

**STEVENS COUNTY**

**ZONING ORDINANCE**

**Adopted: November 17, 2020**

**Effective: November 24, 2020**

## **PREAMBLE**

### **ZONING ORDINANCE OF STEVENS COUNTY, MINNESOTA**

AN ORDINANCE ENACTING OFFICIAL CONTROLS RELATING TO LAND USE AND ZONING REGULATION IN THE UNINCORPORATED AREA OF STEVENS COUNTY; DEFINING CERTAIN TERMS USED HEREIN; REGULATING THE USE OF LAND, THE DENSITY AND DISTRIBUTION OF POPULATION, THE LOCATION, SIZE, HEIGHT, AND USE OF STRUCTURES AND IMPROVEMENTS, THE ARRANGEMENT OF STRUCTURES ON LOTS AND TRACTS; DESIGNATING THE NUMBER AND CLASSIFICATION OF DISTRICTS AND DELINEATING THEIR BOUNDARIES WITHIN THE COUNTY; PROVIDING FOR A SYSTEM OF ADMINISTRATION, ENFORCEMENT, AND APPEALS; ESTABLISHING PENALTIES; AND REPEALING THE STEVENS COUNTY ZONING ORDINANCE, AS AMENDED, DATED JANUARY 4, 1972.

THE COUNTY BOARD OF STEVENS COUNTY ORDAINS:

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## **SECTION 1: PURPOSE**

The purpose of this Ordinance is: to promote the health, safety, morals and general welfare throughout Stevens County by lessening congestion in the public rights-of-way; securing safety from fire, panic and other dangers; providing adequate light and air; facilitating the adequate provision of water, sewage and other public requirements; conserving the value of properties and encouraging the most appropriate use of land, pursuant to "an act authorizing county planning and zoning activities, establishing a Board of Adjustment and authorizing the enactment of official controls and providing penalties for the violation thereof", passed by the Legislature of the State of Minnesota, Chapter 559, Laws of 1959, as amended.

## **SECTION 2: TITLE**

This Ordinance shall be known and may be cited and referred to as the "Stevens County Zoning Ordinance"; when referred to herein, it shall be known as "this Ordinance."

## **SECTION 3: JURISDICTION, SCOPE AND INTERPRETATION**

### A. Jurisdiction

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

### B. Scope

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

### C. Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling. Where this Ordinance makes reference to specifically numbered law or rule that has subsequently been renumbered, this Ordinance remains in effect so long as the substance of the law or rule has not been substantially altered.

## **SECTION 4: RULES AND DEFINITIONS**

### **A. Rules**

#### **1. Word Usage:**

For the purpose of this Ordinance, words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular; the word "lot" shall include the word "plot"; the word "building" shall include the word "structure"; the word "structure" shall include the word "building"; and the word "shall" is mandatory and not discretionary.

#### **2. Permitted Uses:**

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

- a. Uses lawfully established prior to the effective date of this Ordinance.
- b. Conditional uses allowed in accordance with SECTION 4, A, 3.

#### **3. Conditional Uses:**

Conditional uses of land or structures, as hereinafter listed, may be allowed in the districts indicated, subject to the issuance of Conditional Use Permits, in accordance with the provisions of SECTION 15.

### **B. Definitions**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application, as determined by the County. For the purpose of this ordinance, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

1. **Accessory Building:** A secondary building or portion of the main building which is located on the same lot as the main building and the use of which is clearly incidental to the use of the main building.
2. **Accessory Structure or Facility:** Means any building or improvement subordinate to a principal use that, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.
3. **Accessory Use:** A use clearly incidental or accessory to the principle use of a lot or a structure located on the same lot as the accessory use.
4. **Adult Use Business:** Adult use businesses include adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse facilities, adult enterprises, businesses or places open to some or all members

of the public at or in which there is an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas” which are capable of being seen by members of the public.

5. Agricultural Processing Plant: A facility or collection of structures, buildings or other improvements constructed for the cooking, dehydrating, refining, bottling, canning, compressing or other treatment of agricultural products which physically, chemically or otherwise changes the naturally grown or produced product for wholesale or consumer use as food, textiles, construction material, fuel or other material.
6. Agricultural Product: Products resulting from agricultural activities that have an economic value for human or animal consumption, fiber, construction material, fertilizer, fuel or other economic use. Agricultural products include, but are not limited to, vegetables, fruits, dairy products, eggs, grains, meat, poultry, fish, honey, hay, bedding plants, wool, manure, compost, and biofuel.
7. Agriculture: The art or science of cultivating the soil and activities incident thereto; the growing of soil crops in the customary manner on open tracts of land; the raising of livestock and poultry on agricultural feedlots; aquaculture; farming. The term shall include incidental retail selling by the producer of products raised on the premises, provided that space necessary for parking of vehicles of customers shall be furnished off the public right-of-way. The term shall not include the processing or manufacturing of feed or foodstuffs not raised on the premises for sale or resale.
8. APO: Means an Administrative Penalty Order of up to \$500 per parcel. The proceeds of an APO shall be paid directly to the County.
9. Automobile Wrecking: See Junk Yards.
10. Biofuel: Any combustible fuel derived from the decomposition of non-fossil living matter/biomass or animal manure. Biofuels include ethanol, biodiesel and biogas.
11. Bluff: Means a topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff):
  - a. Part or all of the feature is located in a shoreland area;
  - b. The slope rises at least 25 feet above the ordinary high water level of the waterbody;
  - c. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
  - d. The slope must drain toward the waterbody.
12. Bluff Impact Zone: Means a bluff and land located within 20 feet from the top of a bluff.
13. Board of County Commissioners: Stevens County Board of Commissioners.
14. Boathouse: Means a structure designed and used solely for the storage of boats or boating equipment.
15. Buffer: Means an area consisting of perennial vegetation, excluding invasive plants and noxious weeds, adjacent to all bodies of water within the state and that protects the water resources of

- the state from runoff pollution; stabilizes soils, shores, and banks; and protects or provides riparian corridors.
16. Buffer Law: Means the provisions of Minn. Stat. 103F.48.
  17. Buffer Protection Map: Means buffer maps established and maintained by the commissioner of natural resources.
  18. Building: Any structure having a roof, for the shelter, support or enclosure of persons, animals, or chattel, or property of any kind; and when separated by party walls without openings, such portion of such building so separated shall be deemed a separate building.
  19. Building Line: Means a line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.
  20. BWSR: Means the Board of Water and Soil Resources.
  21. Campground: Any area that is occupied or intended or designed or improved for occupancy by transients using any combination of five or more recreational vehicles, motor homes, mobile trailers, tents or similar shelters for dwelling, lodging, or sleeping purposes.
  22. Churches/Places of Worship: Buildings and uses where persons regularly assemble for religious worship and which buildings and uses are maintained and controlled by a religious body organized to sustain public worship, together with all accessory building and structures customarily associated with such primary purpose.
  23. Commercial Planned Unit Developments: Are typically uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.
  24. Commercial Use: Means the principal use of land or structures for the sale, lease, rental, or trade of products, goods, and services.
  25. Commissioner: Means the commissioner of the Department of Natural Resources.
  26. Community Water and Sewer Systems: Utilities systems serving a group of structures, lots, or an area of the County, with the design and construction of such utility systems as approved by the County and the State of Minnesota.
  27. Conditional Use: Means a land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.
  28. Corner Lot: A lot situated at the junction of and fronting on two or more roads or highways.
  29. County: Stevens County, Minnesota.
  30. Cultivation Farming: Means farming practices that disturb root or soil structure or that impair the viability of perennial vegetation due to cutting or harvesting near the soil surface.
  31. Deck: Means a horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.

32. Depth of Lot: The mean horizontal distance between the mean front street and the mean rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.
33. Depth of Rear Yard: the mean horizontal distance between the rear line of the structure and the centerline of an alley, where an alley exists, otherwise a rear lot line.
34. District: A section of the County for which the regulations governing the height, area, use of structures and premises are the same.
35. Drainage Authority: Means the board or joint county drainage authority having jurisdiction over a drainage system or project.
36. Duplex, Triplex, and Quad: Means a dwelling structure on a single lot, having two, three, and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.
37. Dwelling: A building or portion thereof, designed exclusively for residential occupancy; the term does not include hotels, motels, tents, tent trailers or recreational vehicles.
38. Dwelling, Accessory: A structure used as a dwelling unit, but not a mobile home, that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot, either within the same building or in a detached building. In shoreland areas, see "Guest Cottage".
39. Dwelling, One Family Detached: A dwelling, designed for or occupied exclusively by one (1) family in a single building.
40. Dwelling, Multiple: A dwelling designed for or occupied by two (2) or more families.
41. Dwelling, Non-Farm: A dwelling which is in an agriculturally-zoned or used area but which is not located on a parcel where active agricultural activities are the primary use of the property, or which is not adjacent to a parcel where active agricultural activities are the primary use of the property and under the same ownership.
42. Dwelling Site: Means a designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.
43. Dwelling, Temporary: A lawfully established single-family dwelling that continues to be used as the primary residence while a new dwelling is constructed on the same parcel, or which is used as a temporary family health care dwelling in accordance with Minnesota Statutes 394.307.
44. Dwelling Unit: Means any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.
45. Easement: A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm drainage ways and gas lines.
46. Essential Services: Overhead or underground electrical, gas, steam or water transmission or distribution systems and structures, or collection, communication, supply or disposal systems and structures, used by public utilities, rural electric cooperatives or governmental departments or commissions or as are required for protection of the public health, safety, or general

welfare, including towers, poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection therewith, but not including buildings. For the purpose of this Ordinance the word "building" does not include "structure" for essential services.

47. Extraction Pit: Any artificial excavation of the earth exceeding fifty (50) square feet of surface area or two (2) feet in depth, excavated or made by the removal from the natural surface of the earth, or sod, soil, gravel, sand, stone, or other natural matter, or made by turning, 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 in conjunction with or immediately following such excavation shall be exempted if a permit has been issued for such construction or installation.
48. Extractive Use: Means the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, sections 93.44 to 93.51.
49. Family: Any number of individuals living together on the premises or a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel.
50. Farming: The cultivation of the soil and all activities incidental thereto; agriculture.
51. Farmstead: That area which includes the farm dwelling and other structures in close proximity to the farm dwelling.
52. Feedlot: A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals in enclosures and specifically designed as a confinement area in which manure and other animal wastes may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures or areas normally used for crops shall not be considered animal feedlots under these parts.
53. Feedlot, Agricultural: An accessory use incidental to, and situated on a parcel of land contiguous to, a farming operation under the same ownership or interest. An agricultural feedlot shall not occupy more than five (5) percent of the land area of the farm.
54. Feedlot, Commercial: Not an accessory use incidental to a farming operation.
55. Floor Area: The sum of the gross horizontal areas of the several floors of a building measured from the exterior walls.
56. Flood Plain: Shall be based upon the required flood as determined by analysis of floods within the boundaries of Stevens County.
57. Floodway: The channel and those portions of the flood plains adjoining the channel which are reasonably required to carry and discharge the flood water or flood flow of a specific size without unduly raising upstream water surface elevation.
58. Forest Land Conversion: Means the clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.
59. Garage, Private: A garage which is erected as an accessory building.

60. Garage, Public: Any premises, except those described as a private garage, used for the storage or care of power-driven vehicles, or where any such vehicles are equipped for operation, repair, or are kept for re-numeration, hire, or sale.
61. Group Camp, Organized: A campground (see “Campground”) which is held out as such to the public, to members of an organization, or to other groups of people and where compensation or membership fees are paid for the use of site(s).
62. Group Camp, Intermittent: A campground (see “Campground”) which is held out as such to members of an organization (or their guests) or for other guests of the landowner, where compensation or membership fees are not paid for the use of site(s) and which is partially or fully occupied for no more than forty-five (45) nights in any given calendar year.
63. Guest Cottage: Means 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.
64. Height of Structure: Means the vertical distance between the highest adjoining ground level at the structure or ten 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.
65. Highway: Any public thoroughfare or vehicular right-of-way with a Federal or State numerical route designation; any public thoroughfare or vehicular right-of-way with a Stevens County numerical route designation.
66. Home Occupation: Any occupation of a service character which is clearly secondary to the main use of the premises as a dwelling and does not change the character thereof or exhibit any exterior evidence of such secondary use. Such occupation shall be conducted or carried on only by the persons residing on the premises.
67. Impervious Surface: A constructed hard surface that prevents or retards entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development, including rooftops; decks; sidewalks; patios; swimming pools; parking lots; concrete, asphalt, or gravel driveways; and other similar surfaces.
68. Industrial use: Means the use of land or structures for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
69. Intensive Vegetation Clearing: Means the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
70. Junk Yard: Land or structures 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.
71. Kennel, Commercial: Any place where dogs, cats, or other animals over three months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed with the intention of commercial gain.
72. Lake, General Development: Lakes that usually have more than 225 acres of water per mile of shoreline and 25 dwellings per mile of shoreline, and are more than 15 feet deep.



73. Lake, Natural Environment: Lakes that usually have less than 150 total acres, less than 60 acres per mile of shoreline, and less than three dwellings per mile of shoreline. They may have some winter kill of fish; may have shallow, swampy shoreline; and are less than 15 feet deep.
74. Lake, Recreational Development: Lakes that usually have between 60 and 225 acres of water per mile of shoreline, between 3 and 25 dwellings per mile of shoreline, and are more than 15 feet deep.
75. Landfill: Any place used primarily for the concentrated disposal of garbage, trash, refuse, junk, or waste material of any kind by burial.
76. Landowner: Means the holder of the fee title, the holder's agents or assigns, any lessee, licensee, or operator of real property and includes all land occupiers, including a person, firm, corporation, municipality, or other legal entity that holds title to or is in possession of lands, as owner, lessee, or otherwise. Multiple individuals or entities may be deemed the landowner of the same parcel.
77. Livestock Waste Lagoon: A diked enclosure for disposal of livestock wastes by natural processes.
78. Local Water Management Authority: Means a watershed district, metropolitan water management organization, or county operating separately or jointly in its role as local water management authority.
79. Lot: Means a parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.
80. Lot Area: The lot area is the land within the lot lines.
81. Lot Area per Family: The lot area per family is the lot area required by this Ordinance to be provided for each family in a dwelling.
82. Lot, Double Frontage: An interior lot having frontage on two streets.
83. Lot, Interior: A lot other than a corner lot.
84. Lot Lines: The lines bounding a lot, as defined herein. When a lot line abuts a road, street, avenue, park or other public property, except an alley, such line shall be known as a street line, and when a lot abuts an alley, it shall be known as an alley line.
85. Lot Width: Means the shortest distance between lot lines measured at the midpoint of the building line.
86. Lot Depth: The mean horizontal distance between the mean front road and the mean rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.
87. Lot, Substandard: A lot recorded with the County Recorder prior to the adoption of this Ordinance which does not comply with the regulations or standards of the appropriate zoning district.
88. Manufactured Home: It is a structure transported in one or more sections, having a width in excess of 20 feet, ground floor space of eight hundred (800) square feet or more, placed on permanent foundation, which is solid for the complete circumference of the house. It shall have exterior siding extending from within six inches (6") of the dirt or two inches (2") of

concrete which siding shall be of conventional exterior dwelling-type material. It shall have pitched roof covered with shingles or tiles and have eaves of not less than six inches (6"). It shall be built in compliance with Minnesota Statutes 327.31-327.35. The design, construction and material shall not be so inconsistent with surrounding buildings as to devalue property or constitute blight. (4/25/1983)

89. Metes and Bounds: A method of property description by means of their direction and distance from an easily identifiable point.
90. Motel: A building or group of buildings used primarily for the temporary residence of motorists or travelers.
91. Mobile Home: A mobile home is living quarters designed for transportation after fabrication on streets and highways on its own wheels or on flatbed or other trailers and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and the like.
92. Mobile Home Park: A contiguous parcel of land which has been planned for the placement of two or more mobile homes or mobile home lots.
93. Modular Home: A non-mobile housing unit that is primarily fabricated at a central factory and transported to a building site where final installations are made permanently affixing the module to the site. A modular home shall be congruous to a one-family dwelling.
94. Non-Conforming Uses: A lawful use of premises existing on the effective date of this Ordinance and continuing thereafter, which use does not conform to the regulations for the district in which it is situated. The term "non-conforming use" comprehends the physical characteristics, dimensions, location, and functional character of any use of land or the structures situated thereon.
95. Nonconformity: Means any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.
96. Normal Water Level: Means the level evidenced by the long-term presence of surface water as indicated directly by hydrophytic plants or hydric soils or indirectly determined via hydrological models or analysis.
97. Ordinary High Water Level: Means the boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.
98. Parcel: Means a unit of real property that has been given a tax identification number maintained by the County.

99. **Parking Space, Automobile:** A space containing a minimum area of not less than three hundred (300) square feet, including access drives, a width of not less than nine (9) feet, and a depth of not less than twenty (20) feet.
100. **Pasture:**
- a. areas, including winter feeding areas as part of a grazing area, where grass or other growing plants are used for grazing and where the concentration of animals allows a vegetative cover to be maintained during the growing season, except that vegetative cover is not required:
    - i. in the immediate vicinity of supplemental feeding or water devices;
    - ii. in associated corrals and chutes where livestock are gathered for the purpose of sorting, providing veterinary services, loading and unloading trucks and trailers, and other necessary activities related to good animal husbandry practices; or
    - iii. in associated livestock access lanes used to convey livestock to and from areas of the pasture; or
  - b. agricultural land:
    - i. where livestock are allowed to forage during the winter;
    - ii. that is used for cropping purposes in the growing season; and
    - iii. where the concentration of animals is such that a vegetative cover, whether of grass, growing plants, or crops, is maintained during the growing season, except in the immediate vicinity of temporary supplemental feeding or watering devices.
101. **Persons:** Any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; includes any trustee, receiver, assignee, or other similar representative thereof.
102. **Planned Unit Development:** Means a type of development characterized by a unified site design for a number of structures, units, sites, dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as residential or commercial enterprises such as individual dwelling units, townhouses, condominiums, time-share condominiums, cooperatives, common interest communities, shared-interest communities, apartment buildings, non-resort campgrounds and youth camps, recreational vehicle parks, manufactured home parks, hotels, motels, storage units, or any combination of these. Planned unit developments shall also include any conversion of preexisting structures and land uses in order to utilize this method of development.
103. **Plot:** A tract other than one unit of a recorded plat or subdivision and occupied and used or intended to be occupied and used as an individual site and improved or intended to be improved by the erection thereon of structures and having a frontage upon a public road or highway or upon a traveled or used road and including as a minimum such open spaces as required under this Ordinance.

104. Practical Difficulties: As used in connection with the granting of a variance, means the same as that term is defined in Minnesota Statutes, Chapter 394.
105. Premises: A lot or plot within the required front, side and rear yards for a dwelling or other use as allowed under this Ordinance.
106. Public Drainage Systems: Means a system of ditch or tile, or both, to drain property, including laterals, improvements, and improvements of outlets, established and constructed by a drainage authority. "Public Drainage System" includes the improvement of a natural waterway used in the construction of a public drainage system and any part of a flood control plan proposed by the United States or its agencies in the drainage system.
107. Public Waters: Means any waters as defined in Minnesota Statutes section 103G.005, Subd. 15, 15a.
108. Recreational Vehicle: A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. This definition includes vehicles such as travel trailers, motor homes, boats, house boats, and campers.
109. Residential Planned Unit Development: Means a planned unit development where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.
110. Road: A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.
111. Rural Event Center: An event center or other use of land and/or buildings for public gatherings involving 20 or more persons, when such events are held or expected on a regular basis. Rural event centers are operated for commercial profit, for the benefit of the general public or for members of a particular organization. Rural event centers shall include land and structures used for weddings, reunions, conferences, camps, concerts, horse shows or other gatherings of people for events where large gatherings of people are likely to occur.
112. Salvage Operation, Temporary: Land or structures where waste, discarded, or salvaged materials are brought, sold, exchanged, stored, cleaned, packed, disassembled or handled, including, but not limited to, scrap metal, rags, paper, rubber products, glass products, lumber products, and products resulting from the wrecking of automobiles or other vehicles. This operation may exist for a period of not more than one (1) year.
113. Sanitary Landfill: A sanitary landfill according to the American Society of Civil Engineers is "a method of disposing of solid wastes on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation; or at such more frequent interval as may be necessary."

114. Schools, Private: Any nonpublic school, church or religious organization, or home school wherein a resident of Minnesota may legally fulfill the compulsory instruction requirements of section 120A.22, or successor statute(s).
115. Schools, Public: A public school, as defined in Section 120A.05, subdivisions 9, 11, 13 and 17, or successor statute(s).
116. Semipublic Use: Means the use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
117. Sensitive Resource Management: Means 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.
118. Setback: Means the minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.
119. Sewage Treatment System: Means a septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Section 7.5.8 of this ordinance.
120. Sewer System: Means pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.
121. Shore Impact Zone. Means land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.
122. Shoreland: Means 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 that extend landward from the waters for lesser distances and when approved by the commissioner.
123. Sign: The use of any words, numerals, pictures, figures, symbols, devices or trademarks by which anything is made known, such as are used to show an individual, firm, profession, or business and are visible to the general public.
124. Significant Historic Site: Means any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

125. Solar Energy System: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy of transferring heat from a collector to another medium using mechanical, electrical or chemical means.
126. Solar Energy Systems: Accessory: A solar panel or array mounted on a building, pole or rack which is directly connected to or designed to serve the energy needs of the primary use, or any solar energy system that generates less than 40kw.
127. Solar Farms: A solar array composed of multiple solar panels on ground-mounted rack or poles which is not directly connected to or designed to serve the energy needs of the primary use but rather for the primary purpose of wholesale sales of generated electricity. Solar farms include but are not limited to community solar gardens which are defined as a solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system, consistent with Minn. Statutes 216B.1641 or successor statute. A community solar system may be either an accessory or a principal use.
128. Steep Slope: Lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, which are not bluffs.
129. Storage Building Planned Unit Development: Means a planned unit development where the nature of use is for privately owned garages or storage buildings. Such uses do not involve any dwelling or lodging units, or commercial or industrial uses involving retail or on-site services. Buildings are used only for the purpose of storage of vehicles, equipment or other materials that would not pose a safety hazard or nuisance to nearby property owners and would otherwise be allowed in the underlying zoning district.
130. Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or, if there is no floor above it, the space between the floor and the ceiling next above it.
131. Story, Half: That portion of a structure under a gable, hip or gambrel roof, the wall plates of which, on at least two opposite exterior walls are not more than two feet above the floor of such story.
132. Structure: Means any building, constructed improvement or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.
133. Structural Alterations: Any change in the supporting members of a structure, such as bearing walls, columns, beams or girders.
134. Subdivision: Means land that is divided for the purpose of sale, rent, or lease, including planned unit developments.
135. Surface Water-Oriented Commercial Use: Means the use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.
136. SWCD: Means Soil and Water Conservation District.

137. Toe of the Bluff: Means the lower point of a 50-foot segment with an average slope exceeding 18 percent.
138. Top of the Bluff: Means the higher point of a 50-foot segment with an average slope exceeding 18 percent.
139. Use: The purpose for which land or premises or a structure thereon is designated, arranged or intended, or for which it is or may be occupied or maintained.
140. Use, Accessory: A use clearly incidental or accessory to the principle use of a lot or a structure located on the same lot as the accessory use.
141. Use, Conditional: A land use or development that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that 1) certain conditions as detailed in this Ordinance exist, and 2) the use or development conforms to the Land Use Policies of the County and 3) is compatible with the existing neighborhood.
142. Use, Interim: A temporary use of a property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.
143. Vacation/Private Home Rental: A dwelling unit not part of an approved commercial planned unit development, hotel/motel, or resort and/or related structure that is rented out on a transient basis for a charge. A transient basis shall be any period of time less than thirty (30) consecutive days.
144. Variance: Means the same as that term is defined or described in Minnesota Statutes, Chapter 394.
145. Water Supply Purpose: Includes any uses of water for domestic, commercial, industrial, or agricultural purposes.
146. Water-oriented accessory structure or facility: Means a small, above ground structure or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.
147. Wetland: Means a surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition).
148. Wild animals or fish: A carnivorous or omnivorous mammal, or large or poisonous reptile which, in their un-captured wild state, have the physical capacity to be dangerous to the safety and welfare of any person or property. Examples of wild animals include, but are not limited to: apes, including chimpanzee, gorilla or orangutan; bear, bobcat, cheetah, cougar, coyote, fox, jaguar, leopard, lion, lynx, monkey, raccoon, skunk, tiger, wolf, alligators and crocodiles greater than 4 feet in length, snakes greater than six feet in length, and poisonous snakes. Wild animals do not include domesticated dogs and cats, other traditional house pets and livestock.
149. Yard: Any space in the same lot with a structure that is open and unobstructed from the ground to the sky, except for fences six (6) feet or less in height and trees and shrubs.
150. Yard, Front: A yard extending across the front of the lot between the side yard lines and lying between the centerline of the road or highway and the nearest line of the structure.

151. Yard, Rear: An open space unoccupied except for accessory structures on the same lot with a structure between the rear lines of the structure and the rear line of the lot, for the full width of the lot.
152. Yard, Side: An open, unoccupied space on the lot with a structure between the structure and the side line of the lot and extending from the front lot to the rear of the back yard.



**SECTION 5: CLASSIFICATION OF DISTRICTS**

**A. Districts**

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

1. Flood District

F-1 FLOOD PLAIN DISTRICT

2. Shoreland Districts

S-1 SPECIAL PROTECTION SHORELANDS DISTRICT

S-2 RESIDENTIAL-RECREATION SHORELANDS DISTRICT

S-3 WATER-ORIENTED COMMERCIAL DISTRICT

3. Agriculture District

A-1 GENERAL AGRICULTURE DISTRICT

4. Residence Districts

R-1 RURAL RESIDENCE DISTRICT

R-2 MOBILE HOME PARK DISTRICT

5. Business District

B-1 HIGHWAY SERVICE BUSINESS DISTRICT

6. Industry District

I-1 LIMITED INDUSTRY DISTRICT

7. Special Districts

OAA ORDERLY ANNEXATION AGREEMENT DISTRICT

AIR AIRPORT ZONING DISTRICT

CLR CLOSED LANDFILL RESTRICTED DISTRICT

**B. Public Waters Classification System**

The classification system for public waters shall be based upon the suitability of each lake or stream for future or additional development, and the desirable level of such development. The system shall

consist of Natural Environment Lakes and Streams, Recreational Development Lakes and Streams, General Development Lakes and Streams, and Critical Lakes.

C. Zoning Map

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

D. District Boundaries

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

E. Future Detachment

Any land detached from an incorporated municipality and placed under the jurisdiction of this Ordinance in the future shall be placed in the A-1 GENERAL AGRICULTURE District until placed in another district by action of the Board of County Commissioners after recommendation of the County Planning Commission.

**SECTION 6: F-1 FLOOD PLAIN DISTRICT**

Use of, and development within, floodplains is subject to the Stevens County Floodplain Management Ordinance.

## **SECTION 7: SHORELANDS MANAGEMENT DISTRICT**

### **1.0 – STATUTORY AUTHORIZATION AND POLICY**

#### **1.1 Statutory Authorization**

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

#### **1.2 Policy**

The uncontrolled use of shorelands of Stevens County, Minnesota affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by Stevens County.

### **2.0 – GENERAL PROVISIONS AND DEFINITIONS**

#### **2.1 Jurisdiction**

The provisions of this ordinance shall apply to the shorelands of the public water bodies as classified in Subsection 4.0 of this ordinance. Pursuant to Minnesota Regulations, Parts 6120.2500 - 6120.3900, no lake, pond, or flowage less than 10 acres in size in municipalities or 25 acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this ordinance.

#### **2.2 Compliance**

The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this ordinance and other applicable regulations.

#### **2.3 Enforcement**

The Stevens County Planning & Zoning Administrator is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to Subsection 3.1 of this ordinance.

## 2.4 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.

## 2.5 Severability

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

## 2.6 Abrogation and Greater Restrictions

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

## 2.7 Definitions - Definitions formerly found in this subsection have been moved to the beginning of the ordinance in the definitions section (Section 4).

## 3.0 – ADMINISTRATION

### 3.1 Permits Required

- 3.11 A permit is required for the construction of structures exceeding 120 sq ft in size or structure additions (and including such related activities as construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by Subsection 5.3 of this ordinance. Application for a permit shall be made to the Planning & Zoning Administrator on the forms provided. The application shall include the necessary information so that the Planning & Zoning Administrator can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided. Structures less than 120 square feet in size are required to meet setbacks applicable to larger structures.

Non-structural improvements including siding, windows, door, roofing, and interior remodeling do not require permits. Structural alterations that do not expand the dimensions (i.e. height, length, width, depth) of a legally existing structure do not require permits.

- 3.12 A permit authorizing an addition to an existing structure shall stipulate that an identified nonconforming sewage treatment system, as defined by Subsection 5.8, shall be reconstructed or replaced in accordance with the provisions of this ordinance.

### 3.2 Certificate of Zoning Compliance

The Planning & Zoning Administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Subsection 3.1 of this ordinance. This certificate will specify that the

use of land conforms to the requirements of this ordinance. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this ordinance and shall be punishable as provided in Subsection 2.3 of this ordinance.

### 3.3 Variances

- 3.31 Variances may only be granted in accordance with Minnesota Statutes, Chapter 394. A variance may not circumvent the general purposes and intent of this ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the board of adjustment must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.
- 3.32 The board of adjustment shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in Subsection 3.42 below shall also include the board of adjustment's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
- 3.33 For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system.

### 3.4 Notifications to the Department of Natural Resources

- 3.41 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 (or dated, if emailed) at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
- 3.42 A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action.

## 4.0 – SHORELAND CLASSIFICATION SYSTEM AND LAND USE DISTRICTS

### 4.1 Shoreland Classification System

The public waters of Stevens County have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3200, and the Public Waters Map for Stevens County, Minnesota, as summarized below:

- A. S-1 Special Protection District: The intent of the S-1 Special Protection District is to wisely guide the development and utilization of shorelands of public waters for the preservation of water quality, natural features, economic values, and the health, safety, and welfare of the general public. Specifically, the purpose of this district is to limit and properly manage development in areas that are generally unsuitable for development or uses due to wet soils, flooding, erosion, limiting soil conditions, steep slopes, large areas of exposed bedrock, or other major physical constraints. A second purpose is to manage and preserve areas with unique historical, natural, or biological characteristics.
- B. S-2 Residential-Recreation District: The intent of the S-2 Residential-Recreation District is to allow low density to medium density seasonal and year-round residential uses on lands suitable for such uses and to preserve areas which have natural characteristics suitable for both passive and active recreational use. It is also intended to prevent establishment of various commercial, industrial, and other uses in these areas that cause conflicts or problems for residential uses. Some nonresidential uses with minimal impacts on residential uses are allowed if properly managed under conditional use procedures.
- C. S-3 Water-Oriented Commercial District: The intent of the S-3 Water-Oriented Commercial District is to provide for existing or future commercial uses adjacent to water resources that are functionally dependent on such close proximity.

Within these three districts, waterbodies are further categorized as either General Development, Recreational Development or Natural Environment. These classifications are assigned by the Department of Natural Resources according to the following classification system in effect since the 1970s:

Natural Environment Lakes usually have less than 150 total acres, less than 60 acres per mile of shoreline, and less than three dwellings per mile of shoreline. They may have some winter kill of fish; may have shallow, swampy shoreline; and are less than 15 feet deep.

Recreational Development Lakes usually have between 60 and 225 acres of water per mile of shoreline, between 3 and 25 dwellings per mile of shoreline, and are more than 15 feet deep.

General Development Lakes usually have more than 225 acres of water per mile of shoreline and 25 dwellings per mile of shoreline, and are more than 15 feet deep.

4.11 The shoreland area for the waterbodies listed in subsections 4.12 and 4.13 shall be as defined in subsection 2.744 and as shown on the Official Zoning Map.

#### 4.12 Lakes

- A. Natural Environment Lakes

<b>Lake ID</b>	<b>Name</b>	<b>Location (Twp/Rng/Section)</b>	<b>Lake Type</b>	<b>Shoreland Zoning</b>	<b>Acres</b>
06-24	Unnamed	123/44;45/30;25	Game	NE	56/36
26-181	Unnamed	126;127/42;43/6;31;36	NA	NE	119/119
26-295	Unnamed	126;127/44/1,2;35,36	Game	NE	74/60
75-1	Unnamed	124,125/40,41/6;1,31	Game	NE	102
75-3	Unnamed	126/40,41/31;36	NA	NE	15/12
75-4	Unnamed	123 /41 /12	Game	NE	62
75-7	Unnamed	123,124/41 /V2;35	Game	NE	29
75-9	Unnamed	124 /41 /3,4	Game	NE	31
75-15	Unnamed	124 /41 /12,13	Game	NE	124
75-28	Unnamed	125 /41 /8	Game	NE	30
75-40	Unnamed	125 /41 /15,16	Game	NE	31
75-43	Unnamed	125 /41 /NW20	Game	NE	31
75-60	Unnamed	126 /41 /7	Game	NE	27
75-63	Unnamed	126 /41 /10	Game	NE	28
75-71	Unnamed	126 /41 /15,22,23	Game	NE	52
75-72	Unnamed	126 /41 /16	Game	NE	37

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75-73	Unnamed	126 /41 /17,20	Marginal	NE	38
75-88	Unnamed	126 /41,42V/30;25	Game	NE	56
75-95	Unnamed	123 /42 /35	Game	NE	50
75-110	Unnamed	125 /42 /4,5	Game	NE	29
75-111	Unnamed	125 /42 /7	Game	NE	94
75-145	Unnamed	126 /42 /NW13	Game	NE	34
75-147	Unnamed	126 /42 /15	Game	NE	60
75-149	Unnamed	126 /42 /17,18	Game	NE	175
75-151	Unnamed	126 /42 /19	Game	NE	53
75-152	Unnamed	126 /42 /19,20	Game	NE	79
75-155	Unnamed	126 /42 /21,22	Game	NE	138
75-165	Unnamed	124 /42,43V/7;12	Game	NE	52
75-167	Unnamed	123 /43 /NE/3	Game	NE	61
75-175	Unnamed	123 /43 /20	Game	NE	50
75-194	Unnamed	124 /43 /12	Game	NE	50
75-196	Unnamed	124 /43 /15	Game	NE	72

75-202	Unnamed	124 /43 /24	NA	NE	27
75-207	Unnamed	124 /43 /33	Game	NE	41
75-209	Unnamed	124 /43 /34	Game	NE	78
75-228	Unnamed	125 /43 /15	Game	NE	27
75-230	Unnamed	125 /43 /21,22,27	Game	NE	187
75-240	Unnamed	126 /43 /1	Game	NE	36
75-241	Unnamed	126 /43 /2	UnFish	NE	151
75-250	Unnamed	126 /43 /5	Game	NE	32
75-266	Unnamed	126 /43 /22,23	Game	NE	127
75-280	Unnamed	123 /44 /4,9	Game	NE	27
75-286	Unnamed	123 /44 /31	Game	NE	27
75-287	Unnamed	123,124/44 /V4;33	Game	NE	104
75-303	Unnamed	126 /44 /1	Game	NE	40
75-304	Unnamed	126 /44 /1,2	Game	NE	99
75-310	Unnamed	126 /44 /36	Game	NE	103
75-26	Baker	125 /41 /3,10	Marginal	NE	50

75-34	Bjork	125 /41 /10,15	Game	NE	59
75-192	Clear	124 /43 /8,9,16	Game	NE	195
75-96	Crissy	124 /42 /1,12	Marginal	NE	97
75-2	Cyrus	125 /40,41/40;25;36	Game	NE	245
75-183	Drywood	123 /43 /29,32	Game	NE	74
75-64	Erickson	126 /41 /10,11	Un. Fish	NE	53
75-277	Fish	125 /43,44V/6,7;1,12	Game	NE	267
75-201	Flax	124 /43 /23-26	Game	NE	136
75-29	Foss	125 /41 /8,17	Game	NE	50
75-203	Gorder	124 /43 /25-27,35	Game	NE	556
75-291	Gravel	124 /44 /8,17,18	Game	NE	128
75-283	Grossman Slough	123 /44 /5,6	Game	NE	93
75-45	Hanse	125 /41 /22,23	Game	NE	107
75-41	Hanson	125 /41 /15,22	Game	NE	115
75-200	Hattie	124 /43 /20,21,28	Marginal	NE	488
75-101	Horseshoe	124 /42 /15,16	Game	NE	60

75-24	Long	124,125/41 /V2,3,10;	Marginal	NE	588
75-74	Mid. P. de Terre	126 /41 /18-20	Game	NE	193
75-105	Mid. Wintermute	125 /42 /1,2,12	Game	NE	61
75-37	Moore	125 /41 /13,14,23	Game	NE	193
75-25	North Baker	125 /41 /3	Game	NE	28
76-169	North Drywood	122;123/43/5,6;32	NA	NE	388/388
75-116	North Maughan	125 /42 /21,22	Game	NE	86
75-61	No. Pomme de Terre	126 /41 /7,8,17,	Game	NE	425
75-125	No. Wintermute	125,126/42/V2;35,36	Game	NE	39
61-216	Otter	125/40,41/7;12	NA	NE	77/76
75-46	Olson	125 /41 /23-25	Marginal	NE	348
75-52	Round	125 /41 /SW36	Game	NE	62
75-164	Silver	126,127/42 /V3;35	Marginal	NE	133
75-117	So Maughan	125 /42 /21,22,27	Game	NE	173
75-113	So Wintermute	125 /42 /12	Game	NE	174
75-56	Swan	125,126/41 /V2,3;26,	Marginal	NE	243

75-62	Winters Slough	126 /41 /8,17	Game	NE	48
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B. Recreational Development Lakes

<b>Lake ID</b>	<b>Name</b>	<b>Location (Twp/Rng/Section)</b>	<b>Lake Type</b>	<b>Shoreland Zoning</b>	<b>Acres</b>
26-185	Cottonwood	126;127/43/1,2;35,36	Marginal	RD	247/247
75-75	Perkins	126 /41 /19,20,29	Marginal	RD	519
75-245	Barrett	126 /43 /4	Game	RD	157

C. General Development Lakes

<b>Lake ID</b>	<b>Name</b>	<b>Location (Twp/Rng/Section)</b>	<b>Lake Type</b>	<b>Shoreland Zoning</b>	<b>Acres</b>
75-268	Unnamed	126 /43 /25,26	Marginal	GD	91
75-97	Crystal	124 /42 /3	Game	GD	196
75-161	Harstad slough	126 /42 /29,30	Game	GD	288
75-19	Page	124 /41 /22,26,27	Marginal	GD	364

4.13 Rivers and Streams

- |    |                 |                   |
|----|-----------------|-------------------|
| A. | Remote Rivers   | Legal Description |
|    | None            |                   |
| B. | Forested Rivers | Legal Description |
|    | None            |                   |

- |    |   |                   |
|----|---|-------------------|
| C. | Transition Rivers   | Legal Description |
|    | Pomme de Terre River from Basin 61, Section 17, Township 126, Range 41 West (Outlet of North Pomme de Terre Lake), to South Section Line of Section 5, Township 125, Range 41 West  |                   |
| D. | Agricultural Rivers   | Legal Description |
|    | Pomme de Terre River from North Section Line of Section 6, Township 126, Range 41 West (Border of Grant and Stevens Counties), to Inlet of North Pomme de Terre Lake (Basin 61), Section 8, Township 126, Range 41 West.      |                   |
|    | Pomme de Terre River from North Section Line of Section 8, Township 125, Range 41 West to South Section Line of Section 32, Township 123, Range 42 West (Border of Swift and Stevens Counties).                               |                   |
|    | Chippewa River from East Section Line of Section 1, Township 125, Range 42 West (Border of Pope and Stevens Counties), to East Section Line of Section 25, Township 126, Range 41 West (Border of Pope and Stevens Counties). |                   |
| E. | Urban Rivers  | Legal Description |
|    | None  |                   |
| F. | Tributary System  | *                 |
|    | *All protected watercourses in the County shown on the Public Waters Map for Stevens County, a copy of which is hereby adopted by reference, not given a classification in Items A-E above shall be considered "Tributary."   |                   |

## 4.2 Land Use District Descriptions

4.21 Criteria For Designation. The land use districts in Subsection 4.22, and the delineation of a land use district's boundaries on the Official Zoning Map, must be consistent with the following criteria, considerations, and objectives:

- A. General Considerations and Criteria for All Land Uses:
- (1) preservation of natural areas;
  - (2) present ownership and development of shoreland areas;
  - (3) shoreland soil types and their engineering capabilities;
  - (4) topographic characteristics;
  - (5) vegetative cover;
  - (6) in-water physical characteristics, values, and constraints;

- (7) recreational use of the surface water;
- (8) road and service center accessibility;
- (9) socioeconomic development needs and plans as they involve water and related land resources;
- (10) the land requirements of industry which, by its nature, requires location in shoreland areas; and
- (11) the necessity to preserve and restore certain areas having significant historical or ecological value.

B. Factors and Criteria for Planned Unit Developments

- (1) existing recreational use of the surface waters and likely increases in use associated with planned unit developments;
- (2) physical and aesthetic impacts of increased density;
- (3) suitability of lands for the planned unit development approach;
- (4) level of current development in the area; and
- (5) amounts and types of ownership of undeveloped lands.

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

A. Land Use Districts For Lakes, Rivers and Streams

Key to Column Headings: GD = General Development, RD = Recreational Development, NE = Natural Environment, A = Agricultural, T = Transition, Tr = Transition

Key to Table Content: A= allowed without permit, P = allowed with permit, C = conditional uses, I = interim uses, N = prohibited uses, Ac = accessory uses

	S-1			S-2			S-3			River		
	GD	RD	NE	GD	RD	NE	GD	RD	NE	A	T	Tr
<b>AGRICULTURAL/NATURAL USES</b>												
Forestry management by public and private agencies for conservation purposes	A	A	A	A	A	A	A	A	A	A	A	A
Sensitive resource management	A	A	A	A	A	A	A	A	A	A	A	A
All general agricultural pasture and minimum tillage cropland uses, including agricultural structures, but not including agricultural or commercial feedlots. No wetlands shall be drained to facilitate cultivation of shoreland areas.	A	A	A	A	A	A	A	A	A	A	A	A
Agricultural or commercial feedlots	N	N	N	N	N	N	N	N	N	N	N	N
Natural areas, wildlife areas, wetland areas, and wildlife preserves	A	A	A	A	A	A	A	A	A	A	A	A

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	S-1			S-2			S-3			River		
	GD	RD	NE	GD	RD	NE	GD	RD	NE	A	T	Tr
Hiking and riding trails	A	A	A	A	A	A	A	A	A	A	A	A
Flood control and watershed structures, and erosion control structures	C	C	C	C	C	C	C	C	C	C	C	C
Non-residential structures used solely in conjunction with the raising of wild animals or fish, provided the structures are of a design approved by the Planning Commission.	C	C	C	N	N	N	C	C	C	N	N	N

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	S-1			S-2			S-3			River		
	GD	RD	NE	GD	RD	NE	GD	RD	NE	A	T	Tr
<b>RESIDENTIAL USES</b>												
One-family dwellings, including seasonal, manufactured/mobile and modular dwellings	N/C <sup>1</sup>	N/C <sup>1</sup>	N/C <sup>1</sup>	C	C	C	C	C	C	C	C	C
Temporary dwelling (see Section 14.I for specific regulations)	I	I	I	I	I	I	I	I	I	I	I	I
Residential subdivisions, minor	N	N	N	P	P	P	P	P	P	P	P	P
Residential subdivisions, major	N	N	N	C	C	C	C	C	C	C	C	C
Controlled Access Lot	N	N	N	C	C	C	C	C	C	C	C	C
Guest Cottage	N	N	N	C	C	C	C	C	C	C	C	C
Private garage	N/C1	N/C1	N/C1	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac
Private swimming pool, when the area is completely enclosed within a fence at least five (5) feet high or which has an operable pool cover sufficient to prevent accidental drowning.	N	N	N	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac

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<sup>1</sup> One-family dwellings and private garages may be allowed by conditional use in the S-1 district if they are to replace existing, legally constructed dwellings that have not been discontinued as defined in Section 16 (Non-Conforming Uses). In all other cases, new dwellings are not allowed in the S-1 district.

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	S-1			S-2			S-3			River		
	GD	RD	NE	GD	RD	NE	GD	RD	NE	A	T	Tr
Duplex, triplex, quad residential	N	N	N	N	N	N	N	N	N	N	N	N
Residential planned unit developments	N	N	N	C	C	C	C	C	C	C	C	C
Group camps, intermittent	N	N	N	A	A	A	A	A	A	A	A	A

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	S-1			S-2			S-3			River		
	G D	R D	N E	G D	R D	N E	G D	R D	N E	A	T	T r
<b>COMMERCIAL USES</b>												
Boat livery, including commercial boat docks, sales-rental, construction and repair.	N	N	N	C	C	C	C	C	C	C	C	C
Golf club house, country club public swimming pool or private swimming pool serving more than one family, provided that no principal structure shall be located within fifty (50) feet of any lot line of an abutting residentially-zoned property.	N	N	N	C	C	C	C	C	C	C	C	C
Veterinary and animal clinics and the facilities for the care and/or breeding of animals, including kennels.	N	N	N	C	C	C	C	C	C	C	C	C
Group camps and summer camps, organized	N	N	N	C	C	C	C	C	C	C	C	C
Fish and game hatcheries	N	N	N	C	C	C	C	C	C	C	C	C
Golf courses, except club houses, miniature courses and driving ranges operated for commercial purposes	N	N	N	C	C	C	C	C	C	C	C	C
Hunting or fishing camps	N	N	N	A	A	A	A	A	A	A	A	A
Boat clubs, beaches, landings, docks, or piers	N	N	N	A	A	A	A	A	A	A	A	A

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	S-1			S-2			S-3			River		
	G D	R D	N E	G D	R D	N E	G D	R D	N E	A	T	T r
Commercial outdoor recreation areas that are similar to public recreation areas	C	C	C	C	C	C	C	C	C	C	C	C
Nurseries and tree farms	C	C	C	C	C	C	C	C	C	C	C	C
Riding academies and stables	C	C	C	C	C	C	C	C	C	C	C	C
Gun clubs, including club houses	C	C	C	C	C	C	C	C	C	C	C	C
Golf club houses or country clubs	C	C	C	C	C	C	C	C	C	C	C	C
Surface water oriented commercial*	N	N	N	N	N	N	C	C	C	N	N	N
Commercial planned unit development	N	N	N	N	N	N	C	C	C	N	N	N
Commercial retail	N	N	N	N	N	N	C	C	C	N	N	N
Extractive use	C	C	C	C	C	C	C	C	C	C	C	C
Mining of metallic minerals and peat	N	N	N	N	N	N	N	N	N	N	N	N
Industrial	N	N	N	N	N	N	N	N	N	N	N	N
Rural Event Centers	N	N	N	I	I	I	I	I	I	I	I	I
Solar Energy Systems, commercial	N	N	N	N	N	N	N	N	N	N	N	N
Solar Energy Systems, accessory (building-mounted)	N	N	N	A c	A c	A c	A c	A c	A c	A c	A c	A c

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	S-1			S-2			S-3			River		
	<b>G D</b>	<b>R D</b>	<b>N E</b>	<b>G D</b>	<b>R D</b>	<b>N E</b>	<b>G D</b>	<b>R D</b>	<b>N E</b>	<b>A</b>	<b>T</b>	<b>T r</b>
Solar Energy Systems, accessory (free-standing)	N	N	N	P	P	P	P	P	P	P	P	P

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	S-1			S-2			S-3			River		
	GD	RD	NE	GD	RD	NE	GD	RD	NE	A	T	Tr
<b>PUBLIC/SEMI-PUBLIC USES</b>												
Water supply and other essential service structures, provided that no essential service structure shall be located within fifty (50) feet of any lot line of an abutting residentially-zoned property.	C	C	C	C	C	C	C	C	C	C	C	C
Water supply structures, reservoirs, wells, elevated tanks, public sewage treatment facilities and similar essential public utility and service structures	C	C	C	C	C	C	C	C	C	C	C	C
All approved aerial or underground utility lines such as electrical, telephone, telegraph, or gas lines which cannot be reasonably located in other than a special protection district	C	C	C	C	C	C	C	C	C	C	C	C
Churches	N	N	N	C	C	C	C	C	C	C	C	C
Cemeteries and memorial gardens	C	C	C	C	C	C	C	C	C	C	C	C
Public and private parks and designated historical sites which do not maintain over-night camping facilities	C	C	C	C	C	C	C	C	C	C	C	C

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	S-1			S-2			S-3			River		
	GD	RD	NE	GD	RD	NE	GD	RD	NE	A	T	Tr
Park structures, including shelter, toilets (subject to requirements set forth in Section 14 of the Zoning Ordinance), storage buildings, garages, observation towers or structures, caretakers living quarters, parking, etc.	N	N	N	C	C	C	C	C	C	C	C	C
Public, semipublic	C	C	C	C	C	C	C	C	C	C	C	C

\*As accessory to a residential planned unit development



5.0 – ZONING AND WATER SUPPLY/SANITARY PROVISIONS

5.1 Lot Area and Width Standards.

The lot area (in square feet) and lot width standards (in feet) for single, residential lots and single residential lots with guest cottages created after the date of enactment of this ordinance for the lake and river/stream classifications are the following: (amended 2007)

5.11 Sewered or Unsewered Lakes

A. Natural Environment:

	<b>Riparian Lots</b>		<b>Nonriparian Lots</b>	
	<b>Area</b>	<b>Width</b>	<b>Area</b>	<b>Width</b>
Single	87,120	200	87,120	200
w/guest cottage	120,000	300	160,000	400

B. Recreational Development:

	<b>Riparian Lots</b>		<b>Nonriparian Lots</b>	
	<b>Area</b>	<b>Width</b>	<b>Area</b>	<b>Width</b>
Single	43,560	150	43,560	150
w/guest cottage	80,000	225	80,000	265

C. General Development:

	<b>Riparian Lots</b>		<b>Nonriparian Lots</b>	
	<b>Area</b>	<b>Width</b>	<b>Area</b>	<b>Width</b>
Single	21,780	100	43,560	150
w/guest cottage	40,000	180	80,000	265

5.13 River/stream Lot Width Standards. There are no minimum lot size requirements for rivers and streams. The lot width standards for single and single with guest cottage residential developments for the six-river/stream classifications are:

	Remote	Forested	Transition	Agricultural	Urban & Tributary	
					No sewer	Sewer
Single	300	200	250	150	100	75
w/guest cottage	450	300	375	225	150	115

5.14 Additional Special Provisions.

- A. Residential subdivisions with dwelling unit densities exceeding those in the tables in Subsections 5.12 and 5.13 can only be allowed if designed and approved as residential planned unit developments consistent with Section 18.B of the County Zoning Ordinance. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in Subsection 5.12 can only be used if publicly owned sewer system service is available to the property.
- B. Subdivisions of duplexes, triplexes, and quads in Lake and River/Stream districts are not allowed.
- C. One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in Subsection 5.11-5.13, provided the following standards are met:
  - (1) for lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within the smallest duplex-sized lot that could be created including the principal dwelling unit;
  - (2) a guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height; and
  - (3) a guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.
- D. Lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots within subdivisions are permissible and must meet or exceed the following standards:

- (1) they must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.
- (2) if docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

Controlled Access Lot Frontage Requirements

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

- (3) they must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot; and
- (4) covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include mooring, or docking at designated slips only. Watercraft launching, loading, and beaching shall not be allowed. 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.

5.2 Placement, Design, and Height of Structures, Impervious Surfaces and Sewage Treatment Systems.

- 5.21 Placement of Structures on Lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows.
- A. Structure, Impervious Surfaces and On-site Sewage System Setbacks (in feet) from Ordinary High Water Level.

Classes of Public Waters	Setbacks		
	Structures		Sewage Treatment System
	Unsewered Lakes	Sewered Lakes	
<b>Lakes</b>			
Natural Environment	150	150	150
Recreational Development	100	75	75
General Development	75	50	50
<b>Rivers</b>			
Remote	200	200	150
Forested and Transition	150	150	100
Agriculture, Urban and Tributary	100	50	75

- B. Additional Structure Setbacks. The following additional structure setbacks apply, regardless of the classification of the waterbody:

Setback From:	Setback (in feet)
(1) top of bluff;	30
(2) unplatted cemetery;	50
(3) right-of-way line of federal, state, or county highway;	50

- (4) right-of-way (ROW) line of town road, public street, or other roads or streets not classified; 35 (65 from centerline if no dedicated ROW)
- (5) side lot line; and 10
- (6) rear lot line. 50 (10 for accessory buildings)

- C. Bluff Impact Zones. Structures, impervious surfaces and accessory facilities, except stairways and landings and retaining walls when approved for erosion control purposes, must not be placed within bluff impact zones.
- D. Uses Without Water-oriented Needs. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

5.22 Design Criteria For Structures.

- A. High Water Elevations. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:
  - (1) for lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher;
  - (2) for rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with parts 6120.5000 to 6120.6200 governing the management of 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
- B. Water-oriented Accessory Structures. Water-oriented accessory structures are not allowed, except when meeting the normal structure setback for all other structures.
- C. 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:

- (1) stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;
- (2) landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open-space recreational properties, and planned unit developments;
- (3) canopies or roofs are not allowed on stairways, lifts, or landings;
- (4) 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;
- (5) stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
- (6) 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 subitems (1) to (5) are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.

D. 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.

5.23 Height of Structures. All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed 25 feet in height.

### 5.3 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.

#### 5.31 Vegetation Alterations.

- A. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Subsection 5.4 of this ordinance are exempt from the vegetation alteration standards that follow.
- B. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Subsections 5.62 and 5.63, respectfully, is allowed subject to the following standards:

- (1) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.
- (2) In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
  - (a) the width of an area that is clear-cut to accommodate the above uses must not exceed twenty-five (25) percent of the lot width;
  - (b) the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
  - (c) along rivers, existing shading of water surfaces is preserved; and
  - (d) the above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards, which shall not require a permit or other approval.
  - (e) if the clearing of vegetation on a lot, whether or not a permit is required, would be likely to expose significant amounts of soil to erosion for longer than seven (7) days, the Zoning Administrator may require the landowner to submit and implement an erosion control plan until such time as adequate ground cover or stabilization to prevent erosion occurs.

### 5.32 Topographic Alterations/Grading and Filling.

- A. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.
- B. Public roads and parking areas are regulated by Subsection 5.4 of this ordinance.
- C. Notwithstanding Items A. and B. above, a land use permit (including detailed plan showing dimensions of area to be graded or filled, amount of material to be excavated, moved or brought on site, steps that will be taken to prevent erosion during and after completion of the project, how areas of exposed soil will be permanently stabilized, or other information as deemed necessary by the Planning & Zoning Administrator) will be required for all other work, not including a normal and customary driveway, when it involves:

- (1) the movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and
- (2) the movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.

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

- (1) Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland\*:
  - (a) sediment and pollutant trapping and retention;
  - (b) storage of surface runoff to prevent or reduce flood damage;
  - (c) fish and wildlife habitat;
  - (d) recreational use;
  - (e) shoreline or bank stabilization; and
  - (f) noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

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

- (2) Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;
- (3) Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;
- (4) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
- (5) Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;



- (6) Fill or excavated material must not be placed in a manner that creates an unstable slope;
- (7) Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
- (8) Fill or excavated material must not be placed in bluff impact zones;
- (9) Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, section 103G;
- (10) Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
- (11) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.

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

#### 5.4 Placement and Design of Roads, Driveways, and Parking Areas.

- 5.41 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.
- 5.42 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.
- 5.43 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 Subsection 5.32 of this ordinance must be met.

#### 5.5 Stormwater Management.

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The following general and specific standards shall apply:

5.51 General Standards:

- A. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
- B. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
- C. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

5.52 Specific Standards:

- A. Impervious surface coverage of lots must not exceed 25 percent of the lot area.
- B. Thirty (30) percent of the total lot area must be kept in a natural state. For the purposes of this requirement, “natural state” shall allow only for limited cutting, pruning, and trimming of trees and grasses or removal of dead, diseased or noxious weeds. Grasses shall be allowed to grow naturally and may not be mowed or trimmed below a height of six (6) inches, except as allowed by the Zoning Administrator.
- C. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
- D. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

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

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

- A. Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:

- (1) in addition to meeting impervious coverage limits, setbacks, and other zoning standards in this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;
  - (2) uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
  - (3) uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
    - (a) no advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff;
    - (b) signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and
    - (c) other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.
- B. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.
- C. If not otherwise addressed in Section 5.61 A and B, the standards in Section 14 of this Ordinance shall apply to commercial, industrial and semi-public uses, except where the County specifically allows for lesser standards as a means of better preserving and enhancing the quality of surface waters, conserving the economic and natural environmental values of shorelands, and providing for the wise use of waters and related land resources.

#### 5.62 Agriculture Use Standards.

- A. 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 of the crown of bank or normal water level as provided in the Buffer Law, whichever is applicable.
  - B. 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 based on the Natural Resources Conservation Service field office technical guide (FOTG) or practices based on local conditions approved by the local soil and water conservation district that are consistent with the FOTG.
  - C. Animal feedlots must meet the following standards:
    - (1) new feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of 300 feet from the ordinary high water level of all public waters basins; and
    - (2) 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.
- 5.63 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.”
- 5.64 Extractive Use Standards.
- A. Site Development and Restoration Plan. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.
  - B. 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.
- 5.65 Mining of Metallic Minerals and Peat. Mining of metallic minerals and peat, as defined in Minnesota Statutes, sections 93.44 to 93.51, shall be a permitted use provided the provisions of Minnesota Statutes, sections 93.44 to 93.51, are satisfied.

## 5.7 Conditional Uses

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

5.71 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 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.

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

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

## 5.8 Water Supply and Sewage Treatment

5.81 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.

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

- A. Publicly-owned sewer systems must be used where available.

- B. All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency’s standards for individual sewage treatment systems contained in the 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.
- C. On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in Subsection 5.21 of this ordinance.
- D. All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in subitems (1)-(4). If the determination of a site’s suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.

Evaluation criteria:

- (1) depth to the highest known or calculated ground water table or bedrock;
- (2) soil conditions, properties, and permeability;
- (3) slope;
- (4) the existence of lowlands, local surface depressions, and rock outcrops;

- E. Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with subsection 6.13 of this ordinance.

## 5.9 Mitigation

5.91 In evaluating all variances, conditional uses, zoning and building permit applications, the zoning authority shall require the property owner to address, when appropriate, the following conditions, when related to and proportional to the impact, to meet the purpose of this ordinance, to protect adjacent properties, and the public interest.

- A. Advanced storm water runoff management treatment;
- B. Reducing impervious surfaces;
- C. Increasing setbacks from the ordinary high water level;
- D. Restoration of wetlands;

- E. Limiting vegetation removal and/or riparian vegetation restoration;
- F. Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas; and
- G. Other conditions the zoning authority deems necessary.

5.92 In evaluating plans to construct sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes, conditions to prevent erosion and to preserve existing vegetation screening of structures, vehicles and other facilities as viewed from the surface of public waters assuming summer, leaf-on vegetation shall be attached to permits.

## 6.0 – NONCONFORMITIES

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

### 6.1 Construction on nonconforming lots of record.

- A. A legal, nonconforming single lot 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 Subsection 5.1 of this ordinance may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, was created compliant with official controls in effect at the time, sewage treatment and setback requirements of this ordinance are met, a Type 1 sewage treatment system consistent with Minnesota Rules, Chapter 7080 and Stevens County regulations can be installed or the lot is connected to a public sewer, and the impervious surface coverage on the lot does not exceed the requirements of the underlying zone.
- B. A variance from setback requirements must be obtained before any use, sewage treatment system, or land use permit is issued for a lot. In evaluating the variance, the board of adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
- C. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Subsection 5.1 of this ordinance the lot must not be considered as a separate parcel of land for the purposes of sale or development and must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Subsection 5.1 of this ordinance as much as possible, unless the lot meets the following requirements:

- (1) The lot must be at least 66 percent of the dimensional standard for lot width and lot size for the underlying zoning district and with the shoreland

classification consistent with Minnesota Rules 6120 if located within a shoreland area; and

- (2) The lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules 7080 and Stevens County sewage treatment regulations; and
- (3) Impervious surface coverage must not exceed the requirements of the underlying zone; and
- (4) Development of the lot must be consistent with any applicable Stevens County Comprehensive Plan.

Husband and/or wife will be considered same ownership.

Notwithstanding the above, contiguous nonconforming lots of record under common ownership must be able to be sold or purchased individually if each lot contained a habitable dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of Minnesota Rules, section 115.55 and Minnesota Rules, Chapter 7080, or connected to a public sewer.

## 6.2 Additions/expansions to nonconforming structures.

- A. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Subsection 5.0 of this ordinance. Any deviation from these requirements must be authorized by a variance pursuant to Subsection 3.3.
- B. 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:
  - (1) the structure existed on the date the structure setbacks were established;
  - (2) a thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
  - (3) the deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive; and
  - (4) the deck is constructed primarily of wood, and is not roofed or screened.

## 6.3 Nonconforming sewage treatment systems.



- A. A sewage treatment system not meeting the requirements of Subsection 5.8 of this ordinance must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.
- B. The governing body of Stevens County has by formal resolution notified the commissioner of its program to identify nonconforming sewage treatment systems. The Stevens County Board of Commissioners will require upgrading or replacement of any nonconforming system identified by this program within eighteen (18) months. Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, section 103F, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems, shall be considered nonconforming.

#### 7.0 - SUBDIVISION/PLATTING PROVISIONS

Subdivisions within shoreland are subject to the requirements of the Stevens County Subdivision Ordinance.

#### 8.0 – PLANNED UNIT DEVELOPMENTS (PUD's)

Planned unit developments within shoreland are subject to the requirements of Section 18 of the Stevens County Zoning Ordinance.

#### APPENDIX A: CONSIDERATIONS FOR TOWNSHIP ZONING

Townships may adopt shoreland management controls under authority of Minnesota Statutes, section 394.33, subdivision 1, if the controls are not inconsistent with or less restrictive than the controls adopted by the county in which the township is located. This must be accomplished in accordance with the following conditions:

- For the purposes of Minnesota Regulations, Parts 6120.2500 to 6120.3900, shoreland management controls adopted by townships will only be considered to be consistent with county controls if they cover the same full range of shoreland management provisions covered by the county controls, contain dimensional standards at least as restrictive as those in the county controls, and do not allow land uses in particular areas that are not allowed under the county's official controls.
- The township must demonstrate to the county board that their proposed ordinance and administration is at least as restrictive as the county's prior to final adoption by the township. This will include, at a minimum, that the township has the staff necessary to administer the ordinance, has sufficient land use permit application and certification forms and procedures, and an enforcement mechanism to enforce the ordinance should violations occur.

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- Townships must provide for administration and enforcement of shoreland management controls at least as effective as county implementation. Townships that adopt shoreland controls must provide the notifications in Subsection 3.4 of the sample ordinance to the Commissioner or the Commissioner's designee and to the zoning official of the county.
- After adequate shoreland management controls are adopted by a township, property owners must only obtain necessary permits and approvals as required in the township shoreland management controls. Property owners do not have to obtain similar permits or approvals under the county's shoreland controls.

The Commissioner of the Department of Natural Resources must also approve a township's shoreland ordinance. The DNR and the respective county should work together to make a joint determination as to whether the township's ordinance is in compliance with state and county standards.

**SECTION 8: RESERVED**

Approved: November 17, 2020  
Effective: November 24, 2020

## **SECTION 9: A-1 GENERAL AGRICULTURE DISTRICT**

### **A. Purpose**

The intent of the A-1 GENERAL AGRICULTURE DISTRICT is to prevent scattered, non-farm growth, and to preserve the prime agricultural lands in Stevens County. In this district, non-farm residents will need to be aware that farming and other agricultural and natural resource-based activities are the primary use within the district and that those uses will involve noises, odors and activities which such landowners may view as nuisances, but which when conducted in a legal and customary manner are instead a normal and unavoidable aspect of such uses. The above intention will be accomplished by establishing and enforcing strict bulk and density controls.

### **B. Permitted Uses**

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

1. Agriculture, including farm dwellings on existing farmsteads, agricultural structures, and agricultural feedlots.
2. Flood control and watershed structures, erosion control structures, and farm drainage systems.
3. Parks, recreational areas, wildlife areas, game refuges, and forest preserves owned by governmental agencies.
4. Nurseries and tree farms.
5. Public or private schools.
6. Churches.
7. Cemeteries and memorial gardens.
8. Stockpiling of manure, subject to the requirements of Section 14.N.
9. Agricultural feedlots
10. One single-family detached non-farm dwelling on a legally created parcel, including modular or manufactured homes.
11. Solar energy system, accessory (attached to building or freestanding, when for individual, farm or other non-commercial use)
12. Intermittent group camps

### **C. Conditional and Interim Uses**

The following uses may be allowed as conditional or interim (where specified) uses in the A-1 GENERAL AGRICULTURE DISTRICT, subject to the provisions of SECTION 15:

1. A second single-family detached non-farm dwelling per legally created parcel, including modular or manufactured homes.
2. The Planning Commission, in approving a second single-family dwelling and in addition to other appropriate conditions, may require that the secondary dwelling be located on the property in such a way that it can later be separated onto its own parcel such that both parcels meet the dimensional and other requirements of this ordinance. This shall include the installation of its own septic treatment system and well, unless otherwise specified in the approval of the conditional use permit.
3. Hospitals, convalescent and nursing homes.
4. Commercial outdoor recreation areas that are similar to public recreation areas.
5. Organized group camps.
6. Local and municipal administration and service structures, airports, and air facilities, including subsequent additions to such structures provided such addition would not materially alter the potential impact of the use on nearby properties.
7. Golf and country clubs, gun clubs, miniature golf courses, golf driving ranges, and race tracks.
8. Grain and produce collection and storage as a primary use.
9. Commercial dog kennels.
10. Radio or television transmitting stations and towers.
11. Extraction of minerals as regulated in SECTION 14.
12. Livestock waste lagoon as defined in SECTION 4.
13. Temporary salvage operation.
14. Agriculture related retailers on existing farmsteads when the use is clearly incidental (secondary) to the normal farming operation.
15. Essential public utilities or services and service structures, including storage yards.
16. Dumping grounds, waste treatment lagoons, sanitary land fill operations as regulated by State and County ordinances, and similar essential public utility and service structures.
17. Advertising signs and/or billboards as regulated in SECTION 14.
18. Commercial feedlots as a primary use (not meeting the requirements of an agricultural feedlot), subject to the requirements of Section 14.N:
19. Riding academies and stables.

20. Agricultural processing plant
21. Rural Event Centers
22. Solar farms
23. Uses determined by the Planning Commission to be of the same general character as permitted and conditional uses above, and found not to be detrimental to the general health and welfare of the County.

The following uses may be allowed as interim uses in the A-1 GENERAL AGRICULTURE DISTRICT, subject to the provisions of SECTION 15A:

1. Temporary dwellings

D. Permitted Accessory Uses

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

1. Private garage.
2. Keeping of not more than two (2) boarders or roomers by a resident family.
3. Living quarters of persons employed on the premises.
4. Home occupations, high-activity, low-activity and moderate-activity.
5. The operation of necessary facilities and equipment in connection with schools, colleges, universities, hospitals, and other public or semi-public institutions.
6. Recreation, refreshment, and service buildings in public parks and playgrounds.
7. Fallout shelters.
8. Other accessory uses customarily incident to the uses permitted in B and C of this SECTION.

E. Prohibited Uses

The following uses shall be prohibited uses within the A-1 GENERAL AGRICULTURE DISTRICT:

1. Adult use businesses
2. Any other use that is not specifically listed in this SUB SECTION as a permitted, conditional, interim or accessory use and which is not determined by the Planning Commission to be of the same general character as such uses or that is determined to be detrimental to the general health and welfare of landowners within the A-1 GENERAL AGRICULTURE DISTRICT.

F. Height, Yard, Area, Density, and Lot Width and Depth Regulations

1. Height Regulations

- a. No height regulation shall be required for agricultural structures.
- b. No other structures hereafter erected or expanded shall exceed thirty (30) feet.

2. Front Yard Regulations

3. No other structures hereafter erected or expanded shall be less than twenty (20) feet from the road right-of-way of any road, or the following distances as measured to the centerline of the traveled road surface, whichever is more restrictive (below-ground structures which do not impinge on the road right-of-way may be allowed at the discretion of the Zoning Administrator up to the road right-of-way):

- a. Federal or State Roads: One hundred (100) feet
- b. County Roads: One hundred (100) feet
- c. Township or other Local Roads: Sixty-five (65) feet
- d. Where a lot is located at the intersection of two or more roads or highways, the required front yard setback shall be met on each road or highway side of each corner lot.
- e. Within existing developed areas, the above front yard setback requirements may be adjusted to coincide with average setbacks occurring on either side of the proposed buildings within three hundred (300) feet, except that any building shall be located a minimum of twenty (20) feet from the right-of-way line. If a lot within the 300 foot distance is vacant, that lot shall be calculated as having met the minimum required setback for new construction.

4. Side Yard Regulations

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

5. Rear Yard Regulations

There shall be a rear yard having a width of not less than twenty-five (25) feet on each side of any structure.

6. Lot Area Regulations

Every lot or plot of land created after November 24, 2020 shall contain an area of not less than two-and-one-half (2.5) acres, except that a one (1) acre minimum shall apply to lots encompassing farmsteads where a dwelling existed prior to [original date zoning regulations were adopted in the county].

7. Lot Width and Depth Regulations

Every lot or plot of land on which a dwelling is erected shall have a minimum width of not less than one hundred fifty (150) feet at all points and a minimum depth of two hundred (200) feet.

8. Density Regulations for Dwellings in the A-1 GENERAL AGRICULTURE DISTRICT

Not more than four (4) dwellings shall be permitted per quarter quarter section that contain at least 35 acres of deeded property. This limit shall apply to all dwellings, whether primary or secondary on any given parcel. For government lots or quarter-quarter sections that contain less than 35 acres of deeded property, the maximum number of dwellings shall be calculated by dividing the total number of acres by 10 and rounding to the nearest whole number (i.e. a Government Lot containing 27 acres, divided by 10, equals 2.7 – which would allow for 3 dwellings on that Government Lot. A 33 acre Government Lot, divided by 10, equals 3.3 – which would allow for 3 dwellings on that Government Lot.

9. Vegetation Setback Regulations

Vegetation shall be kept cut and trimmed, as required by the County Engineer or other relevant road authority, so as not to obstruct the vision of persons driving on adjacent roads or act as a barrier to cause wind-driven snow to collect on public rights-of-way.

G. General Regulations

Additional requirements for signs, parking, sewer and water systems, and other regulations in the A-1 GENERAL AGRICULTURE DISTRICT are set forth in SECTION 14.



## **SECTION 10: R-1 RURAL RESIDENCE DISTRICT**

### **A. Purpose**

The R-1 RURAL RESIDENCE DISTRICT is intended to provide a district which will allow low density residential development with on-lot utilities on low value agricultural land or where the best use of the land is non-agricultural due to its proximity to cities or major roadways. The relative value of agricultural lands for crop production purposes shall be determined using Natural Resources Conservation Service (NRCS) soils maps and the professional knowledge and opinions of NRCS personnel.

### **B. Permitted Uses**

1. Agriculture, limited to crop farming, nurseries and tree farms and including the incidental retail selling by the producer of products raised on the premises, provided that space necessary for parking of vehicles of customers shall be furnished off the public right-of-way (the raising of animals, the processing or manufacturing of agricultural products, and the establishment of permanent or semi-permanent structures for the sale of products raised on the premises shall not be considered a permitted use).
2. One single-family detached dwelling, including manufactured homes, per parcel
3. Flood control and watershed structures, erosion control structures, and farm drainage systems.
4. Stockpiling of manure, subject to the requirements of Section 14.N
5. Solar energy systems, accessory

### **C. Conditional and Interim Uses**

The following uses may be allowed as conditional, or interim (where specified), use in the R-1 RURAL RESIDENCE DISTRICT, subject to the provisions of SECTION 15:

1. Parks, recreational areas, wildlife areas, game refuges, and forest preserves owned by governmental agencies.
2. Public or private schools with over ten (10) students
3. Churches, provided that no structure shall be located within fifty (50) feet of any lot line of an abutting residentially-zoned lot.
4. Agriculture, not including agricultural or commercial feedlots, and provided that no agricultural structure shall be located within fifty (50) feet of any lot line of an abutting residentially-zoned lot.
5. Raising of animals in a pasture setting may be allowed as an Interim Use, with property line setbacks to be determined in the approval of the Interim Use.
6. One two-family dwelling, per parcel.

7. Water supply structures, reservoirs, wells, elevated tanks, and similar essential service structures, except that no structure shall be located within fifty (50) feet of any lot line of an abutting residentially-zoned lot.
8. Golf courses, club houses, miniature golf courses, and driving ranges operated for commercial purposes.
9. Country clubs, public swimming pool, private swimming pool serving more than one family, provided that no principal structure shall be located within (50) feet of any lot line of an abutting residentially-zoned lot.
10. Home occupations, moderate- or high-activity (Interim use).
11. Railroad rights-of-way, but not including railroad yards.
12. Cemeteries and memorial gardens.
13. Organized group camps.
14. Intermittent group camps.
15. Uses determined by the Planning Commission to be of the same general character as permitted and conditional uses above and found not to be detrimental to the general health and welfare of the County.

The following uses may be allowed as interim uses in the R-1 RURAL RESIDENCE DISTRICT, subject to the provisions of SECTION 15A:

1. Temporary dwellings

D. Permitted Accessory Uses

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

1. Private garage.
2. Private swimming pool, when the area is completely enclosed within a fence at least five (5) feet high or which has an operable pool cover sufficient to prevent accidental drowning.
3. Keeping of not more than two (2) boarders or roomers by a resident family.
4. Living quarters of persons employed on the premises.
5. Home occupations, low-activity.
6. Accessory uses customarily incident to the uses permitted in B of this SECTION.

E. Prohibited Uses

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

1. Commercial solar energy systems
2. Gun clubs
3. Commercial dog kennels
4. Extraction of minerals as regulated in SECTION 14
5. Livestock waste lagoon as defined in SECTION 14
6. Salvage yards or operations
7. Advertising signs and/or billboards as regulated in SECTION 14.
8. Animal feedlots
9. Dumping grounds, waste treatment lagoons, sanitary land fill operations as regulated by State and County ordinances, and similar essential public utility and service structures.
10. Agricultural processing plant
11. Rural event centers
12. Adult use businesses
13. Any other use that is not specifically listed in this SUB SECTION as a permitted, conditional, interim or accessory use and which is not determined by the Planning Commission to be of the same general character as such uses or that is determined to be detrimental to the general health and welfare of landowners within the R-1 RURAL RESIDENCE DISTRICT.

F. Height, Yard, Area, and Lot Width and Depth Regulations

1. Height Regulations

No structure hereafter erected or structurally altered shall exceed thirty (30) feet in height.

2. Front Yard Regulations

No other structures hereafter erected or expanded shall be less than twenty (20) feet from the road right-of-way of any road, or the following distances as measured to the centerline of the traveled road surface, whichever is more restrictive (below-ground structures which do not impinge on the road right-of-way may be allowed at the discretion of the Zoning Administrator up to the road right-of-way):

- a. State or Federal Roads: One hundred (100) feet

- b. County Roads: One hundred (100) feet
- c. Township or other Local Roads: Sixty-five (65) feet
- d. Where a lot is located at the intersection of two or more roads or highways, the required front yard setback shall be met on each road or highway side of each corner lot.
- e. Within existing developed areas, the above front yard setback requirements may be adjusted to coincide with average setbacks occurring on either side of the proposed buildings within three hundred (300) feet, except that any building shall be located a minimum of twenty (20) feet from the right-of-way line. If a lot within the 300 foot distance is vacant, that lot shall be calculated as having met the minimum required setback for new construction.

### 3. Side Yard Regulations

There shall be a side yard having a width of not less than ten (10) feet on each side of a structure, except that any structure primarily relating to permitted agricultural uses shall not be located within fifty (50) feet of any lot line of an abutting residentially-zoned lot.

### 4. Rear Yard Regulations

There shall be a rear yard having a depth of not less than twenty (20) feet, except that any structure primarily relating to permitted agricultural uses shall not be located within fifty (50) feet of any lot line of an abutting residentially-zoned lot.

### 5. Lot Area Regulations

Every lot or plot of land on which a one family dwelling is erected shall contain an area of not less than one (1) acre. For two-family dwellings, the minimum lot area shall be one and one-half (1½) acres.

### 6. Lot width and Depth Regulations

Every lot or plot of land on which a one family dwelling is erected shall have a minimum width of not less than one hundred fifty (150) feet at all points, and a minimum depth of not less than two hundred (200) feet. The foregoing minimum lot area, width, and depth requirements are not to apply to any platted land in a platted area of which the recorded plat has heretofore been approved by the County Board of Commissioners, nor to any parcel or lot now described by metes and bounds on a deed or contract for deed or record on the date hereof.

### 7. Vegetation Setback Regulations

Vegetation shall be kept cut and trimmed, as determined by the County Engineer, so as not to obstruct the vision of persons driving on adjacent roads or act as a barrier to cause wind-driven snow to collect on public rights-of-way.

G. General Regulations

Additional requirements for signs, parking, sewer and water systems, and other regulations in the R-1 RURAL RESIDENCE DISTRICT are set forth in SECTION 14.

## **SECTION 12: B-1 HIGHWAY SERVICE BUSINESS DISTRICT**

### **A. Purpose**

The B-1 HIGHWAY SERVICE BUSINESS DISTRICT is intended to provide a district that will allow compact and convenient limited highway-oriented business, closely related to existing urban areas and major highways in the County, and at standards which will not impair the traffic-carrying capabilities of adjoining roads and highways.

### **B. Permitted Uses**

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

1. Agriculture, limited to crop farming, nurseries and tree farms and including the retail selling by the producer of products raised on the premises, provided that space necessary for parking of vehicles of customers shall be furnished off the public right-of-way (the establishment of permanent or semi-permanent structures for the sale of products raised on the premises shall be considered a permitted use; animal feedlots and the processing or manufacturing of agricultural products shall not be considered a permitted use).
2. Flood control and watershed structures, erosion control structures, and farm drainage systems.
3. Stockpiling of manure, subject to the requirements of Section 14.N
4. Solar energy systems, accessory
5. Parks, recreational areas, wildlife areas, game refuges, and forest preserves owned by governmental agencies.
6. Public or private schools.
7. Churches.
8. Water supply structures, reservoirs, wells, elevated tanks, and similar essential service structures, except that no structure shall be located within fifty (50) feet of any lot line of an abutting residentially-zoned lot.
9. Golf courses, club houses, miniature golf courses, and driving ranges operated for commercial purposes.
10. Country clubs, public swimming pool, private swimming pool serving more than one family, provided that no principal structure shall be located within (50) feet of any lot line of an abutting residentially-zoned lot.
11. Railroad rights-of-way, but not including railroad yards.
12. Cemeteries and memorial gardens.
13. Intermittent group camps.

14. Automobile laundries, car wash.
15. Automobile service stations for the sale of gasoline, oil, and accessories.
16. Bowling alleys.
17. Building material and lumber yard.
18. Dance halls.
19. Drive-in retail stores or service uses.
20. Drive-in restaurants, or similar uses that provide goods and services to patrons in automobiles.
21. Drive-in theaters.
22. Feed and fertilizer sales, except the bi-products of farming operations.
23. Landscape nursery, garden sales.
24. Marine and boat sales.
25. Miniature golf courses or archery or golf driving ranges.
26. Motel, motor motel, or tourist camp.
27. Motorcycle sales and service.
28. Professional office.
29. Restaurant, cafe, or tavern.
30. Signs and billboards as regulated in SECTION 14.
31. Small engine sales and service.
32. Upholstery shops.
33. Veterinary clinic, including observation kennels, for household pets; provided all such kennels are contained within completely enclosed structures.

C. Conditional Uses

The following uses may be allowed in the B-1 HIGHWAY SERVICE BUSINESS DISTRICT, subject to the provisions of SECTION 15:

1. Mobile home or trailer sales.
2. Sales and storage of new and used automobiles.

3. Sales and storage of new and used farm implements.
4. Single family residence or manufactured home, when associated with a highway business.
5. Agricultural processing plant
6. Organized group camps
7. Rural event centers
8. Uses determined by the Planning Commission to be of the same general character as permitted or conditional uses above and found not to be detrimental to the general health and welfare of the County.

D. Permitted Accessory Uses

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

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

E. Prohibited Uses

The following uses shall be prohibited uses within the B-1 HIGHWAY SERVICE BUSINESS DISTRICT:

1. Gun clubs, unless all discharge of firearms is conducted within an indoor shooting range.
2. Extraction of minerals as regulated in SECTION 14
3. Livestock waste lagoon as defined in SECTION 14
4. Salvage yards or operations
5. Animal feedlots
6. Dumping grounds, waste treatment lagoons, sanitary land fill operations as regulated by State and County ordinances, and similar essential public utility and service structures.
7. Adult use businesses
8. Any other use that is not specifically listed in this SUB SECTION as a permitted, conditional, interim or accessory use and which is not determined by the Planning Commission to be of the same general character as such uses or that is determined to be detrimental to the general health and welfare of landowners within the B-1 HIGHWAY SERVICE BUSINESS DISTRICT.



F. Height, Yard, and Lot Width and Coverage Regulations

1. Height Regulations

No structure hereafter erected or structurally altered shall exceed thirty-five (35) feet in height.

2. Front Yard Regulations

No other structures hereafter erected or expanded shall be less than twenty (20) feet from the road right-of-way of any road, or the following distances as measured to the centerline of the traveled road surface, whichever is more restrictive (below-ground structures which do not impinge on the road right-of-way may be allowed at the discretion of the Zoning Administrator up to the road right-of-way):

- a. State or Federal Roads: One hundred (100) feet
- b. County Roads: One hundred (100) feet
- c. Township or other Local Roads: Sixty-five (65) feet
- d. Where a lot is located at the intersection of two or more roads or highways, the required front yard setback shall be met on each road or highway side of each corner lot.
- e. Within existing developed areas, the above front yard setback requirements may be adjusted to coincide with average setbacks occurring on either side of the proposed buildings within three hundred (300) feet, except that any building shall be located a minimum of twenty (20) feet from the right-of-way line. If a lot within the 300 foot distance is vacant, that lot shall be calculated as having met the minimum required setback for new construction.

3. Side Yard Regulations

There shall be a side yard having a width of not less than fifteen (15) feet on each side of a structure, except that no structure shall be located within thirty (30) feet of any side lot line abutting a lot in the A-1 GENERAL AGRICULTURE DISTRICT or the R-1 RURAL RESIDENCE DISTRICT.

4. Rear Yard Regulations

There shall be a rear yard having a depth of not less than twenty (20) feet.

5. Lot Width Regulations

Every lot or tract shall have a width of not less than sixty-six (66) feet abutting a public right-of-way and one hundred (100) feet wherever the primary building is to be constructed.

6. Lot Coverage Regulations

Not more than fifty (50) percent of the lot or plot area shall be occupied by buildings, except that up to seventy-five (75) percent of the lot or plot area may be occupied by buildings by conditional use permit provided that the County is satisfied that the additional stormwater runoff will be adequately managed to protect ground and surface waters and nearby properties or public right-of-way.

7. Vegetation Setback Regulations

Vegetation shall be kept cut and trimmed, as determined by the County Engineer, so as not to obstruct the vision of persons driving on adjacent roads or act as a barrier to cause wind-driven snow to collect on public rights-of-way.

G. General Regulations

Additional requirements for signs, parking, sewer and water systems, and other regulations in the B-1 HIGHWAY SERVICE BUSINESS DISTRICT are set forth in SECTION 14.

## **SECTION 13: I-1 LIMITED INDUSTRY DISTRICT**

### **A. Purpose**

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

### **B. Permitted Uses**

The following uses shall be permitted in the I-1 LIMITED INDUSTRY DISTRICT:

1. Bottling establishments.
2. Building materials sales and storage, lumber yards.
3. Cabinet and woodworking establishments.
4. Cartage and express facilities.
5. Cold storage plants, commercial printing, publishing, engraving, and reproduction firms.
6. Contractors', architects', and engineers' offices, shops, and yards for plumbing, heating, glazing, painting, paper hanging, roofing, ventilating, air conditioning, masonry, electrical, and refrigeration.
7. Dry cleaning plants.
8. Dwelling units for watchmen and their families, located on the premises where they are employed in such capacity.
9. Electrical light or power generating station.
10. Electrical service shops.
11. Farm implement sales and storage.
12. Freight terminal.
13. Frozen food lockers.
14. Bulk fuel sales and storage.
15. Garages for the storage, repair, and servicing of motor vehicles and farm implements.
16. Grain elevators.

17. Green houses - wholesale.
18. Hardware warehousing and distribution operations.
19. Highway maintenance shops and yards.
20. Laboratory instruments and associated scientific equipment testing.
21. Laundries.
22. Mail order houses.
23. Medical and surgical instruments and supplies distribution.
24. Office furniture and supplies distribution.
25. Precision instruments testing or distribution.
26. Printing.
27. Public service structures, including power sub-stations, gas regulator stations, sewage disposal plants, telephone exchange, police or fire stations, elevated tanks, and water works.
28. Publishing.
29. Radar (including microwave) installations and towers.
30. Radio and television studios, stations, and towers, transmitting or receiving.
31. Railroad rights-of-way.
32. Signs and billboards as regulated in SECTION 14.
33. Trade Schools.
34. Warehousing facilities.
35. Welding shops.
36. Other limited industrial uses clearly similar to uses permitted in this DISTRICT.
37. Ethanol Plant.

C. Conditional Uses

The following uses may be allowed in the I-1 LIMITED INDUSTRY DISTRICT, subject to the provisions of SECTION 15:

Approved: November 17, 2020  
Effective: November 24, 2020

1. Airports and commercial heliports, including aircraft landing fields, runways, flight strips, and flying schools, together with hangars, terminal buildings, and other auxiliary facilities.
2. Air and railroad freight terminals, railroad switching and classification yards, repair shops, and roundhouses.
3. Automobile testing grounds.
4. Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products which conform to the performance standards set forth for this DISTRICT, and which shall not be injurious or offensive to the occupants of adjacent properties by reason of the emission or creation of noise, smoke, vibration, dust or other particulate matter, toxic materials, odors, fire or explosion hazards, or glare.
5. Agricultural processing plant
6. Landfills
7. Adult Use Businesses
8. Uses determined by the Planning Commission to be of the same general character as permitted or conditional uses above and found not to be detrimental to the general health and welfare of the County.

D. Permitted Accessory Uses

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

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

E. Prohibited Uses

The following uses shall be prohibited uses within the I-1 LIMITED INDUSTRY DISTRICT:

1. Any other use that is not specifically listed in this SUB SECTION as a permitted, conditional, interim or accessory use and which is not determined by the Planning Commission to be of the same general character as such uses or that is determined to be detrimental to the general health and welfare of landowners within the I-1 LIMITED INDUSTRY DISTRICT.

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

1. Height Regulations:

No structure shall hereafter be erected or structurally altered to exceed forty (40) feet in height.

2. Front Yard Regulations:

No other structures hereafter erected or expanded shall be less than twenty (20) feet from the road right-of-way of any road, or the following distances as measured to the centerline of the traveled road surface, whichever is more restrictive (below-ground structures which do not impinge on the road right-of-way may be allowed at the discretion of the Zoning Administrator up to the road right-of-way):

- a. State or Federal Roads: One hundred (100) feet
- b. County Roads: One hundred (100) feet
- c. Township or other Local Roads: Sixty-five (65) feet
- d. Where a lot is located at the intersection of two or more roads or highways, the required front yard setback shall be met on each road or highway side of each corner lot.
- e. Within existing developed areas, the above front yard setback requirements may be adjusted to coincide with average setbacks occurring on either side of the proposed buildings within three hundred (300) feet, except that any building shall be located a minimum of twenty (20) feet from the right-of-way line. If a lot within the 300 foot distance is vacant, that lot shall be calculated as having met the minimum required setback for new construction.

3. Side Yard Regulations:

There shall be a side yard having a width of not less than fifteen (15) feet on each side of a structure.

4. Rear Yard Regulations

There shall be a rear yard having a depth of not less than thirty (30) feet.

5. Lot Area Regulations

Every lot or tract shall contain an area of not less than thirty thousand (30,000) square feet.

6. Lot Width and Depth Regulations

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

7. Lot Coverage Regulations

Not more than fifty (50) percent of the total area of a lot or tract shall be occupied by structures, except that up to seventy-five (75) percent of the lot or plot area may be occupied by buildings by conditional use permit provided that the County is satisfied that the additional stormwater runoff will be adequately managed to protect ground and surface waters and nearby properties or public right-of-way.

8. Vegetation Setback Regulations

Vegetation shall be kept cut and trimmed, as determined by the County Engineer, so as not to obstruct the vision of persons driving on adjacent roads or act as a barrier to cause wind-driven snow to collect on public rights-of-way.

G. General Regulations

Additional requirements for signs, parking, sewer and water systems, and other regulations in the I-1 LIMITED INDUSTRY DISTRICT are set forth in SECTION 14.

## **SECTION 13A: OAA ORDERLY ANNEXATION AGREEMENT DISTRICT**

### **A. Purpose**

The OAA Orderly Annexation Agreement District is intended to apply to those lands that are subject to Orderly Annexation Agreements between cities and township areas. All regulations applicable to land within these districts shall be per the specific orderly annexation agreement applicable to that area, as may be amended from time to time.

## **SECTION 13B: AIR AIRPORT ZONING DISTRICT**

### **A. Purpose**

The AIR Airport Zoning District is intended to apply to those lands that are subject to airport zoning districts adopted to apply to lands near airports. All regulations applicable to land within these districts shall be per the specific airport zoning ordinance applicable to that area, as may be amended from time to time.

## **SECTION 13C: CLR CLOSED LANDFILL RESTRICTED DISTRICT**

### **A. Purpose**

The CLR CLOSED LANDFILL RESTRICTED DISTRICT is intended to apply to former landfills that are qualified to be under the Closed Landfill Program of the Minnesota Pollution Control Agency (MPCA). The purpose of the district is to limit uses of land within the closed landfill, both actively filled and related lands, to minimal uses in order to protect the land from human activity where response action systems are in place and, at the same time, are protective of human health and safety. This district shall only apply to the closed landfill's Land Management Area, the limits of which are defined by the MPCA. This district shall apply whether the landfill is in public (MPCA, County, City, Township), Indian tribal, or private ownership.

### **B. Permitted Uses**

The following uses shall be permitted in the CLR CLOSED LANDFILL RESTRICTED DISTRICT:

1. Legal, nonconforming landfills which have been closed and are no longer operating.

### **C. Conditional Uses**

Conditional uses shall be limited to uses that do not damage the integrity of the Land Management Area and that continue to protect any person from hazards associated with the landfill.

Any application for a conditional use must be approved by the Commissioner of the MPCA and the Stevens County Board of Commissioners. Such approved use shall not disturb or threaten to disturb, the integrity of the landfill cover, liners, any other components of any containment system,



the function of any monitoring system that exists upon the described property, or other areas of the Land Management Area that the Commissioner of the MPCA deems necessary for future response actions.

The following uses may be allowed in the CLR CLOSED LANDFILL RESTRICTED DISTRICT, subject to the provisions of SECTION 15:

1. All land uses, subject to compliance with any applicable Closed Landfill Use Plan (CLUP) developed by the Minnesota Pollution Control Agency (MPCA).

D. Permitted Accessory Uses

The following uses shall be permitted accessory uses within the CLR CLOSED LANDFILL RESTRICTED DISTRICT:

1. Accessory uses allowed in this district include outdoor equipment or small buildings used in concert with gas extraction systems, other response action systems, monitoring wells or any other equipment designed to protect, monitor or otherwise ensure the integrity of the landfill monitoring or improvement systems. Fences and gates shall apply under these provisions.

E. Prohibited Uses and Structures

All other uses and structures not specifically allowed as conditional uses, or that cannot be considered as accessory uses, shall be prohibited in the CLR CLOSED LANDFILL RESTRICTED DISTRICT.

F. General Regulations

Additional requirements for signs, parking, sewer and water systems, and other regulations in the CLR CLOSED LANDFILL RESTRICTED DISTRICT are set forth in SECTION 14.

G. Amendments

Any amendment to this section must be approved by the Commissioner of the Minnesota Pollution Control Agency (MPCA) and the Stevens County Board of Commissioners.

H. Amendments

For purposes of this ordinance, the following closed landfills/legal descriptions are considered part of the CLR CLOSED LANDFILL RESTRICTED DISTRICT.

1. Stevens County Landfill, a qualified facility under the MPCA's Closed Landfill Program

A parcel of land in the Southwest Quarter (SW ¼) of Section Twelve (12), Township One Twenty-four (124) North, Range Forty-two (42) West, described as follows:

Lot A:

That part of the Southwest Quarter of Section 12, Township 124 North, Range 42 West, Stevens County, Minnesota, described as follows:

Commencing at the west quarter corner of said Section 12; thence South, assumed bearing, along the west line of said Section, 53.80 feet to the southwesterly most line of the Burlington Northern Railroad, said point being the point of beginning of the land to be described; thence continuing South, along said west line, 429.00 feet; thence South 54 degrees 39 minutes 59 seconds East 987.26 feet; thence North 46 degrees 04 minutes 32 seconds East 46.97 feet to the southwesterly line of said Railroad; thence North 40 degrees 56 minutes 33 seconds West, along said southwesterly line, 1280.68 feet to the point of beginning.

The tract contains 4.65 acres more or less.

Lot B:

That part of the Southwest Quarter of Section 12, Township 124 North, Range 42 West, Stevens County, Minnesota, described as follows:

Commencing at the west quarter corner of said Section 12; thence South, assumed bearing, along the west line of said Section, 53.80 feet to the southwesterly most line of the Burlington Northern Railroad; thence South 40 degrees 56 minutes 33 seconds East, along said southwesterly line, 1280.68 feet to the point of beginning of the land to be described; thence continuing South 40 degrees 56 minutes 33 seconds East, along said southwesterly line, 194.50 feet; thence North 54 degrees 39 minutes 59 seconds West 197.70 feet; thence North 46 degrees 04 minutes 32 seconds East 46.97 feet to the point of beginning.

The tract contains 0.11 acres more or less.

Lot C:

That part of the Southwest Quarter of Section 12, Township 124 North, Range 42 West, Stevens County, Minnesota, described as follows:

Commencing at the west quarter corner of said Section 12; thence South, assumed bearing, along the west line of said Section, 482.80 feet to the point of beginning of the land to be described; thence continuing South, along said west line, 1346.69 feet; thence North 46 degrees 04 minutes 32 seconds East 1118.22 feet; thence North 54 degrees 39 minutes 59 seconds West 987.26 feet to the point of beginning.

The tract contains 12.45 acres more or less.

Lot D:

That part of the Southwest Quarter of Section 12, Township 124 North, Range 42 West, Stevens County, Minnesota, described as follows:

Commencing at the west quarter corner of said Section 12; thence South, assumed bearing, along the west line of said Section 1797.71 feet; thence East 33.00 feet to the point of beginning of the land to be described; thence continuing East 190.71 feet; thence North 45 degrees 35 minutes 27 seconds East 890.10 feet; thence North 47 degrees 25 minutes 27 seconds West 125.00 feet; thence South 46 degrees 04 minutes 32 seconds West 1019.80 feet to the point of beginning.

The tract contains 2.82 acres more or less.

Lot F:

That part of the Southwest Quarter of Section 12, Township 124 North, Range 42 West, Stevens County, Minnesota, described as follows:

Commencing at the west quarter corner of said Section 12; thence South, assumed bearing, along the west line of said Section, 1797.71 feet; thence East 223.71 feet; thence North 45 degrees 35 minutes 27 seconds East 160.71 feet to the point of beginning of the land to be described; thence continuing North 45 degrees 35 minutes 27 seconds East 210.00 feet; thence South 44 degrees 24 minutes 33 seconds East 35.00 feet; thence South 45 degrees 35 minutes 27 seconds West 210.00 feet; thence North 44 degrees 24 minutes 33 seconds West 35.00 feet to the point of beginning.

The tract contains 0.17 acres more or less.

Lot H:

That part of Lots C & D of the plat of "LOTS A,B,C,D,E & F OF THE SW ¼ OF SEC. 12, T 124 N, R 42 W", according to the plat recorded in Book 82, page 668, of Deeds, described as follows:

Commencing at the west quarter corner of said Section 12; thence South, assumed bearing, along the west line of said Section, 1650.24 feet to the point of beginning of the land to be described; thence continuing South, along said west line, 35.00 feet; thence East 275.00 feet; thence North 35.00 feet; thence West 275.00 feet to the point of beginning.

The tract contains 0.22 acres more or less.

Lot I:

That part of the West Half of the Southwest Quarter (W ½ SW ¼) of Section 12, Township 124 North, Range 42 West, Stevens County, Minnesota, described as follows:

Beginning at the southeasterly corner of Lot B of the plat of “LOTS A,B,C,D,E and F OF THE SW ¼ OF SEC. 12, T 124 N, R 42 W”, according to the plat recorded in Book 82, page 668, of Deeds; thence South 40 degrees 56 minutes 33 seconds East, record bearing, along the southwesterly most line of the Burlington Northern Railroad, 4.85 feet; thence South 45 degrees 35 minutes 27 seconds West 985.32 feet; thence North 44 degrees 24 minutes 33 seconds West 40.00 feet to the southeasterly most line of Lot E of said plat recorded in Book 82, page 668 of Deeds; thence North 45 degrees 35 minutes 27 seconds East, along said southeasterly most line and along the southeasterly most line of Lot F of said Plat, 385.00 feet to the northeasterly most line of said Lot F; thence North 44 degrees 24 minutes 33 seconds West, along said northeasterly most line, 35.00 feet to the southeasterly most line of Lot D of said Plat; thence North 45 degrees 35 minutes 27 seconds East, along said southeasterly most line, 519.39 feet to the northeasterly most line of said Lot D; thence North 47 degrees 25 minutes 27 seconds West, along said northeasterly most line, 125.00 feet to the southeasterly most line of Lot C of said Plat; thence North 46 degrees 04 minutes 32 seconds East, along said southeasterly most line, 52.60 feet to the southwesterly most line of afore said Lot B; thence South 54 degrees 39 minutes 59 seconds East, along said southwesterly most line, 197.70 feet to the point of beginning.

The tract contains 1.55 acres more or less.

## **SECTION 14: GENERAL REGULATIONS**

### **A. Sign Regulations**

#### **1. Purpose**

This SUB-SECTION is established to protect and promote the health, safety, general welfare, and order within Stevens County through the creation of comprehensive and uniform standards, regulations and procedures governing the type, number, size, structure, location, height, lighting, erection, use or display of devices, signs or symbols serving as visual communication to persons situated within or upon public rights-of-way or private properties. The provisions of this SUB-SECTION are intended to encourage effective, aesthetically compatible, and orderly communications by reducing confusion and hazards resulting from unnecessary or indiscriminate use of such communications facilities. Hereafter no sign shall be erected, constructed, altered, or modified except as regulated by the provisions of this SUB-SECTION.

#### **2. Definitions**

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

- a. **Alteration**: Refers to any major alteration to a sign but shall not include routine maintenance, painting, or change of copy of an existing sign.
- b. **Billboard**: Any sign that exceeds ninety-six (96) square feet in surface area.
- c. **Canopy**: A protective roof like covering, made of canvas or similar fabric, mounted on a frame over a walkway, door, or window of a building.

- d. Flashing Sign: An illuminated sign upon which the artificial light is not kept constant in terms of intensity or color at all times when the sign is illuminated. Excluded are time and temperature signs.
- e. Free Standing Sign: Any stationary or portable, self-supported sign not affixed to any other structure.
- f. Governmental Sign: A sign which is erected by a governmental unit.
- g. Illuminated Sign: Any sign which is lighted by an artificial light source either directed upon it or illuminated from an interior source.
- h. Monument: a ground sign having a solid appearance and a generally low profile. Must be attached to a proportionate enclosed base (fifty percent minimum). The sign may be constructed with stone, concrete, metal, routed wood planks or beams, or similar materials which harmonize with the establishment it serves. The sign base area shall not exceed the actual sign face area by ten percent.
- i. Non-conforming Signs: A sign which lawfully existed at the time of the passage of this Ordinance or amendment thereto but which does not conform with the regulations of this Ordinance.
- j. Pole/Pylon: A freestanding sign that is suspended by no more than three (3) metal, wood, or concrete poles.
- k. Projecting Sign: A sign other than a wall sign, which is affixed to a building and which extends in a perpendicular manner from the building wall.
- l. Sign: The use of any words, numerals, pictures, figures, devices or trademarks by which anything is made known such as are used to show an individual, firm, profession or business and are visible to the general public.
- m. Sign Area: That area within the marginal lines of the surface which bears the advertisement or, in the case of messages, figures or symbols attached directly to the part of a building; that area which is included in the smallest connecting geometric figures which can be made to circumscribe the message, figure or symbol displayed thereon. Only changeable copy areas of marque or canopies shall be considered in determining the total sign area.
- n. Sign Height: The vertical distance measured from the base of sign to the top of such a sign. An average grade will be taken on irregular terrain.
- o. Sign Structure: The supports, uprights, bracing and framework for a sign including the sign area.
- p. Temporary Sign: Any sign which is erected or displayed for a specific period of time.
- q. Window: A painted or freestanding sign placed in/on a window of a business.

- r. Wall Sign: A sign which is affixed to the exterior wall or mansard roof of a building and which is parallel to the building.

### 3. General Sign Provisions

The following regulations shall apply to all signs hereinafter permitted in all DISTRICTS:

- a. **Hazardous Signs:** No sign permitted by this SUB-SECTION shall, by reason of its location, lighting, size, color or intensity, create a hazard to the safe, efficient movement of vehicular or pedestrian traffic. No private sign shall contain words which might be construed as traffic controls, such as "stop", "caution", "warning", etc., unless such sign is intended to direct traffic within the premises.
- b. **Sign Maintenance:** All signs and sign structures shall be properly maintained and kept in a safe, orderly condition. In addition, all parts and supports shall be properly painted. Any sign or sign structure which is rotted, unsafe, deteriorated, defaced, or otherwise altered, shall be repainted, repaired, or replaced by the licensee, owner, or agent of the owner of the property upon which the sign is located, upon written notice by the County.
- c. **Interference:** No sign, nor any guys, stay or attachment thereto shall be erected, placed or maintained by any person on rocks, fences or trees; nor in such a manner as to interfere with the effective use of fire fighting equipment or personnel, or any electric light, power, telephone, telegraph or TV cable wires or supports thereof.
- d. **Signs within Right-of-Way:** No signs other than governmental signs shall be erected or temporarily placed within any public right-of-way except as may be specifically provided herein.
- e. **Temporary Signs:** The temporary use of portable or moveable signs, search lights, banners, pendants and similar devices shall be allowed in excess of and in addition to the sign limitations of this SUB-SECTION for continuous periods of thirty (30) consecutive days. No business proprietor shall be allowed more than three (3) such periods in any twelve (12) month period. If any such temporary signage brings the total signage of the premises to more than 120% of permissible permanent signage otherwise allowed under this Ordinance on the premises in question, such temporary signage shall require a conditional use permit. This shall not apply to the use of temporary window signs.
- f. **Clearance:** All signs located over public right-of-way or any public or private access route (sidewalk, mall, etc.) shall be located a minimum of twelve (12) feet above grade level.
- g. **Safe Ingress and Egress:** No sign or sign structure shall be erected or maintained so as to prevent or deter free ingress and egress from any door, window or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.
- h. **Exempt Signs:** The following signs shall be authorized in all Zoning Districts and shall not require a permit:

- i. Signs affixed to a building or structure of any size, provided the top of the sign does not exceed the height of the building to which it is affixed.
  - ii. Freestanding signs not exceeding sixteen (16) square feet in any zoning district.
  - iii. Signs erected within a public road right-of-way that are approved by the governmental agency with authority over the right-of-way.
  - iv. The changing of the display surface on a sign(s), or complete replacement of a sign(s), when such change or replacement would be consistent with a previously issued permit or a sign considered to be a legal nonconformity, unless such sign(s) has been deemed abandoned.
  - v. Signs affixed to the interior of a building, or to the window of a building.
  - vi. Signs which are affixed on publicly owned property, which have been approved by the governing body of the property owner or their designee.
  - vii. Signs which are affixed on property owned by a County, State or Federal governmental body or a public school district unless specifically prohibited by this section.
  - viii. Signs required by law.
  - ix. Headstones, gravestones, grave markers or other similar signs attached to, or adjacent to, a burial plot, columbarium, mausoleum or the like.
- i. Back to Back Signs: If a freestanding sign or sign structure is constructed so that the faces are not back to back the angle shall not exceed 30 degrees. If the angle is greater than 30 degrees, the total area of both sides added together shall be the calculated area. Back to back signs (when less than 30 degrees) shall be considered as one sign when debited against the total number of signs permitted on a zoning lot.
  - j. Roof signs: Roof signs shall not be permitted.
  - k. Obsolete Signs: Obsolete signs or signs which advertise an activity, business, product, or service which is no longer produced or conducted on the premises shall be removed within ninety (90) days from date of vacancy. Owner shall have ninety (90) days from date of vacancy to remove any such sign.
  - l. Projecting Signs: No projecting sign may extend more than 18 inches from the face of the building over a public right-of-way except that marquees or canopies may extend within two (2) feet of the curb line.
  - m. Illumination: All externally illuminated signs shall be constructed so as to direct the source of light away from adjacent properties.

- n. Flashing or Intermittently Lighted Signs: Notwithstanding paragraph n. of General Sign Provisions, all flashing, revolving, and intermittently lighted signs resembling emergency vehicles are prohibited. Animated signs with approved intensity and location will require a Conditional Use Permit.
- o. Double Frontage: Lots having frontage on two streets or on a street and an alley shall be permitted to provide the maximum number and square footage of signs on each of the opposite ends of said lot, provided however, that not more than the maximum number of square footage of signs per frontage may be viewed simultaneously.
- p. Permit Required: No sign not exempted in this SUB-SECTION shall be erected, altered, constructed, or modified without first receiving a valid sign permit from the County.
- q. Sign Permit Application: The application for a sign permit shall contain such information as may be deemed necessary for the proper enforcement of this SUB-SECTION.
- r. Permit Fees: The County Board may from time to time set fees for sign permits.
- s. Message Substitution: Subject to the land owner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed commercial message, or for any duly permitted or allowed noncommercial message; provided, that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.
- t. Setbacks: All signs shall meet a minimum property line setback of ten (10) feet, unless noted otherwise in this section, as measured to the outermost portion of the sign.

#### 4. District Regulations

- a. Signs in ALL DISTRICTS: The following sign types shall be regulated or prohibited in zoning districts pursuant to the size, height, number, and similar regulatory provisions contained in this Ordinance.
  - i. Wall signs.
  - ii. Projecting signs.
  - iii. Illuminated signs.
  - iv. Free standing signs.



v. Marquee or canopy signs.

5. Signs in the F-1 FLOOD PLAIN DISTRICT, the S-1 and S-2 SHORELANDS DISTRICTS, A-1 AGRICULTURE DISTRICT, and R-1 and R-2 RESIDENCE DISTRICTS:

No sign shall be erected or maintained in the FLOOD PLAIN, SHORELANDS, AGRICULTURE, or RESIDENCE DISTRICTS except the following:

- a. One (1) sign, not to exceed thirty-five (35) square feet in surface area and not more than fifteen (15) feet in height above the average grade shall be allowed on a parcel with an active agricultural, horticultural, forestry or nursery operation, or seasonal produce stand, or which has a valid conditional use permit. No property will be permitted more than one sign under this provision. It may be illuminated, but not flashing.
- b. Billboards, subject to the following provisions:
  - i. No billboards shall be permitted within six hundred sixty (660) feet of the centerline of any routes designated as scenic routes or parkways.
  - ii. Billboards shall be limited to one per zoning lot.
  - iii. Billboard support structures shall not contain more than one (1) sign per facing in total of not more than two (2) signs per structure.
  - iv. Billboards shall be limited to not more than fifteen (15) feet in total length and ninety (90) square feet of sign area.
  - v. Billboards shall not exceed twelve (12) feet in height above the average grade.
  - vi. No billboard shall be located within a radius of six hundred sixty (660) feet of any existing advertising sign or structure.
  - vii. No billboard shall be located within one hundred (100) feet of a dwelling, at the grade intersection of two (2) or more roads, or at the grade intersection of any road and a railroad.

6. Signs in the B-1 HIGHWAY SERVICE BUSINESS DISTRICT and I-1 LIMITED INDUSTRY DISTRICT:

No sign shall be erected or maintained in the BUSINESS or INDUSTRY DISTRICTS, except the following:

- a. No more than one (1) pole/pylon sign or monument sign located on the premises. The surface area cannot exceed ninety-six (96) square feet. Signs permitted under this section are limited to a height not to exceed the permitted building height of the tallest structure on the property. It may be illuminated, but not flashing.

- b. In addition to the permitted pole/pylon sign listed above, freestanding signs not exceeding sixty-four (64) square feet in size:
- c. Billboards, subject to the following provisions:
  - i. Billboards shall be limited to not more than one (1) for a lot of one hundred (100) foot frontage or less, and to only one (1) per each additional one hundred (100) feet of lot frontage.
  - ii. Such billboards shall not contain more than two (2) signs per facing in total of not more than four (4) signs per structure.
  - iii. Billboards shall be limited to not more than twenty-five (25) feet in total length and two hundred fifty (250) square feet of sign area.
  - iv. Billboards shall not exceed twenty (20) feet in height above the average grade.
  - v. No billboard shall be erected within fifty (50) feet of any adjoining residence.

#### 7. Provisions Governing Non-Conforming Signs

A legal non-conforming sign may not be:

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

## 8. Non-Conforming Sign Maintenance and Repair

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

## B. Parking and Loading Regulations

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

### 1. Minimum Size Regulations:

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

### 2. Reduction and Use of Parking and Loading Space:

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

### 3. Computing Requirements:

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

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

### 4. Yards:

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

- a. In any of the SHORELANDS or RESIDENCE DISTRICTS, a maximum of two (2) automobiles may be parked in front yards, and four (4) in rear yards.
- b. In a B-1 HIGHWAY SERVICE BUSINESS DISTRICT, no parking or loading space shall be located within ten (10) feet of any property line that abuts a road or highway right-of-way, any residence, or an AGRICULTURE DISTRICT.
- c. In an I-1 LIGHT INDUSTRY DISTRICT, no parking or loading space shall be located within ten (10) feet of any property line that abuts a highway right-of-way line, any residence, or an AGRICULTURE DISTRICT, except for railroad loading areas.

5. Screening and Landscaping:

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

6. Access:

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

7. Location of Parking Facilities and Combined Facilities:

Required on-site parking space shall be provided on the same lot as the principal building or use, except that combined or joint parking facilities may be provided for one (1) or more buildings or uses in the B-1 BUSINESS DISTRICT and in the I-1 INDUSTRY DISTRICT, provided that the total number of spaces shall equal or exceed the sum of the requirements for each building or use.

8. Construction and Maintenance:

- a. In the B-1 BUSINESS DISTRICT and in the I-1 INDUSTRY DISTRICT, parking areas and access drives shall be covered with a dust-free, all weather surface with proper surface drainage (such as class V gravel, pavement or concrete), as required by the County Engineer.
- b. The operator of the principal building or use shall maintain parking and loading areas, access drives and yard areas in a neat and adequate manner.

9. Lighting:

Lighting shall be reflected away from the public right-of-way, nearby or adjacent residences, or an AGRICULTURE DISTRICT.

10. Required Site Plan:

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

11. Application of Parking and Loading Regulations:

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

12. Required Number of On-Site Parking Spaces:

On-site parking areas of sufficient size to provide parking for patrons, customers, suppliers, visitors and employees shall be provided on the premises of each use. The minimum number of required on-site parking spaces for the following uses shall be as follows, unless otherwise allowed by the Planning Commission (no public hearing required):

- a. One family dwelling: Two (2) parking spaces. No garage shall be converted into living space unless other acceptable on-site parking is provided.
- b. Multiple dwelling or mobile home park: Two (2) parking spaces per dwelling unit, apartment unit, or mobile home berth.
- c. Hospital, convalescent or nursing home: One (1) parking space for each four (4) beds for which accommodations are offered, plus one (1) parking space for each employee on the major shift.
- d. Churches: One (1) parking space for each four (4) seats, based on the design capacity of the main seating area.
- e. Public senior high school or private high school: Four (4) parking spaces for each classroom, plus one (1) parking space for each three (3) seats in the main auditorium area.
- f. Public elementary, junior high school or similar private school: Two (2) parking spaces for each classroom, plus one (1) space for each four (4) seats in the main auditorium area.
- g. Municipal administration buildings, community center, public library, museum, art gallery, post office, and other public service buildings: Ten (10) parking spaces, plus one (1) parking space for each five hundred (500) square feet of floor area in the principal structure.

- h. Golf course, golf club house, country club, swimming club, tennis club, public swimming pool: Twenty (20) spaces, plus one (1) space for each five hundred (500) square feet of floor area in the principal structure.
- i. Professional offices, medical and dental clinics and animal hospital: Four (4) parking spaces, plus one (1) parking space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet of floor area.
- j. Office buildings: Ten (10) parking spaces, plus one (1) parking space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet of floor area.
- k. Automobile service station: Four (4) parking spaces, plus two (2) parking spaces for each service stall; such parking spaces should be in addition to parking space required for gas pump areas.
- l. Auto sales, trailer sales, marine and boat sales, implement sales, garden supply store, building materials sale, auto repair: Six (6) parking spaces, plus one (1) space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet.
- m. Bowling alley: Five (5) parking spaces for each bowling lane.
- n. Drive-in restaurant: Twenty (20) parking spaces or one (1) space for each twenty (20) square feet of floor area, whichever is greater.
- o. Motel or motor hotel: One (1) parking space for each rental room or suite.
- p. Miniature golf course, archery range or golf driving range: ten (10) parking spaces.
- q. Assembly or exhibition hall, auditorium, theater, or sports arena: One (1) parking space for each four (4) seats, based upon design capacity.
- r. Restaurant, cafe, night-club, tavern or bar: one (1) parking space for each seventy-five (75) square feet of customer floor area.
- s. Retail stores and service establishments: One (1) parking space for each one hundred (100) square feet of floor area, plus one (1) space for each employee on the major shift or one (1) off-street parking space for each three hundred fifty (350) square feet of gross floor area within the building, whichever is greater.
- t. Shopping Center: When several business uses are grouped together according to a general development plan, on-site automobile parking shall be provided in a ratio of not less than three (3) square feet of gross parking area for each one (1) square foot of gross floor area. Separate on-site space shall be provided for loading and unloading.
- u. Research, experimental or testing stations: One (1) parking space for each employee on the major shift or one (1) off-street parking space for each five hundred (500) square feet of gross floor area within the building, whichever is greater.

- v. Storage, wholesale, or warehouse establishments: One (1) parking space for each two (2) employees on the major shift or one (1) space for each two thousand (2,000) square feet of floor area, whichever is larger, plus one (1) space for each company motor vehicle when customarily kept on the premises.
- w. Manufacturing or processing plant: One (1) off-street parking space for each two (2) employees on the major shift or one (1) off-street parking space for each one thousand (1,000) square feet of gross floor area within the building, whichever is greater, plus one (1) space for each company motor vehicle when customarily kept on the premises.

13. Required Number of On-Site Loading Spaces:

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

- a. Retail stores, service establishments and office buildings: One (1) space for the first ten thousand (10,000) square feet of gross floor area and one (1) space for each additional fifty thousand (50,000) square feet of gross floor area.
- b. Hospitals, rest homes, nursing homes, etc.: One (1) space plus one (1) additional space for each ten thousand (10,000) square feet of gross floor area.
- c. Restaurants: One (1) space for each structure over ten thousand (10,000) square feet of gross floor area.
- d. Manufacturing, fabrication, warehousing, storing, etc.: One (1) space for each thirty thousand (30,000) square feet of gross floor area.

C. Sanitary Provisions

See Stevens County Subsurface Sewage Treatment Systems Ordinance, or successor ordinance.

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

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

1. Definition:

Excavations, as used in this SUB-SECTION, shall mean any artificial excavation of the earth, within Stevens County, dug, excavated, or made by the removal from the natural surface of the earth of sod, soil, sand, gravel, stone, or other matter or made by tunneling or breaking or undermining the surface of the earth. Excavations for eventual connection to a body of water in a SHORELAND DISTRICT shall not be exempted from the provisions of this SUB-SECTION.

2. Interim 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 Planning Commission an Interim Use Permit for the proposed use (exceptions listed above).

3. Exceptions:

The following excavations are exempted from the requirements of this SUB-SECTION:

- a. Excavations ancillary to the construction of validly permitted buildings and structures, as determined by the Zoning Administrator.
- b. Excavations not exceeding fifty (50) square feet of surface area or two (2) feet in depth;
- c. Excavations for agricultural purposes, including the impounding of water;
- d. Borrow pits used for road construction or other public works projects.

4. Application for Excavation:

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

- a. The applicant's true name and address.
- b. A full description of the location of the land where the pit or excavation is or is to be or where the impounded waters are to be maintained and also full description of the location on such land of the pit, excavation or impounded waters.
- c. When required by the State of Minnesota, an approval by the State to impound such waters or make such excavations as described in the application.
- d. The purpose of the pit or excavation or the quantity of water impounded.
- e. The highways, roads or other public ways in the county upon and along which any material for removal is to be hauled or carried.
- f. The estimated time when building or removing will begin and be completed.
- g. Size of the area from which the removal is to be made and the estimated volume of material to be removed.
- h. Type of resource or material to be removed.
- i. Proposed method of removal and whether blasting or other use of explosives will be required.
- j. Description of equipment to be used, including any proposed accessory uses such as hot mix plants or crushing operations.



- k. Method of rehabilitation and reclamation of the pit area, including timeframe for rehabilitation.
- l. Identification of haul roads and amount of truck activity at highest and average levels on those routes, ADT (average daily total) counts.
- m. Proposed hours of operation.
- n. Expected life of operation.
- o. Types of barriers to be used, if necessary, to ensure the safety of people and livestock residing within proximity to the proposed area of excavation.
- p. Proposed methods of avoidance or mitigation of the impacts on natural resources caused by the proposed use.
- q. Detailed plans indicating anticipated vegetative and topographic alterations.
- r. Other information as may be required by the Zoning Administrator.

Such application shall be filed with the Zoning Administrator and processed in a manner required of all Conditional Use Permit applications.

#### 5. Reclamation Plan:

For all proposed extraction operations, the application shall contain a description of planned after-use of affected areas and the nature and extent of reclamation. A detailed reclamation map drawn at a scale of 1" = 100' or larger shall be provided designating which parts of the land shall be reclaimed for forest, pasture, crop, homesite, recreational, industrial, or other uses including food, shelter and ground-cover for wildlife. The reclamation plan and map shall contain:

- a. Proposed contours after any proposed filling.
- b. Depth of restored topsoil if restoration is proposed.
- c. Type of fill, if fill is proposed.
- d. Type of planting or reforestation. Planting shall be in accordance with the desires of the property owner. If natural vegetation is proposed, it shall be so stated.
- e. Estimated progress and completion dates. Reclamation activities shall progress on a phased basis, that is, for every ten (10) acres of additional mining operations, the previous exhausted ten (10) acres must be reclaimed.
- f. A written statement containing an explanation of the character of the site to be mined and of the character of the surrounding territory; an explanation of the reclamation plan; and an explanation of the schedule of development which shall include phase development. If a development schedule cannot feasibly be prepared, it shall be so stated and written reasons submitted.

- g. Removal of structures and equipment. Unless otherwise specified within an approved and current interim use permit, buildings, structures, machinery and plants shall be removed from the site within three (3) months of the date they are no longer in active use or from the date an interim use permit expires, is terminated or is abandoned. Removal shall be by, and at the expense of, the mining operator last operating such facilities. Equipment actively in use to remove stockpiled materials may be allowed to remain until the stockpile is exhausted or the site is reopened under a new interim use permit. Equipment shall be considered in active use provided they are used at least once in any thirty-day period of time. Equipment not in active use shall be removed from the site.
- h. Surface rehabilitation. All excavation areas shall be graded or backfilled to contour and shape the peaks and depressions thereof, so as to produce a gently drained surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area. Reclaimed areas shall be sodded or surfaced with a soil of a quality at least equal to the topsoil of the land areas immediately surrounding, and to a depth of at least three (3) inches. Haul roads shall be restored to their condition prior to the beginning of the extraction operation.
- i. Vegetation. Vegetation shall be restored by appropriate seeds of grasses and planting of shrubs or trees in all parts of said mining area where such area is not submerged under water as herein provided.
- j. Banks of excavation not backfilled. The banks of all excavation not backfilled shall be sloped not steeper than a 23 percent grade and said bank shall require the establishment of vegetation.
- k. Reclamation of extractive use sites and designated haul roads shall be completed by June 1<sup>st</sup> of the year following the expiration of the interim use permit. Stockpile areas shall be reclaimed within thirty (30) months of the expiration of the interim use permit, or within six (6) months of the date the stockpile is exhausted if weather conditions allow, whichever comes first.

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

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

#### 6. Filing of Map, Plat:

The Board of County Commissioners may require a map or plat of the proposed pit or excavation to be made showing the confines or limits thereof, together with the proposed depth

thereof at different parts thereof. A similar map or plat may be required in regard to the proposed container for the impounded waters.

#### 7. Conditions of Permit:

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

- a. Properly fence any pit or excavation.
- b. Slope the banks and otherwise properly guard and keep any pit or excavation in such condition as not to be dangerous from caving or sliding banks.
- c. Properly drain, fill, or level any pit or excavation, after created, so as to make the same safe and healthful as the Board shall determine.
- d. Keep any pit, excavation or impounded waters within the limits for which the particular permit is granted.
- e. Remove excavated material from any pit or excavation, away from the premises, upon and along such highways, streets, or other public ways as the Board shall order and direct; and
- f. Provide, for the purpose of retaining impounded waters, a container of sufficient strength and durability and maintain such container in safe and proper condition.

#### 8. Mining Operation Requirements:

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

- a. The mining operations shall be conducted in compliance with the laws of the State of Minnesota and the Federal Government, especially as related to safety standards, and ordinances and resolutions of Stevens County, as amended from time to time, and in compliance with and furtherance of the approved reclamation plan for the affected land.
- b. Clearing of the mining site shall conform to the development and reclamation plan whenever possible. Existing trees and shrubs shall remain in their natural state and not be prematurely stripped.
- c. Adequate planting, fencing, or berming shall be provided (at the request of the Board of Commissioners) along all public roads adjacent to the property involved, sufficient to screen the operation from public view.
- d. Ingress and egress access points from or onto any road or highway shall be clearly indicated, and only those indicated access points shall be utilized. All access points must be approved by the appropriate Highway Agency having jurisdiction, and shall

preferably be located so as to avoid the routing of vehicles to and from the mining operation over streets that primarily serve abutting residential development. Precautions must be taken to minimize the deposit of dirt and mined material from trucks onto the public roads or highways.

- e. Trucks used in hauling materials from the site of excavation shall be loaded in such manner as to minimize spillage onto public highways. Any spillage resulting from overloading or from adhering to truck tires shall be removed at regular intervals.
- f. All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise, and vibration. Power drives or power producing machinery, not including vehicles, shall not be housed or operated less than 500 feet from a residential use district.
- g. Processing. Crushing, concrete mixing, washing, refining, and other similar processing must be authorized by the Interim Use Permit as an accessory use, provided, however, that such accessory processing does not conflict with the use regulations of the district in which the operation is located. Processing shall not be permitted in any residential district. All processing equipment shall be located at least 500 feet from any residence, 200 feet from the OHW of any lake or stream, and outside of any wellhead protection area. The County may not approve such accessory uses if they are found to be incompatible with the neighborhood, in conflict with the County's Comprehensive Plan, or do not meet the review criteria for the interim use permit.
- h. Depth to groundwater separation. The applicant must indicate the estimated or actual depth to groundwater table based on site-specific evaluations, the County Soil Survey, the Minnesota Geologic Atlas or other appropriate documentation. When such estimates indicate that excavation will be taking place within five (5) feet of such groundwater, the applicant shall provide a description of the steps it will take to protect such groundwater supplies from pollution during mining and extraction activities.
- i. Water quality. The extractive use operation shall not adversely impact the quality of quantity of surface or groundwater resources. Surface water originating outside and passing through the extraction site shall be of equal quality, at its point of departure from the site, to the water at the point where it enters the extraction site. The applicant shall perform the water treatment necessary to comply with this provision.
- j. Waste materials and debris. No waste materials shall be disposed of on site unless authorized by the County. Stumps, brush, and other natural debris shall be removed or disposed of in accordance with local rules and regulations. Sanitary facilities acceptable to the County shall be provided for workers during the operation of the extractive use.
- k. Concurrent permits. All required permits applying to the proposed extractive use, which may include an NPDES permit for stormwater management, shall be obtained and copies submitted to the County prior to the commencement of any extractive use or related activities.
- l. Shoreland areas.

- i. 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.
- ii. Mining of Metallic Minerals and Peat. Mining of metallic minerals and peat, as defined in Minnesota Statutes, sections 93.44 to 93.51, shall be a permitted use provided the provisions of Minnesota Statutes, sections 93.44 to 93.51, are satisfied.

9. Bond May Be Required:

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

10. Setbacks:

Unless otherwise specified in the conditional use permit, the following minimum setbacks shall be provided to any part of the operation:

- a. Road right-of-way: 50 feet
- b. Any other property line: 35 feet

E. Buffers.

This sub-section is adopted pursuant to the authorization and policies contained in Minn. Stat. §103F.48 (the “Buffer Law”), and the County planning and zoning enabling legislation in Minn. Stat. chapter 394.

1. It is the purpose and intent of the County to:

- a. Provide for riparian vegetated buffers and water quality practices to achieve the following purposes:
  - i. Protect state water resources from erosion and runoff pollution;
  - ii. Stabilize soils, shore and banks; and
  - iii. Protect or provide riparian corridors.
- b. Coordinate the implementation and enforcement of the water resources riparian protection requirements of the Buffer Law with the shoreland management and the

management of public drainage systems under applicable rules, ordinances, and statutes; and

- c. Provide efficient and effective direction to landowners and protection of surface water quality and related land resources.
2. Data sharing/management. The County may enter into agreements with an SWCD, a watershed district if applicable, BWSR and other parties with respect to the creation and maintenance of, and access to, data concerning buffers and alternative practices under this ordinance.
3. Delegation of Enforcement. Nothing herein shall prevent the County from entering into an agreement with any other entity authorized by law to enforce buffer requirements, within its jurisdiction according to this ordinance or other properly adopted enforcement rule.
4. Drainage System Acquisition and Compensation for Buffer. Nothing herein shall prevent the acquisition and compensation of buffers on public drainage systems pursuant to law.
5. Jurisdiction. The provisions of this ordinance apply to all waters shown on the buffer protection map. Public drainage systems for which the County is not the drainage authority are excluded.
6. Buffer requirements.
  - a. Buffer width. Except as otherwise stated herein, a landowner owning property adjacent to a water body identified on the buffer protection map must establish and maintain a buffer as follows:
    - i. For waters shown on the buffer protection map requiring a fifty (50) foot width buffer, the buffer width will be fifty (50) feet on average and be a minimum of thirty (30) feet wide.
    - ii. For waters shown on the buffer protection map requiring a sixteen and a half (16.5) foot minimum width buffer, the buffer width will be sixteen and a half (16.5) feet.
  - b. Measurement.
    - i. The width of any required buffer on land adjacent to water requiring a fifty (50) foot average width and a thirty (30) foot minimum width buffer shall be measured from the top of the crown of the bank. Where there is no defined bank, measurement must be from the edge of the normal water level.
    - ii. For waters requiring a 16.5 foot minimum width buffer, permanent strips of perennial vegetation shall be 16.5 feet in width measured outward from the top edge of the constructed channel resulting from the proceeding, or to the crown of the leveled spoil bank, whichever is the greater, except for an action by a drainage authority that results only in a redetermination of benefits and damages, for which the required width shall be 16.5 feet.

- c. Use of buffer area. Except as otherwise stated herein, a buffer may not be put to any use, included but not limited to cultivation farming, which would remove or prevent the permanent growth of perennial vegetation.
- d. Exemptions. The requirements herein do not apply to land that is exempted from the water resources riparian protection requirements by state statute.
- e. Alternative practices. A landowner practicing cultivation farming may demonstrate compliance with this section by establishing and maintaining an alternative riparian water quality practice, or combination of structural, vegetative, and management practices which provide water quality protection comparable to the water quality protection provided by a required buffer. The adequacy of any alternative practice allowed under this sub-section shall be based on:
  - i. the Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG); or
  - ii. practices based on local conditions approved by the SWCD that are consistent with the NRCS FOTG.
- f. Nonconformity. Compliance with Other Statute. Where the provisions of any statute, other ordinance or regulation imposes greater restrictions than this sub-section, the provisions of such statute, other ordinance or regulation shall be controlling.

## 7. Compliance

- a. Compliance determinations. Compliance with the buffer requirements will be determined on a parcel by parcel basis. The compliance status of each bank, or edge of a waterbody on an individual parcel will be determined independently.
- b. Investigation and Notification of Noncompliance. When the County identifies a potential noncompliance with the buffer requirements or receives a third party complaint from a private individual or entity, or from another public agency including the SWCD, it will determine the appropriate course of actions to document compliance status. This may include communication with the landowner, inspection or other appropriate steps necessary to verify the compliance status of the parcel. On the basis of the evidence gathered in this process, the County may issue a Notification of Noncompliance to the landowner. The County must include, a list of corrective actions needed to come into compliance with the requirements of the Buffer Law; a recommended timeline for completing the corrective actions; and a standard by which the County will judge compliance with the requirements of the Buffer Law after the corrective actions are taken.
- c. Corrective Action Notice. Following Notification of Noncompliance and subsequent noncompliance by the landowner, the County may issue the landowner a Corrective Action Notice that shall contain the following:
  - i. List of corrective actions needed to come into compliance with this sub-section and the Buffer Law;

- ii. Timeline for complying with the Corrective Action Notice;
- iii. Provide the standard by which compliance will be evaluated after the corrective actions are taken; and
- iv. State that failure to comply with the Corrective Action Notice may result in civil or criminal penalties.

The County shall serve the Corrective Action Notice by one of the following methods:

- v. Personal Service;
- vi. Certified Mail, return receipt requested.

Refusal of the landowner to accept service is not a defense to lack of notice.

At any time during the process set forth above, the landowner may provide documentation of compliance to the County. The County may then review the documentation, inspect the buffer, and evaluate alternative practices to determine if the parcel is in compliance. The County shall then issue a written determination of compliance to the landowner, and BWSR. The County may also issue a Validation of Compliance if applicable and requested by the landowner.

After service of a Corrective Action Notice the landowner may supply information to the County in support of a request to modify a corrective action or the timeline for compliance. The County may, at its discretion, make a written modification to the Corrective Action Notice. Any modification must be served on the landowner in the same manner as a Corrective Action Notice.

- d. Reporting and documentation. The County shall maintain the following records for any potential violation of the riparian protection and water quality practices requirements. Said records shall include but are not limited to the following:
  - i. The cause of the violation;
  - ii. The magnitude and duration of the violation;
  - iii. Documentation showing whether the violation presents an actual or imminent risk to public health and safety;
  - iv. Documentation showing whether the violation has the potential to harm the natural resources of the state;
  - v. A record of past violations;
  - vi. Efforts by the SWCD, County, Watershed District or BWSR to assist the responsible party or parties to become compliant, including written and oral communications with the responsible party or parties; and
  - vii. Past and present corrective action efforts by the responsible party or parties.



8. Enforcement. A landowner who fails to comply with a Corrective Action Notice is subject to the penalties and enforcement provisions of this ordinance, and is guilty of a misdemeanor. At the discretion of the County Attorney diversion may be offered to the landowner for violation(s) that may include an Administrative Penalty Order and fees of no more than \$500 per parcel.

F. Performance Standards

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

1. Standards:

- a. Landscaping: All required yards shall be open, landscaped, and green areas or be left in a natural state. If any yards are to be landscaped, they shall be landscaped attractively with lawn, trees, shrubs, etc. Any areas left in a natural state shall be properly maintained in a slightly and well-kept condition. Yards adjoining any residence shall be landscaped with buffer planting screens. Plans of such screens shall be submitted for approval as a part of the site plan and installed prior to commencement of operation.
- b. Noise: Noise shall be measured on any property line of the tract on which the operation is located. Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, shrillness or intensity.
- c. Odors: Odors from any use hereafter begun shall not be discernible at the property line to a greater degree than odors from plants for the manufacture or fabrication of books, textile weaves, electronic equipment or other plants in which operations do not result in greater degree of odors. Detailed plans for the prevention of odors crossing property lines may be required prior to commencement of operation.
- d. Glare: Glare, whether direct or reflected, such as from flood-lights or high temperature processes, and as differentiated from general illumination, shall not be visible beyond any property line.
- e. Exterior Lighting: Any lights used for exterior illumination shall direct light away from adjoining properties.
- f. Vibration: Vibration shall not be discernible at any property line to the human sense of feeling for three (3) minutes or more duration in any one (1) hour.
- g. Smoke: Any use established, enlarged, or remodeled after the effective date of this Ordinance, shall be so operated to meet the minimum requirements of the Minnesota Pollution Control Agency for the emission of smoke or other particulate matter.
- h. Hazard: Every operation shall be carried on with reasonable precautions against fire and explosion hazards.

- i. Toxic or Noxious Substances: Any use established shall be so operated as not to discharge across the boundaries of the lot or through percolation into subsoil beyond the boundaries of the lot wherein such use is located, toxic or noxious matter in such concentration as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or business.
- j. Explosives: Any use requiring the storage, utilization, or manufacturing of products which could decompose by deterioration shall be located not less than four hundred (400) feet from any residence.
- k. Dust: Solid or liquid particles shall not be emitted at any point in concentrations exceeding three-tenths (0.3) grain per cubic foot of the conveying gas or air. For measurements of the amounts of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of five hundred (500) degrees Fahrenheit and fifty (50) percent excess air.
- l. Fumes or Gases: Fumes or gases shall not be emitted at any point in concentrations that are toxic, noxious, or corrosive. Detailed plans for the elimination of fumes or gases may be required prior to commencement of operation.

2. Compliance:

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

G. Additional Requirements, Exceptions, and Modifications

1. Height Regulations:

- a. There shall be a maximum height limitation of one hundred and fifty (150) feet on all structures within Stevens County. Any tower, spire, etc., that exceeds this height must be granted a Conditional Use Permit prior to construction (SECTION 15), and then only after obtaining a letter of clearance from the Federal Aeronautics Administration and the Airport Commission for any airport located within ten (10) miles of the structure proposed to exceed the height limitations.
- b. Where the average slope of a lot is greater than one (1) foot rise or fall in seven (7) feet of horizontal distance from the established street elevation at the property line, one (1) story in addition to the number permitted in the District in which the lot is situated shall be permitted on the downhill side of any building.
- c. Height limitations set forth elsewhere in this Ordinance may be increased administratively by one hundred (100) percent or by conditional use permit by a greater percentage, when applied to the following provided that they are engineered or otherwise designed so as to stay entirely on the property where they are placed should they fall or be blown down:

1. Monuments
  2. Flag Poles
  3. Cooling Towers
  4. Grain Elevators
- d. Height limitations set forth elsewhere in this Ordinance may be increased administratively up to one hundred and fifty (150) feet or by conditional use permit by a greater amount when applied to the following provided that they are engineered or otherwise designed so as to stay entirely on the property where they are placed should they fall or be blown down:
- i. Church spires, belfries, or domes which do not contain usable space.
  - ii. Water towers
  - iii. Chimneys or smokestacks
  - iv. Radio or television transmitting towers
  - v. Essential service structures

2. Yard Regulations:

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

- a. Cornices, canopies, or eaves may extend into the required front yard a distance not exceeding two (2) feet, six (6) inches.
- b. Fire escapes may extend into the required front or rear yard a distance not exceeding four (4) feet, six (6) inches.
- c. A landing place or uncovered porch may extend into the required front or rear yard (but not within the setback of a stream or lake) a distance not exceeding six (6) feet, if the landing place or porch has its floor no higher than the main/ground level floor of the building. An open railing no higher than three (3) feet, six (6) inches may be placed around such place.

3. Area Regulations:

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

4. Accessory Structures:

- a. In case an accessory structure is attached to the main building, it shall be made structurally a part of the main building and shall comply in all respects with the

requirements of this Ordinance applicable to the main building. A detached accessory structure shall not be closer than five (5) feet to the main building, except as otherwise provided in this Ordinance.

- b. A detached accessory structure shall not be located in any required front yard.

5. Fences:

- a. In zoning districts, fences may be constructed with a zero (0) foot setback requirement to the property line, although for fences which require regular maintenance (painting or staining), a setback from the property line at least two (2) feet is recommended to allow for such maintenance from within the fence owner's property.
- b. Fences exceeding six (6) feet in height in the RURAL RESIDENTIAL zoning district and twelve (12) feet in height in any other zoning district shall require a conditional use permit.
- c. Electrified fencing is allowed without a permit in all zoning districts for the purpose of containing or excluding animals.
- d. Barbed wire is allowed without a permit in the A-1 GENERAL AGRICULTURE DISTRICT for the purpose of containing animals, allowed by conditional use permit for non-animal containment purposes in the A-1 GENERAL AGRICULTURE DISTRICT or for any purpose in the B-1 HIGHWAY SERVICE BUSINESS DISTRICT, I-1 LIMITED INDUSTRY DISTRICT, AIR AIRPORT ZONING DISTRICT OR CLR CLOSED LANDFILL RESTRICTED DISTRICT, and prohibited in the R-1 RURAL RESIDENCE DISTRICT.

6. Dwelling Standards:

- a. The minimum width and length of any dwelling shall be twenty-four (24) feet, as measured across the narrowest portion of the outside dimensions of the dwelling structure or area. For dwellings which are incorporated into a larger structure, the dwelling portion of the structure shall meet the minimum twenty-four (24) foot dimensions. Width measurements shall not take into account overhangs or other projections beyond principal walls.
- b. All dwellings shall be anchored to a permanent foundation.

H. Permits and Information Filing Requirements for Essential Services

- 1. Since some essential and transmission services, as defined by this Ordinance, may have an effect upon urbanizing areas of the county, county land uses, county highway locations, and county parks and recreation areas, the proposed location of major essential service structures and all transmission services in any zoning district shall be filed with the Zoning Administrator prior to the commencement of any condemnation action or construction by the owner.
- 2. Transmission services such as high voltage (35 KV or greater) electrical power or bulk gas or fuel being transferred from station-to-station and not intended for enroute consumption not

located within County Highway or County State Aid Highway rights-of-way shall follow the following procedures:

- a. The owner shall file with the Zoning Administrator such maps indicating the location, alignment, and type of service proposed as shall be requested.
  - b. If deemed necessary, maps and accompanying data on location and alignment of transmission service may be submitted to the Stevens County Planning Commission for review, and recommendations regarding the relationship to urban growth, land uses, highways, and recreation and park areas.
  - c. Following such review, the County Planning Commission shall make a report of its findings and recommendations on the proposed transmission services and shall file such report with the County Board.
  - d. Upon receipt of the report of the County Planning Commission on the planned essential transmission services, the Board of County Commissioners shall consider the maps and accompanying data and shall indicate to the owner its approval or modifications considered desirable under this Ordinance.
  - e. Recognizing a need for timely and adequate service by owners of essential services, the county shall act upon all information filing within forty-five (45) days of receipt by the Zoning Administrator. Failure to act within such time shall constitute approval.
  - f. Essential services to be located within any County Highway or County State Aid Highway rights-of-way shall make an application for a permit under the following procedure:
3. The applicant shall file with the County Engineer, on forms supplied by the County, an application for such permit accompanied by maps indicating the location, alignment and type of service proposed.
    - a. The application and accompanying data shall be reviewed by the County Engineer, and the County Engineer may issue the permit after determining that the application is acceptable and in the best interest of the County.
    - b. The County Engineer may require in conjunction with the issuance of such permit that:
      - i. The applicant submit an as-built drawing of the essential service after construction.
      - ii. The applicant construct the essential service to take into consideration contemplated widening, regrading, or relocation of a County Highway or County State Aid Highway, providing that the county owns such additional right-of-way.
    - c. Recognizing the need for adequate and timely service by owners of essential services, the County Engineer shall act upon all information filings or permit applications within five (5) working days. Failure to act within five (5) working days shall constitute approval.

4. Essential services to be located within any Township Road right-of-way shall make an application for a permit to the Town Clerk under the following procedures:
  - a. The applicant shall file with the Town Clerk an application for such permit, accompanied by maps indicating the location, alignment, and type of service proposed.
  - b. The application shall be reviewed by the Town Board and the Town Board may issue the permit after determining that the application is acceptable and in the best interest of the Township.
  - c. Recognizing the need for adequate and timely service by owners of essential services, the Town Board shall act upon all information filings or permit applications within forty-five (45) days of receipt by the Town Clerk. Failure to act within such time shall constitute approval.
5. No filing shall be necessary to maintain, reconstruct, or relocate existing lines or facilities where the general line and configuration thereof remain essentially the same. Emergency work otherwise requiring a permit or filings may be accomplished provided such applications or filings are made as soon thereafter as possible.

I. Temporary dwellings

One temporary dwelling may be allowed as an interim use subject to the following restrictions and regulations:

1. The temporary dwelling may be on a parcel by itself or in addition to an already existing dwelling on a parcel.
2. A temporary dwelling shall only be permitted for the length of time specified in the interim use permit. If no length of time is given, the interim use permit shall expire five (5) years from the date of issuance. Upon expiration of the interim use permit, the temporary dwelling shall be removed within ninety (90) days.
3. Temporary dwellings shall be allowed in the A-1, S-1 S-2 (including River) and R-1 districts, subject to the following restrictions:
  - a. In the A-1 district, the minimum size of a parcel where a temporary dwelling is to be located shall be one (1) acre.
  - b. In the S-2 and R-1 districts, the minimum size of a parcel where a temporary dwelling is to be located shall be two-and-one-half (2.5) acres.
  - c. In the S-1 district, temporary dwellings shall be allowed only on sites at least one (1) acres in size where there exists a legally constructed primary dwelling that has not been discontinued as defined in Section 16 (Non-Conforming Uses). In all other cases within the S-1 district, temporary dwellings are not permitted.
  - d. A temporary dwelling shall meet all minimum setback requirements of the district in which it is located that are applicable to one-family dwellings.

4. A temporary dwelling shall not be constructed on a permanent foundation, except when specifically permitted in the Interim Use Permit. In cases where a permanent foundation is allowed, it shall be limited to the use of piers, slab-on-grade or crawlspace construction. No basement foundations shall be allowed.
5. A temporary dwelling shall be connected to a compliant sewage treatment system which is properly sized according to current county and state sewage treatment design regulations. Holding tanks may be permitted if specifically authorized in the Interim Use permit and provided that the tank is pumped on as necessary. The Zoning Administrator may require pumping records on at least a quarterly basis.
6. A temporary dwelling must remain on the same parcel as a primary dwelling and may not be subdivided or sold except in conformance with the requirements of the County Zoning and Subdivision ordinances.

J. Recreational Vehicles

Recreational vehicles may be allowed in any zoning district, subject to the following requirements:

1. Any recreational vehicle parked on a parcel for seventy-two (72) hours or less shall be exempt from any of the following regulations.
2. No more than four (4) recreational vehicles may be allowed per parcel, except that parcels one (1) acre or smaller in size and located within a residential or shoreland district shall be limited to no more than one (1) recreational vehicle. Any exceedance of these limits shall require a conditional use permit.
3. In all districts, recreational vehicles shall not be used as temporary living quarters for periods longer than thirty (30) consecutive days during the months of April-October or for longer than fourteen (14) consecutive days during the months of November-March. Any recreational vehicle which is used as temporary living quarters for more than ninety (90) days in any one calendar year shall require a conditional use permit.
4. Placement of recreational vehicles on property used as temporary living quarters for periods longer than fourteen (14) days shall meet all setback requirements applicable to a principle structure, except that front yard setbacks may be reduced to five (5) feet as measured to the road easement or right-of-way.
5. Sewage must be properly treated in an approved septic system on-site or held within a self-contained holding tank on the recreational vehicle and disposed of at suitable dumping stations.
6. Recreational equipment shall display and maintain the current year and class of vehicle license in accordance with State regulations.
7. All tires necessary for safe highway transport must remain mounted and inflated at all times.

## K. Vacation/Private Home Rental

Performance Standards: A Vacation/Private Home Rental is allowed in the A-1 GENERAL AGRICULTURE DISTRICT, R-1 RURAL RESIDENCE DISTRICT and S-2 RESIDENTIAL-RECREATION SHORELANDS DISTRICT and shall be subject to the following performance standards:

1. The occupancy of a Vacation/Private Home Rental shall be considered an allowed use (no permit required) when limited to no more than two persons per bedroom plus two additional persons per building, not to exceed a maximum of twelve (12) persons; or no more than one (1) person for every fifty (50) gallons of water per day that the building's sub-surface sewage treatment system is designed to handle, whichever is less. Any exceedance of these limits shall require a conditional use permit.
2. Parking shall meet the requirements of this Ordinance. Designated parking areas shall be off-street parking.
3. On premise signs are prohibited.
4. The Vacation/Private Home Rental shall be connected to an approved subsurface sewage treatment system. The sub-surface sewage treatment system shall be designed and constructed with a design flow of fifty (50) gallons of water per person per day to handle the maximum number of guests for which the facility is permitted. The sub-surface sewage treatment system shall include a flow measurement device. Flow measurement readings and monitoring of the sub-surface sewage treatment system shall be recorded monthly and records shall be made available to the Department upon request. The use of holding tanks for Vacation/Private Home rental units shall be prohibited.
5. Rental of recreational vehicles shall not be allowed.
6. When a conditional use permit is required, an application signed by the property owner shall include the following: a current water test from an accredited laboratory with test results for nitrate-nitrogen and coliform bacteria, a compliance inspection of the existing sub-surface sewage treatment system and a to-scale drawing of the location and dimensions of the structure intended for licensing and all associated accessory structures, parking areas, shore recreation facilities and sewage treatment systems.
7. The Planning Commission may impose conditions that will reduce the impact of the proposed use on neighboring properties and nearby waterbodies. Said conditions may include but not be limited to a fence or vegetative screening along a property line or a native buffer along the shoreline.
8. The owners of Vacation/Private Home Rentals shall ensure that the noise standards of Minnesota Rules, chapter 7030; or successor rules, are met.

## L. Home Occupations

The purpose of these regulations is to permit and regulate the use of buildings, structures and property in non-commercial and non-industrial zoning districts for business or other purposes not



typically associated with residential uses and in such a manner that they will not be incompatible with the quiet enjoyment of residential properties in the surrounding areas.

Home occupations, when not considered a permitted or accessory use, are considered interim uses, which means that they are only granted for limited periods of time and may not be renewed if the proposed home occupation becomes incompatible with the surrounding properties due to a change in conditions.

Examples of changes in conditions may include, but are not limited to, rezoning to a zoning district allowing for greater housing density, the platting of adjacent or nearby lands into residential lots, a general increase in housing or population density, increases in traffic volumes or characteristics, or amendments to the Zoning Ordinance or other County ordinances which would make the proposed use less compatible with the surrounding area and the intent of said ordinances.

Buildings and other improvements associated with an allowed home occupation shall be of a size and nature such that they can be easily removed from the property or will conform to zoning regulations for permitted or conditional uses should the interim use permit expire.

## 1. Definitions

This ordinance establishes three general categories of “home occupations,” which shall include any business or other use not typically associated with residential use or which would generate nuisance characteristics beyond those normally expected in a residential setting. Activities conducted as a hobby shall not constitute a home occupation. The three general categories are defined as follows:

- a. Home Occupation, Low Activity (LAHO): Any non-residential use where there is effectively no evidence of the activity taking place on the property which is visible or audible from neighboring properties or from a public road right-of-way. Such uses shall be clearly incidental and secondary to the primary use of the property for residential purposes.
- b. Home Occupation, Moderate Activity (MAHO): Any non-residential use where there is only indirect evidence of the activity taking place on the property which is visible or audible from neighboring properties or from a public road right-of-way. Such uses shall be clearly secondary to the primary use of the property for residential purposes.
- c. Home Occupation, High Activity (HAHO): Any non-residential use where there is direct evidence of the activity taking place on the property which is visible or audible from neighboring properties or from a public road right-of-way or which generates regular and sustained nuisance characteristics beyond those normally associated with residential properties in the same or similar neighborhood.

## 2. Exemptions

The following uses shall not be considered a home occupation for the purposes of this ordinance:

- a. Residential and non-residential programs considered to be a permitted single- or multi-family residential use under MN Statute 245A.11 and 245A.14 (or successor statutes), wherever single- or multi-family residential uses are allowed.
- b. Businesses in the A-1 GENERAL AGRICULTURE DISTRICT where the business is accessory to the agricultural activities engaged in by the landowner on the same parcel or other parcels controlled by the landowner.
- c. The display for sale of up to no more than two (2) motor vehicles, trailers, pieces of farm machinery or similar items, or any combination of such items, at any given time.

### 3. Performance Standards

- a. Customer Activity:
  - i. LAHO: no attempt, either through advertising or signage, shall be made to bring potential or actual customers onto the property.
  - ii. MAHO: may attempt to attract potential or actual customers to physically enter the property but only by appointment and such that limited numbers of customer vehicles are present on the property at any one time.
  - iii. HAHO: may attempt to attract potential or actual customers to physically enter the property, whether “walk-in” customers or by appointment.
- b. Pickups and Deliveries: Pickup and delivery activities shall not block traffic or pose a safety hazard.
  - i. LAHO –by standard delivery van, US postal service or passenger vehicle only.
  - ii. MAHO and HAHO: any pickups or deliveries of products, supplies, equipment or other materials by vehicles larger than 26,000 lbs. GVW shall be limited to no more than one per week and only between the hours of 7:30 am and 7:30 pm unless otherwise determined by the Planning Commission.
- c. Location and Residency Requirement: All home occupations must be located on the homestead of the business operator or on an adjacent lot under the same ownership. For the purposes of this section, a lot shall be considered “adjacent” if any portion of the lot is within 100 feet of any portion of the homestead lot, unless otherwise approved by the County.
- d. Minimum Lot Size and Setbacks to Nearby Dwellings
  - i. LAHO and MAHO: no minimum lot size or setback requirements from nearby dwellings unless specifically required by the Planning Commission
  - ii. HAHO: minimum lot size of two-and-one-half (2.5) acres and a minimum setback from nearby occupied dwellings of two hundred and fifty (250) feet, except that the County may waive or reduce the setback requirement should

appropriate screening or other practices be put into place to mitigate likely or potential nuisances.

e. Outside Storage

- i. LAHO: no outside storage of supplies, equipment, business vehicles or maintenance items shall be allowed; all work and work related items shall be kept in an enclosed structure or building such that they are not visible from neighboring properties or from a public road right-of-way.
  - ii. MAHO: no outside storage of supplies, equipment or maintenance items shall be allowed, except that up to two business-related vehicles (under 26,000 lbs. GVW) may be stored outdoors; all other work and work related items shall be kept in an enclosed structure or building such that they are not visible from neighboring properties or from a public road right-of-way.
  - iii. HAHO: supplies, equipment, business vehicles or maintenance items may be stored outside of a building or structure, but shall be limited to a combined area of no more than 4,000 square feet and shall be screened from view of neighboring properties or from a public road right-of-way via fences, berms, natural vegetation or other appropriate material as determined by the County.
- f. Parking: Parking areas shall be limited in size so as not to exceed that typical of the surrounding neighborhood, except where specifically allowed by the County. In such cases, the County may impose requirements for screening or landscaping of the parking area so as to minimize its impact on the neighborhood character.
- g. Noise: Excessive or sustained noise levels are prohibited.
- h. Lot Coverage: Shall comply with the limitations of the underlying zoning district.
- i. Water and Sanitary Facilities: The site must be capable of supporting adequate on-site sanitary (sewer and water) facilities to serve both the primary dwelling and the activities of the home occupation. Unless otherwise allowed by the Zoning Administrator or Planning Commission, a business use which is estimated to generate more than 150 gallons per day of sewage shall require a septic drainfield.
- j. Pollutants and Waste: The operator of a home occupation shall properly dispose of all liquid, gaseous or other pollutants and solid waste including but not limited to garbage, decayed wood, sawdust, shavings, bark, lime, sand, ashes, oil, tar, chemicals, offal, and all other waste materials.
- k. Hours of Operation: No business activities associated with a MAHO or HAHO shall occur between the hours of 7:00 pm and 7:00 am, unless otherwise stated in the interim use permit.
- l. Signage: Any signage shall be regulated as per Section 14.A.
- m. Impacts on Public Roads:

- i. Weight Limits: All posted weight limits for roads shall be obeyed.
- ii. Dust Control: If located along a township road, a home occupation shall enter into a written agreement with the Township relating to additional dust control measures created by the home occupation
- n. Employees: A home occupation may not have any on-site employees beyond those who reside in the home, in excess of the following:
  - i. LAHO: None (0), unless otherwise approved by the County Board.
  - ii. MAHO: One (1), unless otherwise approved by the County Board.
  - iii. HAHO: Two (2), unless otherwise approved by the County Board.

M. Adult Use Businesses

Required Setbacks. Adult use businesses are allowed only in the I-1 LIMITED INDUSTRY DISTRICT as a conditional use. Additionally, no adult use business shall be located within five hundred (500) feet of:

1. Any area zoned as R-1 RURAL RESIDENCE DISTRICT OR B-1 HIGHWAY SERVICE BUSINESS DISTRICT or located within a Shoreland District.
2. Any school, as defined in Minnesota Statutes Section 120.101.
3. Any church.
4. Any daycare facility.
5. Any residential or nonresidential program, as defined in Minnesota Statutes Section 245A.02.
6. Any hotel or motel.
7. Any public park.
8. Hospitals as defined by Minnesota Statutes, Section 144.50.
9. Nursing homes as defined by Minnesota Statutes, Section 144.50.

N. Animal Feedlot Regulations

1. Existing Feedlot Standards:
  - a. Existing feedlots are exempt from the setback requirements listed in the table under 2.b below of this section. Existing feedlots must follow all other applicable provisions of this section, the Stevens County Zoning Ordinance, local, state and federal law. Any expansions of such feedlots such that the total number of animals on the premises after the expansion exceeds 2,500 animal units, a conditional use permit shall be required.

2. New Feedlot Standards:

- a. Setbacks: The following shall be the minimum setback requirements for new animal feedlots, as measured to the closest animal holding area or manure storage area:

<b>New Manure Storage Structures and Animal Feedlot Setbacks</b>			
<b>Setbacks measured from:</b>	<b>50-999 AU</b>	<b>1000 - 2500 AU</b>	<b>&gt;2500 AU</b>
Neighboring Residential Dwelling not owned by family or employee of animal feedlot	1320 feet*	1/2 mile*	1/2 mile
Business or Industrial District Boundary	660 feet	660 feet	660 feet
Cities and Towns	½ mile	1 mile	1 mile
Active Churches or Schools with over 20 students	½ mile	¾ mile	1 mile
Shoreland (within 1000 feet of any lake classified as Natural Environment, Recreational Development or General Development or any stream classified as and Agriculture or Transition stream)	Prohibited	Prohibited	Prohibited
Protected Waters and Protected Waters Wetlands <b>not</b> classified as Natural Environment, Recreational Development or General Development.	300 feet	300 feet	300 feet
OHWL of Stream, River <b>not</b> classified as an Agriculture or Transition stream.	300 feet	300 feet	300 feet
County Ditch (measured from top of bank)	100 feet	100 feet	100 feet
Property Lines	50 feet	50 feet	50 feet
R.O.W. of Federal, State, or County Highway or township road	75 feet	75 feet	75 feet
Wetland types 3, 4, and 5 that are not Protected Waters Wetlands	100 feet	100 feet	100 feet
100-Year (1% Chance) Floodplain	Prohibited	Prohibited	Prohibited

\* Setbacks may be reduced to 660 feet (50-999 AU) or 1320 feet (1000 or greater AU) by conditional use permit. In addition to other conditions imposed as part of the conditional use permit process, the County may require odor management/mitigation practices.

3. Animal liquid waste storage facilities:

All new liquid manure holding structures for animal waste shall have a minimum storage capacity of nine (9) months and shall meet the minimum construction standards required by the

Minnesota Pollution Control Agency. All of these structures shall be in compliance with the Minnesota Pollution Control Agency requirements.

4. Animal waste earthen storage basins:

In addition to any other requirements imposed by the law, all animal waste earthen storage basins and lagoons shall be in compliance with the Minnesota Pollution Control Agency requirements. All plans for earthen storage basins and lagoons shall be prepared and approved by a registered professional engineer or NRCS job authority.

5. Manure stockpiling:

Stockpiling of manure is allowed, subject to required standards in Minnesota Rules Chapter 7020 and a minimum 500 ft setback from an existing dwelling not inhabited by the owner of the property (or their family) where the manure is stockpiled.

6. Manure transportation:

The owner or operator of an animal feedlot who spills manure on a public road shall be responsible for cleaning the roadway as soon as practical after a spill to ensure the safe passage of traffic. If the owner or operator of a feedlot does not clean the roadway in a timely manner, the County's Public Works Department may clean the roadway with their own equipment and assess the owner or operator for their services. If the assessment is not paid, the County Board of Commissioners may certify to the County Auditor by November 30 all unpaid, outstanding assessments, and a description of the lands against which the assessment arose. It shall be the duty of the County Auditor, upon order of the County Board of Commissioners, to extend the assessments with interest not to exceed the interest rate provided for in Minnesota Statutes, Section 279.03, Subd. 1, or successor statutes, upon the tax roles of the County for the taxes of the year in which the assessment is filed, into the tax becoming due and payable in January of the following year, and shall be enforced and collected in the manner provided for the enforcement and collection of real and/or personal property taxes in accordance with the provisions of the laws of the State of Minnesota. The assessment, if not paid, shall become delinquent and be subject to the same penalties and the same rate of interest as the taxes under the general laws of the State of Minnesota.

7. Feedlot closure:

- a. The landowner, owner and operator of any feedlot shall be responsible for the ongoing management of manure and the final closure of the feedlot including the cleaning of buildings and the emptying and proper disposal of manure from all manure storage structures.
- b. The closure plan shall be completed in accordance with the Minnesota Pollution Control Agency's Guidelines for Closure.
- c. Landowners, individual feedlot owners, or operators or other business entities controlling, taking part in, or sharing in the profits from a feedlot will be liable for cleanup costs if the closure provisions of this Ordinance are not complied with.

8. Abandonment:

- a. Owners and operators of feedlots shall have joint liability for cleanup, closure, or remediation of abandoned feedlot sites.
- b. Cleanup costs after abandonment, if not otherwise paid, shall be assessed to the fee title holder.

O. Rural Event Centers

1. Performance Standards: The following standards shall apply to all rural event centers

- a. Rural event centers shall be located on a parcel of at least ten acres in size, unless specifically approved otherwise by any required interim use permit when a lesser lot size is sufficient to minimize negative or nuisance impacts on nearby properties.
- b. Rural event centers shall be shown to have a unique or demonstrable relationship to the physical location and rural nature of the event center.
- c. All buildings used in conjunction with the rural event center shall meet the requirements of the Minnesota State Building Code.
- d. The site of the rural event center shall be accessed from a hard surfaced road unless access via a gravel road is approved by the road authority. Turn lanes may be required when justified by established standards of the relevant road authority.
- e. All signage, parking, septic treatment and stormwater management shall comply with applicable county ordinances, or as otherwise required by the County in the approval of the rural event center.
- f. Events held at the rural event center shall be prohibited between the hours of 12:00 midnight and 7:00am unless specifically approved otherwise by the County.

2. Conditions: As part of any interim use permit, the Planning Commission shall adopt conditions which address the following criteria, in addition to any other criteria which may generally apply to interim or conditional use permits, when deemed necessary:

- a. The use must not create an excessive number of events or activities such that it would be incompatible with the surrounding area and land uses.
- b. The use must not create an excessive demand upon existing services or amenities.
- c. The use must be screened or able to be adequately screened, or sufficiently separated from adjacent residences by distance or topography to prevent negative impacts to nearby properties.
- d. The use must have an appearance that is not inconsistent or incompatible with surrounding area and land uses.
- e. The use must not create traffic hazards or undue congestion.

- f. The use must not negatively impact surrounding residences and neighbors by the intrusion of noise, glare, odor, or other adverse effects.

P. Solar Energy Systems

- 1. Solar Farm Performance Standards: Solar Farms shall be subject to the following performance standards:
  - a. Foundations. The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.
  - b. Other standards and codes. All solar farms shall be in compliance with any applicable local, state and federal regulatory standards, including the State of Minnesota Uniform Building Code, as amended; and the National Electric Code, as amended.
  - c. Power and communication lines. Power and communication lines running between the banks of the solar panels may be placed above ground, provided the lines are placed no higher than top of the solar modules. Power and communication lines to electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the Board in the following instances:
    - i. Where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
    - ii. When required by the utility company
    - iii. Unless otherwise determined by the Board
  - d. Screening. Solar farms shall be screened from residential dwelling units and/or other land uses as required by the Board. The screening plan shall show the location of fences and residential dwelling units on contiguous lots. Fences installed as part of the project shall be screened. The type and location of the required screening shall be subject to Board approval.
  - e. Setbacks. Solar farms must meet the minimum building setback for the zoning district and be located a minimum of two hundred (200) feet from a residential dwelling unit not located on the property. Setbacks shall be measured to the nearest solar array or other structure within the solar farm, excluding security fencing, screening or berm.
  - f. Vegetation requirements and management. The following provisions shall be met related to the clearing of existing vegetation and establishment of vegetated ground cover. Additional requirements may apply as required by the Board.
    - i. Large-scale removal of mature trees on the site is discouraged. Restrictions on tree clearing, or mitigation for cleared trees may be required by the Board.
    - ii. The project site design is encouraged to include the installation and establishment of ground cover meeting the beneficial habitat standards consistent



with Minnesota Statutes, section 216B.1642, or successor statutes and guidance as set by the Minnesota Board of Water and Soil Resources.

- g. Application requirements. The following information shall be provided to the Zoning Administrator prior to issuance of the conditional use permit:
  - i. A site plan showing the following:
    1. Existing property lines and property lines extending one hundred (100) feet from the exterior boundaries, including the names of the adjacent property owners and current use of those properties
    2. Existing public and private roads, showing widths of the roads and any associated easements
    3. Location and size of any abandoned wells, sewage treatment systems and dumps
    4. Existing buildings and any impervious surface
    5. Topography at two (2) foot intervals and source of contour interval, unless determined otherwise by the Zoning Administrator. A contour map of the surrounding properties may also be required
    6. Existing vegetation (list type and percent of coverage; i.e. grassland, plowed field, wooded areas, etc.)
    7. Waterways, watercourses, lakes and public water wetlands
    8. Delineated wetland boundaries
    9. The one hundred (100)-year flood elevation and Regulatory Flood Protection Elevation, if available
    10. Floodway, flood fringe and/or general flood plain district boundary, if applicable
    11. The shoreland district boundary, if any portion of the project is located in a shoreland overlay district
    12. In the shoreland overlay district, the ordinary high water level and the highest know water level
    13. In the shoreland overlay district, the toe and top of any bluffs within the project boundaries
    14. Mapped soils according to the County Soil Survey
    15. Surface water drainage patterns

16. Location and spacing of solar panels
  17. Location of access roads
  18. Planned location of underground or overhead electric lines connecting the solar farm to the building, substation or other electric load
  19. New electrical equipment other than at the existing building or substation that is the connection point for the solar farm
  20. Proposed erosion and sediment control measures.
  21. Proposed stormwater management measures
  22. Sketch elevation of the premises accurately depicting the proposed solar energy conversion system and its relationship to structures on adjacent lots (if any);
  23. Location, number and caliper of any trees to be removed, for trees with size greater than six (6) inches.
  24. Acreage of solar array.
  25. Acreage of solar array within fenced area.
- ii. Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks;
  - iii. The number of panels to be installed;
  - iv. A description of the method of connecting the array to a building or substation;
  - v. Decommissioning. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for removal of all structures, foundations, electrical equipment and internal or perimeter access roads, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet applicable local, state and federal regulations. The applicant shall submit a financial guarantee in the form of a letter of credit, cash deposit or bond in favor of the County equal to one hundred twenty-five (125) percent of the costs to meet the requirements of the decommissioning plan. The type of guarantee is subject to the Board's approval.
  - vi. Aviation Analysis. If the project is within two miles of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths,



## Q. Wireless Telecommunication Towers

### 1. Definitions:

- a. **Antenna, Personal Wireless Service:** A device consisting of a metal, carbon fiber, or other electromagnetically conductive rods or elements on a single supporting pole or other structure, and used for the transmission and reception of wireless communication radio waves including cellular, personal communication service (PCS), enhanced specialized mobilized radio (ESMR), paging and similar services and including the wiring, related ground equipment and the support structure thereof.
- b. **Antenna, Microwave:** A parabolic dish or cornucopia shaped electromagnetically reflective or conductive element used for the transmission and/or reception of point to point UHF or VHF radio waves in wireless communications, and including the wiring, related ground equipment and the supporting structure thereof.
- c. **Antenna, Radio and Television Broadcast Transmitting:** A wire, set of wires, metal or carbon fiber rod or other electromagnetic element used to transmit public or commercial broadcast radio, or television programming, and including the wiring, related ground equipment and the support structure thereof. (Allowed by Conditional Use in the I-1 district only.)
- d. **Antenna, Radio and Television Receiving:** A wire, set of wires, metal or carbon fiber element(s), other than satellite dish antennas, used to receive radio, television, or electromagnetic waves, and including the supporting structure thereof.
- e. **Antenna, Satellite Dish:** A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device is used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition shall include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television, receive only) and satellite microwave antennas and the wiring, related ground equipment and support structure thereof.
- f. **Antenna, Short-Wave Radio Transmitting and Receiving:** A wire, set of wires or a device, consisting of a metal, carbon fiber, or other electromagnetically conductive element used for the transmission and reception of radio waves used for non-commercial short-wave radio communications, and including the supporting structure thereof.
- g. **Antenna Support Structure:** Any pole, telescoping mast, tower, tripod, or any other structure which supports a device used in the transmitting or receiving of electromagnetic energy.

### 2. General Standards

- a. All obsolete and unused antenna shall be removed within twelve (12) months of cessation of use, unless a written exemption is granted by the Zoning Administrator.

- b. All antenna shall be in compliance with all Federal, State and local building, electrical and other relevant code requirements.
- c. Structural design, mounting and installation of any antenna support structure shall be in compliance with manufacturer's specifications. The construction plans and design of any antenna requiring a permit shall be verified and approved by a registered professional engineer.
- d. No advertising message nor identification shall be affixed to any antenna structure.
- e. Antennas shall not be artificially illuminated unless required by law or by a governmental agency to protect the public health and safety. Guy wires or guy wire anchors shall not be erected within public or private utility and drainage easements, and shall be set back a minimum of five (5) feet from all lot lines. Guy wires within ten feet of the ground surface must be fenced within an enclosure or maintained with a cover of highly reflective material to prevent accidental collision.
- f. When applicable, proposals to erect new antenna shall be accompanied by any required federal, state, or local agency licenses or proof of application thereof.
- g. Antenna support structures under two hundred (200) feet in height shall be painted or coated silver or have a galvanized finish to reduce visual impact, unless otherwise required by federal law. Silver or galvanized finishes shall be required unless the setting or natural surroundings can be used to justify another color.
- h. No land may be subdivided for the purpose of providing space for any antenna unless all lot size requirements for the relevant zoning district are met and subdivision approval is obtained.
- i. The addition of antennas and associated equipment of an additional provider to an existing legal structure shall be considered co-location and not require an amendment to the conditional use permit.

### 3. Permitted and Accessory Uses

- a. Radio and Television receiving antennas and satellite dish antennas shall be permitted in all districts and shall not require any permit provided the following standards are met:
  - i. Antennas and necessary support structures, monopoles or towers may extend a maximum of fifteen (15) feet above the building height restriction for the affected zoning district.
  - ii. Any antenna or antenna support structure not located on a building must be located in the rear yard, no closer to any property line than the height of the structure.
  - iii. The installation of more than one (1) support structure per property shall require the approval of a conditional use permit.

- iv. Satellite dish antennas larger than two (2) meters in diameter must meet all building setback standards, and dishes over three (3) meters in diameter are prohibited in all residential and shoreland districts.
- b. Private short wave radio antennas, and other private radio transmitting or receiving antennas are allowed in all districts provided that the following standards are met:
  - i. The maximum support structure height shall be 75 feet.
  - ii. A land use permit shall be required.
  - iii. Radio support structures (towers) must be installed in accordance with the instructions furnished by the manufacturer of that tower model. Antenna mounted on such a tower may be modified or changed at any time so long as the published allowable load on the tower is not exceeded and the structure of the tower remains in accordance with the manufacturers specifications.
  - iv. Any antenna or antenna support structure not located on a building must be located in the rear yard, no closer to any property line than the height of the structure.

#### 4. Personal Wireless Service and Microwave Antennas

##### a. Shoreland Districts

- i. Antenna and support structures shall not exceed 75 feet in height.
- ii. Commercial antennas (other than co-location) and support structures of any type shall require a conditional use permit and be subject to all other requirements for a conditional use listed in this section.
- iii. Any antenna or antenna support structure not located on a building must be located in the rear yard, no closer to any property line than the height of the structure.

##### b. Agricultural Districts

- i. The zoning administrator may issue an administrative use permit for any antenna support structure equal to or less than 150 feet in height, or for any antenna to be located on any pre-existing legal antenna support structure, or for any antenna to be located upon an existing building or structure which does not exceed 15 feet in height above the permitted structure height. An application filed for any new structure must include all the information required for a conditional use permit as specified in this section. If the zoning administrator finds that the information submitted does not properly address all of the requirements of this ordinance, they may require a conditional use permit upon providing the applicant a written summary of the reasons for this finding.

- ii. A conditional use permit shall be required for any antenna or support structure over 150 feet in height. No structure shall be located closer to any property line than the height of the structure.

c. Commercial and Industrial Districts

- i. The zoning administrator may issue an administrative use permit for any antenna support structure equal to or less than 150 feet in height, or for any antenna to be located on any pre-existing legal antenna support structure, or for any antenna to be located upon an existing building or structure which does not exceed 15 feet in height above the permitted structure height. An application filed for any new structure must include all the information required for a conditional use permit as specified in this section. If the zoning administrator finds that the information submitted does not properly address all of the requirements of this ordinance, they may require a conditional use permit upon providing the applicant a written summary of the reasons for this finding.
- ii. A conditional use permit shall be required for any antenna or support structure over 150 feet in height. No structure shall be located closer to any property line than one-half the height of the structure, exceptions to such setback may be granted if a structural engineer licensed in Minnesota specifies in writing that any failure or collapse of the structure will occur within a lesser distance under all foreseeable circumstances.

5. Standards and Requirements for Conditional Use Permits

a. Information required with application.

In addition to the standard application materials required for a Conditional Use Permit, no application for an antenna shall be complete unless the following data has been submitted.

- i. Documentation of the area to be served, including a search ring for the antenna location. A narrative describing a search ring (with not less than a ½ mile radius) for the request clearly explaining why the site was selected and what existing (over 100 feet in height) structures were available and why they are not suitable as locations or co-locations.
- ii. Documentation that the communications equipment planned for the proposed structure cannot be accommodated on any existing or approved structure within the search ring of the service area due to one or more of the following reasons:
  - 1. The planned equipment would exceed the structural capacity of the existing or approved structure or building, as documented by a qualified structural engineer, and the existing or approved structure cannot be reinforced or modified to accommodate planned equipment at a reasonable cost (or within a reasonable time); or

2. The planned equipment would cause interference with other existing or planned equipment at location as documented by a qualified radio frequency (RF) engineer, and the interference cannot be prevented at a reasonable cost; or
  3. No existing or approved structures or buildings within a half-mile radius meet the radio frequency (RF) design criteria; or
  4. Existing or approved structures and buildings within a one-half mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified radio frequency (RF) engineer.
  5. A good faith effort to co-locate on existing structures within a one-half mile radius was made, but an agreement could not be reached.
- iii. An agreement stating that structures over 130 feet tall will be designed for not less than three users (including the applicant) with applicant and property owner commitment to co-location on reasonable market terms in good faith; any prohibition of additional users on a tower will be considered a violation of the conditional use permit. The agreement shall also include a statement that any unused or obsolete tower shall be removed by the property owner and/or applicant. Said agreement shall be signed by the applicant and the property owner and shall be attached to and become a part of the permit.

b. Standards and Conditions

In addition to any terms or conditions applied as a result of the process for issuing a conditional use, the following standards shall apply to all antenna and support structures unless specifically waived by the Planning Commission.

- i. Antenna and support structures shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards of the Uniform Building Code and all other applicable codes. Antennas shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.
- ii. Antenna support structures shall be constructed of, or treated with, corrosive resistant material.
- iii. Any proposed support structure over 130 feet in height shall be designed, in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users. To allow for future rearrangement of antennas, the structure shall be designed to accept antennas mounted at no less than 10-foot intervals. Support structures less than 130 feet and greater than 75 feet in height shall be designed for a total of two users.
- iv. All support structures shall be reasonably protected against unauthorized climbing. The bottom of the structure (measured from ground level to 12 feet



above ground level) shall be designed in a manner to preclude unauthorized climbing and shall be enclosed with a minimum of an eight-foot-high chain link fence with a locked gate.

- v. All antennas and support structures shall utilize building materials, colors, textures, screening and landscaping that blend the tower facilities within the surrounding natural setting and built environment to the greatest extent possible.
- vi. No part of any antenna or support structure, nor any lines, cable, equipment, wires, or braces shall at any time extend across or over any part of the right-of-way, public street, highway, or sidewalk, unless specifically approved by the County.

## **SECTION 15: CONDITIONAL USE PERMITS**

### **A. Application**

1. Conditional use permits may be issued for any and only the uses or purposes for which such permits are required or permitted by provisions of this Ordinance.
2. An application for a conditional use permit shall be filed with the Zoning Administrator on a form prescribed by the Board of County Commissioners. At the option of the Zoning Administrator and/or Planning Commission, the application shall be accompanied by a site plan showing such information as is necessary to show compliance with this Ordinance, including, but not limited to:
  - a. Description of site (legal description).
  - b. Site plan drawn at scale showing parcel and structure dimensions.
  - c. Location of all structures and their square footage.
  - d. Curb cuts, driveways, access roads, parking spaces, off-street loading areas, and sidewalks.
  - e. Landscaping and screening plans.
  - f. Drainage plan.
  - g. Sanitary sewer and water plan with estimated use per day.
  - h. Soil type.
  - i. Any additional data reasonably required by the Zoning Administrator and/or the Planning Commission.

### **B. Notification and Public Hearing**

1. Upon receipt in proper form of the application and other requested material, the Stevens County Planning Commission shall hold at least one (1) public hearing in a location to be prescribed by the Planning Commission. At least ten (10) days in advance of each hearing, notice of the time, place, and purpose of such hearing shall be published in the official paper of the County and in a newspaper of general circulation in the town, municipality, or other area concerned if there be such a newspaper.
2. In addition to the published notice, written notice of a public hearing concerning the application for a conditional use permit shall be sent to the applicant, all property owners of record within five hundred (500) feet of the affected property in incorporated areas, (cities) and/or in unincorporated areas, (townships), notice shall be sent to all property owners of record within one quarter (1/4) mile of the affected property or to the ten (10) nearest properties nearest the affected property, whichever would provide notice to the greatest number of owners. Such written notice shall be sent postage prepaid in the U.S. mails and

shall state the time and place of the public hearing. All municipalities within two (2) miles of the proposed conditional use shall be given proper notice.

3. For the purpose of the foregoing notice provision, the term "affected property" shall mean whatever number of one-sixteenths (1/16) of a section that are required to totally encompass the area upon which the proposed conditional use would be located or carried on.
4. The recommendation of the Planning Commission shall be referred to the County Board of Commissioners for final action on the proposed conditional use permit.

### C. Findings

1. For each application for a conditional use permit, the County Board of Commissioners shall consider the advice and recommendations of the Planning Commission and shall either grant or disallow the application based on its findings. If granted, the conditional use permit may include the stipulation of additional conditions or restrictions and guarantees that such conditions or restrictions will be complied with when they are deemed necessary for the protection of the public interest. No conditional use shall be granted by the County Board of Commissioners unless said Board has considered:
  - a. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity, and is compatible with the existing neighborhood;
  - b. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area, and conforms to the comprehensive land use plan of the County;
  - c. That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided;
  - d. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use;
  - e. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result;
  - f. That soil conditions are adequate to accommodate the proposed use; and
  - g. That proper facilities are provided which would eliminate any traffic congestion or traffic hazard which may result from the proposed use.
2. The conditional use permit, if approved by the Board of Commissioners, shall be issued by the Zoning Administrator.

#### D. Compliance

1. Any use permitted under the terms of any conditional use permit shall be established and conducted in conformity with the terms of such permit and of any conditions designated in connection therewith, and the conditional use permit shall remain in effect only so long as the terms and conditions agreed upon are observed.
2. The Planning Commission shall revoke a conditional use permit when it determines that the terms and conditions of the permit as issued are no longer being complied with. A certified copy of an order of the Commission revoking a conditional use permit shall be filed by the Zoning Administrator with the County Recorder for record.

#### E. Filing and Fees

1. A certified copy of any conditional use permit containing requirements or stipulations greater than for those permitted uses in the same zoning district shall be filed by the Zoning Administrator with the County Recorder for record. The conditional use permit shall include the legal description of the property involved.
2. To defray administrative costs of processing requests for conditional use permits, a fee shall be paid by the applicant. Such fee shall be established by the Board of County Commissioners.

#### F. Termination of a Conditional Use Permit

The County Board may terminate a conditional use permit upon the occurrence of any of the following events and after the Planning Commission has held a public hearing to provide its recommendation on a termination:

1. When the use has been discontinued for one year or more; or
2. When any of the conditions have not been adhered to and the applicant has not corrected the violation upon written notice of the violation from the Zoning Administrator within the timeframe specified in such written notice; or
3. When there have been more than two separate violations of any condition of approval (such violations need not be of the same condition) by the same landowner or operator of the use, even if the previous violations have been corrected upon written notice from the Zoning Administrator; or
4. When there is a repeated pattern of violations, regardless of ownership or the operator of the use, as documented by the Zoning Administrator.

## **SECTION 15A: INTERIM USES**

### **A. Purpose.**

The purpose of an interim use permit is to allow a temporary use that is not designated as permitted or conditionally permitted but is acceptable for a limited period of time subject to conditions set forth in this section. An interim use is granted to a particular individual or other applicant and does not accrue to the subject property.

Structures and other improvements allowed by interim use shall be of a size and nature such that they can be easily removed from the property or will conform to zoning regulations for permitted or conditional uses should the interim use permit expire.

### **B. Criteria for Granting Interim Use Permits.**

In granting an interim use permit, the County shall consider the effect of the proposed use upon the health, safety and general welfare of occupants or surrounding lands. The criteria used for reviewing conditional use permit shall also be used when considering interim use permits, along with the following additional considerations:

1. The use will conform to the applicable zoning regulations, including any dimensional restrictions the regulations may impose on structures or uses; and
2. The use will terminate upon a date or event that can be identified with certainty and/or clarity; and
3. The use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
4. The use will be subjected to, by agreement with the property owner, any conditions that the County deems appropriate in allowing the proposed interim use, including a condition that the owner will provide an appropriate surety to cover costs that would be necessary to eliminate the interim use from the property, including removal of structures, equipment, restoration of the landscape to a suitable condition or other appropriate and necessary costs.

### **C. Termination of an Interim Use Permit.**

An interim use permit shall terminate upon the occurrence of any of the following events, whichever comes first, unless otherwise specified in the approval of the interim use permit:

1. Five (5) years from the initial approval of an interim use, unless a shorter time period is specified in the initial approval. After the initial approval period and if a renewal is approved by the County, the interim use permit shall terminate upon the date or event stated in the permit approval; or
2. When the use has been discontinued for one year or more; or
3. When there is a change in ownership of the property of any kind, unless the County approves such change in ownership as not substantially changing who is operating and/or managing the use

and property. Such requests must be presented to the County at a public meeting, but need not require a public hearing; or

4. Within 24 months of the date of an amendment to the Zoning Ordinance that no longer allows the use as an interim or permitted use.

D. Renewal or Amendment of Interim Use Permit.

1. **Renewal:** An application to extend an interim use permit may be renewed within 24 months prior to the date or event upon which it is to expire. The application shall be processed and administered as if it were a new application. Should such application to renew be denied, the applicant shall be allowed to continue the use until the expiration of the interim use permit provided all conditions of the original approval are being met. If the application to renew is approved, the County shall specify a new date or event on which the renewed permit will expire. There shall not be a limit on the number of times an interim use permit may be extended. Application fees for renewal of an interim use permit shall be as established in the County fee schedule.
2. **Amendment:** Any change in an approved interim use permit involving more than minor structural alterations, enlargement, intensification of use, or similar changes not specifically permitted by an interim use permit, as determined by the Zoning Administrator, shall require an amended interim use permit to be reviewed as if it were a new interim use permit.

E. Procedure.

1. An application for an interim use permit shall follow the same procedures applicable to a conditional use permit, as outlined in this Ordinance.
2. The County hereby reserves the right, upon approval of an interim use, to inspect the premises in which an interim use is being conducted to ensure compliance with the provisions of this section or any additional conditions imposed.

## **SECTION 16: NON-CONFORMING USES**

### **A. Non-Conforming Structures and Uses**

1. Any uses in existence prior to the date of enactment of this ordinance which do not conform to the use restrictions of the established zoning districts are non-conforming uses.
2. Any lawful use or structure existing at the time of adoption or amendment of this ordinance which would be considered as a non-conforming use or structure may be continued without a variance so long as it remains otherwise lawful, including through repair, replacement, restoration, maintenance, or improvement, except that the expansion, alteration or enlargement of such use or structure may be restricted to prevent increasing the non-conformity.
3. If a non-conforming use or structure ceases to be used for a period of twelve (12) consecutive months, or is changed to a conforming use, any subsequent use or structure shall meet the requirements of the zoning district wherein located.
4. Should a non-conforming structure or use be destroyed by fire or other peril to an extent of more than fifty (50) percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and any permit required for reconstruction is not applied for within 180 days of when the property is damaged, it shall not be reconstructed or relocated except in conformity with the provisions of this ordinance. For such structures in shoreland areas, even if a permit for reconstruction is applied for within 180 days of when the property is damaged, the county may require the structure setback be increased if practicable and reasonable conditions are placed upon a zoning or land use permit to mitigate created impacts on the adjacent property or water body.
5. All sanitary facilities which are on-site shall have been installed pursuant to a County Sewage Permit and code in place at the time of construction. Any on-site sewage facility not installed or constructed in the above prescribed manner is not permitted.
6. Construction on Nonconforming Lots of Record in Shoreland Districts: See Section 7 (STEVENS COUNTY SHORELAND MANAGEMENT ORDINANCE), Subsection 6.1.
7. Addition/Expansion to Non-conforming Structures: All additions/expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height and other requirements of this ordinance, unless all of the following conditions are met (if all conditions cannot be met, any deviation from the requirements of this ordinance must be authorized by a variance pursuant to Section 24).
  - a. The nonconforming structure must be located on a legally created lot of record in the county recorders office prior to the adoption of zoning regulations by Stevens County;
  - b. The structure addition, expansion or replacement must not extend closer than 10 feet from any side lot line;
  - c. For nonconforming structures on township roads, private roads or other roads or streets that are not a federal, state or county highway, the structure addition, expansion or

replacement must not extend closer than 35 feet from the road right-of-way or 60 feet from the centerline of the traveled road, whichever is more restrictive.

- d. The depth of the lot is less than needed to create a 30-foot deep building area after accounting for the minimum lake or rear yard setback and road setback, as shown in the following table;

**Lot depth must be less than or equal to  
(whichever is more restrictive):**

<b>Lake Classification</b>	<b>From Public Road Right-of-Way</b>	<b>From Centerline of Public or Private Road</b>
Natural Environment	265 feet	290 feet
Recreational Development	165 feet	190 feet
General Development	140 feet	165 feet

- e. The structure replacement, addition or expansion may not be placed closer to a water-body requiring a setback than the existing structure, except that height increases may be allowed above existing structures consistent with the height limitations of this ordinance;
- f. The structure replacement, addition or expansion may not be located within a shore impact zone (one-half of the minimum required lake setback), including height increases. Alterations intended to maintain the structural integrity and safety of the structure may be allowed within the shore impact zone provided that the alteration does not increase the footprint or height of the existing structure and that the cost of the alteration (including materials and labor) does not equal or exceed fifty (50) percent of its market or assessed value, whichever is less;
- g. The structure replacement, addition or expansion may not result in greater than twenty (20) percent of the total lot area being covered with roofed structures;
- h. The structure replacement, addition or expansion may not result in greater than twenty-five (25) percent of the total lot area being covered with impervious surfaces, including gravel or other hard surface driveways, decks and other surfaces where rainwater will run off before soaking into the soils below;
- i. The site must currently be served by, or have provided an appropriate plan for the construction of, a conforming sewage treatment system meeting all current state or local regulations.

12. Special Provisions. Nothing in this SECTION 16 shall be construed to validate a non-conforming use beyond the scale which existed at the time of the adoption of the previous Stevens County Zoning Ordinance on January 4, 1972. Except in the case of non-conforming



junk yards (as discussed in Paragraph C.1. of this SECTION), no existing non-conforming use that was unlawful before the adoption of this Ordinance shall be made lawful by the adoption of this Ordinance.

#### B. Non-Conforming Junk Yards

1. Within one (1) year after the adoption of this Ordinance all non-conforming junk yards shall submit a site and screening plan to the Planning Commission and the Board of County Commissioners. This plan must be approved by the Planning Commission and Board of County Commissioners before any screening is erected or put into place.
2. In the event that a vegetative planting does not reach the necessary height and density to adequately screen the junk yard from the public's view, a fence shall be built and completed before the five (5) year deadline so that the junk yard is completely screened from the public's view on adjoining roads.
3. The Planning Commission and Board of County Commissioners have the authority to determine the types of materials or plantings to be used in each screening and the types of construction materials necessary to erect fences or buildings to completely screen the operation from the public's view on adjoining roads.
4. In the event of the sale of a non-conforming junk yard, the junk yard may continue operation if the conditions and provisions of this Ordinance are maintained and complied with.
5. Any expansion of a non-conforming junk yard shall require a conditional use permit. (Adopted as per amendment process April 4, 2006).

#### C. Discontinuance

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

#### D. Alterations, Moving

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

E. Residential Alterations

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

F. Restoration

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

G. Normal Maintenance

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

H. Non-Conforming Sanitary Facilities

All sanitary facilities inconsistent with SECTION 14, SUB-SECTION C, located within the jurisdictional limits of the Ordinance shall be brought into conformity or discontinued as required by Stevens County Ordinance # \_\_\_\_\_

I. Special Provisions

Nothing in this SECTION 16 shall be construed to validate a non-conforming use beyond the scale which existed at the time of the adoption of the previous Stevens County Zoning Ordinance on January 4, 1972. Except in the case of non-conforming junk yards (as discussed in Paragraph C.1. of this SECTION), no existing non-conforming use that was unlawful before the adoption of this Ordinance shall be made lawful by the adoption of this Ordinance.

## **SECTION 17: LAND USE PERMITS**

### **A. Land Use Permit**

1. No person shall erect, add on to, or move any building with a permanent footing greater than two hundred forty (240) square feet in its ground coverage, or part thereof without first securing a land use permit. All buildings, whether they require a permit or not, shall meet all setback or other requirements of this Ordinance that are otherwise applicable.
2. Application for a land use permit shall be made to the Zoning Administrator on blank forms to be furnished by the County. Each application for a permit to construct or alter a building shall be accompanied by a plan drawn to scale showing the dimensions of the lot to be built upon and the size and location of the building and accessory buildings to be erected. Applications for any kind of land use permit shall contain such other information as may be deemed necessary for the proper enforcement of this Ordinance or any other. The Zoning Administrator shall issue the land use permit only after determining that the building plans, together with the application, comply with the terms of this Ordinance.
3. Land use permit fees and other fees as may be established by resolution of the Board of County Commissioners shall be collected by the Zoning Administrator for deposit with the County and credited to the general revenue fund.
4. No permits shall be required for interior or exterior painting or decorating, or fences six (6) feet or less in height.
5. A land use permit is valid for a period of twelve (12) months from the date of issuance.

## **SECTION 18. PUD-PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT**

### **A. Purpose**

1. To encourage a more creative and efficient development of land and its improvements than is possible under the more restrictive application of zoning requirements such as lot sizes and structure setbacks, while at the same time meeting the standards and purposes of the Comprehensive Plan and preserving the health, safety, and welfare of the citizens of the County.
2. To allow for a mixture of residential units in an integrated and well-planned area.
3. To ensure concentration of open space into more usable areas, and the preservation of the natural resources of the site including wetlands, woodlands, steep slopes, and scenic areas.
4. To facilitate the economical provision of streets and public utilities.

### **B. Permitted Uses**

Dwelling units in detached, clustered, semi-detached, attached or multi-storied structures or combinations thereof and customary accessory uses.

### **C. General requirements**

A conditional use permit shall be required of all planned unit developments. The County may approve the planned unit development only if it is found that the development satisfies all of the following standards:

1. The proposed planned unit development is in conformance with the Comprehensive Plan. At a minimum, the County will find that the planned unit development does not conflict with the Comprehensive Plan with regards to the following:
2. The use will not create an excessive burden on existing schools, streets, and other public facilities and utilities which serve or are proposed to serve the area.
3. The use is reasonably related to the overall needs of the County and is compatible with the surrounding land use.
4. The planned unit development is an effective and unified treatment of the development possibilities on the project site and the development plans provide for the preservation of unique natural amenities such as streams, stream banks, wooded cover, rough terrain, and similar areas.
5. The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighborhood property, and will not be detrimental to surrounding uses.
6. The PUD may be permitted in the R-1, S-2, S-3, A-1, B-1 and I-1 districts.
7. The PUD meets or exceeds the following development criteria:
  - a. A minimum of two (2) principal structures are proposed.

- b. The tract is at least five (5) acres in size for residential PUDs and one (1) acre in size for storage building PUDs.
8. The PUD shall generally conform to the regulations of the land use district in which it is proposed to be located, provided that any exceptions to the standard requirements of the land use and subdivision regulations are justified by the design of the development.
9. The PUD can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site.
10. Each phase of the proposed development is of sufficient size, composition, and arrangement so that its construction, marketing, and operation are feasible as to the complete unit, and that provision for and construction of dwelling units and common open space are balanced and coordinated. In addition, the total development is designed in such a manner as to form a desirable and unified environment within its own boundaries.
11. Financing is available to the applicant on conditions and in an amount which is efficient to assure completion of the PUD. To evidence this finding, a written statement of financial feasibility which is accepted by the County shall be submitted by the applicant.
12. One (1) individual has been designated by the property owner(s) to be in control of the development.
13. All streets within the PUD, whether public or private, shall be constructed to meet minimum specifications to County and Township requirements, unless otherwise approved by the County after consultation with the Township.
14. Impervious surface coverage for the entire lot must not exceed 25 percent of the total lot area for PUDs in shoreland areas. In non-shoreland PUDs impervious surface coverage for the entire lot must not exceed:
  - a. Fifty (50) percent in agriculture or residence zoning districts;
  - b. Seventy-five (75) percent in business or industrial zoning districts;

unless a stormwater management plan is submitted and implemented that, in addition to any other stormwater requirements imposed by this ordinance or state law, ensures that release rates from the property shall not increase over the predevelopment twenty-four (24) hour two (2) year, ten (10) year and one hundred (100) year peak storm discharge rates, based on the last ten (10) years of how that land was used. Also accelerated channel erosion must not occur as a result of the proposed activity. For discharges to wetlands volume control is generally more important than discharge rate control.

D. Density Transfer:

1. In order to encourage the protection of natural resources, to allow limited development in an area with unusual building characteristics due to subsoil characteristics or to encourage creative land use, a density transfer system may be allowed whereby lot sizes smaller than that normally required in the underlying zoning district will be allowed on the developable land in return for

leaving the natural resource areas open from development. If the PUD is in more than one (1) density area, the number of allowable units must be separately calculated for each portion of the PUD that is in a separate area, and must then be combined to determine the number of units allowable in the entire PUD.

2. Conditional uses set forth in 10-C-8 and 9 shall be conditionally permitted in lieu of natural resource areas.
3. The Zoning Administrator shall determine the number of units which may be constructed within the PUD by dividing the gross acreage of the project area by the maximum allowable density as set forth in this Chapter.
4. The following minimum lot sizes and densities may be permitted as part of a PUD overlay district subject to conformance with sanitary sewer requirements cited in (5) below:

<b><u>Zoning District</u></b>	<b><u>Minimum Lot Size</u></b>	<b><u>Unit Density per Lot</u></b>
R-1 (Residential PUD)	¼ acre	1 single-family residence with a minimum lot width of 75'
	½ acre	1 two-family residence with a minimum lot width of 100'
R-1 (Storage PUD)	As per C.U.P.	As per C.U.P.
S-2	½ acre	As per Section 18.E
S-3	As per C.U.P.	As per C.U.P.
A-1	As per C.U.P.	As per C.U.P.
B-1	As per C.U.P.	As per C.U.P.
I-1	As per C.U.P.	As per C.U.P.

5. PUD's permitted in accordance with paragraph 4. above shall be connected with, and served by, a community or city sanitary sewer system. Individual sanitary treatment systems (ISTS) shall not be permitted on lots of less than 1 (one) acre, except as approved for storage building PUDs.

E. S-2 and S-3 District

1. Types of PUD's Permissible. Residential and Storage building planned unit developments (PUD's) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land in the S-2 district. Residential and Storage building planned unit developments within shoreland are allowed only within the S-2 district and must comply with the regulations contained in this ordinance. Commercial planned unit developments are allowed only in the S-3 district, except that any commercial planned unit

development legally existing as of the date of this ordinance shall be allowed to continue but not expand the number of dwelling units within the PUD at any time.

2. Processing of PUD's. Planned unit developments must be processed as a conditional use, except that an expansion to an existing commercial, residential or storage building PUD involving 6 or less new dwelling units or sites (storage units in a storage building PUD) since the date this ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Section E.5. Approval cannot occur until any required environmental review process (i.e. EAW/EIS) are complete.
3. Application for a PUD. The applicant for a PUD must submit the following documents prior to final action being taken on the application request:
  - a. A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, proposed use of structures and other facilities and any associated limitations on their use, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at two-foot intervals or less.
  - b. When a PUD involves combining different types of PUDs in one common plan of development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, storage building, commercial, or a combination of any of these. For the purpose of calculating allowable density of units or sites, the applicant must use distinct suitable areas for each calculation (e.g. a suitable area used to calculate allowable residential units or sites shall not also be used for calculating allowable storage building units or sites).
  - c. A property owners association agreement (for residential and storage building PUD's) with mandatory membership, and all in accordance with the requirements of Section E.6 of this ordinance.
  - d. Deed restrictions, covenants, permanent easements or other instruments that:
    - i. Properly address future vegetative and topographic alterations, construction of additional structures, beaching of watercraft, and construction of commercial structures in residential/storage building PUD's; and
    - ii. Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section E.6 of this ordinance; and
    - iii. Prohibit the use of accessory/storage structures for dwelling purposes, including their use as temporary guest quarters, and that prohibit rental of accessory structures or storage buildings.
  - e. When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.
  - f. Those additional documents are requested by the County Planning Commission and

Planning & Zoning Administrator that are necessary to explain how the PUD will be designed and will function.

4. Site “Suitable Area” Evaluation. Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the unit/site density evaluation in Section E.5
  - a. Residential and Commercial PUDs: The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

**Shoreland Tier Dimensions ( in feet)**

	<u><b>Unsewered</b></u>
General development lakes – first tier	200
General development lakes – second and additional tiers	267
Recreational development lakes	267
Natural environment lakes	400
All river classes	300

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

**Shoreland Tier Dimensions ( in feet)**

		<u><b>Unsewered</b></u>
General development lakes – first tier		200
Recreational development lakes – first tier		200
Natural environment lakes – first tier		400
All river classes – first tier		300
Remaining Tiers – all shoreland classifications	All remaining land	

- c. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, land within a public right-of-way or in a public road easement, land below the ordinary high water level of public waters, or other land considered unbuildable by local, state or federal regulations. This suitable area and the proposed project are then subjected to either the residential, storage building or commercial planned unit development density evaluation steps to arrive at an allowable number of units or sites for the principal use.
    - d. If any portion of the property is inaccessible by passenger vehicle without creating an access drive, road, or bridge through or across a bluff, wetland, public water or other environmentally sensitive feature, the Planning Commission may find that those inaccessible tiers or portions



of tiers are unsuitable for inclusion in the developed area of the PUD and may exclude this area, or a percentage of the area, from the calculation of allowable density. If such areas are to be used for open space, recreational or other non-detrimental purposes, access to such areas shall be by means that minimize the disturbance or alteration of the sensitive environmental feature, such as stairways, floating walkways or other such minimal improvements.

5. Density Evaluation. The procedure to determine the “base” density of a PUD and density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any other tier closer.
  - a. Residential and Storage Building PUD “Base” Density Evaluation. The suitable area within each tier is divided by the minimum residential lot size for the relevant zoning district (see Sections 5.1, 9, 10, 11, 12 and 13 of the Stevens County Zoning Ordinance) or, for rivers, the single residential lot width standard times the tier depth, which shall then be used to yield a base density of units or sites for the proposed principal use within each tier. Proposed locations and numbers of dwelling/accessory units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the design criteria of Section E.6. “Partial” units or sites may be transferred to a tier further from the waterbody so long as the combination of partial units or sites equals at least one whole unit.
  - b. Commercial PUD “Base” Density Evaluation.
    - i. Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.
    - ii. Select the appropriate floor area ratio from the following table (if any tier is within two or more classifications, the more restrictive floor area ratio shall apply.)

Commercial Planned Unit Development

Floor Area Ratio

Public Waters Classes

*Average unit floor area (sq. ft.)	Sewered general development lakes; first tier on unsewered general development lakes; agricultural, tributary river segments	Second and additional tiers on unsewered general development lakes; recreational development lakes; transition river segments	Natural environment lakes
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200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500	.150	.075	.038

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

- iii. Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.
- iv. Divide the total floor area by tier computed in the table above by the average inside living area size determined in Item 5.b.1) above. This yields a base number of dwelling units and sites for each tier.
- v. Proposed locations and number of dwelling units or sites for the commercial planned unit development are then compared with the tier, density and suitability analyses herein and the design criteria in Section E.6.

c. Density Increase Multipliers.

- i. Increases to the unit or site base densities previously determined are allowable for Storage Building and Commercial PUDs only if the dimensional standards in this Ordinance are met or exceeded and the design criteria in Section E.6 of this ordinance are satisfied. The allowable density increases below will only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback, or the impact on the waterbody

is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25 percent greater than the minimum setback.

- ii. Allowable Unit or Site Density Increase for Storage building Planned Unit Developments:

<b>Density evaluation tiers</b>	<b>Maximum density increase within each tier (percent)</b>
First	50
Second and Above	200

- iii. Allowable Unit or Site Density Increase for Commercial Planned Unit Developments:

<b>Density evaluation tiers</b>	<b>Maximum density increase within each tier (percent)</b>
First	50
Second	100
Third and above	200

6. Maintenance and Design Criteria.

- a. Maintenance and Administration Requirements.
- b. Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and common elements (including, but not limited to, snow removal, grass mowing, weed control, stormwater management structures or facilities and common buildings) and for the continued existence and functioning of the development.
- c. Open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:
  - i. Commercial uses prohibited (except in commercial planned unit developments);
  - ii. Vegetation and topographic alterations other than routine maintenance prohibited, or as otherwise allowed by the County Board during the approval process;

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

area of existing developments or at least 70 percent of the shore impact zone area of new developments must be preserved in its natural or existing state.

- f. Erosion Control and Stormwater Management. Erosion control and stormwater management plans must be developed and the PUD must:
  - i. Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and
  - ii. Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area.
  
- g. Centralization and Design of Facilities. Centralization and design of facilities and structures must be done according to the following standards:
  - i. All planned unit developments involving dwellings or which otherwise generate sewage must be connected to publicly owned water supply and sewer systems, if available. When publicly owned systems are not available, water supply and sewer systems shall be provided via common well(s) and sewage treatment system(s), unless otherwise approved by the County. On-site water supply and sewage treatment systems must be designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Section 14.C of this ordinance, except that individual sewage treatment systems (including holding tanks) may be allowed for storage building planned unit developments when deemed appropriate in the approval of the planned unit development. On-site sewage treatment systems must be located on the most suitable areas of the development, and when applicable, sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system. All elements of water supply and sewer systems, whether public or private, must be sufficiently accessible for required maintenance;
  - ii. Dwelling units or sites in Residential planned unit developments must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with Section E.5.c of this ordinance for developments with density increases;

- iii. For residential planned unit developments with riparian access, shore recreation facilities, including but not limited to swimming areas, docks, and water craft mooring areas and launching ramps, must be centralized and located in areas suitable from them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers. Shore recreation facilities shall not be allowed in a storage building planned unit development;
- iv. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided;
- v. For residential planned unit developments, accessory structures and facilities, except water oriented accessory structures, must meet the required principal structure setback and must be centralized. Storage units within a storage building planned unit development need not be centralized provided that minimum open space requirements of this ordinance are met.; and
- vi. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards of the County and are centralized.
- vii. Detached accessory/storage buildings are limited in size of footprint to no more than 1,500 square feet per lot owner (multiple accessory buildings are allowed provided the total of all buildings does not exceed 1,500 square feet) and a sidewall height of no more than fourteen (14) feet for any accessory building constructed or moved on site.
- viii. Minimum setbacks to external boundary lines of the planned unit development shall be as required in Section 7, 9, 10, 11, 12 or 13 of the Zoning Ordinance based on the relevant zoning district. Minimum setbacks between dwelling or storage units within the planned unit development must be at least twenty (20) feet, except when such buildings are located on the same tax parcel.
- h. Conversions. Existing resorts, commercial planned unit developments, storage building planned unit developments or other land uses and facilities may be converted to residential planned unit developments if all of the following standards are met:
  - i. Proposed conversions must be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.

- ii. Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.
- iii. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
  - 1. removal of extraneous structures, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
  - 2. remedial measures to correct erosion sites and improve vegetative cover and screening of structures and other facilities as viewed from the water; and
  - 3. if existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.
  - 4. Existing dwelling unit or dwelling site densities that exceed standards in Section 18.5 may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.
  - 5. Existing accessory/storage units within a storage building planned unit development being converted to a residential planned unit development may not be converted to a dwelling unit except as would be in conformance with residential planned unit development density calculations.

F. R-1, A-1, B-1 and I-1 Districts

- 1. Types of PUD's Permissible. Storage Building planned unit developments (PUD's) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing structures and land in the R-1, A-1, B-1 and I-1 districts and must comply with the regulations contained in this ordinance. Residential planned unit developments are allowed only in the R-1 zoning district.
- 2. Processing of PUD's. All planned unit developments in the R-1, A-1, B-1 and I-1 districts must be processed as a conditional use, including any expansion to an existing PUD. Approval cannot occur until any required environmental review process (i.e. EAW/EIS) are complete.
- 3. Application for a PUD. Unless waived by the Zoning Administrator, Planning Commission or

County Board, the applicant for a PUD must submit the following documents prior to final action being taken on the application request:

- a. A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, proposed use of structures and other facilities and any associated limitations on their use, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at two (2) foot intervals or less.
  - b. When a PUD involves combining different types of PUDs in one common plan of development, the site plan and/or plat must indicate and distinguish which structures and portions of the project are residential, storage building, or a combination of these. For the purpose of calculating allowable density of units or sites, the applicant must use distinct suitable areas for each calculation (e.g. a suitable area used to calculate allowable residential units or sites shall not also be used for calculating allowable storage building units or sites).
  - c. A property owners association agreement with mandatory membership, and all in accordance with the requirements of this ordinance.
  - d. Deed restrictions, covenants, permanent easements or other instruments that:
    - i. Properly address future vegetative and topographic alterations, construction of additional structures, or other factors affecting the common elements of the development; and
    - ii. Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in this ordinance; and
    - iii. Prohibit the use of accessory/storage buildings for dwelling purposes in any zoning district, including their use as temporary guest quarters.
  - e. Those additional documents are requested by the County Planning Commission and Planning & Zoning Administrator that are necessary to explain how the PUD will be designed and will function.
4. Site "Suitable Area" Evaluation. Planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/site density evaluation
- a. The suitable area for the proposed project area is calculated by excluding from the project area all wetlands, bluffs, land within a public right-of-way or in a public road easement, land below the ordinary high water level of public waters, or other land considered unbuildable by local, state or federal regulations. This suitable area and the proposed project are then subjected to the development density evaluation steps to arrive at an allowable number of units or sites for the principal use.
  - b. If any portion of the property is inaccessible by passenger vehicle without creating an access drive, road, or bridge through or across a bluff, wetland, public water or other environmentally sensitive feature, the Planning Commission may find that those inaccessible tiers or portions



of tiers are unsuitable for inclusion in the developed area of the PUD and may exclude this area, or a percentage of the area, from the calculation of allowable density. If such areas are to be used for open space, recreational or other non-detrimental purposes, access to such areas shall be by means that minimize the disturbance or alteration of the sensitive environmental feature, such as stairways, floating walkways or other such minimal improvements.

5. Density Evaluation. The procedure to determine the “base” density of a PUD and density increase multipliers are as follows.
  - a. Residential PUD “Base” Density Evaluation. The suitable area within the project area is divided by the minimum residential lot size for the R-1 zoning district, which shall then be used to yield a base density of units or sites for the proposed principal use within the development.
  - b. Storage Building PUD “Base” Density Evaluation. Storage Building PUDs are not subject to a density limitation, except as may occur from limitations on impervious surface coverage, other requirements of this ordinance or limitations imposed by the County in the approval of the development when deemed necessary for the protection of the public health, safety or welfare.
6. Maintenance and Design Criteria.
7. Maintenance and Administration Requirements.
  - a. Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and any common elements (including, but not limited to, snow removal, grass mowing, weed control, construction of fences, stormwater management structures or facilities and common structures) and for the continued existence and functioning of the development.
  - b. Common Elements. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective permanent means must be provided to ensure long-term preservation and maintenance of any common elements. The instruments must include all of the following protections:
    - i. Commercial and industrial retail or services prohibited;
    - ii. Use of accessory or storage building units as dwelling space prohibited;
    - iii. Common elements must not be used for open storage of materials, equipment or other items, unless specifically approved by the County.
  - c. Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all planned unit developments must use an owners association with the following features:
    - i. Membership must be mandatory for each site purchaser and any successive purchasers;

- ii. Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;
  - iii. Assessments must be adjustable to accommodate changing conditions; and
  - iv. The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.
- d. **Open Space Requirements.** Residential planned unit developments must contain open space meeting all of the following criteria (Storage Building planned unit developments need not provide common open space, except as necessary for service roads or for common elements):
- i. At least 50 percent of the total project area must be preserved as open space;
  - ii. Dwelling or accessory/storage units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space;
  - iii. Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;
  - iv. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites and by the general public;
  - v. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.
  - vi. Open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities;
  - vii. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and
- e. **Erosion Control and Stormwater Management.** Erosion control and stormwater management plans must be developed and the PUD must:
- i. Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and

- ii. Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage must not exceed that allowable in the underlying zoning district.
- f. Centralization and Design of Facilities. Centralization and design of facilities and structures must be done according to the following standards:
- i. All planned unit developments involving dwellings or which otherwise generate sewage must be connected to publicly owned water supply and sewer systems, if available. When publicly owned systems are not available, water supply and sewer systems shall be provided via common well(s) and sewage treatment system(s), unless otherwise approved by the County. On-site water supply and sewage treatment systems must be designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Section 14.C of this ordinance, except that individual sewage treatment systems (including holding tanks) may be allowed for storage building planned unit developments when deemed appropriate in the approval of the planned unit development. On-site sewage treatment systems must be located on the most suitable areas of the development, and when applicable, sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system. All elements of water supply and sewer systems, whether public or private, must be sufficiently accessible for required maintenance;
  - ii. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from adjacent residential-zoned areas by vegetation, topography, increased setbacks, color, or other means acceptable to the County, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided;
  - iii. All structures within a planned unit development shall meet the minimum setback and height requirements in the underlying zoning district unless otherwise varied below:
    - 1. From the external boundaries of the entire parcel being developed:
      - a. Side lot line: 40 feet
      - b. Rear lot line: 40 feet
      - c. Public road right-of-way: 75 feet
    - 2. From the boundaries of each individual lot created within the PUD:
      - a. Side lot line: 10 feet. Where individual lots/units are constructed with common walls, only the outside wall must meet the 10 foot setback.
      - b. Rear lot line: 10 feet

- c. Front lot line (facing a private street or other primary parking/driving area): 0 feet.
- 3. From wetlands:
  - 15 feet, unless a greater setback is determined necessary based on soil conditions.
- 4. All septic systems within a planned unit development shall meet the following minimum setbacks:
- 5. From buildings:
  - a. Septic tank: 10 feet
  - b. Septic drainfield: 20 feet
- 6. From the boundaries of each individual lot created within the PUD:
  - 10 feet
- 7. From water supply wells:
  - 50 feet, unless a greater distance is required by Section 14.C or the Minnesota Department of Health.
- iv. Streets, driving lanes and parking areas constructed to serve the development, whether public or private, must be designed to allow adequate space for traffic circulation, temporary parking and access for emergency service vehicles. All structures must be accessible from at least two directions and a minimum 24 ft driving surface must be constructed sufficient to accommodate emergency service vehicles, unless otherwise approved by the County.
- v. The County may require the submittal, approval and implementation of a screening plan, to ensure the protection of property values of adjacent lands when deemed necessary. Such plan may involve planting of vegetative buffers, installation of fences or berms, or other means as approved by the County.
- vi. The County may require the submittal, approval and implementation of a security plan for the planned unit development. Such plan may include security fencing, gates, lighting, access roads for emergency service vehicles, fire suppression infrastructure, or any other elements deemed necessary by the County to protect the safety and welfare of the public.
- vii. In Storage Building Planned Unit Developments, privately owned lots must not be used for open storage of materials, equipment or other items, unless specifically approved by the County.

G. PUD Procedural and Other Requirements – All Zoning Districts Where Applicable

1. Coordination with Subdivision Ordinance:
  - a. It is the intent of this Section that subdivision review under the Subdivision Ordinance be carried out simultaneously with the review of a PUD under this Section.
  - b. The plans required under this Section must be submitted in a form which will satisfy the requirements of the Subdivision Ordinance for the Preliminary and Final Plats required under the Subdivision Ordinance.
2. Pre-Application Meeting. Prior to the submission of any plan to the Planning Commission, the applicant shall meet with the Zoning Administrator and, if necessary, with the Planning Commission to discuss the contemplated project relative to community development objectives for the area in question and to learn the procedural steps and exhibits required. This includes the procedural steps for a Conditional Use Permit and a Preliminary Plat. The applicant may submit the simple sketch plat at this stage for informal review and discussion. The applicant is urged to avail himself or herself of the advice and assistance of the planning staff to facilitate the review of the preliminary development plan and Preliminary Plat.
3. Preliminary Development Plan.
  - a. An applicant shall make an application for a Conditional Use Permit following the procedural steps as set forth in this Ordinance.
  - b. In order to grant approval to a Conditional Use Permit as required by this Section, or to grant approval to a preliminary development plan, the Planning Commission shall find that the PUD complies with the requirements as established in this Ordinance.
4. Preliminary Development Plan Documentation. The following exhibits shall be submitted by the developer as part of the application for a Conditional Use Permit, as required by the Zoning Administrator and the Planning Commission.
  - a. An explanation of the character and need for the planned development and the manner in which it has been planned to take advantage of the planned development regulations.
  - b. A statement of proposed financing of the PUD.
  - c. A statement of the present ownership of all of the land included within the planned development and a list of property owners within three hundred (300) feet of the outer boundaries of the property.
  - d. A general indication of the expected schedule of development including sequential phasing and time schedules.
  - e. A map giving the legal description of the property including approximately total acreage and also indicating existing property lines and dimensions, ownership of all parcels, platting, easements, street right of way, utilities (see PUD Utilities), and structures for the property, and for the area three hundred fifty (350) feet beyond.

- f. Natural features map or maps of the property and area three hundred fifty (350) feet beyond showing contour lines at no more than two (2) foot intervals, drainage patterns, wetlands, vegetation, soil and subsoil condition.
  - g. A map indicating proposed land uses including housing units and types, vehicular and pedestrian circulation, and open space uses.
  - h. Full description as to how all necessary governmental services will be provided to the development including sanitary sewers, storm sewers, water systems, streets and other public utilities.
  - i. An engineering report presenting results of a soils review of the site. If conditions warrant, soil boring of the site may also be required.
  - j. Any additional information requested by the Planning Commission and Board that may be required for clarification of the proposed project.
5. Preliminary Plat. The applicant shall also submit a preliminary plat and all the necessary documentation of all or that portion of the project to be platted as required under the Subdivision Ordinance. For purposes of administrative simplification, the public hearings required for the Conditional Use Permit and Preliminary Plat may be combined into one hearing or may be held concurrently.
6. Final Development Plan.
- a. Within sixty (60) days of Planning Commission approval of the preliminary development plan and the Preliminary Plat, the applicant shall file with the Zoning Administrator a final development plan and the Final Plat shall contain those changes as recommended by the Planning Commission during the preliminary review process.
  - b. The Zoning Administrator shall submit the final development plan and the Final Plat to the Planning Commission for review.
  - c. The Commission shall review the final development plan and Final Plat and make its recommendation to the County Board within sixty (60) days of receiving the final development plan and Final Plat.
  - d. The County Board shall review the final development plan and act on the Final Plat within sixty (60) days of receiving the recommendation of the Planning Commission. The Board shall be given notice and provide opportunity to be heard on the final development plan to any person who has indicated in writing that he/she wishes to be notified.
  - e. If the final development plan is approved by the Board, the Zoning Administrator shall issue a Conditional Use Permit for the total development to the applicant, said Permit to include any and all conditions as required by the preliminary development plan and the final development plan.
  - f. Once the final development plan and the Final Plat have been approved, the Final Plat

shall be filed with the County Recorder's Office.

- g. A building permit may thereafter be issued for the area which is in compliance with the approved plans without further review of the plans by the County.

7. Enforcing Development Schedule.

- a. The construction and provision of all the common open spaces and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of dwelling units. At least once every six (6) months following the approval of the final development, the Zoning Administrator shall review all of the land use permits issued for the planned development and examine the construction which has taken place on the site.
- b. If he/she shall find that the rate of construction of dwelling units is faster than the rate at which common open space and public and recreational facilities have been constructed and provided, he/she shall forward this information to the Board, which may revoke the Conditional Use Permit. If the developer or landowners fail to complete the open spaces and recreation areas within sixty (60) days after the completion of the remainder of the project, the Board may finish the open space area and assess the cost back to the developer or landowner.

8. Conveyance and Maintenance of Common Open Space.

- a. All land shown on the final development plan as common open space may be conveyed under one of the following methods at the discretion of the Board:
  - i. It may be conveyed to a public agency which will agree to maintain the common open space and any structures or improvements which have been placed on it.
  - ii. It may be conveyed to a corporation, developer, homeowner association (incorporated or non-incorporated) or trustee provided in an indenture establishing association or similar organization for the maintenance of the planned development. The common open space must be conveyed to the party involved subject to covenants approved by the Board which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended space.
  - iii. If the common open space is conveyed to a private party and is not maintained properly to standards established by the Board, the Board shall have the authority to maintain the property and assess the costs incurred back to the land benefitted by the improvement.

9. Standards for Common Open Space. No open area may be accepted as common open space under the provisions of this Section unless it meets the following standards:

- a. The location, shape, size and character of the common open space must be suitable for the planned development.

- b. Common open space must be used for amenity, recreational, or other purposes approved by the County. The uses authorized for the common open space must be appropriate to the scale and character of the planned development, considering the size, density, expected population, topography, and the number and type of dwellings to be provided.
- c. Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space having regard to its topography and unimproved condition.

10. PUD Review and Amendments.

- a. Annual Review. The Zoning Administrator and Planning Commission shall review all PUDs within the County by March 1<sup>st</sup> of each year and shall make a report to the Board on the status of the development in each of the PUD Districts. If the Commission find that development has not occurred within one (1) year after the original approval of the conditional use for the PUD, the Commission may recommend that the Board revoke the Conditional Use Permit as set forth in this Section.

11. Revision to the PUD.

- a. Changes in the location, placement, and heights of structures may be authorized by the Zoning Administrator if required by the Zoning Administrator if required by engineering or other circumstances not foreseen at the time the Final Plan was approved.
- b. Approval of the Planning Commission and the Board shall be required for other changes such as rearrangement of lots, blocks and building tracts. These changes shall be consistent with the purpose and intent of the approved final development plan.

12. Amendments to the PUD. Any amendment to the PUD shall require the same procedures as for the application for a Conditional Use Permit as set forth in this Section.

13. PUD Utilities. In any PUD, all utilities, including telephone, electricity, gas and telecable shall be installed underground.

14. PUD Utility Connections.

- a. Water Connections. Where more than one property is served from the same service line, a shut off valve must be located in such a way that each unit's service may be shut off by the operator/owner, in addition to the normally supplied shut off at the street.
- b. Sewer Connections. Where more than one unit is served by a sanitary sewer lateral which exceeds 300 feet in length, provision must be made for the manhole to allow adequate cleaning and maintenance of the lateral. All maintenance and cleaning shall be the responsibility of the property owner.



**SECTIONS 19-20: RESERVED**

Approved: November 17, 2020  
Effective: November 24, 2020

## **SECTION 21: ADMINISTRATION AND ENFORCEMENT**

### **A. Zoning Administration**

1. The office of the Zoning Administrator is hereby established, for which the Board of County Commissioners may appoint such employee or employees of the County as it may deem proper. The term of the office of the Zoning Administrator shall be indefinite and shall terminate at the pleasure of the Board of County Commissioners.
2. The duties of the Zoning Administrator shall include the following:
  - a. Enforce and administer this Ordinance;
  - b. Issue Land use permits and maintain records thereof;
  - c. Receive and forward to the Board of County Commissioners and the County Planning Commission all applications for Conditional Use Permits, and issue such permits upon the order of the Board;
  - d. Receive and forward all applications and petitions for matters to come before the Board of Adjustment.
  - e. File certified copies or any Conditional Use Permit or order issued by the Board of Adjustment acting upon a request for a variance or appeal with the County Recorder for record;
3. Receive and forward to the Board of County Commissioners and the County Planning Commission all applications for amendments to this Ordinance;
4. Inspect all construction and development as deemed necessary to ensure that the standards of this Ordinance are being complied with;
5. Provide and maintain a public bureau relative to matters arising out of this Ordinance; and
6. Maintain the Official County Zoning Map.

### **B. Enforcement**

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

## **SECTION 22: PLANNING COMMISSION**

### **A. Creation**

1. The Stevens County Planning Commission in existence at the time of the adoption of this Ordinance is hereby continued in force and effect as is hereinafter provided and as provided by M.S.394.312, Chapter 571, Laws of 1974, as amended. Such commission shall consist of seven (7) members who shall be appointed by the Board of County Commissioners.
2. The Planning Commission shall elect a chairman and vice chairman from among its members. It shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings, and determinations.
3. The meetings of the Planning Commission shall be held at the call of the chairman and/or Zoning Administrator and at such other times as the Commission in its rules of procedure may specify.

### **B. General Provisions**

1. At least two members of the Planning Commission shall be residents of the portion of Stevens County outside the corporate limits of municipalities.
2. Planning Commission membership shall include one (1) representative from each township bordering the City of Morris in order to ensure that these rapidly developing townships have sufficient representation.
3. The Chairman of the Board of County Commissioners shall designate one (1) member of the Board or at the chairman's discretion, one other officer or employee of the County, to be a voting member of the planning Commission, but in no instance shall there be more than one (1) person, who is otherwise an officer or employee of the County, as a voting member of the Planning Commission.
4. The Board of County Commissioners may designate up to three (3) officers or employees of the County as ex-officio, non-voting members of the Planning Commission.

### **C. Powers**

1. The Planning Commission shall cooperate with the Zoning Administrator and other employees of the County in preparing and recommending to the Board any amendments to this Ordinance as well as any additional forms of official controls which may be adopted pursuant to the provisions of Section 394.21 to 394.27, Minnesota Statutes, Chapter 571, Laws of 1974, as amended.

2. The Planning Commission shall hold hearings and make decisions granting or disallowing the issuance of Conditional Use or Interim Use Permits in accordance with the provisions of SECTION 15 and SECTION 15A of this Ordinance, as well as hold hearings and recommend the adoption of any amendment to this Ordinance by the Board in accordance with the provisions of SECTION 25 of this Ordinance.

D. Terms of Office

1. Vacancies on the Planning Commission shall be filled as soon as practical after the vacancy occurs. Such appointment shall be for the unexpired term of the former member.
2. Any member of the Planning Commission may be removed from the Commission by the Board of County Commissioners for incompetency, misconduct, or negligence shown after a hearing before the County Board, upon due notice and upon stated charges in writing and on the concurring vote of four members of the County Board. The member of the Commission charged with conduct or activity which is alleged to be grounds for removal shall be given adequate notice of any charges made against him and sufficient time to prepare a defense against such charges.

## **SECTION 23: BOARD OF ADJUSTMENT**

### **A. Creation and Membership**

1. A Board of Adjustment is hereby established and vested with such authority as is hereinafter provided and as provided by Minnesota Statutes, Chapter 571, Laws of 1974, as amended. Such Board shall consist of two (2) members of the Planning Commission and one (1) person not a member of the Planning Commission, excluding any elected officer of the County or employee of the Board of County Commissioners. At least one member of the Board of Adjustment shall reside in the area of the County outside the corporate limits of a municipality.
2. The three (3) Board members shall be appointed by the Board of County Commissioners, which may also appoint one alternate member of the Board of Adjustment. If appointed, the alternate member shall, if directed by the Chairman of the Board of Adjustment, attend all meetings of the Board and participate fully in its activities but shall not vote on any issue unless authorized to do so by the chairman. The chairman shall authorize the alternate board member to vote on an issue when a regular member is absent, physically incapacitated, abstains because of a possible conflict of interest, or is prohibited by law from voting on that issue. The Zoning Administrator shall act as secretary of the Board.
3. The Board of Adjustment shall elect a chairman and vice chairman from among its members. It shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings, and determinations.
4. The meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as the Board in its rules of procedure may specify.

### **B. Powers**

1. The Board of Adjustment shall have the exclusive power to order the issuance of a variance in accordance with the provisions of SECTION 24 of this Ordinance.
2. The Board of Adjustment shall hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official charged with enforcing any ordinance adopted pursuant to the provisions of Section 394.21 to 394.37, Minnesota Statutes, Chapter 571, Laws of 1974, as amended.
3. The Board of Adjustment shall have the power to interpret zoning district boundaries on official zoning maps.
4. The Board of Adjustment shall have the power to permit the extension of a zoning district where the boundary line thereof divided a lot in one ownership at the time of the passage of this Ordinance, but such extension of any district shall not exceed one hundred (100) feet.

### C. Right to Appeal and Findings

1. Any person aggrieved or any officer, department, board, or bureau of a town, municipality, county, or state objecting to the ruling of any administrative official on the administering of the provisions of this Ordinance or other ordinance adopted pursuant to the provisions of Section 394.21 to 394.37, Minnesota Statutes, Chapter 571, Laws of 1974, as amended, shall have the right to appeal to the Board of Adjustment.
2. The Board of Adjustment shall not grant an appeal unless it finds the following facts at the hearing where the applicant shall present a statement and evidence in such form as the Board of Adjustment may require:
3. That the ruling appealed from is clearly erroneous, as determined by:
  - a. The ruling was based upon a grave misapprehension of the relevant facts, or
  - b. The ruling resulted from a clearly improper application of the terms of this Ordinance to the relevant facts, or
  - c. The ruling was an abuse of the discretionary authority of the official issuing it, or was a result of bad faith on the part of that official.
4. The burden of showing the erroneousness of the ruling shall be on the applicant with all doubts resolved in favor of upholding the ruling.

### D. Procedure

1. Application for any appeal permissible under the provisions of this SECTION shall be made to the Board of Adjustment within 30 days of the issuance of the order, requirement, decision, or determination appealed from in the form of a written application for a Land use permit or for a permit to use the property or premises as set forth in the application. Upon receipt of any application, the Board of Adjustment shall set a time and place for a public hearing before the Board on such application. At least ten (10) days before the date of the hearing, a notice of the hearing shall be published once in the official newspaper of the County and appropriate newspaper of general circulation in the area concerned if there be one.
2. An appeal stays all proceedings in furtherance of the action appealed from unless the Board of adjustment certifies that by reason of the facts stated in the certificate a stay would cause imminent peril to life or property.
3. The Board of Adjustment shall thereupon make its decision upon the application within fifteen (15) days of the public hearing. The Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit. The reason for the Board's decision shall be stated in writing.

4. A certified copy of any order issued by the Board of Adjustment acting upon an application for an appeal shall be filed by the Zoning Administrator with the County Recorder for record. The order shall include a legal description of the property involved.
5. All decisions by the Board of Adjustment in hearing appeals shall be final except that any aggrieved person or any department, board, or commission within the county or the state, shall have the right to appeal within 30 days, after receipt of notice of the decision, to the Stevens County District Court on questions of law and fact.

## **SECTION 24: VARIANCES**

### **A. General Provisions**

1. Any person, firm, corporation, or any other organization or entity having an interest in real property which is subject to the provisions of this Ordinance may apply to the Board of Adjustment for a variance from those provisions, in accordance with this SECTION.
2. The Board of Adjustment shall have the exclusive power to order the issuance of variances.
3. No variance shall be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.

### **B. Grounds for a Variance**

1. A variance shall only be permitted when all of the following conditions have been met:
  - a. the variance is in harmony with the general purpose and intent of this Ordinance and consistent with the comprehensive plan.
  - b. there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to:
    - i. use the property in a reasonable manner not permitted by the zoning ordinance;
    - ii. the plight of the landowner is due to circumstances unique to the property not created by the landowner; and
    - iii. the variance, if granted, will not alter the essential character of the locality.
    - iv. there are special circumstances or conditions affecting the land, building, or use referred to in the variance request that do not apply generally to other property in the same vicinity.
  - c. Economic considerations alone do not constitute practical difficulties.
  - d. The county may impose conditions in the granting of variances provided it is directly related to and bears a rough proportionality to the impact created by the variance.
2. The applicant for a variance which, in the opinion of the Board of Adjustment, may result in a material adverse effect on the environment, may be requested by the Board to demonstrate the nature and extent of the effect before the County acts on the variance request.



### C. Procedure

1. An applicant for a variance shall be filed with the Zoning Administrator on the form prescribed for that purpose by the Board of County Commissioners. The application must contain the name of the applicant, a legal description of the affected property and the applicant's relation thereto, the specific provision or provisions of the Ordinance from which the variance is requested, and the grounds therefore which must be in accordance with the provisions of this SECTION, and must be signed by the applicant. At the option of the Zoning Administrator and/or the Board of Adjustment, the application shall be accompanied by a site plan showing pertinent information including, but not limited to:
  - a. Description of site (legal description)
  - b. Site plan drawn at scale showing parcel and structure dimensions.
  - c. Location of all structures and their square footage.
  - d. Curb cuts, driveways, access roads, parking spaces, off-street loading areas, and sidewalks.
  - e. Landscaping and screening plans.
  - f. Drainage plan.
  - g. Sanitary sewer and water plan with estimated use per day.
  - h. Soil type.
  - i. Any additional data reasonably required by the Zoning Administrator and/or Board of Adjustment.
2. Upon receipt of an application for a variance, the Zoning Administrator shall make an initial determination that the application complies with paragraph C-1 of this SECTION, and if so, shall forward the application to the Board of Adjustment.
3. The Board of Adjustment upon receipt of a proper application for a variance, shall set a time and place for a public hearing before the Board on such application. At least ten (10) days in advance of any such hearing, notice of the time, place, and purpose of the hearing shall be published in the official newspaper of the County and in a newspaper of general circulation in the town, municipality, or other area concerned, if there be such a newspaper.
4. In addition to the published notice, written notice of a public hearing concerning the application for a variance shall be sent to all property owners of record within five hundred (500) feet of the affected property or to the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners of unincorporated areas where the variance is proposed. Such written notice shall be sent postage prepaid in the U.S. mails and shall state the time and place of the public hearings.

All municipalities within two (2) miles of the proposed variance shall be given proper notice.

5. For the purpose of the foregoing notice provision, the term "affected property" shall mean whatever number of one-sixteenths (1/16) of a section that are required to totally encompass the area subject to the variation from the terms of this Ordinance.
6. The Board of Adjustment may continue the hearing concerning the application for a variance, or it may hold such additional hearings as it deems advisable. The Board of Adjustment shall issue its order concerning the application within ten (10) days of the conclusion of the hearing relating to any given application.
7. A certified copy of an order of the Board of Adjustment either granting or denying an application for a variance shall be filed by the Zoning Administrator with the County Recorder for record. The order issued by the Board shall be in writing, giving the reasons for the Board's decision and shall include a legal description of the property involved.
8. All decisions by the Board of Adjustment in granting or denying a variance shall be final except that any aggrieved person or persons, or any department, board, or commission within the County or state shall have the right to appeal within thirty (30) days, after receipt of notice of the Board's decision, to the Stevens County District Court on questions of law and fact.

#### D. Fees

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

## **SECTION 25: AMENDMENT**

### **A. Application**

1. This Ordinance may be amended whenever the public necessity and the general welfare require such amendment by following the procedure specified in this SECTION.
2. Proceedings for amendment of this Ordinance may be initiated by:
  - a. A petition of the owner or owners of the actual property, or
  - b. A recommendation of the County Planning Commission, or
  - c. By action of the Board of County Commissioners.
3. An application for an amendment shall be filed with the Zoning Administrator. All applications for zoning district boundary changes, rezoning, etc., which are initiated by petition of the owner or owners of property shall be accompanied by a map or plat showing the lands proposed to be changed and all lands within one-half (1/2) mile of the boundary of such property, together with the names and addresses of the owners of the lands in such area as the same appears on the records of the County.

### **B. Public Hearing and Notice**

1. Upon receipt in proper form of the application and other requested material, the Stevens County Planning Commission shall hold at least one (1) public hearing in a location to be prescribed by the Planning Commission. At least ten (10) days in advance of each hearing, notice of the time, place, and purpose of such hearing shall be published in the official paper of the County and in a newspaper of general circulation in the town, municipality, or other area concerned if there be such a newspaper.
2. In the case of zoning district boundary change, rezoning etc., in addition to the public notice, written notice of the public hearing concerning the application for an amendment shall be sent to owners of record within five hundred (500) feet of incorporated areas (cities) and/or one-half (1/2) mile of the affected property in unincorporated areas (townships).
3. In the case of zoning text amendments, in addition to the published notice, written notice of a public hearing concerning an amendment shall be sent to the governing bodies of all towns and municipalities in the County." Such written notice shall be sent postage prepaid in the U.S. mails and shall state the time and place of the public hearing. Also, written notice of each hearing on a proposed amendment shall be sent to the governing bodies of all towns and municipalities in the County.

C. Authorization

1. Following the public hearing, the County Planning Commission shall make a report of its findings and recommendations on the proposed amendment and shall file a copy with the Board of County Commissioners and the Zoning Administrator within sixty (60) days after the hearing. The Board of County Commissioners may not take any action on the proposed amendment until it has received the recommendation of the Planning Commission.
2. Upon the filing of such report or recommendation, the Board of County Commissioners may hold such additional public hearings upon the amendment as it deems advisable. After the conclusion of the hearings, if any, the Board of County Commissioners may adopt the amendment or any part thereof on such form as it deems advisable. The amendment shall be effective only if four-fifths (4/5) of all the members of the Board concur in its passage.
3. After adoption of the amendment by the Board, the publication of the amendment and the filing and recording of the amendment in the office of the County Auditor shall be in accordance with the provisions of Minnesota Statute 375.51.
4. The County Auditor shall thereafter file a certified copy of the enacted amendment with the County Recorder for record.

D. Fees

To defray the administrative costs of processing requests for an amendment to this Ordinance, a fee not exceeding administrative costs shall be paid by the Petitioner. Such fee shall be determined by the Board of County Commissioners.

## **SECTION 26: VIOLATIONS, PENALTIES, AND ENFORCEMENT**

### **A. Violations and Penalties**

Any person, firm, or corporation who violates any of the provisions of this Ordinance or fails to comply with any of its provisions or make any false statement in any document required to be submitted is guilty of a misdemeanor punishable by a sentence of not more than 90 days jail or fine of not more than \$1,000, or both. Each day that a violation continues shall constitute a separate offense.

### **B. Enforcement**

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

## **SECTION 27: VALIDITY**

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

## **SECTION 28: REPEAL**

The existing zoning regulations (text and map) of Stevens County adopted January 4, 1972, as amended, are hereby repealed. The adoption of this Ordinance, however, shall not affect nor prevent any pending or future prosecution of, or action to abate, any existing violation of said Stevens County Zoning Ordinance adopted January 4, 1972, as amended, if the violation is also a violation of the provisions of this Ordinance.

**SECTION 29: DATE OF EFFECT**

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

Passed and approved this 3rd day of January, 1980.

Signed by: Lawrence Kopel, Chairman Board of County Commissioners

Attest: Dick Bluth, County Auditor

Recommended By: Stevens County Planning Commission

December 10, 1979

Signed by: Wilbert Spohr, Chairman Planning Commission

Amendments Recommended by Stevens County Planning Commission on October, 23rd, 2017

Signed by: Rob Kopel, Vice-Chair, Stevens County Planning Commission

Amendments passed and approved this 21st day of November, 2017

Signed by Ron Staples, Chair, Stevens County Board of Commissioners.

Amendments passed and approved this 17<sup>th</sup> day of November, 2020

Signed by Bob Kopitzke, Chair, Stevens County Board of Commissioners.

Approved: November 17, 2020  
Effective: November 24, 2020

**STEVENS COUNTY**  
**WIND ENERGY CONVERSION SYSTEMS**  
**ORDINANCE**

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**STEVENS COUNTY  
WIND ENERGY CONVERSION SYSTEMS  
ORDINANCE**

**SECTION 1: PURPOSE**

This Ordinance is established to regulate the installation and operation of Wind Energy Conversion Systems (WECS) within Stevens County not otherwise subject to siting and oversight by the State of Minnesota pursuant to Minnesota Statutes Chapter 216F “Wind Energy Conversion Systems” as amended. This Ordinance complements and/or supplements the Stevens County Zoning Ordinance.

**SECTION 2: JURISDICTION**

The jurisdiction of this Ordinance shall apply to all areas of Stevens County outside incorporated municipalities.

**SECTION 3: RULES**

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

- A. The word “Person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The word “shall” is mandatory, and not discretionary, the word “may” is permissive.
- C. Words used in the present tense shall include the future; and words used in the singular shall include the plural, and the plural the singular.
- D. The word “lot” shall include the words “piece”, “parcel”, and “plot”.
- E. The words “special use” also means “conditional use”.
- F. The words “Board of Adjustment”, also mean “Board of Variance”.
- G. The word “building” shall include structures of every kind, regardless of similarity to buildings.
- H. The word “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for” and “occupied for”.
- I. The masculine gender shall include the feminine and neuter.
- J. All stated and measured distances shall be taken to the nearest integral foot. If a fraction is one-half (1) foot or less, the integral foot next below shall be taken.
- K. The word “Board” includes the “County Commissioners”, the “Board of County

Commissioners” or any other word or words meaning the “Stevens County Board of Commissioners”.

#### **SECTION 4: DEFINITIONS**

**Aggregated Project:** Aggregate projects are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregate project.

**Airfoil:** A part such as a blade, with a flat or curved surface, designed to provide a desired reaction force when in motion relative to the surrounding air.

**Azimuth:** A clockwise measurement around the horizon in degrees, beginning and ending at true north.

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

**Board of Adjustment and Appeals:** An officially constituted quasi-judicial body appointed by the County Board whose principle duties are to hear appeals from decisions of the Zoning Administrator and, where appropriate, grant variances from the strict application of this Ordinance.

**C-BED Project:** As defined in Minnesota Statutes Section 216B.1612, as amended. Based on the total name plate generating capacity, C-BED Projects are considered to be (1) Micro-WECS, (2) Non-Commercial WCES or (3) Commercial WECS as defined in this Section.

**Campground:** A facility licensed by the Minnesota Department of Health for the purposes of camping.

**Church:** As defined in Minnesota Statutes Chapter 272.

**Comprehensive Plan:** The policies, statements, goals, and interrelated plans for private and public land and water use, transportation, and community facilities including recommendations for plan execution, documentation in texts, ordinances and maps which constitute the guide for the future development of the unincorporated area of the county.

**Conditional Use Permit:** A land use or development that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that 1) certain conditions as detailed in this Ordinance exist, and 2) the use or development conforms to the Land Use Policies of the County and 3) is compatible with the existing neighborhood.

**County:** Stevens County, Minnesota.

**County Board:** Stevens County Board of Commissioners.

**Decibel:** A unit of measure of sound pressure.

**DB(A): A Weighted Sound Level:** A measure of over-all sound pressure level in decibels, designed to reflect the response of the human ear.

**Dwelling:** A building or portion thereof, designed exclusively for residential occupancy; the term does not include hotels, motels, tents, tent trailers or recreational vehicles.

**Easement:** A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including, but not limited to, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways, and gas lines.

**Electromagnetic Communications:** The use of an electromagnetic wave to pass information between two points.

**Essential Services:** Overhead or underground electrical, gas, steam or water transmission or distribution systems and structures, or collection, communication supply or disposal systems and structures used by public utilities or governmental departments or commissions or as required for protection of the public health, safety, or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection therewith, but not including buildings. For the purpose of this Ordinance the word “building” does not include “structures” for essential services.

**Fall Zone:** The area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.

**Feeder Line:** Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the WECS.

**Flicker:** The moving shadow cast by the rotating blades of a WECS, or any intermittent, repetitive, or rhythmic lighting effect that is a direct result of rotating WECS blades.

**Flicker Analysis:** A study showing the duration and location of flicker potential.

**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.

**Health Care Facilities:** Facilities principally engaged in providing services for health maintenance and the treatment of mental or physical conditions including but not limited to hospitals, clinics, and nursing homes.

**Hub Height:** The distance from the ground to the center axis of the turbine rotor.

**Internal Setback:** Refers to “Internal Turbine Spacing” as defined pursuant to rules promulgated under Minnesota Statute Section 216F.08.

**Kilowatt:** A unit of power equal to 1000 watts.

**Megawatt:** A unit of power equal to one million watts.

**Meteorological Tower:** For the purposes of this Wind Energy Conversation System Ordinance, meteorological towers are those towers which are erected primarily to measure wind speed and directions plus other data relevant to siting WECS. Meteorological towers do not include towers and equipment used by airports, the Minnesota Department of Transportation, or other similar applications to monitor weather conditions.

**Micro-WECS:** Micro-WECS are WECS of 1kW nameplate generating capacity or less and utilizing supporting towers of 40 feet or less.

**Noise Profile:** A study certifying the WECS is in compliance with Minnesota Rules Chapter 7030, as amended, of the Minnesota Pollution Control Agency noise standards.

**Non-participating Dwelling:** A residence that has not entered into an agreement with a wind energy project.

**Non Prevailing Wind:** The non-dominant wind direction in Stevens County.

**Participating Dwelling:** A residence that has entered into an agreement with a wind energy project.

**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.

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

**Prevailing Wind:** The predominant wind direction in Stevens County.

**Project:** A WECS or combination of WECS.

**Project Boundary/Property Line:** The Boundary line of the area over which the entity applying for a WECS permit has legal control for the purpose 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.

**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.

**Public Conservation Lands:** Land owned in fee title by State or Federal agencies and managed specifically for (grassland) conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, State Scientific and Natural Areas, Federal Wildlife Refuges and Water fowl Production Areas. For the purposes of this section public conservation lands will also include lands owned in fee title by non-profit conservation organizations. Public conservation lands do not include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.

**Qualified Independent Acoustical Consultant:** A person with Full Membership in the Institute of Noise Control Engineers (INCE), or other demonstrated acoustical engineering certification. The Independent Qualified Acoustical Consultant can have no financial or other connection to a WECS developer or related company.

**Receptor:** Structures intended for human habitation, whether inhabited or not, including but not limited to churches, schools, hospitals, public parks, the manicured areas of recreational establishments designed for public use, including but not limited to golf courses, and camp grounds.

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

**Rotor Blades:** See Airfoil.

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

**School:** As defined in Minnesota Statutes Section 120A.05, as amended, and private schools excluding home school sites.

**Substations:** Any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than 35,000 (35,000 KV) for interconnection with high voltage transmission lines shall be located outside of the road right of way.

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

**Total 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 WECS exclusive of the rotor blades.

**Transmission Line:** Those electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

**Wake Loss:** The loss of wind resource downwind of an operating wind turbine.

**Wake Loss Study:** A study of potential impacts to the wind resource downwind of operating wind turbines.

**Wind Turbine:** A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

**WECS - Wind Energy Conversion System:** An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers, that operate by converting the kinetic energy of wind into electrical energy. The energy maybe used on-site or distributed into the electrical grid.

**Commercial WECS:** A WECS of equal to or greater than 100 kW in total name plate generating capacity.

**Non-Commercial WECS:** A WECS of less than 100 kW in total name plate generating Capacity.

**Zoning Ordinance:** The Stevens County Zoning Ordinance regulating the use of land and water in Stevens County.

## **SECTION 5: PROCEDURES**

- A. Land Use Permits, Conditional Use Permits and Variances shall be applied for and reviewed under the procedures established in the Stevens County Zoning Ordinance.
- B. The application for all WECS shall include the following information:
  - 1. The names of project applicant.
  - 2. The name of the project owner.
  - 3. The legal description and address of the project.
  - 4. A description of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
  - 5. Site layout, including the location of property lines, wind turbines, electrical wires, interconnection points with the electrical grid, and all related accessory structures. The site layout shall include distances and be drawn to scale.
  - 6. Federal Aviation Administration (“FAA”) Permit Application and notification to the local airport commissions within 10 miles of a project and/or existing private air strips within 3 miles of a project.

7. Engineer's certification.
  8. Documentation of land ownership or legal control of the property.
- C. The application for Commercial WECS shall also include:
1. The latitude and longitude of individual wind turbines.
  2. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other WECS within 10 rotor diameters of the proposed WECS.
  3. Location of wetlands, scenic, and natural areas including bluffs within 1,320 feet of the proposed WECS.
  4. An Acoustical analysis.
  5. FAA Permit Application and notification to the local airport commissions within 10 miles of a project and/or existing private air strips within 3 miles of a project.
  6. Flicker Analysis
  7. Location of all known Communications Towers within 2 miles of the proposed WECS and a microwave beam study.
  8. Decommissioning Plan.
  9. Description of potential impacts on nearby WECS and wind resources on adjacent properties.
- D. The County may, at its discretion, require a Development Agreement to address specific technical procedures which may include but are not limited to: road use and repair, site specific issues, payment in lieu of taxes, other financial securities, or real property value protection plans.

## **SECTION 6: AGGREGATED PROJECTS - PROCEDURES**

Aggregated Projects may jointly submit a single application and be reviewed under joint proceedings, including notices, hearings, reviews and as appropriate approvals. Permits will be issued and recorded separately. Joint applications will be assessed fees as one project. [Aggregated projects having a combined capacity equal to or greater than the threshold for State oversight as set forth in Minnesota Statutes Section 216F.01 shall be regulated by the State of Minnesota.]

**SECTION 7: DISTRICT REGULATIONS**

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

<b>District</b>	<b>Non-Commercial*</b>	<b>Commercial</b>	<b>Meteorological Tower *</b>
A-1 Agriculture	Permitted	Conditional	Permitted
R-1 Rural Residential	Conditional	Not permitted	Not permitted
R-2 Mobile Home	Not permitted	Not permitted	Not permitted
S-1 Special Protection Shoreland	Not permitted	Not permitted	Not permitted
S-2 Residential-Rec. Shoreland	Not permitted	Not permitted	Not Permitted
B-1 Highway Service Business	Not permitted	Not permitted	Not permitted
I-1 Limited Industry	Conditional	Conditional	Permitted
F-1 Flood Plain	Not permitted	Not permitted	Not permitted

**\* Non-Commercial WECS and Meteorological towers shall require a conditional use permit if over 125 feet in height.**



## SECTION 8: SETBACKS - WIND TURBINES AND METEOROLOGICAL TOWERS

A. All towers shall adhere to the setbacks established in the following table.

	<b>Wind Turbine - Non-Commercial WECS</b>	<b>Wind Turbines - Commercial WECS</b>	<b>Meteorological Towers</b>
<i>Property Lines</i>	1.1 times the total height or in Agricultural or Industrial Land Use Districts only, the distance of the fall zone, as certified by a professional engineer + 10 feet.	1.1 times the total height	The fall zone, as certified by a professional engineer + 10 feet or 1.1 times the total height.
<i>Neighboring Dwellings *</i>	750 feet	500 feet from participating dwelling. 1,000 feet from non-participating dwelling.	The fall zone, as certified by a professional engineer + 10 feet or 1.1 times the total height.
<i>Road Rights-of-Way **</i>	The distance of the fall zone, as certified by a professional engineer + 10 feet or 1 times the total height.	1 times the height, may be reduced for minimum maintenance roads or a road with an Average Daily Traffic Count of less than 10.	The fall zone, as certified by a professional engineer + 10 feet or 1 times the total height.
<i>Other Rights-of-Way (Railroads, power lines, etc.)</i>	The lesser of 1 times the total height or the distance of the fall zone, as certified by a professional engineer + 10 feet.	To be considered by the Planning Commission.	The fall zone, as certified by a professional engineer + 10 feet or 1 times the total height.
<i>Public conservation lands managed as grasslands/Public Wetlands, USFWS Types III, IV &amp; V</i>	NA	600 feet	600 feet
<i>Private Wetlands, USFW Types III, IV &amp; V</i>	NA	The fall zone, as certified by a professional engineer + 10 feet or 1.1 times the total height.	The fall zone, as certified by a professional engineer + 10 feet or 1.1 times the total height.
<i>Other Structures</i>	1.1 times total height	1.1 times total height	1.1 times total height
<i>Other Existing WECS ***</i>	NA	3 times the Rotor Diameter (RD) in non-prevailing wind axis and 5 RD in prevailing wind axis.	

\* The setback for dwellings shall be reciprocal in that no non-participating dwelling shall be constructed within 1,000 feet of an existing commercial wind turbine.

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

\*\*\* Waived for internal setbacks in multiple turbine projects, including aggregated projects.

B. Substations and Accessory Facilities - Minimum setback standards for substations and feeder lines shall be determined in the permitted process, based upon the site's unique circumstances and consistent with the requirements of the respective zoning districts of the County's Zoning Ordinance.

## SECTION 9: REQUIREMENTS AND STANDARDS

- A. Engineering Certification – For all WECS, the manufacturer’s engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.
- B. Clearance – Rotor blades or airfoils must maintain at least 30 feet of clearance between their lowest point and the ground.
- C. Warnings - For all Commercial WECS, a sign or signs shall be posted on the tower, transformer and substation warning of high voltage. Signs with emergency contact information shall also be posted on the turbine or at another suitable point.
- D. All meteorological towers must be marked in the following manner:
  - 1. For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of 8 feet above the ground. Visible fencing may be required around anchor points of guy wires.
  - 2. The top one-third of the tower shall be painted to meet FAA paint specifications (aviation orange and white).
  - 3. Guide-wire towers must have a total of eight marker balls attached as follows: four marker balls attached to guide wires at the top of the tower; four marker balls at the bottom of the guide wires at a minimum height of 15 feet above the ground.
- E. Total height – Non-Commercial WECS shall have a total height of less than 200 feet.
- F. Towers less than 200 feet in height – All towers less than 200 feet above the ground are required to register with the Minnesota Department of Transportation Small Tower Registry.
- G. Tower configuration:
  - 1. All wind turbines, which are part of a commercial WECS, shall be installed with a tubular, monopole type tower.
  - 2. Meteorological towers may be guyed.
- H. Color and Finish – All wind turbines and towers that are part of a commercial WECS shall be white, grey or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matt or non-reflective.
- I. Lighting – Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations. Red strobe lights are preferred for night-time illumination to reduce impacts on migrating birds. Red pulsating Incandescent lights should be avoided.

- J. Other Signage – All signage on site shall comply with Section 14.A. of the Stevens County Zoning Ordinance. The manufacturer’s or owner’s company name and/or logo may be placed upon the nacelle, compartment containing the electrical generator, of the WECS.
- K. Feeder Lines – All communications and feeder lines, equal to or less than 34.5 kV in capacity, installed as part of a WECS shall be buried where reasonably feasible. Feeder lines installed as part of a WECS shall not be considered an essential service. This standard applies to all feeder lines subject to Stevens County authority.
- L. Waste Disposal – Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.
- M. Discontinuation and Decommissioning – A WECS shall be considered a discontinued use after 1 year without energy production, unless a plan is developed and submitted to the County Zoning Administrator outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to four feet below ground level within 90 days of the discontinuation of use.
- N. Each Commercial WECS shall have a Decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a competent party; such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the WECS and accessory facilities.
- O. Orderly Development – Upon issuance of a conditional use permit, all Commercial WECS shall notify the Public Utility Commission Power Plant Siting Act program Staff of the project location and details on the survey form specified by the Public Utility Commission.
- P. Permitted Tower Relocation - In the event that previously unidentified environmental conditions are discovered during construction which by law or pursuant to conditions outlined in the Permit would preclude the use of that site as a turbine site, the Permittee shall have the right to move or relocate turbine sites. The Permittee shall notify the County Zoning Administrator of any turbines that are to be relocated before the turbine is constructed on the new site. The Zoning Administrator shall amend the permit and ensure the relocation meets the setbacks and all other requirements of this ordinance.

**SECTION 10: OTHER APPLICABLE STANDARDS**

- A. Noise – All WECS shall comply with Minnesota Rules 7030 governing noise.
- B. Electrical codes and standards – All WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.

- C. Federal Aviation Administration – All WECS shall comply with FAA standards and permits.
- D. Uniform Building Code – All WECS shall comply with the Uniform Building Code adopted by the State of Minnesota.
- E. Interference – The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals cause by any WECS. The applicant shall notify all communication tower operators within five miles of the proposed WECS location upon application to the county for permits. No WECS shall be constructed so as to interfere with all or any licensed microwaves transmissions.

**SECTION 11: AVOIDANCE AND MITIGATION OF DAMAGES TO PUBLIC INFRASTRUCTURE**

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

**SECTION 12. VIOLATIONS, PENALTIES AND ENFORCEMENT**

- A. Violations and Penalties
  1. Any person, firm, or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed one thousand (\$1,000) dollars or by imprisonment not to exceed ninety (90) days. Each day that a violation continues shall constitute a separate offense.

B. Enforcement

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

**SECTION 13. VALIDITY**

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

**SECTION 14. EFFECTIVE DATE**

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

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Don Munsterman, Chairman,  
Stevens County Board of Commissioners

Attest: \_\_\_\_\_  
Brian Giese, County Coordinator

Recommended By: Stevens County Planning Commission  
November 22, 2010

\_\_\_\_\_  
Knute Christensen, Chairman,  
Stevens County Planning Commission