance.
2. Sand and Gravel Operations -- No turbines, towers or associated facilities shall be located in active sand and gravel operations without meeting reasonable setbacks from actual mining operations agreed to, in writing, with the property owner.
3. Aviation (public and private airports) - No turbines, towers or associated facilities shall be located so as to create an obstruction to navigable airspace of public and private airports in Norman County. Setbacks or other limitations determined in accordance with MN/DOT Department of Aviation and Federal Aviation Administration (FAA) requirements.
4. Setbacks for substations, accessory facilities, and feeder lines not located within a public right-of-way or any utility easement required by the Zoning Ordinance shall be setback at least 140 feet from the centerline of any county or township road.
5. The setback for new dwellings shall be reciprocal in that no dwelling shall be constructed within the same setback as a new turbine would need to meet to an existing dwelling.

Section 9: Requirements and Standards

Subdivision 1: Safety Design Standards

1. 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.
2. Clearance. Rotor blades or airfoils must maintain at least 30 feet of clearance between their lowest point and the ground.

3. Warnings.

- a. 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.
- b. For all guyed towers, visible and reflective objects, such as plastic sleeves/balls, 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. Warning balls shall be installed on guy wires near the top of the tower. Aviation warning shall be painted on meteorological towers of less than 200 feet and towers greater than 200 feet shall maintain a certificate of no hazard to navigation from the FAA.

Subdivision 2: Height Standards.

1. Total height. Non-Commercial WECS shall have a total height of less than 200 feet.
2. Total height. No Commercial WECS shall have a total height of more than 500 feet.

Subdivision 3: Tower Configuration Standards.

1. All wind turbines, which are part of a commercial, non-commercial or C-BED WECS, shall be installed with a tubular, monopole type tower.
2. Meteorological towers may be guyed.
3. Color and Finish. All wind turbines and towers that are part of a 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.
4. 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, slow flashing lights are preferred for night-time illumination to reduce impacts on migrating birds. Red or white steady burning lights should be avoided if possible.

Subdivision 4: Other Applicable Standards.

1. Other Signage. All signage on site shall comply with Section 7.1 of the Norman County Zoning Ordinance. The manufacturer's or owner's company name and/or logo may be placed upon the nacelle, compartment containing the electrical generator, of the WECS.
2. All feeder lines subject to Norman County Authority equal to or less than 34.5 kV in capacity shall be buried and located on the back side of the right-of-way to the extent it is physically and technically feasible. Feeder lines installed as part of a WECS shall not be considered an essential service. If not buried, overhead lines must be of the shortest length possible, and must be buried again as soon as it is physically and technically feasible.
3. 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.
4. 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 Norman County Environmental Services Officer outlining the steps and schedule for returning the WECS to service. If no such plan is submitted, all WECS and accessory facilities shall be removed to four feet below ground level within 18 months of the discontinuation of use.
5. All WECS projects 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. The plan shall also address road maintenance during and after completion of the decommissioning.
6. Orderly Development. Upon issuance of a conditional use permit, all WECS shall notify the Minnesota Public Utilities Commission (PUC) Energy Facilities Permitting program Staff of the project location and details on the survey form specified by the PUC.
7. Noise. All WECS shall comply with Minnesota Rules 7030, as amended, governing noise. Additionally, non-commercial and commercial WECS sounds shall not exceed 40 dB(A) at the nearest residential receptor during the nighttime hours between 10:00 pm and 7:00 am.
8. Electrical codes and standards. All WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.

9. Federal Aviation Administration. All WECS shall comply with FAA standards and permits.

Subdivision 5: Interference.

1. The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals cause by any WECS. The applicant shall notify all communication tower operators within two miles of the proposed WECS location upon application to the county for permits. No WECS shall be constructed so as to interfere with County or Minnesota Department of Transportation microwave transmissions.

Subdivision 6: Avoidance and Mitigation of Damages to Public Infrastructure.

1. Roads. Applicants shall:
 - a. Identify all public roads to be used for the purpose of transporting WECS, substation parts, materials, and/or equipment for construction, operation or maintenance of the WECS and obtain applicable weight and size permits from the impacted road authority(ies) prior to construction.
 - b. Contact the road authority for road closures, road signage removals, road signage re-locating, road signage restoring, moving permits, culverts, access/driveway permits, tile outlet permits, widening road intersections, standard utility permits and any other road activities that may require permits.
 - c. Contact the Norman County Dispatch prior to any road closures for the re-routing of emergency vehicles during the closure.
 - d. Contact the road authority to conduct an inspection of the road conditions of the haul routes prior to and after construction.
 - e. Provide a Performance Bond to be held by the county until the Township and/or County road authority(ies) have provided the County Auditor with a written release that all haul routes within their jurisdiction in Norman County have been returned to pre-construction condition.
2. Drainage System. The Applicant shall be responsible for immediate repair of damage to public and private drainage systems stemming from construction, operation, maintenance, or decommissioning.

Subdivision 7: Pre-Construction Meeting.

1. Applicant will conduct a Pre-Construction meeting prior to construction commencement with a written notice sent to the following individuals a minimum of one week prior to said meeting:
 - a. Township Chair.
 - b. Norman County Highway Engineer.
 - c. Norman County Sheriff.
 - d. Norman County Environmental Service Officer.
 - e. Area Hydrologist, Minnesota Department of Natural Resources.
 - f. Minnesota Pollution Control Agency.
 - g. United States Farm Service Agency.
 - h. Norman County Soil and Water Conservation District.
 - i. US Fish and Wildlife Service.
 - j. Minnesota State Historical Preservation Office.
 - k. Two Planning Commission members: Chair and County Board Representative.
 - l. MN/DOT.

Section 10: Enforcement, Violations, Remedies, Penalties and Fees.

Subdivision 1. Enforcement, Violations, Remedies, and Penalties.

Enforcement for this Ordinance shall be done in accordance with process and procedures established in the Zoning Ordinance.

Subdivision 2. Fees

1. The fees for a zoning certificate, variance, amendment, or conditional use permit, shall be established by the Board. The Board may review and revise the fee schedule periodically. The Zoning Administrator shall issue the Zoning Certificate only after the fee has been paid and a determination has been made that the building plans, together with the application comply with the terms of this Ordinance. Any person filing a petition for an amendment to this Ordinance or requesting a variance shall pay the prescribed fees according to the schedule established by the Board before any work proposed may commence. The fee is payable at the time of filing a petition and is not refundable.
2. Municipal corporations and governmental agencies shall be exempt from the fee requirements as prescribed by this Ordinance.

Section 11: Validity

Subdivision 1. Validity.

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

Section 12. Date of Effect

Subdivision 1. Date of Effect

This ordinance shall be in full force and effect from and after it's passage and publication according to law.

Adopted this 20th day of May 2010

Dated 5/20/10

Lee Ann Hall

Chair, Norman County Board of Commissioners

Richard Munter

Richard Munter, Auditor/Treasurer, Norman County

OFFICE OF COUNTY RECORDER #220964
NORMAN COUNTY, MINNESOTA
I hereby certify that this instrument # 220964 was filed in
this office for record on 5/25/2010 at 11:45 AM
County Recorder Kari Claesson
Deputy
Numbered Indexed Tracted Reviewed

Return: NORMAN COUNTY AUDITOR/TREASURER
16 E 3RD AVE
ADA MN 56510

Fees Paid: \$ 0.00 Receipt # 102900

Norman County Wind Energy Ordinance

The Board of Commissioners of the County of Norman, Minnesota Hereby ordains as Follows:

Section 1: Title

The title of this ordinance is the Norman County Wind Energy Ordinance, and will be referred to herein as "this Ordinance".

Section 2: Purpose

This ordinance is established to regulate the installation and operation of Wind Energy Conversion Systems (WECS) within Norman County not otherwise subject to siting and oversight by the State of Minnesota pursuant to Minnesota Statutes, Chapter 216F, Wind Energy Conversion Systems, as amended, and consideration by the State of Minnesota as permitted by statute.

Section 3: Jurisdiction

The regulations of this Ordinance shall apply to all areas of Norman County outside the incorporated limits of municipalities.

Section 4: Interpretation

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

Section 5: Definitions

1. **Aggregated Project.** Aggregated projects are groups of more than one WECS developed in a coordinated fashion, but which have multiple entities separately owning individual WECS within the larger group of WECS. 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.
2. **Board of Adjustment.** An officially constituted quasi-judicial body appointed by the County Board whose principle duties are to hear appeals for decisions of the Environmental Services Officer and, where appropriate, grant variance for the strict application of this Ordinance.
3. **C-BED Project.** A C-Bed Project is a Community Based Energy Development Project that meets the MN statutory definition of a C-Bed Project (MN State Statute 216.B.1612), as amended.
4. **Commercial WECS.** A WECS of equal to or greater than 100kW (.1MW) in total name plate generating capacity.
5. **Comprehensive Plan.** Comprehensive plan means the policies, statements, goals, and interrelated plans for private and public land and water use, transportation, and community facilities including the recommendations for plan execution, documented in texts, ordinances and maps which constitutes the guide for the future development of the unincorporated areas of the County.
6. **Conditional Use.** A land use or development as is defined by the Zoning Ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon the finding that: (1) certain conditions as detailed in the Zoning Ordinance exist, and (2) use or development conform to the comprehensive plan of the County and (3) is compatible with the existing neighborhood.
7. **County.** Norman County, Minnesota.
8. **County Board.** Includes the County Commissioners, the Board of County Commissioners or any other word or words meaning the Norman County Board of Commissioners.
9. **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.
10. **Feeder Line.** Power lines that transport electrical power between wind turbines and from one or more wind turbines to the point of interconnection with the electrical utility grid.

11. **Generator nameplate capacity.** The maximum rated output of electrical power production of a generator under specific conditions designated by the manufacturer with a nameplate physically attached to the generator.
12. **High-voltage transmission line.** A conductor of electric energy and associated facilities designed for and capable of operation at a nominal voltage of 100 kilovolts or more and is greater than 1,500 feet in length.
13. **Meteorological Tower.** For the purposes of this 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.
14. **Micro-WECS.** Micro-WECS are WECS of 1kW (.001 MW nameplate generating capacity or less and utilizing supporting towers of 40 feet or less.
15. **Non-Commercial WECS.** A WECS of less than 100 kW (.1 MW) and greater than 1 kW (.001 MW) in total name plate generating Capacity.
16. **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.
17. **Project Boundary/Property Line.** The boundary line of the area over which the entity applying for a WECS permit has or intends to have legal control for the purposes of installation of a WECS. This control may be attained through fee title ownership, easement, or other appropriate contractual relationship between the project developer and landowner. The permit applicant must submit a map showing the final Project Boundary, based on property actually under their control, prior to the start of construction.
18. **Public Conservation Lands.** Land owned in fee title by State or Federal agencies and managed specifically for [grassland] conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, State Scientific and Natural Areas, federal Wildlife Refuges and Waterfowl Production Areas. For the purposes of this section public conservation lands will also include lands owned in fee title by non-profit conservation organizations. Public conservation lands do not include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.
19. **Rotor Diameter (RD).** The diameter of the circle described by the moving rotor blades.

20. **Substation.** Any electrical facility designed to convert electricity produced by wind turbines to voltage above 40 kV for interconnection with the electric utility grid.
21. **Total Height.** The highest point, above ground level, reached by a rotor tip or any other part of the WECS.
22. **Total name plate capacity.** The total of the maximum rated output of the electrical power production equipment of a WECS project.
23. **Tower.** Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment.
24. **Tower Height.** The total height of the WECS measured from the ground level to the center of the blade hub, exclusive of the rotor blades.
25. **WECS- Wind Energy Conversion Systems.** A device such as a wind charger, windmill, or wind turbine and associated facilities that converts wind energy to electric energy, including, but not limited to: power lines, transformers, substations, and meteorological towers. The energy may be used on-site or distributed into the electrical grid.
26. **Wind Turbine.** Any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.
27. **Zoning Ordinance.** The Norman County Zoning Ordinance.

Section 6: Procedures

Subdivision 1: Permit Application

Land Use Permits, Conditional Use Permits and Variances shall be applied for and reviewed under the procedures established in the Zoning Ordinance and Minnesota Statutes Chapter 394, except where noted below. An application to the County for a permit under this section is not complete unless it contains the following:

1. Letter from the State Agency responsible for size determination of a project, pursuant to Minnesota Statutes, Chapter 216F.011, as amended.
2. The names and addresses of project applicant.
3. The names and addresses of the project owner(s). For C-BED projects, must provide percent of ownership for each of the project owners.

4. The legal description(s) and address(es) of the project.
5. A description of the project including: Number, type, total name plate generating capacity, tower height, rotor diameter, total height of all wind turbines, and means of interconnecting with the electrical grid.
6. Site layout, including the location of project area boundaries (purchased wind rights), property lines, roads, 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.
7. Documentation of land ownership or legal control of the property and current land use on the site and surrounding area.
8. The approximate latitude and longitude of individual wind turbines, in decimal degrees.
9. A USGS topographical map, or map with similar data, of the property within the Project Boundary and surrounding area, including any other properties within 1,320 feet of the Project Boundary that have existing or known proposed WECS.
10. Location of wetlands, scenic, and natural areas including bluffs inside the Project Boundary or within 1,320 feet of the Project Boundary.
11. Copies of all permits or documentation that indicates compliance with all other applicable local, State and Federal Regulatory Standards:
 - a. Uniform Building Code, as amended.
 - b. The National Electrical Code, as amended.
 - c. Federal Aviation Administration (FAA), as amended.
 - d. Minnesota Pollution Control Agency (MPCA), as amended.
 - e. Microwave Beam Path Study.
 - f. Acoustical Analysis.
 - g. Minnesota Department of Natural Resources (MNDNR).
 - h. Minnesota State Historical Preservation Office (MNSHPO).
 - i. U.S. Fish and Wildlife Service (USFWS).
12. Location of all known Communications Towers within 2 miles of the proposed WECS.
13. Location of all known public or private Airports/Airfields or Heliports within 5 miles of the proposed WECS.
14. Detailed Decommissioning Plan including how decommissioning costs would be covered. Applicant may be required to establish an escrow account to fund decommissioning costs.

15. Description of potential impacts on nearby existing or known planned WECS and wind resources within 5 RD of the Project Boundary. A Wake Loss Study may be required if the county determines the proposed project may have a significant impact on nearby WECS.
16. Additional information stated in Minnesota Rules, part 7836.0500 (subpart 1), as amended.
17. Identification of Haul Routes to be utilized for material transportation and construction activities: State, Federal, County and/or Township roads. Must provide written documentation that all haul routes have been approved by each of the road authorities with jurisdiction.
18. Locations and site plans for all temporary, non-residential construction sites and staging areas.

Section 7: 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 (P = Permitted, C = Conditionally Permitted, NP = Not Permitted, I = Interim Permitted):

Zoning District	Micro-WECS	Non-Comm <100 kW	Commercial >100 kW	Meteorological Towers
General Floodplain	C	C	C	C/I
Floodway	NP	NP	NP	NP
Flood Fringe	P	C	C	C/I
Special Protection	C	NP	NP	NP
Residential District	C	NP	NP	NP
Special Protection - Low Development	C	NP	NP	NP
Resource Protection Wellhead	P	C	NP	C/I
Resource Protection Aggregate	P	C	C	C/I
Resource Protection Biological	C	C	C	I
Agricultural General	P	P	C	C/I
Agricultural Service Center	P	C	C	C/I
Urban Expansion District	P	C	C	C/I
Highway Commercial	P	C	C	C/I
Limited Highway Commercial	P	C	C	C/I
Landing Field Overlay	NP	NP	NP	NP

Section 8: Setbacks

All towers shall adhere to the setbacks established in the following table, as measured from the edge of each tower.

Subdivision 1: Setbacks

	Micro-WECS	Non-Commercial < 100 kW	Commercial >100 kW	Meteorological Tower
1. Non-participating properties	An amount equal to the total height of the structure	1.1 time the total height	3 RD in the non-prevailing wind axis and 5 RD in the prevailing wind axis or 1,500 feet whichever is greater	1.1 time the total height. Minimum 250 feet. Any guy wires must meet the setbacks of the Zoning District.
2. Occupied Dwelling	Not applicable if all other setbacks are met	500 feet and/or sufficient distance to meet state noise standards whichever is greater	1,200 feet from dwellings.	1.1 times the total height. Minimum 250 feet.
3. Noise Standard	Minnesota Rule 7030, as amended	Minnesota Rule 7030, as amended. Non-participant dwellings <40 dB(A) during night hours (10pm-7am)	Minnesota Rule 7030, as amended. Non-participant dwellings <40 dB(A) during night hours (10pm-7am)	N/A
4. Public Road Right of Way	1.1 times total height.	1.1 times total height.	1.1 times total height.	1.1 times total height. Minimum 250 feet. Any guy wires must meet the setback requirements of the Zoning District.
5. Other rights of way (recreational trails, vulnerable utility infrastructure, etc.)	1.1 times total height.	1.1 times total height.	1.1 times total height.	1.1 times total height. Minimum 250 feet.
6. Public Conservation lands managed as grasslands	An amount equal to the total height of the structure.	3 RD in the non prevailing wind axis and 5 RD in the prevailing wind axis.	3 RD in the non prevailing wind axis and 5 RD in the prevailing wind axis.	1.1 times the total height. Minimum 250 feet.
7. Wetlands, USFWS Types III, IV, and V	An amount equal to the total height of the structure	Follow USFWS requirements, as amended	Follow USFWS requirements, as amended	1.1 times the total height. Minimum 250 feet
8. Other vulnerable Structures	1.1 times total height	1.1 times total height	1.1 times total height	1.1 times total height. Minimum 250 feet
9. Other existing or known planned WECS Project Boundaries and Internal Turbine Spacing	N/A	3 RD in the non prevailing wind axis and 5 RD in the prevailing wind axis.	3 RD in the non prevailing wind axis and 5 RD in the prevailing wind axis.	N/A

Subdivision 2: Additional Setback Requirements

1. Based on their total aggregate name plate generating capacity, projects may be considered Micro-WECS, Non-Commercial WECS or Commercial WECS as defined in this Ordinance, and will follow the setbacks established for the category for which they fall under, as listed in Section 8, Sub. 1 of this Ordinance.
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5. All WECS projects 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. The plan shall also address road maintenance during and after completion of the decommissioning.
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7. Noise. All WECS shall comply with Minnesota Rules 7030, as amended, governing noise. Additionally, non-commercial and commercial WECS sounds shall not exceed 40 dB(A) at the nearest residential receptor during the nighttime hours between 10:00 pm and 7:00 am.
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9. Federal Aviation Administration. All WECS shall comply with FAA standards and permits.

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1. The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals cause by any WECS. The applicant shall notify all communication tower operators within two miles of the proposed WECS location upon application to the county for permits. No WECS shall be constructed so as to interfere with County or Minnesota Department of Transportation microwave transmissions.

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 - b. Contact the road authority for road closures, road signage removals, road signage re-locating, road signage restoring, moving permits, culverts, access/driveway permits, tile outlet permits, widening road intersections, standard utility permits and any other road activities that may require permits.
 - c. Contact the Norman County Dispatch prior to any road closures for the re-routing of emergency vehicles during the closure.
 - d. Contact the road authority to conduct an inspection of the road conditions of the haul routes prior to and after construction.
 - e. Provide a Performance Bond to be held by the county until the Township and/or County road authority(ies) have provided the County Auditor with a written release that all haul routes within their jurisdiction in Norman County have been returned to pre-construction condition.
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1. Applicant will conduct a Pre-Construction meeting prior to construction commencement with a written notice sent to the following individuals a minimum of one week prior to said meeting:
 - a. Township Chair.
 - b. Norman County Highway Engineer.
 - c. Norman County Sheriff.
 - d. Norman County Environmental Service Officer.
 - e. Area Hydrologist, Minnesota Department of Natural Resources.
 - f. Minnesota Pollution Control Agency.
 - g. United States Farm Service Agency.
 - h. Norman County Soil and Water Conservation District.
 - i. US Fish and Wildlife Service.
 - j. Minnesota State Historical Preservation Office.
 - k. Two Planning Commission members: Chair and County Board Representative.
 - l. MN/DOT.

Section 10: Enforcement, Violations, Remedies, Penalties and Fees.

Subdivision 1. Enforcement, Violations, Remedies, and Penalties.

Enforcement for this Ordinance shall be done in accordance with process and procedures established in the Zoning Ordinance.

Subdivision 2. Fees

1. The fees for a zoning certificate, variance, amendment, or conditional use permit, shall be established by the Board. The Board may review and revise the fee schedule periodically. The Zoning Administrator shall issue the Zoning Certificate only after the fee has been paid and a determination has been made that the building plans, together with the application comply with the terms of this Ordinance. Any person filing a petition for an amendment to this Ordinance or requesting a variance shall pay the prescribed fees according to the schedule established by the Board before any work proposed may commence. The fee is payable at the time of filing a petition and is not refundable.
2. Municipal corporations and governmental agencies shall be exempt from the fee requirements as prescribed by this Ordinance.

Section 11: Validity

Subdivision 1. Validity.

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

Section 12. Date of Effect

Subdivision 1. Date of Effect

This ordinance shall be in full force and effect from and after it's passage and publication according to law.

Adopted this 20th day of May 2010

Dated 5/20/10

Lee Ann Hall

Chair, Norman County Board of Commissioners

Richard Munter

Richard Munter, Auditor/Treasurer, Norman County

OFFICE OF COUNTY RECORDER #220964
NORMAN COUNTY, MINNESOTA
I hereby certify that this instrument # 220964 was filed in
this office for record on 5/25/2010 at 11:45 AM
County Recorder [Signature]
Deputy [Signature]
 Numbered Indexed Tracted Reviewed

Return: NORMAN COUNTY AUDITOR/TREASURER
16 E 3RD AVE
ADA MN 56510

Fees Paid: \$ 0.00 Receipt # 102900