

# *Steele County Zoning Ordinance*



# Steele County Zoning Ordinance

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# Steele County Zoning Ordinance

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An ordinance amending the Steele County Code for the purpose of promoting the health, safety, order, convenience and general welfare by regulating the use of land, the location and the use of buildings, the arrangement of buildings on lots, the density of population, and the division of the County into districts for the orderly future development of the area of Steele County, Minnesota or parts thereof outside the incorporated limits of the municipalities.

The Steele County Board of Commissioners Does Ordain As Follows:

## Section 1 Short Title

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

## Section 2 Intent and Purpose

**201. This Ordinance is adopted for the purpose of:**

- 1) Protecting the public health, safety, comfort, convenience, and general welfare;
- 2) Protecting and preserving agricultural land, including CRP and setaside acres, pasture lands, and woodlands;
- 3) Promoting orderly development of the residential, commercial, industrial, recreational, and public areas;
- 4) Regulation of the location, construction, reconstruction, alteration, and use of structures and land;
- 5) Limiting congestion in the public rights-of-way;
- 6) Conserving the value of properties;
- 7) Protecting the environment;

- 8) Providing for the administration of this Ordinance and defining the powers and duties of the administering officer as provided hereafter;
- 9) Prescribing penalties for the violation of the provisions in this Ordinance or any amendment thereto.

## **Section 3 Rules and Definitions**

### **301. Rules**

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

1. Words used in the singular shall include the plural and the plural the singular.
2. Words used in the present tense shall include the future.
3. The word “shall” is mandatory and not discretionary; the word “may” is permissive.
4. The masculine gender includes the feminine and neuter genders.
5. The word “persons” includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
6. All distances, unless otherwise specified, shall be measured horizontally.

### **302. Definitions**

**Accessory Use or Structure.** A use or structure or portion of a structure, subordinate to and serving the principal use of a structure on the same lot and customarily incidental thereto. Due to the subordinate nature of its use, it can reasonably be located at or greater than normal structure setbacks within the shoreland area.

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

**Agricultural Land.** “Agricultural Land” means land devoted to the production of horticultural, row, or close grown crops, pasture, and introduced hayland crops, and to the pasturing of livestock and dairy animals, to growing nursery stock, and to animal feedlots, or was set aside to receive price support or other payments



under United States Code, Title 7, Sections 1431 to 1469, six of the ten years prior to January 1, 1991.

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

**Animal Feedlot.** A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals exceeding ten (10) animal units and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots. (See also New Animal Feedlot.)

**Animal Feedlot, Registered.** A feedlot that is annually registered with Steele County, and has had livestock within the previous five (5) years or a feedlot that is annually registered, has maintained structures capable of housing livestock, and has been granted from Steele County an extension to the five year livestock requirement.

**Animal Unit.** A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer. For purposes of this definition, the following equivalents shall apply.

<u>Animal</u>	<u>Unit</u>
One mature dairy cow	1.4 animal unit
One slaughter steer or heifer	1.0 animal unit
One horse	1.0 animal unit
One swine over 55 pounds	0.4 animal unit
One sheep	0.1 animal unit
One swine under 55 pounds	0.05 animal unit
One duck	0.02 animal unit
One turkey	0.018 animal unit
One chicken	0.01 animal unit

**Apartment.** A room or suite of rooms which is designed for, intended for, or occupied as a residence by a single family or an individual, and is equipped with cooking facilities. Includes dwelling unit and efficiency unit.

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

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

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

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

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

**Building, Temporary.** A structure that has no electrical or water connections, no permanent foundation, is built on skids and can be moved when empty with a farm tractor.

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

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

**Cemetery.** Land used for burial of the dead and dedicated for cemetery purposes.

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

**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.

**Cluster Development.** A pattern of subdivision development which places housing units into compact grouping while providing a network of commonly owned or dedicated open space.

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

**Commissioner.** The Commissioner of the Department of Natural Resources.

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

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

**Day Care – Home.** A family dwelling in which foster care, supervision and training for children of school or pre-school age out of their home is provided.

**Day Care – Group Nursery.** A service provided to the public in which children of school or pre-school age are cared for during established business hours.

**Deck.** A horizontal, unenclosed platform with or without attached railings, seat, trellises, or other features attached or functionally related to a principal use.

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

**Demolition Debris Land Disposal Facility.** A site used to dispose of demolition debris.

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

**Diversions.** A channel that intercepts surface water run-off and changes the accustomed course of all or part of a stream.

**Draining.** The removal of surface water or groundwater from land.

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

**Drive-in Establishment.** An establishment which accommodates the patron's automobile from which the occupants may receive a service or in which products purchased from the establishment may be consumed.

**Duplex.** A dwelling structure on a single lot consisting of two (2) units, attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

**Dwelling, Farm.** A residence located on thirty-five (35) or more acres within a quarter quarter section and on which the resident of said dwelling either owns, operates or is employed thereon.

**Dwelling, Rural Residential.** A dwelling located on a separately described parcel of land less than thirty-five (35) acres within a quarter quarter section.

**Dwelling, Multiple Family.** A residence designed for or occupied by three (3) or more families, either wholly (attached) or partially a part of a larger structure (detached), with separate housekeeping and cooking facilities for each.

**Dwelling, Two Family.** A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.

**Dwelling, Single Family.** A free standing (detached) residence designed for or occupied by one (1) family only.

**Dwelling Site.** A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

**Dwelling Unit.** Any structure or portion of a structure, or other shelter designed as short term or long term living quarters for one or more persons, including

rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins. House trailers, camper trailers, camper buses or tents will not be considered dwelling units.

**Easement.** Authorization by a property owner for the use by another, and for a specific purpose, of any designated part of his property.

**Essential Services – Public Utilities.** The erection, construction, alteration, or maintenance of underground or overhead gas, electrical, stream, or water transmission or distribution systems, collection, communication, supply or disposal systems by public utilities, county or other governmental agencies, but not including buildings.

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

**Family.** One (1) or more persons each related to the other by blood, marriage, adoption, or foster care, or a group of not more than four (4) persons not so related maintaining a common household and using common cooking and kitchen facilities.

**Farm.** A farm is a real property of thirty-five (35) contiguous acres or more all contained in the same parcel and shall be considered to be in agricultural use provided that annually: (1) at least 33 1/3 percent of the total family income of the owner is derived therefrom, or the total production income, including rental from the property is \$300 plus \$10 per tillable acre; and (2) it is devoted to the production for sale of livestock, dairy, animals, dairy products, poultry and poultry products, fur bearing animals, horticulture and nursery stock which is under Section 18.44 to 18.61, fruit of all kinds, vegetables, forage, grains, bees and apiary products by the owner, slough, wasteland, and woodland contiguous to or surrounded by land described in Subdivision 3 (Section 273.11) shall be considered to be in agricultural use if under the same ownership and management.

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

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

**Final Plat.** A drawing or map of a subdivision, meeting all requirements of the County and in such form as required by the County for purposes of recording.

**Floor Area.** The sum of the gross horizontal areas of the several floors of a building measured from the exterior walls, including basements and attached accessory building.

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

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

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

**Guest Cottage.** A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

**Hardship.** When 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.

**Height of Building.** The vertical distance between the highest adjoining ground level at the building or ten (10) feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

**Home Occupation.** Any occupation conducted within a dwelling by a person residing therein, where goods or services are offered for sale within the dwelling and where no more than three (3) parking spaces are required, an identification sign is no more than six (6) square feet and entrance to the sales or service area is gained from within the dwelling. There shall be a limit of one non-family employee per home occupation site.

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

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

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

**Kennel.** Any structure or premises on which four (4) or more dogs over four (4) months of age are kept for sale, breeding, profit, or boarded for a fee.

**Lot (Of Record).** A lot which is part of a subdivision or plat which has been filed in the office of the Steele County Recorder, or a lot described by metes and bounds, the deed to which has been recorded in the office of the Steele County Recorder.

**Lot.** Land occupied by a building and its accessory buildings, having not less than the minimum area required by this Zoning Ordinance for a building site in the district in which such lot is situated and having the principal frontage on a street or a proposed street approved by the Board.

**Lot Area.** The area of a horizontal plane within the lot lines.

**Lot, Corner.** A lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five (135) degrees or less.

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

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

**Lot, Line.** A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting road or alley, the lot line shall be deemed to be the road or alley easement.

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

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

**Manufactured Home.** A structure transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, and when erected on site is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air

conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under this chapter.

**Manufactured Home Park.** Any site, lot, field, or tract of land under single ownership, designed, maintained or intended for the placement of two (2) or more occupied manufactured homes. “Manufactured Home Park” shall include any buildings, structure, vehicle, or enclosure intended for use as part of the equipment of such manufactured home park.

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

**Manure Storage Area.** An area used for the temporary storage of animal manure or run-off containing animal manure until it can be utilized as domestic fertilizer or removed to a permitted animal manure disposal site. Storage of manure on any one site shall not exceed a time period of 364 days

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

**Metes and Bounds.** A method of property description by means of their direction and distance from an easily identifiable point.

**Motel/Motor Hotel.** A building or group of detached, semi-detached or attached buildings containing guest rooms or units, each of which has a separate entrance directly from the outside of the building or corridor, with garage or parking space conveniently located to each unit and which is designed, used or intended to be used primarily for the accommodation of transient guests travelling by automobile.

**Motor Freight Terminal (Truck Terminal).** A building in which freight brought by motor truck is assembled and sorted for routing in intrastate and interstate shipment.

**New Animal Feedlot.** An unregistered animal feedlot, or an animal feedlot constructed and operated at a site where no animal feedlot existed previously or where a pre-existing animal feedlot is no longer registered with Steele County.

**Non-conforming Use.** A use or structure lawfully in existence on the effective date of this Ordinance and not conforming to the regulations for the district in which it is situated.

**Non-riparian Lot.** A lot that has no area fronting a surface water feature.



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

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

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

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

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

**Permitted Use.** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards (if any) of such district.

**Person.** An individual, firm, partnership, association, cooperation, or organization of any kind.

**Preliminary Plat.** A tentative drawing or map of a proposed subdivision meeting the requirements herein enumerated.

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

**Private Road.** A road which is not dedicated to the community for public use and serves a single dwelling.

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

**Public Road, Major or Thoroughfare.** A road which serves or is designated to heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

**Public Road, Minor.** A road intended to serve primarily as an access to abutting properties.

**Public Road, Service.** A marginal access road which is generally parallel and adjacent to a major road.

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

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

**Quarter Quarter.** A square measure of forty (40) acres being one quarter of a quarter section and lying wholly within a single section.

**Restaurant.** An establishment which serves food in or on non-disposable dishes to be consumed primarily while seated at tables or booths within the building.

**Riparian Lot.** A lot with area fronting a surface water feature.

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

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

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

**Sewage.** The water carried waste products from residences, public buildings, institutions or other buildings, including the excrementitious or other discharge from the bodies of human beings or animals, together with such groundwater infiltration and surface water as may be present.

**Sewage Treatment System.** A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Section 1504 of this Ordinance.

**Sewer System, Central.** Any sanitary sewer system, public or private, serving a group of buildings, lots, or an area of the County which discharges to a common treatment and disposal structure and meets the County and State Health and Sanitation Regulations.

**Shore Impact Zone.** Land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty percent (50%) of the structure setback.

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

**Sign.** A name, identification, description, display illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business.

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

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

**Sign, Double Faced.** A device that has two (2) faces only for advertising purposes.

**Sign, Flashing.** Any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use.

**Sign, Illuminated.** Any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as part of the sign.

**Sign, Nameplate.** Any sign which states the name or address, or both, of the business or occupant of the lot where the sign is placed.

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

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

**Sign, Temporary.** A banner, pennant, poster, or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wallboard or similar material and intended to be displayed for a limited period of time.

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

**Sign Area.** That area within the marginal lines created by the sign surface which bears the advertisement or, in the case of messages, figures or symbols attached directly to the part of a building, which is included in the smallest geometric figure which can be made to circumscribe the message, figure or symbol displayed thereon. Only one side of a double face sign shall be used in computing sign area.

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

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

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

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

**Structure.** Anything constructed or erected, the use of which requires location on or in the ground or attachment to something having a location on the ground.

**Subdivision.** A described tract of land which is to be or has been divided into two (2) or more lots for the purpose of immediate or future transfer of ownership for the purpose of sale or of building development, including the resubdivision or replatting of land or lots.

**Supervised Living Facility.** A facility licensed by the Minnesota Department of Human Services under Minnesota Rules, Chapter 9530, and used to provide counseling and treatment services to persons living on the facility property who suffer from addictive diseases and/or behavioral disorders.

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

**Toe of the Bluff.** The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above as identified by the Zoning Administrator. If no break in the slope is apparent, the toe of bluff shall be determined to be the upper end of a fifty (50) foot segment, measured on the ground, with an average slope exceeding eighteen percent (18%).

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

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

**Use, Accessory.** A use clearly incidental or accessory to the principal use of a lot or a building located on the same lot as the accessory use.

**Variance.** A modification or variation of the strict provisions of this Ordinance, as applied to a specific piece of property in order to provide relief for a property owner because of practical difficulties imposed upon him by this Ordinance.

**Water Oriented Accessory Structures.** Water oriented accessory structure or facility means a small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boat houses, gazebos, screen houses, fish houses, pump houses, and detached decks.

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

**Wetland.** A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition).

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

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

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

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

## **Section 4 General Provisions**

### **401. Jurisdiction**

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

### **402. Application**

This Ordinance shall be applicable to all lands, structures, and waters within the boundaries specified under the Jurisdiction Section above.

- 1) In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and welfare.
- 2) Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
- 3) Permits and Fees.
  - a. No structure shall hereafter be erected or structurally altered until a Building Permit is secured. The Building Permit shall not be issued unless the proposed improvement meets the requirements of the Uniform Building Code, where applicable.
  - b. Other permits that may be required include Conditional Use Permits, Variances, or Zoning Amendments.
  - c. Should a development project require the completion of an Environmental Assessment Worksheet or an Environmental Impact Statement, the developer shall pay for the cost of completing the EAW/EIS, including those costs associated with securing the services of consultants, engineers, or other professional services.
- 4) Uses Not Provided for in Zoning Districts

Whenever, in any Zoning District, a use is neither specifically permitted nor denied the use shall be considered prohibited. In such cases, the County Board or Planning Commission, on their own initiative, upon the request of the property owner, may conduct a study to determine if the use is acceptable and, if so, what Zoning District would be most appropriate and determine the conditions and standards relating to the development of the use. The County Board and Planning Commission

may initiate an amendment to the Zoning Ordinance, if appropriate, to provide for the particular use under consideration or shall find that the use is not compatible within certain Zoning District(s).

### **403. Separability**

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

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

### **404. Non-conforming Uses**

It is the purpose of this Section to provide for the regulation of non-conforming buildings, structures and uses and to specify those requirements, circumstances and conditions under which non-conforming buildings, structures and uses will be operated and maintained. It is necessary and consistent with the establishment of zoning districts that non-conforming buildings, structures and uses not be permitted to continue without restriction.

#### **404.01 – Land**

The non-conforming use of land shall not in any way be expanded or extended either on the same or adjoining property.

#### **404.02 – Lot of Record**

A non-conforming lot of record that has been recorded prior to the effective date of the 1978 ordinance may be used for any principal use permitted in the zoning district in which the lot is located, provided that for any use which is to be served by an individual well and/or septic system, the non-conforming lot shall be of a size and design to meet the minimum requirements referenced in Sections 1403 and 1504 for such wells and septic systems and provided it is at least sixty percent (60%) of the required lot size in effect at the time it was recorded.

#### **404.03 – Structure, Enlargement or Alterations**

No non-conforming structure may be enlarged or altered in any way which increases its non-conformity. No addition or modification to a use within a flood fringe or floodway district shall increase the flood damage potential of the



structure or increase the degree of obstruction to flood flow. No addition or modification to a non-conforming structure with a conforming use within a flood fringe or floodway district shall exceed fifty percent (50%) of its current market value as determined by the Steele County Assessor's records, unless the entire structure is made conforming.

#### 404.04 – Structure, Damage or Destruction

If a non-conforming structure is destroyed by any means to an extent of more than fifty percent (50%) of its current market value, as determined by the Steele County Assessor's records at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the zoning code. If destroyed to less than fifty percent (50%) of its market value, said restoration shall begin within twelve (12) months or the structure shall be made conforming.

#### 404.05 – Structure Relocation

If a non-conforming structure is moved any distance, for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

#### 404.06 – Use, Change

Whenever a non-conforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed back to a non-conforming use.

#### 404.07 – Use, Discontinuance

In the event that a non-conforming use of any structure or structure and land is discontinued for a period of one (1) year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.

#### 404.08 – Use, Zone Change

The foregoing provisions relative to non-conforming uses shall apply to buildings, land and uses which hereafter become non-conforming due to classification or reclassification of districts under this Ordinance.

### **405. Consistency With Other Controls**

Subdivisions must conform to all official controls of this county. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with Section 1504 can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of each zoning district,

including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two (2) standard soil treatment systems. Lots that would require use of holding tanks must not be approved.

#### **406. Notifications to the Department of Natural Resources**

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

## **Section 5 Zoning Administration and Enforcement**

### **501. Administrator**

The Zoning Administrator shall enforce the provisions of this Ordinance as provided herein; in addition, he/she shall have the duty and power to:

- 1) issue permits specified in this Section and make and maintain records thereof;
- 2) oversee inspections of buildings and use of land to determine compliance with the terms of this Ordinance;
- 3) maintain permanent and current records of this Ordinance, including, but not limited to: all maps, amendments, conditional uses, interim uses, variances, appeals, plats and applications;
- 4) receive, file and forward all applications for appeals, variances, conditional uses, interim uses, zone change requests or other matters to the designated official bodies;
- 5) institute in the name of the County any appropriate actions or proceedings against a violator, as provided for.

### **502. Planning Commission**

The Steele County Planning Commission is hereby established. The members of the Commission shall be appointed by the chair of the County Board and ratified by the County Board.

#### **502.01 – Membership and Terms**

- 1) The Planning Commission shall consist of seven (7) members, of which at least five (5) members shall be residents of the unincorporated area of the County. In addition, no more than one (1) voting member of the Planning Commission shall be an officer or employee of the County. Further, no voting member of the Planning Commission shall have received, during the two (2) years prior to his appointment, any substantial portion of income from a business operation involving the development of land within the County for urban or urban related purposes.
- 2) The term of each member shall be for three (3) years. Appointments shall be staggered. Members may be eligible for reappointment at the discretion of the County Board. Limit of three (3) consecutive three (3) year terms.

- 3) An ex-officio member of the County Board without voting rights shall be designate annually by the County Board.
- 4) The Planning Commission shall elect a chairperson and a vice-chairperson from among its members. County Staff shall perform the duties of the secretary.
- 5) The County board of Commissioners may remove any member of the Planning Commission for non-performance of duty or misconduct in office.

#### 502.02 – Functions of the Planning Commission

- 1) The Planning Commission shall adopt rules for the transaction of its business and shall keep public records of its transactions, findings, and recommendations.
- 2) The Planning Commission shall cooperate with the Zoning Administrator and other County employees with the preparation and recommendation to the County Board for adoption of a comprehensive plan, official controls, and other measures to execute the plan and amendments thereto.
- 3) The Planning Commission shall provide assistance to the County Board and Zoning Administrator in the administration of this Ordinance and shall review, hold public hearings, and make recommendations to the County Board on all applications for zoning amendments and conditional or interim use permits using the criteria in Sections 504 and 506.

### **503. Board of Adjustment**

A Board of Adjustment for Steele County is hereby established. The members of the board shall be appointed by the chair of the County Board and ratified by the County Board.

#### 503.01 – Membership and Terms

- 1) The board shall consist of five (5) members, of which at least one (1) shall also be a member of the County Planning Commission. At least four (4) members of the board shall be from the unincorporated portion of the county. No elected officer of the county nor any employee of the County Board shall serve as a member of the Board of Adjustment.
- 2) The term of each member shall be for three (3) years. Appointments shall be staggered. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Members may be eligible

for reappointment at the discretion of the County Board, but each member shall be limited to three (3) consecutive three (3) year terms.

- 3) The Board of Adjustment shall elect a chairperson and a vice-chairperson from among its members. County Staff shall perform the duties of the secretary.
- 4) The County Board of Commissioners may remove any member of the Board of Adjustments for non-performance of duty or misconduct.

503.02 – Functions of the Board of Adjustment

- 1) The Board of Adjustment shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision or determination made by such an administrative official charged with enforcing the Ordinance. Such appeal may be taken by any person, firm or corporation aggrieved or by any officer, department, board or bureau of the County.

However, said appeal shall be filed no later than ninety (90) days following receipt of a written notice from the administrative official or said appeal shall be considered void.

The Board of Adjustment shall also have the power to grant variances to the provisions of the Zoning Ordinance under certain conditions. The conditions for the issuance of a variance are as indicated in Section 505 of this Ordinance. No use variances (a use different than those allowed in the district) shall be issued by the Board of Zoning Adjustment.

- 2) The Board of Adjustment shall schedule hearings following proper notification to affected parties and during a reasonable time, make its order deciding the matter and shall serve a written copy of such order upon the appellant or petitioner. Any party may appear at the hearing in person or by agent or attorney. 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 recorded with the county recorder.
- 3) The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, as in its opinion, ought to be made regarding the property. The reasons for the board's decision shall be stated.
- 4) 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 with the following exception: After

receipt of the decision notice, any aggrieved person(s), department, board or commission of the jurisdiction or state shall have the right to appeal to the District Court in the County in which the land is located on questions of law and fact. Such appeal shall be made within thirty (30) days of receiving the notice.

#### **504. Conditional and Interim Use Permits**

##### 504.01 – Criteria for Granting Conditional and Interim Use Permits

In granting a Conditional or Interim Use Permit, the Steele County Board shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the following findings shall be considered.

- 1) The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
- 2) The use will be sufficiently compatible or separated by distance or screened from adjacent agricultural or residentially zoned or used land so that existing properties will not be depreciated in value and there will be no deterrence to the development of vacant land.
- 3) The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties.
- 4) The use in the opinion of the County Board is reasonable related to the overall needs of the County and to the existing land use.
- 5) The use is consistent with the purposes of the zoning ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
- 6) The use will not cause a traffic hazard or congestion.
- 7) Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare, vibration or other nuisances.
- 8) Adequate utilities, access roads, drainage, storm water drainage, and necessary facilities have been or will be provided.

##### 504.02 – Additional Conditions

In permitting a new conditional or interim use or the alteration of an existing conditional or interim use, the Planning Commission may recommend imposing

or the County Board may impose, in addition to the standards and requirements expressly specified by this Ordinance, additional conditions which either body considers necessary to protect the best interest of the surrounding area or the county as a whole. These conditions may include, but are not limited to the following:

- 1) increasing the required lot size or yard dimension;
- 2) increasing structure setback requirements from property lines, road ROWS, or ordinary high water levels;
- 3) limiting the height, size or location of buildings;
- 4) controlling the location and number of vehicle access points;
- 5) increasing the street widths;
- 6) increasing the number of required off-street parking spaces;
- 7) limiting the number, size, location or lighting of signs;
- 8) requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property;
- 9) designating sites for open space, and
- 10) hours of operation (gravel and other mining operations, for example).

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

#### 504.03 – Required Exhibits for Conditional Use Permits

- 1) A preliminary building or structure and site development plan. The site plan shall include, but not be limited to soils information, neighboring land and water uses, existing and proposed structures, architectural plans, driveway locations, parking areas, highway access, traffic generation and circulation, drainage, stormwater treatment, waste disposal, sewage disposal systems, water supply systems.
- 2) Evidence of ownership or enforceable option or easements on the property.

- 3) A recordable legal description of the property involved.

504.04 – Procedure

- 1) A request for a conditional or interim use permit shall be filed with the Zoning Administrator on an official application form and shall be accompanied by a fee, as set by the County Board. The fee shall not be refunded.
- 2) Required exhibits to be submitted with the application shall include both a sufficiently detailed site plan and a written explanation of the proposed change or use.
- 3) The Zoning Administrator shall refer said application, along with all related information, to the Planning Commission for its review, after which it will prepare a report and recommendation to be submitted to the County Board.
- 4) The Planning Commission shall hold a public hearing on the proposal. Notice of the hearing shall be published in the official newspaper designated by the County Board at least ten (10) days prior to said hearing. Notice shall also be submitted to the governing bodies of all towns and municipalities within two (2) miles of the affected property. All property owners of record within one quarter (1/4) mile of the affected property or the ten (10) property owners nearest to the affected property, whichever is greatest, shall be notified in writing. Additionally, all property owners within 500 feet of the affected property and living in an incorporated area shall be notified in writing.
- 5) Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth in this Ordinance.
- 6) The applicant or a representative may appear before the Planning Commission in order to answer questions concerning the use.
- 7) The Planning Commission shall consider possible adverse effects of the proposed use. Its judgment shall be based upon compliance with the general and specific criteria outlined in this Ordinance.
- 8) The Planning Commission may impose additional requirements it determines necessary to reduce any adverse effects. It will then make one of three (3) recommendations to the County Board : approval, denial, or approval with special conditions.
- 9) The County Board shall take action on the Conditional or interim Use Permit application following receipt of the findings and recommendations by the Planning Commission. The person making application for the Conditional or Interim Use Permit shall be notified in



writing of the Board's action. If it grants the conditional or interim use permit, the County Board may impose conditions (including time limits) it considers necessary to protect the public health, safety and welfare and such conditions may include a time limit for the use to exist or operate.

- 10) All appeals from the decision of the County Board relating to conditional or interim use permits shall be filed within thirty (30) days of the Board's decision with a court of competent jurisdiction.
- 11) A conditional or interim use permit shall be deemed to authorize one (1) particular use and shall expire if that use shall cease for more than one year.
- 12) In the event that the applicant violates any of the conditions set forth in this permit, the County Board shall have the authority to revoke the conditional or interim use permit.
- 13) Conditional and interim use permits shall be valid for a period of one (1) year from the date of issuance. If the permit is not used during this one (1) year period, it shall become invalid. An extension of the Conditional or Interim Use Permit can be granted if a request is applied for in writing and filed with the Zoning Administrator at least sixty (60) days prior to the expiration of the Conditional or Interim Use Permit. The request shall state facts showing a good faith attempt on behalf of the applicant to complete the permitted work. Only one (1) extension can be applied for and the extension shall be for no more than a six (6) month time period.
- 14) No application of a property owner for a conditional or interim use shall be considered by the Planning Commission within a six (6) month period following a denial for such a request, except the Planning Commission may permit a new application, if in its opinion, new evidence or a change in circumstances warrants it.

## **505. Variances**

A variance to requirements of the Zoning Ordinance may be issued by the Board of Adjustment in accordance to Minnesota Statutes, Chapter 394. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan.

### **505.01 – Criteria for Granting Variances**

- 1) Variances may be granted by the Board of Adjustments when the applicant establishes that there are practical difficulties in complying

with the ordinance. Practical difficulties as used in connection with the granting of a variance means:

- A) The property owner proposes to use the property in a reasonable manner not permitted by the ordinance.
  - B) The plight of the landowner is due to circumstances unique to the property not created by the landowner.
  - C) The variance if granted will not alter the essential character of the locality.
- 2) Economic considerations alone do not constitute practical difficulties.
  - 3) No variance may be granted that would allow any use that is not allowed in the zoning district in which the property is located.
  - 4) The Board of Adjustment may impose conditions in the granting of the variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

#### 505.02 – Required Exhibits for Variances

- 1) Appeals shall be filed with the Zoning Administrator on a form provide by the planning and zoning department.
- 2) Appeal forms shall be complete, and shall clearly specify the grounds of the appeal. Where required by the nature of the appeal, the application shall be accompanied by plans showing all details of the land area and the nature of the circumstances surrounding the appeal. The burden of providing clear, accurate and adequate information pertaining to the request is on the applicant. Failure to provide said information may result in the application being deemed incomplete.
- 3) Appeals for property located in shoreland must provide a septic certificate of compliance or establish an escrow account as allowed in Section 1410.03 of this ordinance.
- 4) The appeal shall be accompanied by the required fee as set by the County Board. The fee shall not be refundable.

#### 505.03 – Procedure

- 1) Upon receipt of a complete application, the Zoning Administrator shall schedule a public hearing before the Board of Adjustment after notice is given in accordance with Minnesota Statutes 394 or as may be required under Minnesota Rules 6120.

- 2) Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth in this Ordinance.
- 3) The Board of Adjustment shall make a finding of fact within the time prescribed by MN Statute 15.99. It shall take one of three (3) actions: approval, denial, or approval with special conditions.
- 4) The granting of a variance to this Ordinance or of an appeal shall be by majority vote of the full Board of Adjustment. The Zoning Administrator shall notify the originator of the variance request or appeal of the Board of Adjustment's decision in written form.
- 5) No application by a property owner for a variance shall be submitted to the Board of Adjustment within a six (6) month period following a denial of such a request, except the board may permit a new application, if in the opinion of the board, new evidence of change or circumstances warrant it.
- 6) All appeals from the decision of the Board of Adjustment relating to variances shall be directed to a court of competent jurisdiction.

#### 505.04 – Lapse of Variance or Appeal

A variance shall expire and be considered null and void one year after the Board of Adjustments' decision to grant the variance if no construction has begun unless a petition for extension of time in which to complete the work has been granted by the Board of Adjustment and Appeals. Such extension shall be requested in writing and filed with the Zoning Administrator at least sixty (60) days before the expiration of the original variance or appeal. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the variance or appeal.

### **506. Zoning Amendments**

#### 506.01 – Criteria for Granting Zoning Amendments

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

#### 506.02 – Kinds of Amendments

- 1) A change in a district's boundary (rezoning)

- 2) A change in a district's regulations
- 3) A change in any other provision of this Ordinance

506.03 – Initiation of Proceedings

Proceedings for amending this Ordinance shall be initiated by at least one (1) of the following three (3) methods:

- 1) By petition of an owner or owners of property which is proposed to be rezoned or for which district regulation changes are proposed
- 2) By recommendation of the Planning Commission
- 3) By action of the County Board

506.04 – Required Exhibits for Rezoning or District Regulation Changes Initiated by Property Owners

- 1) SEE Section 504.03 of this Ordinance for a listing of the required information to be submitted.

506.05 – Procedure

- 1) An amendment to the text of the Ordinance or zoning map may be initiated by the County Board, the Planning Commission or by application of a property owner. Any amendment not initiated by the Planning Commission shall be referred to the Planning Commission for review and may not be acted upon by the Board until it has received the Planning Commission recommendations.
- 2) Individuals initiating an amendment to the zoning ordinance shall be filed with the Zoning Administrator on an official application form and shall be accompanied by a fee, as set by the County Board. The fee shall not be refunded.
- 3) Required exhibits to be submitted with the application form shall include both a sufficiently detailed site plan and a written explanation of the proposed change and/or use, if applicable.
- 4) Written notice of public hearings on the proposed amendment shall be sent to the governing bodies of all townships and municipalities located within the County. In unincorporated areas, property owners of record within one-half (1/2) mile of the property in question shall be notified in writing of the proposed zone amendment. Property owners of record in incorporated areas and living within 500 feet of the property in question shall also be notified in writing.

- 5) A public hearing on the application for amendment shall be held by the Planning Commission . Notice of said hearing shall be published in the official newspaper designated by the County Board at least ten (10) days prior to the hearing. The Planning Commission shall make its report to the County Board and recommend either approval, disapproval, or modified approval of the proposed amendment.
- 6) The County Board shall take action on the proposed amendment following receipt of the recommendations by the Planning Commission. Said action for approval by the County Board shall be by a majority vote of its members. The person making application for the amendment shall be notified in writing of the Board's action.
- 7) No application of a property owner for an amendment to the text of the Ordinance or of a rezoning shall be considered by the Planning Commission within a six (6) month period following denial of such request. A subsequent application affecting substantially the same property shall likewise not be considered again by the Planning Commission for an additional six (6) months from the date of the second denial, unless, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.
- 8) All appeals from the decision of the County Board shall be directed to a court of competent jurisdiction. Any such appeal must be filed within thirty (30) days of the County Board's final action.

## Section 6 Zoning Districts and Provisions

### 601. Zoning Districts

The zoning districts are designed to assist in carrying out the intents and purposes of this Ordinance. For purposes of this Ordinance, Steele County is hereby divided into the following Zoning Districts:

<u>Symbol</u>	<u>Name</u>
A-1	Agricultural District
A-2	Interim Agricultural District
C	Conservation District
R-1	Single Family Residential District
R-2	High Density Residential District
B	General Business District
I	General Industrial District

### 602. Overlay Zoning District

#### 602.01

The following overlay districts are also made part of the Zoning Ordinance on property where both the zoning district (Section 601) and the overlay district would apply. The use or development of such a property shall comply with both districts. The following symbol and name shall represent Steele County's overlay district:

<u>Symbol</u>	<u>Name</u>
S	Shoreland Overlay District
FP	Flood Plain (See Flood Plain Ordinance)

#### 602.02

The public waters of Steele County have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for Steele County, Minnesota.

- 1) The following are protected waters:

Number and Name	Classification	Section	Township	Range
74-1: Rice Lake	NE	6,7,1,11,12,13,14	107	18,19
74-3: East Marsh	NE	1,2	105	19
74-4: Oak Glen Lake	NE	2,3	105	19
74-6: Rickert Lake	NE	10	105	19
74-19: Kohlmeier Lake	NE	16,21	107	20
74-20: Hamman's Slough	NE	30,25	108	20,21
74-22: Lonergan Lake	NE	16,17	105	21
74-23: Beaver Lake	RD	15,16,21,22	105	21
74-24: Fositen	NE	18	105	21
74-36: Swan Lake	NE	34	108	21
74-41: Unnamed	NE	20,21,28,29	106	19

2) The following natural and altered natural watercourses are protected waters:

Name	Classification	Section	From Township	Range	To Township	Section	Range
Straight River (SR)	TR	3 (Basin 4)	105	19	13	105	20
	AG	16	106	20	4	108	20
Unnamed to SR	TR	10	105	19	16	105	19
Unnamed to SR	TR	14	105	20	14	105	20
Turtle Creek	TR	1	106	20	32	107	20
Maple Creek (MC)	TR	2 (Basin 15)	107	19	4	107	20
	TR	14	107	20	11	107	20
Unnamed to MC	TR	14	107	20	11	107	20
Name	Classification	Section	From Township	Range	To Township	Section	Range

Medford Creek(MeC) TR	23	108	20	4	108	20
Unnamed to MeC TR	14	108	20	14	108	20
Rush Creek TR	8	108	19	1	108	20
	2	108	20	3	108	20

\* Lake Classification  
 NE – Natural Environment  
 RD – Recreational Development

\* River Classification  
 AG – Agricultural  
 TR – Tributary

**603. Zoning Map**

The boundaries of the zoning districts are established by this Ordinance and are set forth on the Zoning Map which is hereby incorporated as part of this Ordinance. A permanent and updated copy of the Official Zoning Map shall be kept in the Zoning Administrator’s Office and shall be filed with the County Recorder.

603.01 – Zoning District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- 1) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such lines.
- 2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- 3) Boundaries indicated as approximately following established municipal limits and county borders shall be construed as following such lines.
- 4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- 5) Boundaries indicated as approximately following sections, half sections, quarter sections, eighth sections and government lots shall be construed to follow such lines.
- 6) Where physical or cultural features, such as flood plains, are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections 1 through 5, the Board of Adjustment shall interpret the district with the assistance of the County Surveyor.



## **Section 7 Agricultural District – “A-1”**

### **701. Purpose**

To provide a district whose primary purpose is to maintain, conserve, and enhance agricultural lands and agricultural uses and to protect agriculture from unnecessary urban encroachment including scattered residential development.

All lands within this district are designated as a zone in which land is used for commercial agricultural production. Owners, residents, and other users of property in this zone or neighboring properties may be subjected to inconvenience or discomfort arising from normal and accepted agricultural practices and operations, including but not limited to noise, odors, dust, operation of machinery or any kind including aircraft, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of this property or neighboring properties should be prepared to accept such inconveniences or discomfort from normal agricultural operations, and are hereby put on official notice that this declaration may prevent them from obtaining a legal judgment against such normal agricultural operations.

### **702. Permitted Uses**

- 1) Field crops, specialty crops, vegetable gardens, nursery stock and tree farms, and sod.
- 2) Farm livestock and animal feedlots less than 1000 cumulative animal units; livestock products; domestic animals kept for use on the farm or raised for sale or profit; animals other than farm livestock raised for pelts, food, pleasure or sport; domestically raised fowl for food and pleasure; bees for honey and pollination purposes.
- 3) Parks, recreational areas, wildlife preserves, and forest and wetland management areas operated by a governmental agency.
- 4) Temporary or seasonal roadside stands with adequate off-street parking, not to exceed one stand per farm.
- 5) Single family dwellings, but not including residential subdivisions, and subject to the following additional standards unless the dwelling is built to replace an existing dwelling:
  - a) No more than one (1) dwelling unit shall be allowed per quarter of a quarter section of land.

- b) No more than four (4) dwelling units shall be allowed on a single side of a public road consisting of a length of one (1) mile, as measured from section corner to section corner.
  - c) No dwelling units shall be permitted on land which is enrolled in CRP, set aside acres, or some other income derived government program or has been historically farmed (tilled) or has generated farm income within five (5) years of the date of application for a building permit and is of soil classifications Class I-III soils as rated in the Steele County Soil Survey.
  - d) No dwelling units shall be permitted in areas classified as wetlands, floodplain, peat or such areas, and other areas of poor drainage.
  - e) No dwelling units shall be permitted which do not abut an existing public dedicated road or street.
  - f) No new dwelling units shall be located closer than 1000 feet to an existing registered animal feedlot. This standard does not apply to dwelling units for the owner of the feedlot.
- 6) Day care for a maximum of ten children in a single family residence.
  - 7) Essential public utilities service buildings not including storage yards.
  - 8) Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same property.

### **703. Interim Use Permits**

The following uses may be allowed as interim uses subject to the procedures set forth in Section 504 of this ordinance.

- 1) One (1) additional dwelling meeting the requirements of the Steele County Sanitary Ordinance, provided:
  - a) the occupants are involved in farm operations;
  - b) with the granting of the conditional use permit, a covenant must be placed on the deed declaring that the second dwelling will not be split off from the farm or from the first residence;
  - c) the permit applicant shall provide a signed statement identifying either the farming activity which requires additional farm workers or the health limitations of the owner, including a doctor's statement;
- 2) Mining and Gravel Extraction (Refer to Section 1524)

- 3) Temporary storage, crushing/recycling and processing of concrete and/or bituminous material.(Refer to Section 1524)

#### **704. Conditional Uses**

- 1) Agricultural Related Businesses.
- 2) Commercial outdoor recreation areas including private campgrounds, non-commercial recreational facilities, public and private clubs.
- 3) Commercial grain storage and drying.
- 4) Animal Feedlots 1000 cumulative animal units or greater in size and the expansion of existing feedlots located within (1) mile but at least one half (1/2) mile from an incorporated city boundary.
- 5) Transmission Towers. (See Section 1510)
- 6) Dog Kennels. (See Definition in Section 3)
- 7) Churches, temples, synagogues, cemeteries, schools.
- 8) Temporary housing for migratory or other farm workers.
- 9) Bed and Breakfast facility.
- 10) Demolition debris land disposal facility (which conforms to MPCA requirements).
- 11) Airports.
- 12) Home Occupations (See Section 1513).
- 13) General farm storage buildings not associated with or located on the same parcel as a farm dwelling.
- 14) Wind energy conversion systems (Refer to Section 1527).
- 15) Land improvement contractors.
- 16) Other similar uses as determined by the Planning Commission and the Steele County Board.
- 17) Supervised Living Facility.

## 705 Performance Standards

- 1) Lot Area Requirements
  - a) Lot area required shall be of sufficient size to provide for an adequate on-site sewage treatment system and one (1) alternate drainfield and an individual well for domestic water supply. In no instance shall this minimum lot size be less than two and one-half (2 ½) acres, exclusive of road right-of-way.
  - b) An increase in the minimum lot size shall be required if it is determined by the Zoning Administrator that additional area is needed to meet sanitary requirements or other regulations of Steele County.
- 2) Lot Width and Depth Regulations
  - a) Every lot shall have a minimum frontage width of 200 feet on a publicly dedicated road or highway as measured 100' from the centerline of the road and at the building setback line. This standard does not apply to the subdivision of existing building sites established before December 26, 1978.
  - b) Every lot shall have a minimum depth of 200 feet.
- 3) Height Regulations
  - a) Agricultural structures are exempt from height limitations unless they are located within the special airport zone.
  - b) Non-agricultural structures shall not exceed a height of thirty-five (35) feet.
- 4) Front Yard Regulations
  - a) There shall be a front yard setback of not less than one hundred (100) feet from all public dedicated road centerlines. Where highway safety and/or backslope easements are factors, the setback shall be determined by the Zoning Administrator, but it shall not be less than the above minimum.
  - b) No structure shall encroach closer than fifty (50) feet of a property line. In the instance of corner lots, there shall be two (2) front yard requirements along the side streets.
  - c) No structures other than agricultural buildings shall be located greater than 700 feet from the centerline of the public road it accesses.

- 5) Side Yard Regulations
  - a) There shall be a minimum building setback of twenty (20) feet from the side yard property line.
  - b) Lots of record sized less than one (1) acre and created prior to December 26, 1978 shall have a minimum building setback of ten (10) feet from the side yard property line.
- 6) Rear Yard Regulations
  - a) There shall be a minimum building setback of twenty (20) feet from the rear yard property line.
  - b) Lots of record sized less than one (1) acre and created prior to December 26, 1978 shall have a minimum building setback of ten (10) feet from the rear yard property line.
- 7) Driveway Regulations
  - a) There shall be a minimum driveway easement width of thirty-three (33) feet as measured at right angles to the public road.
- 8) Tree and Shrub Planting Regulations
  - a) Trees as defined by the USDA, planted in the district shall be planted not less than twenty-five (25) feet from road right-of-way or twenty (20) feet from any property line.
  - b) Shrubs as defined by the USDA, planted in the district shall be planted not less than twenty-five (25) feet from road right-of-way or ten (10) feet from property line.
- 9) General Regulations
  - a) Variance Exception. If a building addition does not further encroach upon a public road setback, no variance will be required.
  - b) Additional requirements for signs, parking, water supply and sewage disposal are set forth in Section 15.

## **Section 8 Interim Agricultural District – “A-2”**

### **801. Purpose**

The purpose of the A-2 District is to designate specific areas of the County that are in close proximity to incorporated urban centers, are experiencing development pressures, and where urban expansion is planned in accordance with adopted land use plans prepared by the County in coordination with land use plans prepared and adopted by the cities.

### **802. Permitted Uses**

All uses permitted in the Agricultural (A-1) District are permitted uses in this district with the following exceptions:

- 1) New feedlots and/or the expansion of an existing feedlot shall be prohibited.

### **803. Interim Use Permits.**

All uses allowed through the issuance of an interim use permit in the Agricultural (A-1) District shall also be allowed in this district.

### **804. Conditional Uses**

All uses allowed through the issuance of a conditional use permit in the Agricultural (A-1) District shall also be allowed in this district with the following exceptions:

- 1) New feedlots and/or the expansion of an existing feedlot shall be prohibited.

### **805. Performance Standards**

- 1) Lot Area Requirements
  - a) Lot area required shall be of sufficient size to provide for an adequate on-site sewage treatment system and one (1) alternate drainfield and an individual well for domestic water supply. In no instance shall this minimum lot size be less than two and one-half (2 ½) acres, exclusive of road right-of-way.
  - b) An increase in the minimum lot size shall be required if it is determined by the Zoning Administrator that additional area is needed to meet sanitary requirements or other regulations of Steele County.

- 2) Lot Width and Depth Regulations
  - a) Every lot shall have a minimum frontage width of 200 feet on a publicly dedicated road or highway as measured 100' from the centerline of the road and at the building setback line. This standard does not apply to the subdivision of existing building sites established before December 26, 1978.
  - b) Every lot shall have a minimum depth of 200 feet
- 3) Height Regulations
  - a) Agricultural structures are exempt from height limitations unless they are located within the special airport zone.
  - b) Non-agricultural structures shall not exceed a height of thirty-five (35) feet.
- 4) Front Yard Regulations
  - a) There shall be a front yard setback of not less than one hundred (100) feet from all public dedicated road centerlines. Where highway safety and/or backslope easements are factors, the setback shall be determined by the Zoning Administrator, but it shall not be less than the above minimum.
  - b) No structure shall encroach closer than fifty (50) feet of a property line. In the instance of corner lots, there shall be two (2) front yard requirements, one (1) along each street or road.
  - c) No structures other than agricultural buildings shall be located greater than 700 feet from the centerline of the public road it accesses.
- 5) Side Yard Regulations
  - a) There shall be a minimum building setback of twenty (20) feet from the side yard property line.
  - b) Lots of record sized less than one (1) acre and created prior December 26, 1978 shall have a minimum building setback of ten (10) feet from the side yard property line.

6) Rear Yard Regulations

- a) There shall be a minimum building setback of twenty (20) feet from the rear yard property line.
- b) Lots of record sized less than one (1) acre and created prior to December 26, 1978 shall have a minimum building setback of ten (10) feet from the rear yard property line.

7) Driveway Regulations

- a) There shall be a minimum driveway easement width of thirty-three (33) feet, as measured at right angles to the public road.

8) Tree and Shrub Planting Regulations

- a) Trees as defined by the USDA, planted in the district shall be planted not less than twenty-five (25) feet from the road right-of-way or twenty (20) feet from any property line.
- b) Shrubs as defined by the USDA, planted in the district shall be planted not less than twenty-five (25) feet from road right-of-way or ten (10) feet from property line.

9) General Regulations

- a) Variance Exception. If a building addition does not further encroach upon a public road setback, no variance will be required.
- b) Additional requirements for signs, parking, water supply, and sewage disposal are set forth in Section 15.



## **Section 9 Conservation District – “C”**

### **901. Purpose**

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.

### **902. Permitted Uses**

- 1) Harvesting of wild crops such as marsh grasses, hay, ferns, moss berries, tree fruit and seeds.
- 2) Hunting, fishing, and trapping.
- 3) Wildlife, fish and forest management.
- 4) Low impact recreation activities such as hiking.

### **903. Conditional Uses**

- 1) General farming and related accessory buildings.
- 2) Vegetable gardens or specialty crops.
- 3) Field crops.
- 4) Dairy Operations.
- 5) Non-publicly owned recreational facilities.

### **904. Performance Standards**

- 1) All standards specified in Section 704 for the Agricultural District shall apply.

## **Section 10 Single Family Residential District – “R-1”**

### **1001. Purpose**

The purpose of the Single Family Residential District is to provide for low density single family detached residential dwelling units and directly related, complimentary uses.

### **1002. Permitted Uses**

- 1) Single family dwellings.
- 2) Limited agriculture, farming, and truck gardening activities.
- 3) Public parks and playgrounds.
- 4) Golf courses.
- 5) Day care or foster care facility for a maximum of eight (8) children in a single family residence and which meets the licensure requirements of the State of Minnesota.
- 6) Home occupations.
- 7) Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same property.
- 8) Essential services.

### **1003. Conditional Uses**

- 1) Public or semi-public recreational buildings and community centers.
- 2) Bed and Breakfast facility.
- 3) Public or private schools.
- 4) Churches, chapels, temples and synagogues.
- 5) Day care facility for nine (9) or more children and which meets the licensure requirements of the State of Minnesota.

### **1004. Performance Standards**

- 1) Lot Area Regulations
  - a) The lot area required shall be of sufficient size to provide for an adequate on-site sewage treatment system, a well for domestic water supply, and meet all setback requirements of this Ordinance.

In no instance shall this minimum lot size be less than two and one-half (2 ½) acres, exclusive of road right-of-way.

- b) An increase in the minimum lot size shall be required if it is determined by the Zoning Administrator that additional area is needed to meet the regulations of this Ordinance and other regulations of Steele County.

2) Lot Width and Depth Regulations

- a) Every lot shall have a minimum width of 170 feet at the building setback line.
- b) Every lot shall have a minimum depth of 200 feet.

3) Height Regulations

- a) No building or structure shall exceed thirty-five (35) feet in height.

4) Front Yard Regulations

- a) There shall be a front yard setback of not less than twenty-five (25) feet from all public road rights-of-way. Where highway safety and/or backslope easements are factors, the setback shall be determined by the Zoning Administrator, but it shall not be less than the above minimum.
- b) No structure shall encroach closer than twenty-five (25) feet of property line. In the instance of corner lots, there shall be two (2) front yard requirements along the side streets.

5) Side Yard Regulations

- a) There shall be a minimum building setback of twenty (20) feet from the side yard property lines.
- b) For all lots of record sized less than one (1) acre and created prior to the effective date referenced in Section 404.02 in this Ordinance shall have a minimum building setback of ten (10) feet from the side yard property lines.

6) Rear Yard Regulations

- a) There shall be a minimum building setback of twenty (20) feet from the rear yard property line.

- b) For all lots of record sized less than one (1) acre and created prior to the effective date referenced in Section 404.02 in this Ordinance shall have a minimum building setback of ten (10) feet from the rear yard property line.
- 7) Driveway Regulations
  - a) There shall be a minimum driveway easement width of thirty-three (33) feet, as measured at right angles to the public road.
- 8) Tree or Shrub Planting Regulations
  - a) Trees or shrubs planted in this district shall be setback not less than fifteen (15) feet from the road right-of-way or ten (10) feet from the property line.
- 9) General Regulations
  - a) Variance Exception. If a building addition does not further encroach upon a public road setback, no variance will be required.
  - b) Additional requirements for signs, parking or other applicable standards are set forth in Section 15.

## **Section 11 High Density Residential – “R-2”**

### **1101. Purpose**

The purpose of the R-2 High Density Residential District is to provide for high density single family detached residential dwelling units and directly related complimentary uses.

### **1102. Permitted Uses**

- 1) Single family dwellings such as manufactured homes.
- 2) Public parks and playgrounds.
- 3) Storm shelter facility/community center.
- 4) Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same property.
- 5) Essential services.

### **1103. Conditional Uses**

- 1) Home Occupations.

### **1104. Performance Standards**

- 1) Lot Area Regulations
  - a) Each dwelling site shall contain at least five thousand (5,000) square feet of land area for the exclusive use of the occupant.
  - b) An increase in the minimum lot size shall be required if it is determined by the Zoning Administrator that additional area is needed to meet the regulations of this Ordinance and other regulations of Steele County.
- 2) Lot Width and Depth Regulations
  - a) Every lot shall have a minimum width of fifty (50) feet.
  - b) Every lot shall have a minimum depth of seventy-five (75) feet.
- 3) Lot Coverage Regulations
  - a) The land occupied by a dwelling shall not exceed fifty percent (50%) of the lot area.

- 4) Height Regulations
  - a) No building or structure shall exceed thirty-five (35) feet in height.
- 5) Setback Regulations
  - a) No structure shall encroach closer than ten (10) feet of front, side, or rear lot lines.
- 6) Driveway Regulations
  - a) Driveway and sidewalk needs shall not exceed one-half (1/2) the width of the site.
- 7) Parking Regulations
  - a) Each lot shall have two (2) off-street parking spaces.
  - b) Each parking space shall be a minimum of nine (9) feet by eighteen (18) feet.
  - c) No more than two (2) motor vehicles shall be stored or kept on any lot. No vehicle shall be dismantled; nor shall mechanical work be done on any motor vehicle on any lot except very minor repairs; nor shall any automotive vehicle that is not in an operable condition be parked, stored, or kept on any lot for a period exceeding seven (7) days.
- 8) Landscape Regulations
  - a) Each lot shall be landscaped with at least one (1) tree, hedge, grass, fence, or windbreak.
- 9) Additional Performance Standards  
(Refer to Section 15, Subdivision 1526)
- 10) General Regulations
  - a) Variance Exception. If a building addition does not further encroach upon a public road setback, no variance will be required.
  - b) Additional requirements are set forth in Section 1526.

## **Section 12 General Business District – “B”**

### **1201. Purpose**

The purpose of the “B” General Business District is to provide for the establishment of commercial and service activities which draw and serve customers from the area or region.

### **1202. Permitted Uses**

- 1) Television, radio, electrical appliance sales and such repair activities that are accessory to the retail establishments permitted in this district.
- 2) Showrooms of a plumber, decorator, or other trade similar to those listed.
- 3) Business services including banks, credit unions and other financial institutions, professional and commercial leased offices.
- 4) Clothing services including dry cleaning and laundry establishments, dressmaking and tailor shops, and shoe repair shops.
- 5) Personal services including barbershops and beauty shops.
- 6) Food services including grocery stores, fruit, vegetable and meat markets but not including sales from motorized vehicles, bakeries whose products are sold only at retail on the premises, restaurants, cafes, and taverns.
- 7) Retail sales including drug store, florist shop, hardware, dry goods store, furniture stores, off-sale liquor stores, or other business activity of the same general character.
- 8) Theatres.
- 9) Hotels and motels.
- 10) Essential Services.
- 11) Outdoor advertising (billboards), see 1202, 1(b) for lot size requirements.
- 12) Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same property.

### **1203. Conditional Uses**

- 1) Drive-in restaurants or other drive-in services.

- 2) Automobile services including auto equipment sales, new and used auto sales lots, motor fuel stations, and auto repair garages.
- 3) Product sales in or from moveable, motorized vehicles, trailers, or wagons.
- 4) Transmission towers.
- 5) Open air display areas for the sale of products such as garden furniture, hardware, nursery stock, or areas used to display rental equipment such as tools or trailers.
- 6) Any similar commercial establishment or professional service not specifically stated or implied elsewhere in this Section.
- 7) Churches.
- 8) Accessory structures and uses customarily incidental to any of the above conditional uses when located on the same property.

#### **1204. Performance Standards**

- 1) Lot Area Regulations
  - a) Lot area required shall be of sufficient size to provide for an adequate on-site sewage treatment system, a well for water supply, and adequate parking. In no instance shall this minimum lot size be less than two and one-half (2 ½) acres, exclusive of road right-of-way.
  - b) For Outdoor Advertising Structures, the required lot area shall be a minimum of 1,000 square feet. Billboards shall conform to the road right-of-way setbacks. Other district setbacks and performance standards shall apply only if the Zoning Administrator, Planning Commission, or County Board indicates a need for the standard.
  - c) An increase in the minimum lot size shall be required if it is determined by the Zoning Administrator that additional area is needed to meet the regulations of this Ordinance and other regulations of Steele County.
- 2) Height Regulations
  - a) No building or structure shall exceed forty-five (45) feet in height.



- 3) Front Yard Regulations
  - a) There shall be a front yard setback of not less than fifty (50) feet and not more than seven hundred (700) feet from all public road rights-of-way. Where highway safety and/or backslope easements are factors, the setback shall be determined by the Zoning Administrator, but it shall not be less than the above minimum or more than the above maximum.
  - b) No structure shall encroach closer than fifty (50) feet of a property line. In the instance of corner lots, there shall be two (2) front yard requirements along the side streets.
- 4) Side Yard Regulations
  - a) There shall be a minimum building setback of twenty (20) feet from the side yard property line.
- 5) Rear Yard Regulations
  - a) There shall be a minimum building setback of twenty (20) feet from the rear yard property line.
- 6) Lot Coverage Regulations
  - a) No more than forty percent (40%) of the lot area shall be covered or occupied by buildings or structures.
- 7) Driveway Regulations
  - a) There shall be a minimum driveway easement width of thirty-three (33) feet, as measured at right angles to the public road.
  - b) No driveway shall exceed a length of 700 feet.
- 8) Tree or Shrub Planting Regulations
  - a) Trees as defined by the USDA, planted in the district shall be planted not less than twenty-five (25) feet from the road right-of-way or twenty (20) feet from any property line.
  - b) Shrubs as defined by the USDA, planted in the district shall be planted not less than twenty-five (25) feet from road right-of-way or ten (10) feet from property line.
- 9) General Regulations
  - a) Variance Exception. A building addition that does not further encroach upon a public road setback does not require a variance.

- b) Additional requirements for signs, parking, or storage are set forth in Section 15.

## **Section 13 General Industrial District – “I”**

### **1301. Purpose**

The purpose of the “I” General Industrial District is to provide for the establishment of warehousing and general industrial development.

### **1302. Permitted Uses**

- 1) Farm implement sales and storage
- 2) Radio and television – assembly and parts fabrication.
- 3) Scientific research or testing laboratories, laboratory instruments and associated equipment.
- 4) Warehouses.
- 5) Governmental and public utility buildings and structures.
- 6) General manufacturing and fabrication facilities.
- 7) Machine shops, blacksmiths, welding, or other metal shops.
- 8) Lumber yards.
- 9) Transmission towers.
- 10) Contractor’s offices, shops and yards for plumbing, heating, glazing, painting, roofing, ventilating, air conditioning, masonry, electrical, and refrigeration.
- 11) Wholesale business facilities.
- 12) Fuel sales and storage.
- 13) Light manufacture, compounding and treatment of such products as bakery goods, candies, cosmetics, dairy products, food products, drugs, perfumes, pharmaceuticals, soap (cold mix only), and other toiletries.
- 14) Monument works.
- 15) Retail sales incidental to and in connection with the district’s permitted uses. These sales shall be conducted wholly within a building with a landscaped front yard and with side and rear yard used for loading, unloading, and parking. Visitor parking may be allowed in the front yard.

**1303. Conditional Uses**

- 1) Grain elevators and storage facilities.
- 2) Junk yards and used auto parts sales.

**1304. Storage of Materials**

- 1) All activities involving the manufacturing, fabricating, repairing, storing, cleaning, servicing, and testing of materials shall be within a completely enclosed building(s), or
- 2) May be outdoors if completely screened by a solid wall uniformly painted solid fence or suitable substitute at least eight (8) feet in height.
- 3) No open storage at a greater height than that of the screening element.
- 4) No storage of equipment or materials in road or street right-of-way.

**1305. Performance Regulations**

- 1) Lot Area Regulations
  - a) Lot area required shall be of sufficient size to meet all setback requirements, parking, loading, screening, sewage treatment, and other applicable regulations of this Ordinance. However, no lot less than two and one-half (2 ½) acres shall be allowed as a building site.
  - b) An increase in the minimum lot size shall be required if it is determined by the Zoning Administrator that additional area is needed to meet the regulations of this Ordinance and other regulations of Steele County.
- 2) Lot Width and Depth Regulations
  - a) Every lot shall have a minimum width of 200 feet at the building setback line.
  - b) Every lot shall have a minimum depth of 200 feet.
- 3) Height Regulations
  - a) No building or structure shall exceed thirty-five (35) feet in height.

- 4) Front Yard Regulations
  - a) There shall be a front yard setback of not less than fifty (50) feet from all public road rights-of-way. Where highway safety and/or backslope easements are factors, the setback shall be determined by the Zoning Administrator, but it shall not be less than the above minimum.
  - b) No structure shall encroach closer than fifty (50) feet of a property line. In the instance of corner lots, there shall be front yard requirements along each road.
- 5) Side Yard Regulations
  - a) There shall be a minimum building setback of twenty (20) feet from the side yard property lines except that no building shall be located within thirty (30) feet of any residential structure or district.
- 6) Rear Yard Regulations
  - a) There shall be a minimum building setback of thirty (30) feet from the rear yard property line.
- 7) Driveway Regulations
  - a) There shall be a minimum driveway easement width of thirty-three (33) feet, as measured at right angles to the public road.
- 8) Tree or Shrub Planting Regulations
  - a) Trees as defined by the USDA, planted in the district shall be planted not less than twenty-five (25) feet from the road right-of-way or twenty (20) feet from any property line.
  - b) Shrubs as defined by the USDA, planted in the district shall be planted not less than twenty-five (25) feet from road right-of-way or ten (10) feet from property line.
- 9) General Regulations
  - a) Variance Exception. A building addition that does not further encroach upon a public road setback does not require a variance.
  - b) Additional requirements for signs, parking, or storage are set forth in Section 15.

## **Section 14 Shoreland Overlay District – “S”**

### **1401. Statutory Authorization**

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

### **1402. General Provisions**

#### 1) Lands to Which this Section Applies

This section shall apply to all land designated as shoreland area within the jurisdiction of Steele County. This minimum area includes lands three hundred (300) feet landward from the ordinary high water level of all protected watercourses and 1,000 feet landward from the ordinary high water level of all protected water basins as identified on the Protected Waters and Wetlands Map and listed in Section 6 of this Ordinance.

#### 2) Compliance

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

#### 3) Interpretation

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

### **1403. Shoreland Overlay Regulations for Residential Structures**

#### 1403.01 – Purpose

To provide an overlay district to preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources.

#### 1403.02 – Permitted Uses

- 1) In the Agricultural (A-1) District the following uses are permitted:
  - a) Farm residence and general farm buildings

- b) Field crops, specialty crops, vegetable gardens, nursery stock and tree farms and sod
  - c) Farm livestock provided that animal feedlots shall not exceed ten (10) cumulative animal units (See table under Conditional Use Section); livestock products; domestic animals kept for use on the farm or raised for sale or profit; animals other than farm livestock raised for pelts, food, pleasure or sport; domestically raised fowl for food and pleasure; bees for honey and pollination purposes
  - d) Wildlife preserves, forest and wetland management areas
  - e) Temporary or seasonal road side stands with adequate off-street parking, not to exceed one (1) stand per farm
  - f) Single family non-farm dwellings but not including residential subdivisions and subject to the standards in Section 702, #6.
  - g) Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same property.
- 2) In the Interim Agricultural (A-2) District, the uses listed above under #1 are permitted, except #1, c.
- 3) In the Conservation (C) District, the following uses are permitted:
- a) Harvesting of wild crops such as marsh grasses, hay, ferns, moss berries, tree fruit and seeds
  - b) Hunting, fishing, and trapping
  - c) Wildlife, fish and forest management
  - d) Low impact recreation activities such as hiking
- 4) In the Single Family Residential (R-1) District, the following uses are permitted:
- a) Single family dwellings
  - b) Limited agriculture, farming, and truck gardening activities
  - c) Golf courses
  - d) Day care or foster care facility for a maximum of eight (8) children in a single family residence and which meets the licensure requirements of the State of Minnesota
  - e) Home occupations

- f) Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same property
- g) Essential services
- 5) In the High Density Residential (R-2) District, no uses are permitted.
- 6) In the General Business (B) and General Industrial (I) Districts, no uses are permitted.

1403.03 – Conditional Uses

- 1) In the Agricultural (A-1) District, the following uses are allowed provided a Conditional Use Permit is granted:
  - a) A parcel of thirty-five (35) acres or more complying with the ordinance requirements for a single family farm dwelling may be reduced in area to provide a dwelling site of not less than two and one-half (2 ½) acres and shall be considered a conforming parcel where an order is recorded on the title to the residual parcel identifying that parcel as an unbuildable site for residential purposes. This restriction shall remain with the land and shall apply to all subsequent subdivisions of the land.
  - b) One (1) additional farm dwelling meeting the requirements of Steele County Sanitary Ordinance and provided it meets the requirements listed under Section 703, #2.
  - c) Commercial outdoor recreation areas including private campgrounds, non-commercial recreational facilities, public and private clubs.
  - d) Animal feedlots greater than ten (10) cumulative animal units\* in size (\* The following standards for animal units shall be followed:)

	<u>Animal Units</u>
(1) Mature Dairy Cow	1.4
(1) Horse	1
(1) Slaughter Steer or Heifer	1
(1) Swine over 55 pounds	0.4
(1) Sheep or goat	0.1
(1) Swine under 55 pounds	0.05



	<u>Animal Units</u>
(1) Duck	0.02
(1) Turkey	0.018
(1) Chicken	0.01

For animals not listed above, the number of animal units shall be defined as the average weight of the animal divided by 1,000 pounds.

- e) Dog kennels (See Definition in Section 3)
  - f) Churches, temples, synagogues, cemeteries, schools
  - g) Bed and Breakfast facility
- 2) In the Interim Agricultural (A-2) District, the uses listed in #1 above are allowed following the granting of a Conditional Use Permit, except #1,d.
- 3) In the Conservation (C) District, the following uses are allowed provided a Conditional Use Permit is granted:
- a) General farming and related accessory buildings
  - b) Vegetable gardens or specialty crops
  - c) Field crops
  - d) Dairy operations
  - e) Non-publicly owned recreational facilities
- 4) In the Single Family Residential (R-1) District, the following uses are allowed provided a Conditional Use Permit is granted:
- a) Public or semipublic recreational buildings and community centers
  - b) Bed and Breakfast facility
  - c) Public or private schools
  - d) Churches, chapels, temples, and synagogues
  - e) Day care facility for nine (9) or more children and which meets the licensure requirements of the State of Minnesota

- f) Parks and playgrounds
- 5) In the High Density Residential (R-2) District, the following uses are allowed provided a Conditional Use Permit is granted:
  - a) Single family dwellings such as manufactured homes
  - b) Essential services
  - c) Home occupations
  - d) Parks and playgrounds
  - e) Storm shelter facility/community center
  - f) Accessory structures and uses customarily incidental to any of the above uses when located on the same property
- 6) In the General Business (B) District, the uses listed under Sections 1202 and 1203 are allowed provided a Conditional Use Permit is applied for and granted.
- 7) In the General Industrial (I) District, all industrial uses are prohibited in the Shoreland Area of all protected basins and along that portion of the Straight River classified as an Agricultural Stream. Along the Tributary Streams, those uses listed in Section 1302 are allowed, provided a Conditional Use Permits is applied for and granted.

1403.04 – Performance Standards

- 1) Lot Area and Width Standards
  - a) Lot Area for Lakes (in acres)

Structure Type	<u>Natural Environment</u>			
	Unsewered		Sewered	
	Riparian	Non-Riparian	Riparian	Non-Riparian
Single	2.5 acres	2.5 acres	2.5 acres	2.5 acres

Structure Type	<u>Recreational Development</u>							
	<u>R-1 District</u>				<u>All Other Districts</u>			
	Unsewered		Sewered		Unsewered		Sewered	
	Riparian	Non-Riparian	Riparian	Non-Riparian	Riparian	Non-Riparian	Riparian	Non-Riparian
Single	1 acre	1 acre	1 acre	1 acre	2.5 acres	2.5 acres	2.5 acres	2.5 acres

b) Lot Width for Lakes (in feet)

Natural Environment

Structure Type	Unsewered		Sewered	
	Riparian	Non-Riparian	Riparian	Non-Riparian
Single	200	200	200	200

Recreational Development

Structure Type	<u>R-1 District</u>				<u>All Other Districts</u>			
	Unsewered		Sewered		Unsewered		Sewered	
	Riparian	Non-Riparian	Riparian	Non-Riparian	Riparian	Non-Riparian	Riparian	Non-Riparian
Single	150	150	150	150	200	200	200	200

c) Lot Area for Rivers

The lot area will be as required for the underlying District.

d) Lot Width for Rivers by Classification (in feet)

<u>Structure Type</u>	<u>Agricultural</u>	<u>Sewered</u>	<u>Unsewered</u>
Single	200	200	200

2) Height Regulations

a) Refer to underlying District for applicable Standards

3) Front, Side and Rear Yard Setbacks

a) Refer to underlying District for applicable Standards.

b) Setbacks from Ordinary High Water Level

<u>Classes of Public Waters</u>	Setbacks (in feet)		<u>Sewage Treatment System</u>
	<u>Structures - Unsewered</u>	<u>Structures - Sewered</u>	

**Lakes**

Natural Environment	150	150	150
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<u>Classes of Public Waters</u>	Setbacks (in feet)		<u>Sewage Treatment System</u>
	<u>Structures - Unsewered</u>	<u>Structures - Sewered</u>	
Recreational Development	100	75	75
<b>Rivers</b>			
Agricultural and Tributary	100	50	75

c) Additional Structure Setbacks (in feet)

<u>Setback From</u>	<u>Setback</u>
1) Top of Bluff	30
2) Unplatted Cemetery	50
3) Road Right-of-Way	
a) All Districts except R-1	50
b) R-1 District	25
4) Ordinary High Water Level	
a) For one (1) Water-Oriented Accessory Structure	10
b) New Animal Feedlots	300

1403.05 – Placement of Structures on Lots

- 1) When more than one (1) setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.
- 2) Impact Zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
- 3) Uses Without Water-Oriented Needs. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

## 1403.06 – Design Criteria for Structures

- 1) High Water Elevations. Structures must be placed in accordance with any flood plain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood proofed must be determined as follows:
  - a) For lakes, by placing the lowest floor at a level at least three (3) feet above the highest known water level, or three (3) feet above the ordinary high water level, whichever is higher;
  - b) For rivers and streams, by placing the lowest floor at least three (3) feet above the flood of record, if data is available. If data is not available, by placing the lowest floor at least three (3) feet above the ordinary high water level or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with parts 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and
  - c) Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind driven waves and debris.
- 2) Water-Oriented Accessory Structures. Each lot may have one (1) water-oriented accessory structure not meeting the normal structure setback in this Section if this water-oriented accessory structure complies with the following provisions:
  - a) The structure or facility must not exceed ten (10) feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight (8) feet above grade at any point;
  - b) The setback of the structure or facility from the ordinary high water level must be at least ten (10) feet;
  - c) The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;

- d) The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area;
  - e) The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.
- 3) Stairways, Lifts and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
- a) Stairways and lifts must not exceed four (4) feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;
  - b) Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for commercial properties, public open space recreational properties;
  - c) Canopies or roofs are not allowed on stairways, lifts, or landings;
  - d) Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
  - e) Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub-items (a) to (d) are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340; and
  - f) Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water, assuming summer, leaf-on conditions, whenever practical.
- 4) Significant Historic Sites. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.
- 5) Slopes. The Zoning Administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads,

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

1403.07 – Additional Special Provisions

- 1) Lots intended as controlled accesses to public waters or as recreation areas for use by owners of non-riparian lots within subdivisions are permissible and must meet or exceed the following standards;
  - a) They must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.
  - b) If docking, mooring, or over water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six (6), consistent with the following table:

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

- c) They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of non-riparian lots in the subdivision who are provided riparian access rights on the access lot; and
  - d) Covenants or other equally effective legal instruments must be developed that specify which owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the non-significant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be

parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

#### **1404. Shoreland Alterations**

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

##### 1404.01 – Vegetation Alterations

- 1) Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas as regulated elsewhere in this Ordinance are exempt from the vegetation alteration standards that follow.
- 2) Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Section 1407 is allowed subject to the following standards:
  - a) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowed as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.
  - b) In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
    - i. the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
    - ii. along rivers, existing shading of water surfaces is preserved; and;



- iii. the above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.
- c) Use of fertilizer and pesticides in the Shoreland Management District must be done in such a way as to minimize runoff into the shore impact zone or public water by the use of earth, vegetation, or both.

#### 1404.02 – Topographic Alterations/Grading and Filling

- 1) Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.
- 2) Public roads and parking areas are regulated by Section 1405 of this Ordinance.
- 3) Notwithstanding items 1 and 2 above, a grading and filling permit will be required for:
  - a) the movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and
  - b) the movement of more than fifty (50) cubic yards of material outside of steep slopes and shore and bluff impact zones.
- 4) The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:
  - a) Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland\*:
    - i. sediment and pollutant trapping retention;
    - ii. storage of surface run-off to prevent or reduce flood damage;
    - iii. fish and wildlife habitat;
    - iv. recreational use;

- v. shoreline or bank stabilization; and
- vi. noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

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

- b) Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.
- c) Mulches or similar materials must be used, where necessary, for temporary bare soil coverage and a permanent vegetation cover must be established as soon as possible.
- d) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
- e) Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service.
- f) Fill or excavated material must not be placed in a manner that creates an unstable slope.
- g) Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of thirty percent (30%) or greater.
- h) Fill or excavated material must not be placed in bluff impact zones.
- i) Any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner under Minnesota Statutes, Section 103G-245.
- j) Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
- k) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the

finished slope does not exceed three (3) feet horizontal to one (1) foot vertical, the landward extent of the riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three (3) feet.

- 5) Connections to Public Waters. Permits for excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the Commissioner has approved the proposed connection to public waters.

#### **1405. Placement and Design of Roads, Driveways and Parking Areas**

- 1) Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
- 2) Roads, driveways and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas and must be designed to minimize adverse impacts.
- 3) Public and private watercraft access ramps, approach roads, and access related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Section 1404.02 of this Ordinance must be met.

#### **1406. Stormwater Management**

The following general and specific standards shall apply:

##### **1406.01 – General Standards**

- 1) When possible, existing natural drainage ways, wetlands and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater run-off before discharge to public waters.
- 2) Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, run-off velocities, erosion potential, and reduce and delay run-off volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.

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

#### 1406.02 – Specific Standards

- 1) Impervious surface coverage of lots must not exceed twenty-five percent (25%) of the lot area.
- 2) When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guides of the local soil and water conservation districts.
- 3) New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

### **1407. Special Provisions for Commercial, Industrial, Public or Semipublic, Agricultural, Forestry and Extractive Uses and Mining of Metallic Minerals and Peat**

#### 1407.01 – Standards for Commercial, Industrial, Public and Semipublic Uses

- 1) Surface water oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water oriented needs must meet the following standards:
  - a) In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this Ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.
  - b) Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.
  - c) Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following standards:

- i. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff.
  - ii. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten (10) feet above the ground, and must not exceed thirty-two (32) square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters.
  - iii. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.
- 2) Uses without water oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

#### 1407.02 – Agriculture Use Standards

- 1) General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in perennial vegetation or operated under an approved conservation plan that includes alternative riparian water quality practices consistent with the field office technical guides of the local soil and water conservation district or the Natural Resource Conservation Service and as approved by the local soil and water conservation district.
- 2) The shore impact zone for parcels with permitted agricultural land uses is an area with a 50-foot average width and a 30-foot minimum width, as measured from the ordinary high water level if identified, or the top

or crown of bank or normal water level as provided in Minnesota Statutes, section 103F.48, subd. 3(c), whichever is applicable.

- 3) Animal feedlots, in addition to being required to meet all standards in Minnesota Rules, Chapter 7020, must meet the following standards:
  - a) New animal feedlots are a prohibited use in any shoreland or flood plain area of Steele County. No new animal feedlots are allowed to locate within any bluff impact zone.
  - b) Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.

#### 1407.03 – Forest Management Standards

The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management “Best Management Practices in Minnesota”.

#### 1407.04 – Extractive Use Standards

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

#### 1407.05 – Mining of Metallic Minerals and Peat

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

### **1408. Conditional Uses**

Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional

uses established countywide. The following additional evaluation criteria and conditions apply within shoreland areas:

#### 1408.01 – Evaluation Criteria

A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be made to ensure:

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

#### 1408.02 – Conditions Attached to Conditional Permits

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

- 1) increased setbacks from the ordinary high water level;
- 2) limitation on the natural vegetation to be removed or the requirement that additional vegetation be planted; and
- 3) special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

### **1409. Water Supply and Sewage Treatment**

#### 1409.01 – Water Supply

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

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

#### 1409.02 – Sewage Treatment

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

- 1) Publicly owned sewer systems must be used where available.
- 2) All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document titled "Individual Sewage Treatment Systems Standards, Chapter 7080", a copy of which is hereby adopted by reference and declared to be a part of this Ordinance.
- 3) On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in Section 1403 of this Ordinance.
- 4) All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in sub-items (a) through (d). If the determination of a site's suitability cannot be made with publicly available information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.

##### Evaluation Criteria:

- a) Depth to the highest known or calculated ground water table or bedrock;
  - b) Soil conditions, properties, and permeability;
  - c) Slope; and
  - d) The existence of low lands, local surface depressions, and rock outcrops.
- 5) Non-conforming sewage treatment systems shall be regulated and upgraded in accordance with Section 1410.03 of this Ordinance.



## **1410. Non-Conformities**

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

### 1410.01 – Construction of Non-conforming Lots of Record

- 1) Lots of record in the office of the County Recorder on the date of enactment of local shoreland controls that do not meet the requirements of Section 1403 of this Ordinance may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this Ordinance are met.
- 2) A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance the Board of Adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
- 3) If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Section 1403 of this Ordinance, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Section 1403 of this Ordinance as much as possible.

### 1410.02 – Additions or Expansions to Non-conforming Structures

- 1) All additions or expansions to the outside dimensions of an existing non-conforming structure must meet the setback, height, and other requirements of Section 1403 of this Ordinance. Any deviation from these requirements must be authorized by a variance pursuant to Section 505.
- 2) Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:

- a) the structure existed on the date the structure setbacks were established;
- b) a thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
- c) the deck encroachment toward the ordinary high water level does not exceed fifteen percent (15%) of the existing setback of the structure from the ordinary high water level or does not encroach closer than thirty (30) feet, whichever is more restrictive; and
- d) the deck is constructed primarily of wood and is not roofed or screened.

#### 1410.03 – Non-conforming Sewage Treatment Systems

- 1) A sewage treatment system not meeting the requirements of Section 1409 of this Ordinance must be upgraded, at a minimum, any time a permit or variance of any type is required for any improvement on, or use of, the property.
- 2) The governing body of Steele County has by formal resolution notified the Commissioner of its program to identify non-conforming sewage treatment systems, which are located in the shoreland area. The withholding of building permit, variance, or rezoning applications will be done until an evaluation is conducted on an applicant's existing sewage treatment system. If a determination is made that the treatment system is nonconforming, the property owner will be required to bring said system into compliance within ninety (90) days or, if the ground is frozen and no evaluation can be done and no records exist for the particular system, the applicant will be required to establish an escrow account at a financial institution of his choosing at a dollar amount determined by the administrator of the Sanitation Ordinance. After the property owner brings the sewage treatment system into compliance, the County will undertake review of and consider the application for a building permit, variance, or rezoning.

The same process discussed above shall be enforced in the case of property transfers. Prior to the recording of a property transfer, the property owner will be required to obtain a "Septic System Evaluation" form from the Zoning Office. The owner shall be responsible for all costs associated with the evaluation and the upgrading of a non-compliant sewage treatment system, unless otherwise provided for in a written agreement between the seller

and buyer. A non-complaint treatment system shall be brought into compliance within ninety days (90) days following the evaluation. Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, Section 105.485, in effect at the time of installation, may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems, shall be considered non-conforming.

## **1411. Subdivision/Platting Provisions**

### 1411.01 – Land Suitability

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

### 1411.02 – Consistency with Other Controls

Subdivisions must conform to all official controls of this county. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with the County Sanitation Ordinance can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Section 1403, including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two (2) standard soil treatment systems. Lots that would require use of holding tanks must not be approved.

### 1411.03 – Information Requirements

Sufficient information must be submitted by the applicant for the County to make a determination of land suitability. The information shall include at least the following:

- 1) topographic contours at ten (10) foot intervals or less from United States Geological Survey Maps or more accurate sources, showing limiting size characteristics;
- 2) the surface water features required in Minnesota Statutes, Section 505.02, Subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;
- 3) adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
- 4) information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater run-off and erosion, both during and after construction activities;
- 5) location of 100 year flood plain areas and floodway districts from existing adopted maps or data; and
- 6) a line or contour representing the ordinary high water level, the “toe” and the “top” of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.

#### 1411.04 – Dedications

When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

#### 1411.05 – Platting

All subdivisions that create two (2) or more lots or parcels that are 2 ½ acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.

#### 1411.06 – Controlled Access or Recreational Lots

Lots intended as controlled accesses to public waters or for recreational use areas for use by non-riparian lots within a subdivision must meet or exceed the sizing criteria in Section 1403 of this Ordinance.

## **Section 15 General Regulations and Performance Standards**

### **1501. Parking**

#### 1501.01 – Application

All areas specified for parking shall conform to the provisions of this Section and any other applicable ordinance of Steele County.

#### 1501.02 – General Provisions

- 1) If, in the application of these provisions, a fractional number is obtained, one (1) parking space shall be provided for the fraction
- 2) 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 be permitted), nor shall the parking of automobiles belonging to the employees, owners, tenants or customers of nearby businesses or manufacturing establishments be allowed.
- 3) Required off street parking space shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable, for sale, or rent.
- 4) Parking shall not be allowed in areas not designated for off-street parking; loading spaces shall not be construed as supplying off-street parking space.
- 5) 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.
- 6) Whenever a use requiring off street parking is increased in floor area and such use is located in a building existing on or before the effective date of this Ordinance, additional parking space for the additional floor area shall be provided and maintained in amounts hereafter specified for that use.
- 7) For the purpose of this Section, "Floor Area", in the case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for services to the public as customers, patrons, clients or patients as tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise.

- 8) Where a use is not specifically mentioned, off street parking requirements shall be the same as for a similar use.
- 9) In instances of multi-use facilities, parking spaces shall be calculated based upon the different uses and then aggregated for the facility as a whole.

#### 1501.03 – Design Requirements

- 1) Each parking stall shall be not less than nine (9) feet wide and eighteen (18) feet in length, exclusive of access drives. All outside parking spaces shall be clearly marked.
- 2) In the determination of total gross area required to accommodate the number of required parking spaces, each space requires three hundred (300) square feet of standing and maneuvering area.
- 3) Parking areas shall be designed so as to provide adequate means of access to public streets. Such driveway access shall not exceed thirty (30) feet in width and shall be located as to cause the least interference with traffic movement.
- 4) 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 three (3) vehicles shall be exempt. Plans for surfacing and drainage shall be subject to approval of the Engineer.
- 5) All lighting used to illuminate an off street parking area shall be so arranged as to reflect the light away from adjoining property and rights-of-way.
- 6) 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.

#### 1501.04 – Location Requirements

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

- 1) spaces accessory to one family, two family, and multiple dwellings on the same lot as the principal use served;
- 2) spaces accessory to businesses and industries within 300 feet of a main entrance to the principal building served;

- 3) there shall be no off street parking space within ten (10) feet of any street right-of-way.
- 4) no off street open parking area containing more than four (4) parking spaces shall be located closer than fifteen (15) feet from an adjacent lot zoned or used for residential purposes;
- 5) 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 five (5) feet of an interior side lot line and to within eight (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 a conditional use permit; and
- 6) business and industrial off street parking spaces shall be twenty (20) feet from a property line.

**1501.05 – Required Off-Street Space**

Residential Dwellings	Two (2) spaces per unit
Churches, Theatres, Auditoriums, Mortuaries, and other assembly places	One (1) space per three (3) seats based on maximum capacity
Business and Professional Offices	One (1) space for each 200 sq. ft. of gross floor area
Hotel or Motel	One (1) space per rental unit plus one (1) space per full time employee
Schools	
a. Elementary and Junior High	Two (2) spaces for each classroom plus one (1) space per 200 students
b. High Schools	One (1) space for each 7 students based on design capacity plus two (2) spaces for each classroom.
c. Colleges	One (1) space for every car permitted to students by the college plus one (1) space for every 2 employees
Hospital, Sanitarium, Nursing Home, or other institution	One (1) space for every 2 beds plus one (1) space for every 3 employees plus one (1) space for each resident and staff doctor

Drive-in Food Establishment	One (1) space for every 15 sq. ft. of gross floor space in the building
Bowling Alley	Five (5) spaces for each alley, plus additional spaces as may be required herein for related uses such as a restaurant
Automobile Service Station	Four (4) spaces plus two (2) spaces per service stall
Retail Store	One (1) space for each 100 sq. ft. of gross floor area
Restaurants, Cafes, Bars, Taverns, and Night Clubs	One (1) space for each 3 seats based on capacity design
Wholesale, Auto Sales, Repair Shops	Three (3) spaces for each 1,000 sq. ft. of gross floor area
Open Sales Lots	Three (3) spaces for each 5,000 sq. ft. of lot area
Industrial, Manufacturing, or Warehousing	One (1) space for each 2 employees on maximum shift or one (1) space for each 500 sq. ft. of gross floor area, whichever is largest
Use Not Specifically Noted	As determined by the County Board following review by the Planning Commission

**1502. Loading and Unloading Areas**

**1502.01 – Design Requirements**

- 1) Unless otherwise specified, a required loading berth shall be not less than fifteen (15) feet in width, fifty (50) feet in length and fourteen (14) feet in height, exclusive of aisle and maneuvering space.
- 2) 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 two (2) street rights-of-way in a residential district. Loading berths shall not occupy the required front yard space.
- 3) All loading berths and access ways shall be improved with a durable material to control the dust and drainage.



- 4) Any space allocated as a loading berth or maneuvering area shall not be used for storage of goods, inoperable vehicles or be included as part of the space requirement necessary to meet the off street parking area.

1502.02 – Required Loading Spaces

Retail Sales, Service Stores	One (1) berth for each 6,000 sq. Ft. of floor area
Manufacturing, Processing, Warehousing	One (1) berth for each building having 3,000 sq. ft. of floor area, plus one (1) berth for each additional 25,000 sq. ft. of floor area up to 100,000 sq. ft., plus one (1) berth for each 50,000 sq. ft. of floor area over the first 100,000 sq. ft. of floor area
Uses Not Specifically Noted	As determined by the County Board following review by the Planning Commission

**1503. Access Driveways**

1503.01 – Application

- 1) The number of access driveways allowed onto a road and the required easement width shall conform to individual district standards, the following standards, or shall be determined by the County Engineer.

1503.02 – Design and Location Requirements

- 1) Access driveways may be located adjacent to property lines except that they shall not be placed closer than five (5) feet to any side or rear lot lines.
- 2) No more than four (4) access drives shall be allowed per one (1) mile of public road length, on a single side, as measured from section corner to section corner.
- 3) Access driveways shall be no less than 100 feet from the nearest edge of the rights-of-way at an intersection of two (2) roads or streets.
- 4) Access driveways shall be no less than twenty-five (25) feet from any other driveway.

- 5) Access driveways shall be no less than twelve (12) feet and no more than twenty-four (24) feet wide, unless other standards are recommended by the County Engineer and approved by the County Board.
- 6) Access driveways shall be improved to an established standard to accommodate access for emergency vehicles and shall be continuously maintained.
- 7) Field access drives shall be exempt from the above requirements.

#### **1504. Private Sewer and Water Systems**

##### 1504.01 – Private Sewer Systems

- 1) The location and installation of a septic tank and soil absorption system will conform to the Steele County Sanitary Ordinance.
- 2) The standards as found in Minnesota Pollution Control Agency's "Standards for Sewage Treatment", Chapter 7080 are hereby adopted by reference.
- 3) If there is any inconsistency between the standards found in this Ordinance and the state standards, or if the state standards are amended, the state standards as amended shall govern.
- 4) The connection to a city's municipal sewer system shall comply with all ordinances relating to the use of public sewers.

##### 1504.02 – Individual Water Systems

- 1) The installation and location of an individual well for domestic water supply shall conform to the Minnesota Department of Health standards which are hereby adopted by reference.

#### **1505. Nuisance Standards**

##### 1505.01 – Noise

Any use established will be operated so that any accompanying noise shall be muffled so as not to become objectionable due to interference, beat frequency, shrillness, or intensity. Noise generated by agricultural use shall be exempted.

### 1505.02 – 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.

### 1505.03 – Glare

Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be directed at or illuminate adjacent properties.

### 1505.04 – 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 to the degree that it is not detrimental to or shall endanger the public safety, health, comfort or general welfare.

## **1507. Fences and Screening**

### 1507.01 – General Provisions

- 1) In all districts where setbacks exist or are required, all developed uses shall provide a landscaped yard consisting of grass, decorative stones, shrubs, or trees along all streets or an approved fencing plan.
- 2) This yard shall be kept clear of all structures, storage and off street parking. Except for driveways, the yard shall extend along the entire frontage of the lot and along both streets in the case of a corner lot.

### 1507.02 – Fencing

- 1) 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 seventy-five percent (75%) opaque and shall not be less than five (5) feet nor more than six (6) feet in height, unless otherwise directed in this Ordinance or by the Planning Commission or County Board.

The fence shall not extend to within fifteen (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, twenty-five (25) feet from the street right-of-way with landscaping, between the screening and the pavement.

- 2) Fences over four (4) feet in height and with a security arm for barbed wire shall be permitted when needed for security reasons, as approved by the Zoning Administrator. Other fences shall require a Conditional Use Permit, unless such fencing is shown and described in a permit application for a project. Fencing shall be disregarded for the purpose of setback requirements.

#### 1507.03 – Residential Fences

- 1) Fences may be located on any lot line to a height of 3 ½ feet and a fence up to six (6) feet in height may be erected behind the nearest rear corner of the principal building.
- 2) Should the rear lot line be in 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 ½ feet.

#### 1507.04 – Vegetative Screening

- 1) Required screening may consist of trees, shrubs, and berms, but shall not extend to within fifteen (15) feet of any street or driveway. The screening shall be placed along property lines, or in case of screening along a street, twenty-five (25) feet from the street right-of-way with landscaping between the screening and pavement. Planting of a type approved by the County Board may also be required in addition to or in lieu of fencing.
- 2) The vegetative screening area shall be maintained in an attractive condition at all times.

#### **1508. Junk or Auto Salvage Yards**

No junk yard or auto salvage yard may continue as a non-conforming use for more than one (1) year after the effective date of this Ordinance, except that they may continue as a conditional use in an industrial district by applying for and receiving an approved conditional use permit.

### 1508.01 – Performance Standards

- 1) This use must be completely enclosed within a building or must be completely screened by a fence or by the planting of trees or shrubs.
- 2) If the use is screened by a fence, the standards of Section 1307 shall apply except for the fence height which shall be no less than eight (8) feet in height.
- 3) If the use is screened by vegetation, three (3) rows of trees or shrubs shall be planted in such a manner as to maximize the screening ability of the plants. The minimum height of the vegetation shall be four (4) feet. An alternate vegetation screening plan will also be acceptable if prepared in conjunction with the county soil conservation service.
- 4) All present and future junk or auto salvage yards shall be setback five hundred (500) feet from any adjoining property owners and four hundred (400) feet from any road right-of-way.
- 5) The number of junk or auto salvage yards in Steele County shall be limited to a maximum of five (5).

### **1509. Essential Services**

#### 1509.01 – Filing Requirements

Essential services have an effect upon urbanized areas of the county, can impact locational decisions for a variety of other uses, as well as have an impact upon county natural resources. Therefore, prior to the location of such service, the County will require the following information to be filed with the Zoning Administrator prior to any condemnation activities or construction:

- 1) For such facilities, the owner shall file with the County Engineer such maps indicating the location, alignment, and type of service proposed as shall be requested.
- 2) If deemed necessary by the County Engineer, the maps and accompanying data may be submitted to the County Planning Commission for review and recommendations regarding the relationship to urban growth, land uses, highways, and recreation and park areas.
- 3) Following such review, when deemed necessary, or when requested by the County Board, the Planning Commission shall make a report of its findings and recommendations on the proposed essential services and file such report with the County Board.

- 4) Upon receipt of the report of the Planning Commission, the Board of County Commissioners shall consider the maps and accompanying data and shall indicate to the owner its approval or modifications considered desirable under this Ordinance.
- 5) Recognizing the need for adequate and timely service by public utilities, the County shall act upon information filings within forty-five (45) days of receipt by the County Engineer.

#### 1509.02 – Setback Requirements

- 1) Essential service structures such as electric substations or gas regulator stations shall be located fifty (50) feet or more from any residential lot line.

### **1510. Radio and Transmission Towers**

#### 1510.01 – Filing Requirements

Prior to the location of any tower in the county, the owner shall file a Conditional Use Permit application with the Zoning Administrator along with the following informational requirements:

- 1) map indicating the site location, the location and identification of adjacent property owners out to ¼ mile from the tower site, and the location of all structures within that ¼ mile;
- 2) dimension specifications of the proposed tower(s);
- 3) copy of FCC Approvals License; and
- 4) FAA approvals.

#### 1510.02 – Setback Requirements

- 1) Towers shall meet all structure setbacks, plus
- 2) For every ten (10) feet in excess of double the height restriction in each district, an additional five (5) feet of setback shall be applied to each tower.

## **1511. Height and Yard Requirements, Exceptions, and Modifications**

### 1511.01 – Height Regulations

- 1) Height limitations set forth elsewhere in this Ordinance may be increased with no limitation when applied to the following;
  - a) monuments;
  - b) flag poles;
  - c) cooling towers, chimneys, or smoke stacks;
  - d) grain elevators; and
  - e) water towers.
  
- 2) Height limitations set forth elsewhere in this Ordinance may be increased when applied to the following, but may also be subject to additional setbacks, as determined by the County Planning Commission or the County Board:
  - a) radio or transmission towers;
  - b) church spires, belfries or domes which do not contain useable space; and
  - c) windmills or other power generating towers.

### 1511.02 – Yard Requirements

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

- 1) 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.
  
- 2) On a corner lot, nothing shall be placed or allowed to grow in such a manner as to impede vision between a height of two (2) and ten (10) feet above the intersecting right-of-way lines within one hundred (100) feet of the intersecting centerlines.
  
- 3) In no event shall off-street parking structures cover more than twenty-five percent (25%) of the lot area.
  
- 4) 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 not less than two (2) feet from any lot line.

- 5) The following shall not be considered to be encroachments on yard requirements:
  - a) 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 ½ feet, off-street parking except as hereafter regulated.
  - b) yard lights and nameplate signs for one and two family dwellings, light for illuminating parking areas, loading areas or yards for safety and security purposes may be located within five (5) feet of the front lot line;
  - c) fences which do not exceed 3 ½ 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 two (2) feet from any lot line; and
  - d) within side or rear yards – bays not to exceed a depth of two (2) feet nor to contain an area of more than twenty (20) square feet, fire escapes not to exceed a width of three (3) feet, fences and walls not to exceed a height of six (6) feet above grade and open off street parking for three (3) or fewer vehicles may be located to within five (5) feet of the lot line.
- 6) Through lots shall have a required front yard on each street.

#### **1512. Traffic Control and Visibility Standards**

- 1) Traffic Control. The traffic generated by any use shall be controlled in a manner that will avoid congestion on public streets, safety hazards, or excessive traffic through residential areas.
- 2) Pavement and Turning Standards. No building permit shall be issued unless the property on which a building or structure will be erected has immediate and adequate access to a street or roadway which is at least sixty-six (66) feet in width and which has a graded traveled portion at least twenty-four (24) feet in width, covered with gravel at least three (3) inches in depth, and unless the street or roadway is connected with other existing streets and roadways. If a street or roadway deadends, provision shall be made for a turn-around of sufficient diameter so as to permit road maintenance equipment to turn around without backing up.
- 3) For any intersection with some form of traffic control, there shall be no obstruction to traffic visibility within the clear sight triangle which is formed by the intersection of the center line of two (2) intersecting



streets and a straight line joining the two (2) said centerlines at points one hundred (100) feet distance from their point of intersection. All obstructions must also conform to the side yard setback requirements.

### **1513. Home Occupations**

Home Occupations shall be subject to the following standards:

- 1) Not more than twenty-five percent (25%) of the total floor area of the dwelling shall be used for this purpose.
- 2) Only articles made or originating on the premises shall be sold on the premises, unless such articles are incidental to permitted commercial service.
- 3) No articles for sale shall be displayed so as to be visible from any street.
- 4) The occupation is to be conducted solely by members of the household residing on the premises.
- 5) No mechanical or electrical equipment is used if the operation of such equipment interferes unreasonably with the desired quiet residential environment of the neighborhood or if the health and safety of the residents are endangered.
- 6) No outside storage of material or equipment or display of merchandise shall be allowed.
- 7) Conducting of the home occupation shall not require substantial interior or exterior alterations of the dwelling.
- 8) No sign shall be allowed other than one (1) non-illuminated name plate measuring not more than two (2) by three (3) feet or a total of six (6) square feet in area and attached near the building entrance.
- 9) The home occupations shall conform to the standards of the State Fire Code and any other applicable codes.

### **1514. Signs**

One (1) on premise sign is a permitted accessory use in all districts and subject to the following regulations.

#### 1514.01 – General Provisions

- 1) 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.
- 2) There shall be no more than one (1) temporary sign per business on any lot and such sign shall not exceed twenty-five (25) square feet in size.
- 3) All signs shall be set back from the right-of-way of public roads not less than one (1) foot. No permit shall be granted for any sign regardless of location except upon the condition that it will be removed at no expense or claim of damage to any governmental unit should the improvement thereof be necessary to the reasonable construction, reconstruction or relocation of any public roadway or easements necessary thereof.
- 4) Private signs, other than warning signs posted by public utilities, are prohibited within public rights-of-way or easements.
- 5) No sign in excess of six (6) square feet shall be less than three hundred (300) feet from the intersection of two (2) or more public roads or less than three hundred (300) feet from the intersection of a public road and a railroad unless the sign can be affixed to or located adjacent to a building at the intersection in such a manner so as not to cause any greater obstruction of vision than that caused by the building itself.

#### 1514.02 – Prohibited Signs

- 1) Illuminated signs giving off an intermittent or rotating beam of light shall be prohibited.
- 2) Except with industry, signs shall not be painted directly on the outside wall of a building.
- 3) 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.

#### 1514.03 – Permitted Signs with Additional Requirements

- 1) Illuminated signs that are permitted are subject to the following conditions:

- a) Animated signs with approved intensity and location will require a conditional use permit.
  - b) Exposed incandescent lamps with an internal metallic reflector are prohibited;
  - c) Exposed incandescent lamps with an external reflector are prohibited;
  - d) Lighting systems owned or controlled by any public agency, for the purpose of directing or controlling navigation, traffic, or for highway or street illumination shall be permitted;
  - e) External lights on an indirectly illuminated sign shall be shielded to prevent beams or rays from being directed at any portion of the public right-of-way or adjoining property.
- 2) For the purpose of selling, renting or leasing a single parcel, a sign not in excess of twenty-five (25) square feet per surface may be placed within the front yard.
  - 3) For the purpose of selling or promoting a residential project, commercial area, or an industrial area, one (1) sign not to exceed 240 square feet of surface may be erected upon the project site.
  - 4) Election signs are permitted in all districts provided such signs are removed within ten (10) days following the election as related to by the sign. No election sign shall be permitted more than two (2) months preceding the election the sign relates to.
  - 5) Signs Permitted with Business. Signs which advertise goods or services made and/or sold on a businesses' premises shall conform to all setback requirements and shall not exceed two (2) times the linear footage of the building's lot frontage, except that the combined signage size shall not exceed two hundred fifty (250) square feet, be limited to two (2) signs and be located within the lot which contains the business. No sign shall exceed fifty (50) feet in height.
  - 6) Signs Permitted with Industries. The gross area in square feet of all business signs on a zoning lot shall not exceed two (2) times the lineal feet of frontage on such zoning lot. The total number of business signs shall not exceed three (3) in number of which not more than two (2) shall be freestanding. No single business sign area shall exceed two hundred (200) square feet. The total business sign area on the zoning lot shall not exceed four hundred (400) square feet. No sign shall exceed thirty (30) feet in height.

7) Signs Permitted with Residences.

- a) One (1) nameplate sign for each dwelling not to exceed two (2) square feet in area per surface and no sign shall be so constructed as to have more than two (2) surfaces;
- b) One (1) nameplate sign for each dwelling group of six (6) or more units. Such sign is not to exceed six (6) square feet in area per surface and no sign shall be so constructed as to have more than two (2) surfaces;
- c) One (1) nameplate sign for each permitted non-residential use or use by conditional permit. Such signs shall not exceed twelve (12) square feet in area per surface and no sign shall be so constructed as to have more than two (2) surfaces;
- d) Symbols, statues, sculptures and integrated architectural features on building may be illuminated by floodlights provided the source of light is not visible from a public right-of-way or adjacent property.
- e) Any sign over one half (1/2) square foot shall be setback at least ten (10) feet from any property line. No sign shall exceed ten (10) feet in height above the average grade level. Signs may be illuminated but such lighting shall be diffused or indirect and not illuminate beyond any lot line.

1514.04 – Advertising Signs (Off Premises)

- 1) Advertising signs are a permitted use in all Business and Industrial Districts, providing the aggregate square footage is not more than six hundred fifty (650) square feet nor less than one hundred sixty (160) square feet along freeways, expressways, and interstates. On other public roads and highways, the aggregate square footage shall be no more than six hundred fifty (650) square feet nor less than thirty-two (32) square feet.
- 2) No advertising sign shall be located within five hundred (500) feet of national parks, state parks, local parks, historic sites, and public picnic or rest areas or within one hundred (100) feet of a church or school.
- 3) No advertising sign shall be located closer than five hundred (500) feet from any other advertising sign on the same side of an interstate highway, trunk highway, county road or township road in Business or Industrial Districts.

- 4) Advertising signs shall not exceed fifty (50) feet above the grade. (Grade refers to the elevation of the street's centerline closest to the sign.
- 5) One (1) off premises advertising sign shall be permitted per business provided it is located within five hundred (500) feet of the business access road; is located along a township or county road; is no more than six (6) square feet in size; and will not exceed five (5) feet in height above the grade of the road.

#### 1514.05 – Sign Removal

The applicant for a sign permit shall be deemed the owner and thus be responsible for the removal of the sign within six (6) months of its discontinued use.

### **1515. Public or Semipublic Use Standards**

#### 1515.01 – Public Use

- 1) Governmental and public utility buildings, structures, and land uses typically not considered industrial in nature are permitted in all districts provided:
  - a) structures meet all district setback requirements;
  - b) structures such as a waterworks shall be located fifty (50) feet or more from any residential lot line;
  - c) side yards shall not be less than thirty (30) feet;
  - d) screening and landscaping elements shall be provided for this use when abutting residential uses;
  - e) adequate off-street parking shall be provided following regulations set forth in Section 1501 of this Ordinance; and
  - f) adequate access points, off-street loading and service entrances to the site shall be provided.

#### 1515.02 – Semipublic Use

- 1) Semipublic recreational buildings, neighborhood or community centers, public or private educational institutions and religious institutions are subject to standards specified in each district as a permitted or conditional use and to the following:

- a) setbacks as provided by each district;
- b) side yards shall be no less than thirty (30) feet;
- c) screening and landscaping provisions shall be required on the site when abutting residential areas; and
- d) adequate access roads, off-street loading and service entrances shall be provided.

### **1516. Automobile Service Station Requirements**

In addition to the standards of the applicable district, the following requirements shall apply to automobile service stations that dispense fuel, as well as, repair shops or the sale of tires or batteries.

- 1) The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
- 2) For architectural purposes, each side of a motor fuel station shall be considered as a front face.
- 3) The storage of items for sale outside the principal building shall be displayed in specially designed containers.
- 4) All trash, waste materials, and obsolete parts shall be stored within a separate enclosure.
- 5) All goods for sale, other than those required for the operation and maintenance of motor vehicles shall be displayed within the principal structure.
- 6) No sales of motor vehicles or trailers or campers shall be permitted.
- 7) All rental campers, trailers, or motor vehicles shall be stored within the rear and/or side yard, but not adjacent to a public road.
- 8) Provisions are made to control and reduce noise.
- 9) Parking areas and car storage space shall be screened from view of abutting residential districts.

- 10) A minimum fifteen (15) foot landscaped yard shall be planted and maintained behind all property lines except at driveway entrances.
- 11) The entire site other than that taken up by a building, structure or plantings shall be surfaced with a material to control dust and drainage which is subject to the approval of the County Engineer.
- 12) The lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent land in residential use or from the public right-of-way.
- 13) Wherever fuel pumps are to be installed, pump islands shall be installed.
- 14) If a floor drain is installed in the area of the building in which service or maintenance is performed on motorized vehicles, that drain shall be connected to a holding tank.
- 15) The total height of any overhead canopy or weather protection shall not exceed twenty (20) feet.
- 16) Motor fuel stations and truck stops shall have no more than two (2) pedestal type business identification signs not to exceed thirty (30) feet in height erected within any yard except that no part of said sign shall be less than six (6) feet from a property line measured as a horizontal distance. Said sign shall have no more than two (2) faces and shall not exceed more than one hundred (100) square feet per face. No part of said sign surface shall be less than sixteen (16) feet vertical distance from the grade of the nearest driveway or parking area. The pedestal shall not be less than five (5) feet from a driveway at its nearest point.
- 17) Motor fuel stations may have two (2) accessory signs. Said signs shall have no more than two (2) faces per sign and shall not exceed more than thirty (30) square feet per face. The top of said sign shall not be more than twenty (20) feet in height from the grade of the nearest driveway or parking area.

## **1517. Drive-In Establishments**

### **1517.01 – Location Requirements**

- 1) No drive-in businesses shall be located within five hundred (500) feet of a school or church.

- 2) No drive-in shall be located within three hundred (300) feet of any residentially zoned property.
- 3) No drive-in shall be located on any street other than a thoroughfare or business service road.
- 4) No access drive shall be within fifty (50) feet of intersecting street right-of-way lines.

#### 1517.02 – Site Requirements

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

#### 1517.03 – General Provisions

- 1) The architectural appearance and functional plan of the building and site shall not be dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
- 2) At the boundaries of a residential district, a strip of not less than five (5) feet shall be landscaped and screened.
- 3) Each light standard island and all islands in the parking lot shall be landscaped or covered.
- 4) Parking areas shall be screened from view of abutting residential districts.
- 5) Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements, and shall be subject to the approval of the County Engineer.



- 6) All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence.
- 7) The entire area shall have a drainage system which is subject to the approval of the County Engineer.
- 8) The entire area, other than that occupied by buildings or structures or plantings, shall be surfaced with a material which will control dust and drainage and which is subject to the approval of the County Engineer.

### **1518. 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, 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 twenty (20) feet in length, are permissible if stored in the rear yard provided they are setback a minimum of ten (10) feet from any property line. Existing uses shall comply with this provision within twelve (12) months of the effective date of this Ordinance.

#### 1518.01 – Storage as an Accessory Use to Sales

When the storage of products or goods is required for a sales, service, or rental business activity, then the following requirements apply.

- 1) The area is screened from view of neighboring residential uses or “R” District.
- 2) Storage is screened from view from the public right-of-way.
- 3) Storage area is grassed or surfaced to control dust.
- 4) All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences.

#### 1518.02 – Bulk Storage (Liquid)

- 1) 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.

- 2) Above ground liquid storage tanks having a capacity in excess of 12,000 gallons shall require a conditional use permit and shall file said permit and information requirements as specified in Section 504 of this Ordinance.

### **1519. Recreational or Travel Vehicle Campsite Standards**

This use shall conform to all district standards in which it is located and shall also be subject to the following:

- 1) The site must be served by a major or arterial street capable of accommodating traffic which will be generated.
- 2) All driveways and parking areas are surfaced to control dust.
- 3) Plans for utilities and waste disposal shall be reviewed by the County Planning Commission and shall be subject to this approval and all applicable requirements of the State Pollution Control Agency and the Minnesota Department of Health.
- 4) Not more than five percent (5%) of the land area of the site be covered by buildings or structures.
- 5) The location of such use be at minimum one hundred (100) feet from any abutting residential use district; and
- 6) All signage informational or visual communication devices shall not impact adjoining or surrounding residential uses.

### **1520. Outdoor Recreational Areas**

Uses such as golf courses, gun clubs, country clubs, and similar facilities shall conform to all district standards in which it is located and to the following:

- 1) No more than five percent (5%) of the land area of the site be covered by buildings or structures.
- 2) When abutting a residential use or district, the property must be screened and landscaped.
- 3) These uses must conform to the Minnesota Environmental Quality Board rules regarding the preparation of EAWs when applicable.

### **1521. Commercial Riding Stables and Dog Kennels**

- 1) The land area of the property containing such use or activity meets the minimum established for the district.
- 2) All applicable requirements of the Minnesota Pollution Control Agency and the Department of Agriculture and the Minnesota Board of Veterinary Health.

### **1522. Woodland Preservation**

The following restrictions shall apply to all development occurring in wooded areas.

- 1) Structures shall be located in such a manner that the maximum number of trees shall be preserved.
- 2) Prior to the granting of a building permit, it shall be the duty of the person seeking the permit to demonstrate that there are no feasible or prudent alternatives to the cutting of trees on the site.
- 3) Forestation, reforestation or landscaping shall utilize a variety of tree species and shall not utilize any species presently under disease epidemic. Species planted shall be hardy under local conditions and compatible with the local landscape.
- 4) Development including grading and contouring shall take place in such a manner that the root zone aeration stability of existing trees shall not be adversely affected.
- 5) Notwithstanding the above, the removal of trees seriously damaged by storms or other natural causes or diseased trees shall not be prohibited.
- 6) Residential development on a wooded lot shall not disturb or remove more than ten percent (10%) or ½ acre of the healthy trees for the building pad, out buildings, driveway, septic system, or firebreak wall or for any other purpose.
- 7) Where trees are to be removed, the developer shall prepare a tree-planting plan to be approved by the Zoning Administrator. Said plan shall be implemented as practical for the season before an occupancy permit is issued.
- 8) Prior to the harvesting of timber, a property owner shall prepare a harvesting plan that will include the following harvesting elements:

felling, forwarding, sorting, loading, and the development of skid trails and landings.

Environmental considerations should include soils types, terrain grades, potential impacts upon ground water and surface water features. A reforestation plan shall also be prepared. Both plans shall be submitted for review to the Zoning Administrator prior to harvesting activities. In lieu of preparing one's own plan, a property owner could request the DNR to prepare said plan.

### **1523. Erosion and Sediment Control**

It is the policy of Steele County to provide for the conservation of the soil and water resources of the county and for the prevention and control of accelerated soil erosion and sediment damage to our land, water, and other natural resources. This subdivision is intended to encourage and enforce the use of land in accordance with its capabilities; to treat it according to its needs; to prevent degradation of lands, streams, and rivers; and to protect and promote the health, safety, and general welfare of the people.

#### 1523.01 – Use Standards

1) Agriculture

Any agricultural use will be in compliance with this Ordinance if the property owner or property user has in effect an (1) approved soil conservation plan which has been prepared in conjunction with the Steele County Soil Conservation Service; the land has no (2) rills, gullies, or sediment deposits located in the owner's fields; or (3) sediment deposits in adjoining property boundaries.

2) Woodlands

Any use of woodlands shall be done in such a way as to prevent any accelerated erosion or sedimentation. An owner or user of woodlands shall observe the State of Minnesota's Forest Best Management Practices.

3) Construction or Subdivision Activities

Any construction or subdivision plan for an area that will disturb more than 10,000 square feet shall be required to prepare and implement an erosion control plan which shall address the handling and treatment of stormwater. The plans shall conform to the standards referenced in the State of Minnesota's Best Management Practices for Minnesota

manual entitled "Protecting Water Quality in Urban Areas" dated October 1989 or the most recent version.

**1523.02 – Erosion and Sediment Control Plan**

- 1) An applicant required to prepare an erosion control plan shall indicate the type and location of control measures to be employed both during and after construction or grading of the site.
- 2) One (1) copy of the plan shall be forwarded to the Steele County Soil Conservation Service for review and comment.
- 3) The plan shall be forwarded to the Zoning Administration and the County Board for approval.

**1523.03 – Standards**

- 1) No development or land alteration shall be permitted on slopes of eighteen percent (18%) or more.
- 2) Development activities shall be conducted and staged to minimize soil erosion; the smallest practical increment of land shall be developed at any one time and that increment shall be subjected to erosion for the shortest practical period of time, not to exceed a single construction season.
- 3) Sufficient control measures and retention facilities shall be put in place prior to commencement of each development increment to limit gross soil loss from the development site to no more than five (5) tons per acre per year during development. Gross soil loss from construction sites and adjacent to streams and lakes shall not exceed two (2) tons per acre per year.
- 4) During construction, wetlands and other water bodies shall not be used as sediment traps.
- 5) Conditions on the site will be stabilized within thirty (30) days following completion of the work such that the yearly gross soil loss from the site will be less than 0.5 tons per acre.

**1524. Extraction of Minerals and Materials, Open Pits and the Impounding of Waters**

### 1524.01 – Definition

Excavation shall mean any artificial excavation of the earth within the county which is dug, excavated, or made by the removal from the natural surface of the earth of soil, sand, gravel, stone or other matter or made by tunneling or breaking or undermining the surface of the earth. Excavations ancillary to other construction of any installation erected or to be erected, built or placed thereon contemporaneously with or immediately following such excavation and covering or to cover such excavation when completed are excepted if a permit has been issued for such construction of essential services or a farming operation. Excavations which do not exceed five hundred (500) square feet of surface area or two (2) feet in depth and excavations including impounding of water for agricultural or public utility purposes are exempt.

### 1524.02 – Conditional Use Permit Required

No person shall hereafter dig, excavate, enlarge, make, maintain or allow to be maintained, upon property owned or used by him, any open pit or excavation or any impounded water, without first making an application for and obtaining from the County Board a Conditional Use Permit.

### 1524.03 – Conditions of the Permit

All residences within one (1) mile of the proposed or existing quarry must be notified.

The Planning Commission, as a pre-requisite to the granting of a permit, may require the applicant, the owner, or user of the property on which the open pit or excavation or impounded waters are located to:

- 1) Prepare a reclamation plan.
- 2) Properly fence any pit or excavation.
- 3) Slope the banks and otherwise properly guard and keep any pit or excavation in such condition as not to be dangerous from caving or sliding banks.
- 4) Properly drain, fill or level any pit or excavation, after created, so as to make the same safe and healthful as the Commission shall determine.
- 5) Keep any pit, excavation or impounded waters within the limits for which the particular permit is granted.

- 6) Remove excavated material from any pit or excavation, away from the premises, upon and along such highways, streets, or to the public ways as the Commission shall order and direct.
- 7) Provide screening and buffer yard for the purposes of eliminating or minimizing potential nuisances, noise, dust, and reduce adverse visual appearance of the property.
- 8) Maintain roads and loading areas in dust free condition.
- 9) Stabilize overburden material and minimize the area that is exposed to erosion.
- 10) Limit the hours of operation.
- 11) Limit blasting or the mixing of materials allowed on the property.
- 12) Provide, for the purpose of retaining impounded waters, a container of sufficient strength and durability and maintain such container in safe and proper condition.
- 13) Grade site after extraction is completed, seeding where required to avoid erosion, so as to render the site usable and restore same to a condition similar to that of adjoining properties; and retain sufficient cover material on-site to install a minimum two foot cover over mined out areas. The cover material is not permitted to be sold.
- 14) Any additional conditions intended to protect the general health, safety, and welfare and reduce the adverse impact of such upon neighboring properties.

**1525. Animal Feedlots**

- 1) No new animal feedlots or manure storage facilities shall be located in a floodplain or shoreland or within one hundred (100) feet of a well for domestic or municipal purposes.
- 2) No new animal feedlots or manure storage facility shall be located within one (1) mile of an incorporated city limit boundary. Existing feedlots within one half (1/2) mile of an incorporated city boundary shall not be allowed to expand. These setbacks shall be superceded by written agreements provided the agreements are recorded on all properties affected by the setbacks. Existing feedlots located within one (1) mile, but at least one half (1/2) mile from an incorporated city boundary, may be allowed to expand as a conditional use.

- 3) No new animal feedlots or manure storage facilities shall be located closer than 1,000 feet from a neighboring residence.
- 4) No new animal feedlots or manure storage facilities shall be located closer than one hundred (100) feet from a public road right-of-way.
- 5) Manure storage areas shall be setback three hundred (300) feet from any perennial flow stream or ditch, a map of which is kept in the Zoning Administrator's office. For all other areas, the manure storage areas shall be setback a minimum of twenty-five (25) feet from the top of the backslope of any ditch or any watercourse unless the Zoning Administrator determines a greater setback is needed to protect water resources.
- 6) The expansion of animal feedlots which exist on the effective date of this Ordinance shall not be considered new animal feedlots.
- 7) An existing animal feedlot shall be required to obtain a Conditional Use Permit when that feedlot expands to one thousand (1000) cumulative animal units or greater in size.
- 8) No new animal feedlots or manure storage facilities shall be located closer than 1000 feet from a church, school, or cemetery nor shall new churches, schools, or cemeteries be located closer than 1000 feet from a registered feedlot.
- 9) New swine facilities utilizing liquid manure storage must have a minimum of one year of manure storage.

## **1526. Additional Performance Standards for the High Density Residential District**

### 1526.01 – Construction and Installation Standards

All manufactured homes within a park shall be subject to and meet the construction, plumbing, electrical and mechanical standards as prescribed by the State of Minnesota, U.S. Department of Housing and Urban Development, and the American National Standards Institute identified as ANSI A119.1 or the provision of the National Fire Protection Association identified as NFPA 501B and any revisions thereto and shall be certified to these standards by a seal affixed to the manufactured home.

### 1526.02 – Additional Performance Standards



- 1) All manufactured homes shall be properly connected to the community water system and sanitary sewer system in conformance to standards adopted by the Minnesota Pollution Control Agency. All water and sewer systems shall be constructed in accordance with plans and specifications referenced herein.
- 2) Each manufactured home park shall maintain a hard surfaced off-street, overload parking lot for guests of occupants in the amount of one (1) space for each five (5) sites and located within three hundred (300) feet of the unit to be served.
- 3) All utilities, such as sewer, water, fuel, electric, telephone and television antenna lead-ins, shall be buried to a depth specified by the County Building Inspector, and there shall be no overhead wires or support poles except those essential for street or other lighting purposes. Plans for the disposal and treatment of surface storm water shall conform to the standards referenced herein.
- 4) A properly landscaped area shall be adequately maintained around each manufactured home park. All manufactured home parks adjacent to industrial, commercial or residential land uses shall be provided with screening, such as fences or natural growth, along the property boundary lines separating the park from such adjacent uses.
- 5) Every structure in the manufactured home park shall be developed and maintained in a safe, approved and substantial manner. The exterior of every structure shall be kept in good repair. All of said structures must be constructed to meet existing county codes. Portable fire extinguishers rated for electrical and liquid fires shall be kept in all service buildings and other locations conveniently and readily accessible for use by all occupants.
- 6) The area beneath all manufactured homes shall be enclosed with a material that shall be generally uniform through the entire manufactured home park, except that such an enclosure must be so constructed that it is subject to reasonable inspection. No obstruction shall be permitted that impedes the inspection of plumbing, electrical facilities and related manufactured home equipment.
- 7) Each manufactured home park shall have an area or areas set aside for dead storage. Boats, boat trailers, hauling trailers, and all other equipment not generally stored within the manufactured home or within the utility enclosure, that may be provided, shall be stored in a separate place provided by the park owner. This storage place shall be screened. Such equipment shall not be stored upon a

manufactured home lot which is occupied by a manufactured home nor upon the streets within the manufactured home park.

- 8) Signs shall be limited to one (1) nameplate or identification sign not to exceed twenty-five (25) square feet, with lighting, height and locations as approved by the Zoning Administration and have a fifteen (15) foot setback from the front line.
- 9) Each manufactured home park shall have at least ten percent (10%) of the land area developed for recreational use. Development of such recreational land shall be approved by the Planning Commission and the cost and maintenance shall be at the owner/operator's expense.
- 10) Each manufactured home park shall have one (1) or more central community buildings to serve primarily as an emergency weather shelter which shall be provided with central heating and which must be maintained in a safe, clean and sanitary condition. Said buildings shall be adequately lighted during all hours of darkness and shall contain laundry washers, dryers and drying areas, public telephones and public mail boxes, in addition to public toilets and lavatory. For each one hundred (100) manufactured home lots or fractional part thereof, there shall be one (1) lavatory for each sex.

#### 1526.03 – Manufactured Home Stands

The area of the manufactured home stand shall be improved to provide adequate support for the placement and tie-down of the manufactured home, thereby securing the super-structure against uplift, sliding, rotation, and over-turning.

- 1) The manufactured home stands shall not heave, shift or settle unevenly under the weight of the manufactured home due to the frost action, inadequate drainage, vibration or other forces acting upon the structure.
- 2) The manufactured home stand shall be provided with anchors and tie-downs, such as cast-in-place concrete foundations or runways, screw augers, arrowhead anchors or other devices providing for stability of the manufactured home.
- 3) Anchors and tie-downs shall be placed at least at each corner of the manufactured home stand and each anchor shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds or as approved by the current Minnesota Uniform Manufactured Home Standards Code, whichever is more restrictive.

#### 1526.04 – Park Management

- 1) The person to whom a permit for a manufactured home park is issued shall operate the park in compliance with this Ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair in a clean and sanitary condition.
- 2) The park management shall notify park occupants of all applicable provisions of this Ordinance and inform them of their duties and responsibilities under this Ordinance.
- 3) Each park shall have an office for the use of the operator distinctly marked "OFFICE" and such marking shall be illuminated during all hours of darkness.
- 4) The operator of every manufactured home park shall maintain a registry in the office of the manufactured home park indicating the name and address of each permanent resident. Each manufactured home site shall be identified by number and letter also.
- 5) The limits of each manufactured home lot shall be clearly marked on the ground by permanent flush stakes, markers or other suitable means, said lot limits shall be approximately the same as shown on the accepted basis.
- 6) A map of the manufactured home park shall be displayed at the manufactured home park office and be illuminated during all hours of darkness.
- 7) No public address or loudspeaker system shall be permitted.
- 8) Dogs and animals shall not be permitted to run at large within the manufactured home park.
- 9) No person shall erect, place, construct, reconstruct, relocate, alter, maintain, use or occupy a cabana or structures in a manufactured home park without the written consent of the owner or operator of the manufactured home park.
- 10) The park management shall provide for the weekly collection and disposal of garbage, waste, and trash as approved by the County.

## 1527. Wind Energy Conversion Systems

### 1527.01 – Purpose

The purpose of this section is:

- 1) To promote the effective and efficient use of wind energy conversions systems.
- 2) To set forth standards for the location, construction and operation of wind energy conversion systems that will protect the public health, safety and welfare.

### 1527.02 - Definitions

The following definitions shall pertain to Section 1527

**Acoustic Study.** A study certifying the WECS will be in compliance with Minnesota Chapter 7030, as amended, of the Minnesota Pollution Control Agency.

**Associated Facilities.**

Facilities, equipment, machinery, and other devices necessary to the operation and maintenance of a WECS

**Commercial Wind Energy Conversion System:** A WECS project designed to have a total name plated generating capacity of 100 kW or greater, or any single WECS having a Total Height of 200 feet or greater.

**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.

**Meteorological Tower.** Towers which are erected primarily to measure wind speed, directions and 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.

**Micro-WECS.** A WECS of 1 kilowatt nameplate generating capacity or less and utilizing support towers of 40 feet or less.

**Non Commercial WECS.** A WECS project greater than 1 kW and less than 100 kW in total name plate generating capacity and having a Total Height of less than 200 feet.

**Non Prevailing Wind.** The non-dominant wind direction in Steele County as determined by a wind analysis. If no analysis exists the non-prevailing wind direction shall be considered to be on an east west axis.

**Power Line.** An overhead or underground conductor and associated facilities used for the transmission or distribution of electricity.

**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.

**Prevailing Wind.** The predominant wind direction in Steele County as determined by a wind analysis. If no analysis has been performed the prevailing wind shall be considered to be on a north – south axis.

**Project.** A WECS or combination of WECS under the same ownership, control or management. A Project may also involve associated facilities including but not limited to: power lines, transformers, substations, and meteorological towers.

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

**Project Owner.** An individual or entity with legal ownership of a WECS project.

**Rotor.** A system of airfoils connected to a hub that rotates around an axis.

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

**Substation.** Any electrical facility containing power conversion equipment designed for interconnection with power lines.

**Total Height.** The highest point, above ground level, reached by a rotor tip or any other part of the WECS.

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

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

**Tower Height.** The total height of the Tower exclusive of the rotor blades.

**Wind Energy Conversion System (WECS).** A device such as a wind charger, windmill, or wind turbine that converts wind energy to electrical energy. The energy may be used on-site or distributed into the electrical grid.

1527.03 – Permit requirements by District

- 1) WECS projects will be either a permitted use, conditional use, interim use, or not permitted based on the land use district as established in the table below:

*(P = Permitted, C= Conditional Use, I= Interim Use, NP = Not*

*Permitted)*

District	Micro WECS Projects (≤ 1kW) (≤40' tower ht.)	Non-Commercial WECS Projects (1 kW – 100 kW) (<200' total ht.)	Commercial WECS Projects (≥ 100 kW) (≥200' total ht.)	Temporary Meteorological Tower
Agricultural	P	C	C	I
Interim Agricultural	P	C	C	I
Residential Districts	P	C	C	I
General Business	P	C	C	I
Industrial	P	C	C	I
Conservation	P	C	NP	NP
Shoreland	C	NP	NP	NP

- 2) Construction or operation of the following associated facilities will also be classified as a conditional use in all Districts.

- a. WECS Operation and/or Maintenance Facility

- b. WECS Project Temporary Construction Yard

1527.04 – Setbacks

WECS Projects shall adhere to the following setbacks and separation distances:

- 1) Road Right-of-Ways - All WECS and meteorological towers must be setback from the base of the tower to the road right of way a distance equal to or greater than the total height but not less than the minimum front yard setback for that district. Maximum front yard setbacks listed elsewhere in this ordinance do not apply.
- 2) Project Boundary Setbacks - All WECS must meet the following setbacks from project boundary lines as measured from the base of the tower to the project boundary line. Setbacks from property lines listed elsewhere in this ordinance do not apply to WECS if the property lines separate two or more participating land owners.
  - a. WECS classified as non-commercial and micro must be setback a distance equal to or greater than the Total Height.
  - b. WECS classified as commercial must be setback a distance equal to or greater than 5 times the rotor diameter of the turbine. In no cases shall the setback be less than the Total Height.
  - c. Meteorological Towers must be setback from project boundary lines equal to the total height of the tower.
- 3) Neighboring Dwellings - All commercial and non-commercial WECS must be setback a minimum of 750 feet from neighboring dwellings.
- 4) Internal Turbine Spacing - WECS within a single project must be spaced no closer than 3 rotor diameters in the non- prevailing wind direction and 5 rotor diameters in the prevailing wind direction.
- 5) Substations - Substations shall meet structural setbacks from roads and property lines of non-participating land owners.

#### 1527.05 – Permitting Procedures for all WECS

All applications for all WECS projects shall contain the following information.

- 1) The name(s) and address of the project applicant and the project owner(s).
- 2) The names and addresses of all property owners included in the project area and documentation of land ownership or legal control of the property.
- 3) The legal description of all parcels included in the project.

- 4) A description of the project including the number and type of towers, tower height, rotor diameter, total height, and the individual and total name plate generating capacity.
- 5) A site plan drawn to scale, showing the location of the project, proposed turbine location(s), proposed meteorological tower location(s), project boundary lines, property lines, power lines, access roads, public roads, neighboring residences within ¼ mile of any wind turbine, other WECS within ½ mile, and any permanent or temporary accessory structures.
- 6) A design certified by a MN licensed structural engineer showing that the WECS including the turbine, foundation and tower design is within accepted professional standards, given local soil and climate conditions.

Applications for commercial WECS projects shall also provide the following.

- 7) Size determination as required by MN Stat. 216F.011
- 8) Location of telecommunication towers or other WECS within 2 miles.
- 9) Location of any airports within 2 miles.
- 10) Detailed Decommissioning Plan including estimated decommissioning costs and financial resources that will be available to cover those costs.
- 11) Acoustic Study demonstrating the project will be compliant with the State of Minnesota noise standards.
- 12) Micro wave beam path analysis.
- 13) Location of natural areas or historic sites within 1 mile of the proposed project.
- 14) Exhibits as required by the Steele County road and public ditch Developers Agreement.
- 15) Location of temporary construction yard or staging areas.
- 16) Location of any permanent operation or maintenance site and activities that will occur there.



#### 1527.06 – Design Standards

- 1) The electrical and structural components of all WECS must conform to applicable local, state, and national standards and codes including but not limited to the International Building Code as adopted by the State of Minnesota, the National Electric Code, and FAA requirements.
- 2) All WECS which are part of a commercial project shall be installed with a tubular, monopole type tower. Other WECS towers must be unclimbable by design or be protected by anti-climbing devices or barriers.
- 3) All wind turbines and towers shall be white, grey or other non-reflective unobtrusive color. Dark or black blades are acceptable. All blades must be of the same color.
- 4) Each WECS must have a sign posted warning of high voltage. Signs other than warning signs, equipment labels, emergency information, or owner identification are prohibited.
- 5) Permanent meteorological towers must be self-supporting. Temporary meteorological towers may be guyed if approved as an Interim Use. All meteorological towers must use approved markings for aviation visibility. Guyed towers must also use visible and reflective objects, such as sleeves, reflectors, or ball markers on the guyed wires.
- 6) Rotor blades on commercial and non-commercial WECS must maintain at least 30 feet of clearance between their lowest point and the ground.
- 7) All collector or feeder lines, equal to or less than 34.5 kilovolts in capacity, installed as part of the WECS project shall be buried where when reasonable feasible.
- 8) Power lines located in the public road right-of-way shall comply with the requirements of the road authority. Any power line running adjacent to a public right-of-way but not located within the public right-of-way shall be set back at least ninety (90) feet from the centerline of the public road.

#### 1527.07 – Construction Standards.

- 1) Developers Agreement - The County may at its discretion require the developers of commercial WECS projects to enter into a Developers Agreement to address the protection of roads, drainage and other public infrastructure. At the request of the township the Developers

Agreement may also include the protection of township roads and infrastructure.

- 2) Building Permits - All WECS must obtain a Building Permit from the Steele County Building Inspection Department.
- 3) Construction / Building Permits are not valid until a Power Purchase Agreement or documentation showing that power will be utilized on-site is provided to Steele County.
- 4) Waste Disposal – Solid and Hazardous waste shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.

#### 1527.08 - Operating Standards

- 1) All WECS projects shall comply with Minnesota Rules 7030, as amended. governing noise.
- 2) No tower lighting other than normal security lighting is permitted except as required by the FAA.
- 3) No WECS shall be operated that causes interference with commercial or private use and enjoyment of legally operated telecommunications devices.
- 4) No WECS shall be operated in a manner that causes stray voltage. The Public Utilities Commission has indicated that there is no scientific evidence that wind farms cause stray voltage.
- 5) All WECS that are idle for a period of 12 consecutive months shall be considered abandoned and shall be removed. If any WECS, buildings, footings, anchors, or supporting equipment has not been removed within 180 days following written notice by the county of abandonment, the county shall have the authority to remove the WECS, buildings, footings, anchors, and supporting equipment and assess the cost associated with removal to the property.
- 6) Commercial WECS Projects shall coordinate with local emergency response services in development of an emergency response plan.

## 1528. Solar Energy Systems

### 1528.01 – Purpose

The purpose of this section is:

To promote the health, safety, and general welfare within the county and promote the effective and efficient use of solar energy systems by establishing uniform standards, regulations, and procedures governing the design, placement, use, and eventual decommissioning of Solar Energy Systems.

### 1528.02 - Definitions

The following definitions shall pertain to Section 1528

**Maximum Design Tilt.** Maximum tilt, or angle, is vertical, or ninety (90) degrees for a solar energy system designed to track daily or seasonal sun position or capable of manual adjustment on a fixed rack.

**Minimum Design Tilt.** Minimum tilt, or angle, is horizontal, or zero (0) degrees for a solar energy system designed to track daily or seasonal sun position or capable of manual adjustment on a fixed rack.

**Solar Energy System (SES).** A set of devices that the primary purpose is to collect solar energy and convert and store it for useful purposes including heating and cooling buildings or other energy-using processes, or to produce generated power by means of any combination of collecting, transferring, or converting solar energy. This definition also includes structural design features, the purpose of which is to provide daylight for interior lighting.

**Solar Energy System, Accessory Use.** A solar energy system that is secondary to the primary use of the parcel on which it is located and which is directly connected to or designed to serve the energy needs of the primary use. Excess power may be sold to a power company.

**Solar Energy System, Ground-mounted.** A solar collector, or collectors, located on the surface of the ground. The collector or collectors may or may not be physically affixed, or attached to the ground. Ground-mounted systems include pole-mounted systems.

**Solar Energy System, Photovoltaic.** An active solar energy system that converts solar energy directly into electricity.

**Solar Energy System, Primary Use.** A solar energy system which is the primary land use for the parcel on which it is located and which generates power for sale to a power company, or other off-premise consumer.

**Solar Energy System, Reflecting.** A solar energy system that employs one or more devices designed to reflect solar radiation onto a solar collector. This definition includes systems of mirrors that track and focus sunlight onto collectors located at a focal point. The collectors may be thermal or photovoltaic.

**Solar Energy System, Roof-mounted.** A solar collector, or collectors, located on the roof of a building or structure. The collector or collectors may or may not be physically affixed, or attached to the roof.

1528.03 – Permit Requirements by District

Solar Energy System projects will be either a permitted use, conditional use, or not permitted based on the land use district as established in the table below:

*(P = Permitted, I= Interim Use, NP = Not Permitted)*

District	SES - Accessory Use (non-reflective)	SES - Primary Use	SES - Reflecting
Agricultural	P	I	I
Interim Agricultural	P	I	I
Residential Districts	P	I	I
General Business	P	I	I
Industrial	P	I	I
Conservation	P	I	NP
Shoreland	I	NP	NP

1528.04 – General Standards

The following standards shall be applicable to all solar energy systems:

- 1) A SES shall be in compliance with any applicable local, state and federal regulatory standards, including, but not limited to, the State of Minnesota Building Code, the National Electric Code, and the state plumbing code.
- 2) A SES shall not exceed the maximum height standard for the zoning district in which they are located. Height shall be measured at maximum design tilt.
- 3) A SES must meet all structural setback requirements for the zoning

district in which they are located. Setbacks shall be measured at minimum design tilt.

- 4) Substations shall meet structural setbacks from roads and property lines of non-participating land owners.
- 5) Ground and pole-mounted systems shall have vegetated ground cover, rock mulch or other non-erodible cover under and between the collectors and surrounding the system's foundation or mounting device(s).
- 6) Power and communication lines running between banks of solar collectors and to electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
- 7) A SES shall be designed and operated to prevent the misdirection of reflected solar radiation or glare onto adjacent or nearby property, public roads, or areas open to the public.
- 8) A SES shall not be used to display advertising, including; signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar energy system provided they comply with the prevailing sign regulations.
- 9) Any SES that results in the creation of one (1) or more acres of impervious surface must comply with the MPCA Construction Stormwater Permit Requirements.
- 10) A SES shall not be located within the floodway overlay district. SES are allowed in the flood fringe overlay district subject to the underlying zoning regulations but shall be elevated above the regulatory flood protection level.

1528.05 – Required Exhibits for a SES Conditional Use Permit Application.

In addition to the requirements of Section 504.03, an application for a SES conditional use permit shall contain the following:

- 1) Site Plan showing existing conditions.
  - a. Property lines.

- b. Existing buildings and any impervious surface.
  - c. Existing vegetation (list type and percent of coverage; i.e. grassland, plowed field, wooded areas, etc.).
  - d. Waterways, watercourses, lakes and public water wetlands.
  - e. Delineated wetland boundaries.
  - f. Flood plain district boundary, if applicable.
  - g. The shoreland district boundary, if applicable.
  - h. Location, number and spacing of proposed solar collectors.
  - i. Location of proposed access roads.
  - j. Planned location of underground or overhead electric lines connecting the system to a substation, or other electric load.
- 2) Proposed erosion and sediment control measures.
  - 3) Maintenance plan for grounds surrounding the systems.
  - 4) Decommissioning Plan per the standards of this ordinance.

1528.06 - Decommissioning Standards

- 1) Decommissioning plans shall outline the anticipated means and cost of removing the system at the end of its serviceable life or upon its becoming a discontinued use. The cost estimates shall be made by a competent party, such as a professional engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the system.
- 2) Decommissioning of the system must occur whenever the system becomes a discontinued use. A system shall be considered a discontinued use after one (1) year without energy production, unless a plan is approved by the Zoning Administrator detailing the steps and schedule for returning the system to service.
- 3) Decommissioning shall consist of the following:
  - a. The removal of the system's foundation.

- b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
  - c. The stabilization of soils and/or re-vegetation of the site as necessary to minimize erosion. The conditional use permit granting authority may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- 4) The Board may require the posting of a bond, letter of credit, or the establishment of an escrow account to ensure proper decommissioning.

## **Section 16 Enforcement and Penalties**

This Ordinance shall be administered and enforced by the County Zoning Administrator. He/She may institute in the name of Steele County any appropriate actions or proceedings against a violator as provided by statute, charter or ordinance.

Any person who violates any of the provisions of this Ordinance shall, upon conviction thereof, be fined not more than seven hundred dollars (\$700) for each offense, or imprisoned for not more than ninety (90) days, or both. Each day that a violation is permitted to exist shall constitute a separate offense.

## **Section 17 Effective Date**

### **1701. Effective Date**

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

Passed and approved this 9<sup>th</sup> day of November, 1993 by the Steele County Board of Commissioners.

Published in Owatonna Peoples Press on December 1, 1993.

Filed with the Steele County Recorder on February 2, 1994, as document # 239700 at 8:00 A.M.



**Amended:**

July 26, 1994	Tree & shrub setbacks
January 27, 1998	Animal feedlot conditional permits and setbacks
April 25, 2000	Farm Dwellings, Farm Buildings, Front yard setbacks
September 23, 2003	Animal Feedlot Setbacks
September 28, 2005	Wind Energy Conversions Systems (WECS)
July 8, 2008	Agricultural Districts Standards
July 24, 2012	Variance Procedures
November 13, 2012	Wind Energy Conversion Systems Standards
July 8, 2014	Supervised Living Facilities
June 9, 2015	Bulk Storage (Liquid) Tanks
December 15, 2015	Solar Energy Systems (SES)
January 23, 2018	Shoreland Agricultural Use Standards
October 13, 2020	Section 5 Zoning Administration and Enforcement