

# PIPESTONE COUNTY ZONING ORDINANCE

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# **CHAPTER ONE: INTRODUCTION**

## **SECTION 1-1: PREAMBLE**

An ordinance requiring permits for building, structures and the uses thereof; for land uses; establishing minimum lot sizes setbacks and side yards; providing for parking and other requirements; and imposing penalties.

## **SECTION 1-2: TITLE**

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

## **SECTION 1-3: PURPOSE AND INTENT**

This Ordinance is enacted for the following purposes:

- A. To promote and protect the health, safety, and general welfare throughout Pipestone County;
- B. To lessen congestion in the public rights-of-way;
- C. To secure safety from fire, panic and other dangers;
- D. To provide adequate light, air and other environmental conditions;
- E. To facilitate the adequate provision of water, sewerage and other public requirements;
- F. To conserve the value of properties and to encourage 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" in accordance with authority granted in Laws of Minnesota 1959, Chapter 559, as amended;
- G. To administer "Statewide Standards and Criteria for Management of Flood Plain Areas in Minnesota" in accordance with the authority granted in Minnesota Statutes, 104.05, as amended;
- H. To administer "Statewide Standards and Criteria for Management of Shoreland Areas of Minnesota" and Solid Waste Regulations SW 51-61 in accordance with authority granted

in Laws of Minnesota 1969, Chapter 777 and in furtherance of the policies declared in Minnesota Statutes, Chapters 105, 115, 116, 394, and 396, as amended.

## **SECTION 1-4: JURISDICTION, SCOPE, LOTS OF RECORD AND INTERPRETATION**

### **Subsection A: Jurisdiction**

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

### **Subsection B: Scope**

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

### **Subsection C: Lots of Record**

All lots which are a part of a subdivision legally recorded with the Register of Deeds, and lot or lots described by metes and bounds, the deed to which has been recorded in the office of the County Recorder prior to the passage of this Ordinance shall be considered to be Lots of Record and shall thereby be considered a legally buildable lot even though such lot or lots may not conform to the minimum requirements of this Ordinance, providing further that the lot is in separate ownership from abutting lands, and all sanitary and setback requirements of the County are complied with insofar as practical.

In shoreland areas, such lots may be allowed as building sites provided such use is permitted in the zoning district, the lot is in separate ownership from abutting lands, and all sanitary and dimensional requirements of the County Ordinance are complied with insofar as practical.

#### **Subsection D: 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 regulations, 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.

#### **Subsection E: Disclaimer of Liability**

The FLOOD PLAIN DISTRICT herein established is intended to provide a reasonable approach to flood control based on present information. As additional information becomes available, the extent of the various boundaries shall be so altered to maintain this reasonableness. This Ordinance does not imply that areas beyond the district limits will be free from flooding or that uses within the districts will be free from flooding; nor shall this Ordinance, or districts established herein, create a liability on the part of, or cause action against Pipestone County or any office or employee thereof, for any flood damage that may result from reliance upon this Ordinance or flood district so established.

#### **Subsection F: Injunctive Relief**

The Zoning Administrator, upon certification by the County Board, shall have the authority to petition the District Court for injunctive relief against continued violations of any of the provisions of this Ordinance.

### **SECTION 1-5: 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 1-6: DATE OF EFFECT**

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

## **CHAPTER TWO: RULES AND DEFINITIONS**

### **SECTION 2-1: 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 mean "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 "Pipestone County Board of Commissioners".

## SECTION 2-2: DEFINITIONS

**Accessory Building:** A subordinate building or a portion of a 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 main building.

**Accessory Use:** A use subordinate to the main use on a lot and used for purposes customarily incidental to those of the main use.

**Aggrieved Person:** Any landowner or tenant who alleges that the property under his/her control is or will be adversely affected by a policy, guideline, comprehensive plan provision, action, decision, ordinance, or regulation relating to the use of his/her land or any structure located thereon.

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

**Agriculture:** The use of land for the production for commercial purposes and on the farm use of farm livestock and livestock products, other animals and other animal products, poultry and poultry products and all crops, including but not limited to the following:

1. Farm livestock and livestock products--domestic animals kept for use on the farm or raised for sale or profit, including dairy and beef cattle, swine, sheep, goats, horses, milk, cheese, butter and meat.
2. Other animals; except farm livestock, for their pelt, pleasure or sport, including rabbits, mink, dogs, ponies, bison and deer.
3. Domestically raised fowl for food and pleasure, including chickens, turkeys, ducks, geese and game birds.
4. Field crops, including-corn, milo, sorghum, sunflowers, wheat, oats, rye, barley, hay, potatoes and beans.
5. Fruit, including apples, plums, apricots, peaches, grapes, cherries and berries.
6. Horticultural specialties including ornamental shrubs, trees and flowers.
7. Vegetables, including tomatoes, snap beans, cabbage, carrots, beans and onions.

**Agricultural Building or Structure:** For the purposes of this Ordinance, an "agricultural building or structure" shall imply any building or structure existing or erected on land used principally for agricultural purposes, with the exception of dwelling units.

**Air Pollution:** The presence in the outdoor atmosphere of any air contaminant or combination thereof in such quantity, of such nature and duration, and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.

**Animal Manure:** Poultry, livestock or other animal excreta or mixture with feed, bedding or other materials.

**Animal Wastes:** Animal manure, which is stored, transported or disposed of as an unwanted waste material and which poses a potential hazard to the land, air or waters of the State. This shall not include animal manure used as fertilizer.

**Area, Net Developable:** Those lands within a development parcel remaining after the deletion of floodlands, wetlands, slopes of twelve (12) percent or greater.

**Block:** That property abutting one side of a street, lying between the two nearest intersecting or intercepting streets or railroad right-of-way or unsubdivided acreage.

**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).

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

**Building, Agricultural:** All buildings, other than dwellings, which are incidental to a farming operation.

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

**Building Setback Line:** A line within a lot or other parcel of land parallel to a public road or street or highway right-of-way line defining a portion of the lot between said setback line and said property line on which buildings or structures may not be placed.

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

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

**Commissioner:** Minnesota Commissioner of Natural Resources.

**Community Water and Sewer Systems:** Utilities systems serving a group of buildings, lot, 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.

**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, documented in texts, ordinances and maps which constitute the guide for the future development of the county or any portion of the county.

**Conditional Use:** A use which, because of unique characteristics, cannot be classified as a-permitted use in any particular district. After due consideration/ in each case, of the impact of such use upon neighboring land and of the public desirability for the particular use at the particular location, a "Conditional Use Permit" may or may not be granted. If granted, the County Planning Commission and/or the County Board may attach conditions and guarantees upon the conditional use permit deemed necessary for the protection of the public interest.

**Corner Lot:** A lot situated at the junction of and fronting on two or more roads or highways.

**County:** Pipestone County, Minnesota

**Crop Land:** The use of land for the production for commercial purposes and on the farm use of, but not limited to, adopted row or close sown traps, fruits and nuts.

**Depth of Lot:** The mean horizontal distance between the mean front street line and the mean rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.

**Depth of Rear Yard:** The mean horizontal distance between the rear building line and the rear lot line.

**Disposal System:** A system for disposing of sewage, industrial waste and other wastes, includes sewer systems and treatment works.

**District:** A section of the County for which the regulations governing the height, area, use of buildings and premises are the same.

**Drainage-Way:** Any natural or artificial water course, including but not limited to; streams, rivers, creeks, ditches, channels, canals, conduits, culverts, streams, waterways, gullies, ravines, or washes in which, waters flow in a definite direction or course, either continually

or intermittently; and including any area adjacent thereto which is subject to inundation by reason of overflow or floodwater.

**Dredging:** The process by which soils, mostly in the form of silt, or other surficial materials which are transported by surface water as a product of erosion into a body of water are removed for the purpose of deepening, the body of water.

**Dwelling, Farm:** A dwelling located on a farm, which the resident of said dwelling either owns, operates or is employed thereon.

**Dwelling, Non-Farm:** A dwelling located on a parcel of land contiguous to or surrounded by farm land which is under separate ownership and which the resident of said dwelling neither operates nor is employed thereon.

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

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

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

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

**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.

**Equal Degree of Encroachment:** A method of determining the location of encroachment lines so that hydraulic capacity of flood plain lands on each side of a stream are increased by an equal amount when calculating the increases in flood stages due to flood plain encroachments.

**Erosion:** The process by which the ground surface is worn away by action of wind or water.

**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.

**Existing Feedlot:** For the purpose of setbacks only, a lot or building or combination of lots and buildings that were constructed prior to January 27, 1998 and are maintained in a functioning and legal manner. This may be a registered or un-registered site.

**Excavation:** The act by which soil, earth, sand, gravel, rock, or any similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting therefrom.

**Expansion to a Feedlot:** New construction or alteration of an existing feedlot which would require a new feedlot permit and/or a building permit from the Pipestone County Conservation and Zoning Office. If the constructed buildings do not require new utilities such as a well, electrical meter, water meter, or is less than 500 feet from the outer most lot or building of the existing feedlot, it shall be considered an expansion to an existing feedlot.

**Extraction Pit:** Any artificial excavation of the earth exceeding five hundred (500) square feet of surface area or two (2) feet in depth, excavated or made by the removal from the natural surface of the earth, of sod, soil, sand, gravel, stone or other natural matter, or made by turning, or breaking or undermining the surface of the earth. Excavation 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 for installation. Excavations for the purpose of impounding of water for agricultural purposes are also exempted.

**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.

**Family:** One or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood or marriage, no such family shall contain over five (5) persons.

**Family, Immediate:** Persons related by blood, marriage, or other legal instrument.

**Farm:** A farm is a real property of at least thirty-five (35) acres and as defined under MINNESOTA AGRICULTURAL PROPERTY TAX LAW "GREEN ACRES LAW" Section 273.111 Agricultural Property Tax, Subdivision 6: Real property shall be considered to be in agricultural use provided that annually:

1. At least 33 1/3 percent of the total family income of the owner is derived therefrom, or the total production income, including rental from the property is \$300 plus \$10 per tillable acre; and

2. It is devoted to the production for sale of livestock, dairy animals, dairy products, poultry and poultry products, fur bearing animals, horticulture and nursery stock which is under Sections 18.44 to 18.61, fruit of all kinds, vegetables, forage, grains, bees and apiary products by the owner, slough, wasteland, and woodland contiguous to or surrounded by land described in subdivision 3 (Section 273. 111) shall be considered to be in agricultural use if under the some ownership and management.

**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.

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

**Feedlot, Agricultural:** An enclosure for the purpose of feeding poultry or livestock, an accessory use incidental to a farming operation and/or where the natural vegetation is not maintained.

**Feedlot Operator:** An individual, a corporation, a group of individuals, a partnership, joint venture, owner or any other business entity having charge or control of one or more livestock feedlots, poultry lots or other animal lots.

**Feedlot Neighboring House(s):** Is a place of residence which has functioning utilities or which has been occupied within the last five years, that is not directly affiliated with the feedlot operation.

**Feedlot Runoff:** The movement of water from a feedlot, either in the form of rainfall or as water from a waterway, ditch, etc., passing through a feedlot, carrying particles of manure as well as soil into a body of water and thereby constituting a potential pollution hazard.

**Feedlot Setback:** The minimum horizontal distance that shall be measured from the outermost points of the restricting object to the outermost points of the outermost building or lot of the proposed feedlot facility.

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

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

**Flood:** A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.

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

**Flood Plain:** The areas adjoining a watercourse, which has been or hereafter may be inundated water from flooding.

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

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

**Garage, Private:** A garage which is erected as an accessory building.

**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 remuneration, hire or sale.

**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 Pipestone County numerical route designation.

**Home Occupation:** Any occupation of a service character which is clearly secondary to the main use of the premises as a dwelling and does not change the character thereof or have any exterior evidence of such secondary use.

**Industrial Waste:** Any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing trade or business or from the development of any natural resource.

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

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

**Land Alteration:** The extraction, grading or filling of land involving movement of earth, and materials in excess of fifty (50) cubic yards in the SHORELAND DISTRICTS and in excess of five hundred (500) cubic yards in all other areas.

**Land Use:** All activities, occupations, practices, and utilization of land space, including water, subsurface and air space.

**Lot:** A parcel of land, whether subdivided or otherwise legally described as of the-effective date of this Ordinance, or approved by the County as a lot subsequent to such date and which is occupied or intended for occupancy by one principal building or principal use together with any accessory building and such open space as required by this Ordinance and having its principal frontage upon a street.

**Lot Area:** The gross lot area is the area of a horizontal plane bounded by the front, side and rear lot lines, 'but not including any area occupied by the waters of a duly recorded lake, river, flood plain zone or floodway.

**Lot Depth:** The lot depth is the mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot lines and including those regulations in accordance with the State of Minnesota SHORELAND Regulations.

**Lot Width:** The lot width is the mean horizontal distance between the side lot lines of a lot, measured within the lot boundaries.

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

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

**Maintenance and Minor Repairs:** Includes re-roofing, residing, new or repair of windows, doors, floors and eave-troughs, repainting and stuccoing of exterior, interior redecorating, foundation or basement repair, new heating, air conditioning and plumbing equipment or repair of present equipment; each of which may be done in total, or in part, except the structure shall not be altered or extended in any way unless a building permit is obtained.

**Marquee:** A canopy or covering structure projecting from an attached building.

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

**Metes and Bounds Description:** A description of a tract of land by starting at a given point, running so many feet in a certain direction, so many feet another direction, etc., back to the point of beginning.

**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 1 kW nameplate generating capacity or less and utilizing supporting towers of 40 feet or less.

**Mobile Home:** A living unit designed for year round occupancy constructed at a factory or assembly point, moved to site in one (1) or more sections. Not to be misconstrued with trailers, campers, bus(es) or modular homes.

**Mobile Home, Dependent:** A resident unit constructed to utilize a public water and sewer system, an external source of electric service and oil or gas, and shall be equipped with stool, shower, or tub, also clothes washing facilities.

**Mobile Home Independent** A mobile home having a self-contained sanitary facility, e.g. campers, trailers, and camper wagons.

**Mobile Home Park:** A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use.

**Mobile Home Plot:** A parcel of land approved as a plot for mobile homes, each lot when occupied, under separate ownership.

**Mobile Home Court, Dependent:** An approved mobile home court which has underground utility service to each site, also restrooms and utility facilities.

**Mobile Home Subdivision:** A subdivision intended for placement of mobile homes or conventional homes, having a minimum of 10 lots and at least 30% of the lots must be occupied by mobile homes.

**Modular Home:** A non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where final installations are made, permanently affixing the module to the site. A modular home shall be congruous to a one family dwelling.

**Motel:** A building or group of buildings used primarily for the temporary residence of motorists or travelers.

**New Feedlot:** An animal feedlot constructed after January 27, 1998 on a site where no animal feedlot existed previously, and is not considered an existing feedlot by definition. If the constructed feedlot requires new utilities and is more than 500 feet from an existing feedlot it shall be considered a new feedlot.

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

**Normal High Water Mark:** Means a mark delineating the highest water level, which has been maintained for a sufficient period of time to leave evidence upon the landscape. The normal high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

**Obstruction (Waterway):** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

**Owner:** Any individual, firm, association, syndicate, partnership, corporation, trust or other legal entity having sufficient property interest in a property to commence and maintain proceedings under this Ordinance, or the owner of record.

**Pasture:** an area of grass or vegetative cover grown for grazing animals.

**Persons:** Any individual, firm, partnership, corporation, company, association, joint stock association or body politic, includes any trustee, receiver, assignee, or other similar representative thereof.

**Plot:** A tract of land 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 buildings and including as a minimum such open spaces as required under this Ordinance.

**Pollution Hazard:** A condition that is present naturally or man made, that indicates a means for manure to enter waters of the state.

**Portable Building:** A structure that can be pulled when empty.

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

**Premises:** The property conveyed in a deed; hence, a piece of land or real estate; sometimes, a building.

**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 Waterfowl Production Areas. For the purposes of this section public conservation lands will also include lands owned in fee title by non-profit conservation organizations. Public conservation lands do not include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.

**Public Water:** Shall be defined in Minnesota Statutes Con. 80. However, no lake or pond or flowage of less than twenty-five (25) acres in size and no river or stream having a total drainage area less than two (2) square miles need be regulated by the County for the purposes of these regulations. A body of water created by a private user where there was no previous shoreland, as defined herein, for a designated private use authorized by the Commissioner shall be exempt from the provisions of this Ordinance.

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

**Regional Flood:** A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on a average frequency in the magnitude of the 100 year recurrence interval.

**Regulatory Flood Protection Elevation:** A point not less than one foot above the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachments on the flood plain. It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood proofed.

**Resort:** A development consisting of building, camping spaces, parking areas, recreation areas, for lease or rent for temporary residence or less, on one tract of land, under one ownership for the purpose of vacationing, relaxation or recreation.

**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, lone, place or however otherwise designated.

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

**Sanitary Landfill:** 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 intervals as may be necessary.

**Setback:** The minimum horizontal distance between a building and a highway, road center line or front property line.

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

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

**Sewer System, Community:** A sanitary sewer system comprised of lateral and/or trunk sewer lines connecting a house, building or structure with and consisting in part of a sewage treatment facility, owned by a homeowners association or other group, organization, company or cooperative other than a governmental agency. Such system must be approved by the County Zoning Administrator and the State Health Department. Such system may consist of a common or community septic system when the number of units so attached and soil conditions, topography, water table and sub-soil structure so permits.

**Sewer System, Municipal:** A sanitary sewer system comprised of lateral and/or trunk sewer lines connecting a group of buildings or an area to a central treatment plant owned and operated by such municipality or Sewer District under a Joint Powers Agreement.

**Shopping Center:** A planned retail and service area designed, constructed and developed as a unit, characterized by a concentrated grouping of stores and compatible uses located to serve several neighborhoods or a large regional area.

**Shoreland:** Means land located within the following distances from public water. (1) 1,000 feet from the normal high water mark of a lake, pond, or flowage; and (2) 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioners.

**Shoreland Setback:** The minimum horizontal distance between a structure and the normal high water mark.

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

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

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

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

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

**Sign, Free Standing:** A portable sign whose supporting structures are not embedded in the ground, affixed to a wall or side of a building or to a roof.

**Sign, Ground:** A device whose supporting structures are embedded in the ground.

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

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

**Sign, Pylon:** A free-standing sign erected upon a single pylon or post which is in excess of ten (10) feet in height with the sign mounted on the top thereof.

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

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

**Sign, Surface Area of:** The entire area within a single, continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits of such sign and not forming an integral part of the display. Only one side of a double-face V-type sign structure shall be used in computing the total surface area.

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

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

**Soil Survey:** A soil map or inventory of the soils of an area and a report of text describing the kind of soils shown on the map and summarizing what is known about these soils including their classification and capabilities.

**Solid Waste:** Garbage, refuse and other discarded solid materials, except animal waste used as fertilizer, including solid waste materials resulting from industrial, commercial and agricultural operations and from community activities. Solid waste does not include earthen fill, boulders, rock and other materials normally handled in construction operations, solid or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows, or other common water pollutants.

**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.

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

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

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

**Subdivision:** Is a described tract of land, which is to be or has been divided into three or more lots or plots for the purpose of immediate or future transfer of ownership for the purpose of sale or of building development, including the re-subdivision or re-plotting of land or lots.

**Substandard Shoreland Use:** Any use of shorelands existing prior to the date of enactment of any county ordinance which is permitted within the applicable zoning district but does not meet the minimum lot area and length of water frontage, structure setbacks, or other dimensional standards of the ordinance.

**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.

**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.

**Travel Trailer:** A vehicle without motor power used or adaptable for living, sleeping, business, or-storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, which does not meet building code requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. The term "trailer" shall include camp car, camp bus, camper and house car. A permanent foundation shall not change its character unless the entire structure is erected in accordance with the approved State of Minnesota Building Code.

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

**Urban Sprawl:** The irregular and uncontrolled development of urban land uses without regard to land use planning.

**Use:** The purpose for which land or promises or a building thereon is designated, arranged, or intended, or for which it is or may be occupied or maintained.

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

**Variance:** A modification or variation of the strict provisions of this Ordinance, as applied to a specific piece of property in order to provide relief for a property owner because of undue hardship or particular difficulty imposed upon him by this Ordinance. A variance shall normally be limited to height, bulk, density and yard requirements. A modification in the allowable uses within a district shall not be considered a variance.

**Waters of the State:** "MN Water Pollution Control Act Definitions 115.01" All streams; lakes; ponds; marshes; watercourses; waterways; wells; springs; reservoirs; aquifers; irrigation systems; drainage systems; and all other bodies or accumulation of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portions thereof (MN STAT. 115, Subd. 9).

**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 metrological 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.

**Well Head Protection Area:** An area officially registered with the Minnesota Department of Health as a wellhead protection area.

**Yard:** Any space in the same lot with a building open and unobstructed from the around to the sky.

**Yard, Front:** A measurement extending across the front of the lot between the side yard lines and lying between the center line of the road or highway and the nearest line of the building or in the event of a plotted lot, measured from the front property line.

**Yard, Rear:** An open space unoccupied except for accessory buildings on the same lot with a building between the rear lines of the building and the rear line of the lot, for the full width of the lot.

**Yard, Side:** An open, unoccupied space on the same lot with a building, between the building and the side line of the lot and extending from the front lot line to the rear of-the back yard

## **CHAPTER THREE: ADMINISTRATION**

### **SECTION 3-1: PLANNING AND ZONING OFFICE, ADMINISTRATOR, AND PLANNING COMMISSION**

#### **Subsection A: Office and Appointment of Planning and Zoning Administrator**

The Pipestone County Board of Commissioners hereby establishes the Office of Planning/Zoning Administration, for which the Board may appoint an Administrator of the Offices and such other department heads together with sufficient office personnel to discharge the duties of this department.

#### **Subsection B: Duties, Powers and Enforcement of the Planning and Zoning Administrator**

1. To be in direct administration of the Zoning Ordinance and the Subdivision Ordinance.
2. To issue building permits, certificate of occupancy and any other permits as required by the terms of this Ordinance.
3. To receive and forward to the Board of County Commissioners, County Planning Commission and other appropriate agencies as required or appropriate by State of Minnesota Statutes all applications, documents and actions.
4. To keep or supervise the keeping of all necessary records, plats and maps.
5. To act as an advisor to all boards and committees.
6. To provide and maintain a public information bureau relative to matters of this Ordinance and the County Comprehensive Plan.
7. To report on a regular basis to the Board of County Commissioners, the recommendations, findings and decisions of the Planning Commission, board and committees for final action where necessary,
8. To inspect all construction and development to insure that the standards of this Ordinance are being complied with.

### **Subsection C: Enforcement**

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

### **Subsection D: Planning Commission**

1. The Pipestone County Board of Commissioners hereby establishes the Pipestone County Planning Commission. Such Planning Commission shall consist of eight (8) members appointed by the Chairman of the Board of Commissioners and ratified by the board.
2. No more than two (2) members shall be residents of the incorporated communities of Pipestone County,
3. The term of each member shall be for three years. Appointments shall be made henceforth so that no more than three and no less than two terms are filled at the beginning of each calendar year.
4. Each member may be eligible at the discretion of the County Board for reappointment, but not more than three consecutive three-year terms.
5. No more than one voting member of the Planning Commission shall be an officer or employee of the County.
6. No voting member of the Planning Commission shall have received, during the two years prior to appointment, any substantial portion of his/her income from business operations involving the development of land within Pipestone County for urban and urban related purposes,
7. The County Board may designate any county officer or employee as an ex officio member of the Commission.
8. The Commission may call for the removal of any member for non-performance of duty or misconduct in office. If a member has three unexcused absences in any one year, the secretary shall certify this fact to the Planning Commission and the

Commission shall notify the County Board along with suggested action. The County Board shall appoint a replacement for the unexpired term, as if the member had resigned.

9. Should any vacancy occur among the officers of the Planning Commission, the vacant office shall be filled in accordance with the by-laws of this Planning Commission, such officer to serve the unexpired term of the office in which such vacancy shall occur.
10. The members of the Planning Commission may be compensated in an amount determined by the County Board and may be paid their necessary expenses in attending meetings of the Planning Commission and in the conduct of the business of the Commission,
11. The Planning Commission shall elect a Chairman from among its members. The Commission may select a secretary from its members or advisory members. The Planning Commission shall cooperate with the Planning Director and other employees of the County in preparing and recommending to the County Board for adoption, comprehensive plans and recommendations for plan execution in the form of official controls and other measures, and amendments thereto. In all instances in which the Planning Commission is not the final authority, the Commission shall review all applications for conditional use permits and plans for subdivisions of land and report thereon to the Board.
12. The County Board may by ordinance assign additional duties and responsibilities to the Planning Commission including but not restricted to the conduct of public hearings, the authority to order the issuance of some or all categories of conditional use permits, the authority to approve some or all categories of subdivisions of land, and the authority to approve some or all categories of planned unit developments. The Planning Commission may be required by the County Board to review any Comprehensive Plans and Official Controls and any plans for public land acquisition and development sent to the County for that purpose by any local unit of government or any state or federal agency and shall report thereon in writing to the County Board.

## **SECTION 3-2: BOARD OF ADJUSTMENT**

### **Subsection A: Intent**

1. A Board of Adjustment is hereby established and vested such authority as is hereinafter provided by Minnesota Statutes 394.21 through 394.37, as amended.
2. The Board of Adjustment shall consist of three members appointed by the County Board, including at least one member from the unincorporated area of the County provided that no elected officer of the county nor any employee of the Board of Commissioners shall serve as a member of the Board of Adjustment and that one member of such Board of Adjustment shall also be a member of any Planning Commission appointed under the provisions of sections 394.21 to 394.37. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a regular board member from voting thereon shall be decided by majority vote of all regular board members except the member who is being challenged.
3. The County Board may remove any member of the Board of Adjustment and appoint a successor at anytime. The term of office of each member shall be three years unless removed earlier by the County Board. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a regular board member from voting thereon shall be decided by majority vote of all regular board members except the member who is being challenged. The regular and alternate members of such Board of Adjustment may be paid compensation in an amount determined by the County Board and may be paid their necessary expenses in attending meetings of the Board and in the conduct of the business of the Board.
4. The Board of Adjustment shall elect a chairman and vice chairman from among its members. The Board shall select its secretary. It shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings, and determinations.
5. The meetings of the Board of Adjustment shall be held at the call of its chairman and at such other times as the Board in its rules of procedure may specify.

### **Subsection B: Powers of Variances and Appeals**

1. The Board of Adjustment shall have the authority to order the issuance of variances, hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official charged with enforcing any ordinance adopted pursuant to the provision of sections 394.21 to 394.37, order the issuance of permits for buildings in areas designated for future public use on an official map and perform such other duties as required by the official controls. Such

appeal may be taken by any person aggrieved or by any officer, department, board or bureau of a town, municipality, county, or state.

2. An appeal from any order, requirement, decision, or determination of any administrative official shall be taken in such time as shall be prescribed by the ordinance creating the Board of Adjustment by filing with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the appellant and the officer from whom the appeal is taken and to the public and decide the same within a reasonable time which shall be defined in the ordinance establishing the Board of Adjustment. An appeal stays all proceedings in furtherance of the action appealed from unless the Board of Adjustment to whom the appeal is taken certifies that by reason of the facts stated in the certificate a stay would cause imminent peril to life or property. The Board of Adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit. The reasons for the Board's decision shall be stated in writing.
3. The Board of Adjustment shall have the exclusive power to order the issuance of variances from the terms of any official control including restrictions placed on nonconforming uses. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control and when the terms of the variance are consistent with the comprehensive plan. "Hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to his/her property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. The Board may impose conditions and shall impose a time limit not to exceed one year in the granting of a variance to insure compliance and to protect adjacent properties and the public interest. No variance may be granted which would allow for a lesser degree of flood protection than required in this Ordinance unless approved by the MN Dept. of Natural Resources.
4. A certified copy of any order issued by the Board of Adjustment acting upon an appeal from an order, requirement, decision or determination by an administrative official, or a request for a variance, shall be filed with the register of deeds or registrar of titles for record. The order issued by the Board of adjustment shall include the legal description of the property involved. The Board by ordinance shall designate

the county official or employee responsible for meeting the requirements of this subsection.

### **Subsection C: Appeals**

All decisions by the Board of Adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision or determination shall be final except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right to appeal within 30 days, after receipt of notice of the decision, to the district court in the county in which the land is located on questions of law and fact.

### **Subsection D: Procedure**

1. Application for any adjustment permissible under the provisions of this SECTION shall be made to the Zoning Administrator for the Board of Adjustment in the form of a written application for a Building Permit or for a permit to use the property or premises as set forth in the application. Upon receipt of any application, a time and place for a public hearing shall be set before the Board on such application.
2. A public hearing shall be conducted as delineated in SECTION 3-3.
3. Upon receipt of an application for a variance within the Flood Plain District, or Shoreline District, the Zoning Administrator shall forward a copy of such application to the Minnesota Commissioner of Natural Resources sufficiently in advance so that the Commissioner will receive at least ten (10) days notice of any hearing to consider such application. A copy of all decisions granting a variance to the provisions of the Flood Plain District shall be forwarded to the State Commissioner within ten (10) days of such action.
4. The Board of Adjustment shall thereupon make its decision upon the application within thirty (30) days of the public hearing. In recommending any adjustment or variance under the provisions of this SECTION, the Board of Adjustment shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the ordinance, regulation or provision to which the adjustment or variance is granted.

### **Subsection E: Fees**

The application for a Board of Adjustment hearing shall be accompanied by a fee to be used for costs of processing the application, legal notices and other assistance necessary in executing the provisions of this Section. The fee shall be established yearly by the County Board of Commissioners and is on file in the Office of the Zoning Administrator and Auditor.

## **SECTION 3-3: AMENDMENTS AND REZONINGS**

### **Subsection A: Authority**

Whenever the public necessity, general welfare or good land use require such amendment, the County Board may by ordinance, amend, extend or add regulations to this Ordinance in accord with the applicable provisions of Minnesota Statutes 394.21 - 394.37, as amended, and only after an official public hearing has been duly advertised and held by the Planning Commission.

### **Subsection B: Application**

1. An application for amendment, extension or addition to the regulations of this Ordinance shall be filed with the Zoning Administrator by one of the following:
  - a) A petition from a resident or residents or owner or owners living within the jurisdiction of this Ordinance.
  - b) A recommendation of the Planning Commission.
  - c) Action by the County Board.
2. Said application shall be filed at least twenty (20) days prior to the hearing thereof.
3. An application for an amendment not initiated by the Planning Commission shall be referred to the Planning Commission for study and report and may not be acted upon by the Board until it has received the recommendations of the Planning Commission.
4. Required information accompanying application to change the wording of this Ordinance shall contain the following:
  - a) Stated reason for change requested.
  - b) Statement on compatibility to the County Comprehensive Plan.
  - c) Text of portion of the existing ordinance to be amended.
  - d) Proposed amended text and statements outlining any other effects that the amendment may have on other areas of this Ordinance.
  - e) Additional information as may be requested by the Planning Commission in order to be consistent with the Purpose and Intent of this Ordinance.

5. Required information accompanying applications to change district boundaries shall contain the following:
  - a) The names and addresses of the petitioner or petitioners, and their signatures to the petition.
  - b) A specific description of the area proposed to be rezoned, and the names and addresses of all owners of property lying within such area, and a description of the property owned by each including an Abstractors Property Certificate.
  - c) The present district classification of the area and the proposed district classification.
  - d) Proposed use of the land (a statement of the type, extent, area, etc.).
  - e) Map and plot plan or survey.
  - f) Compatibility with the Comprehensive Plan of Pipestone County (a statement of conditions warranting change in zoning).
  - g) A legal description of the property(ies) to be rezoned.
  - h) Map, plat plan, or survey plat of property to be rezoned (showing location, dimensions, zoning of adjacent properties, existing uses and buildings of adjacent properties within five hundred (500) feet in incorporated areas, and one-half (1/2) mile in unincorporated areas drawn to scale).
  - i) Additional information as may be requested by the Planning Commission in order to be consistent with the Purpose and Intent of this Ordinance.

### **Subsection C: Procedure**

1. Upon receipt of the proper Application and other requested material for amendment or rezoning, the Planning Commission shall hold a Public Hearing in a location to be prescribed. Such public hearings may be continued from time to time and additional hearings may be held. All such hearings shall be held at the regularly scheduled Planning Commission meeting after the requirements of proper notice are complied with or as designated in all official notifications to affected persons and the official publication.
2. Notice of the time, place and purpose of any public hearings shall be given by publication in a newspaper of general circulation in the town, municipality, or other area concerned, and in the official newspaper of the County, at least ten (10) days before the hearing.

3. For district boundary changes or zoning use changes, paragraph 1 and 2 of this Subsection shall apply, plus written notice of public hearings shall be sent by letter to all property owners of record within five hundred (500) feet of the affected property in incorporated areas, and one-half (1/2) mile in unincorporated areas, the affected Board of Town Supervisors and the City Council of any Municipality within two (2) miles of the affected property.

For the purpose of giving mailed notice, the applicant shall be responsible for supplying the names of people within the jurisdiction of the application (paragraph 3 of Subsection C of this Section). The failure to give mailed notice to the individual property owners, or defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply with this Subsection has been made.

4. All proposed changes in zoning use district boundaries or amendments to this Ordinance, when requested by the Planning Commission, shall be reviewed by the appropriate Soil and Water Conservation District, Tri County Board of Health, County Highway Engineer, County Board of Health and Sanitation to determine the adequacy to accommodate the change requested.

In areas shown on the County Comprehensive Plan where joint planning review processes are specifically outlined, Planning Commission may refer the proposed amendment request for their review, comment, and recommendations prior to the public hearing.

#### **Subsection D: Action and Authorization**

1. Following the closing of the public hearing, the Planning Commission shall report its findings and recommendations on the proposed amendment or rezoning to the County Board at their next regularly scheduled Board meeting.
2. The County Board shall take action on the proposed amendment within sixty (60) days following receipt of the recommendations by the Planning Commission. Said action for approval by the County Board shall be not less than a four-fifths (4/5) vote of its members. The person making application for the amendment shall be notified in writing of the Board's action.
3. A copy of all amendments affecting Shoreland Districts shall be forwarded to the Commissioner of the Department of Natural Resources within ten (10) days of such action.
4. In the event the proposed change in the zoning use district boundaries is denied by the County Board, no request for the same district change on the same property will be considered for at least one (1) year.

5. All amendments to the floodplain district, including revisions to the Official Floodplain Map, shall be submitted to and approved by the Department of Natural Resources prior to adoption. The floodplain designation on the Official Floodplain Map shall not be removed unless the area is filled to an elevation at or above the Regulatory Flood Protection Elevation and is contiguous to lands outside the floodplain.

#### **Subsection E: Fees**

1. All applications for a zoning district boundary change or amendment to this Ordinance shall be accompanied by a fee in the amount set annually by the County Board and kept on file with the Zoning Administrator and Auditor.
2. Additional fees may be charged to the applicant for actual costs incurred by the County for legal, engineering and planning consultant assistance necessary for proper review and consultation to assist the Planning Commission and County Board in its decision-making.

## SECTION 3-4: NON-CONFORMING USES

### Subsection A: Intent

1. Within the districts established by this Ordinance or amendments that may later be adopted, there may exist lots, structures, and uses of land, which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendment. These shall be referred to as “non-conforming uses”.
2. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved.
3. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
4. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner.
5. All non-conforming uses shall, when considered a hazard to traffic, sanitation, pollution, flooding or the orderly development of the zone, shall be an administrative decision with referral to the Pipestone County Board of Adjustment regarding phase-out conditions.
6. Sanitary systems in the Shoreland Districts shall be brought into compliance over a period of time not to exceed five (5) years from the date of enactment of this Ordinance and comply with State of Minnesota Statutes (Con 75c).

### Subsection B: Non-Conforming Signs

1. Signs existing on the effective date of this Ordinance which do not conform to the regulations set forth in this Ordinance shall become a non-conforming use and shall be discontinued within a reasonable period of amortization of the sign; uses of signs which become non-conforming by reason of a subsequent change in this Ordinance shall also be discontinued within a reasonable period of amortization of the sign. The period of amortization for signs shall be not more than five (5) years from the effective date of this Ordinance.

2. Business signs on the premises of a non-conforming building or use may be continued, but such signs shall not be increased in number, area, height or illumination. New signs not to exceed thirty-five (35) square feet in aggregate sign area may be erected only upon the complete removal of all other signs existing at the time of the adoption of this Ordinance. Such signs may be illuminated, but no flashing, rotating or moving signs shall be permitted.
3. No sign erected before the passage of this Ordinance shall be rebuilt, altered or moved to a new location without being brought into compliance with the requirements of this Ordinance.

### **Subsection C: Non-conforming Junk Yards**

No junk yard may continue as a non-conforming use for more than five (5) years after the effective date of this Ordinance, except that a junk yard may continue as a non-conforming use in a BUSINESS or INDUSTRIAL DISTRICT, if, within that period, it is completely enclosed within a building, fence, screen planting or other device of such height as to screen completely the operations of the junk yard. Plans of such a building or device shall be approved by the County Planning Commission and the Board of County Commissioners before it is erected or put into place.

### **Subsection D: Non-conforming Uses in the Flood Plain District**

Non-conforming uses within the flood plain may be continued, subject to the terms of this SECTION of the Ordinance, provided such uses will not have an unduly adverse effect on flood flows, velocities or stages associated with a flood. Any addition or modification to a lawful non-conforming use within the flood plain shall be in conformance with the provisions of the flood plain district and shall not increase the degree of obstruction to flood flows. Where applicable, provisions shall be made to allow the proposed modifications and additions to be protected to the flood protection elevation by an approved use of flood proofing measures.

### **Subsection E: Discontinuance**

1. In the event that a non-conforming use of any building 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 at the request of the Board of County Commissioners.

### **Subsection F: Alterations**

The lawful use of a building existing at the time of the adoption of this Ordinance may be continued, although such use does not conform with the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification. The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed. Any expansion of non-conforming uses must seek a variance and, by definition, must demonstrate that a land-use related hardship exists.

### **Subsection G: 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.

### **Subsection H: Restoration**

No building which has been damaged to the extent of more than fifty (50) percent of its value shall be restored except in conformity with the regulations of this Ordinance.

### **Subsection I: Normal Maintenance**

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

### **Subsection J: Lots of Record**

1. Lots of record in the office of the County Recorder prior to the initial date of enactment of this Ordinance which do not meet the requirements as prescribed may be allowed as building sites provided such use is permitted in the zoning district, the lot is in separate ownership from abutting lands, and sanitary and dimensional requirements of the County Ordinance are complied with insofar as practicable.
2. In such case where buildings exist on lots on either side of a lot of record, with front yard setbacks that do not conform to this Ordinance, the setback for the lot of record

shall be determined to be equal to a straight line drawn between the front yard setback lines of the two adjacent buildings. In such case where there is a non-conforming setback on a building adjacent to one side of a lot of record and the lot on the other side is vacant, the setback for the lot of record shall be the setback of the non-conforming building plus one-half the difference between the setback of the non-conforming building and the setback required by this Ordinance.

### **Subsection K: Changes and Substitutions**

Once a non-conforming use has been changed to a conforming use or a substandard structure has been altered so as to comply with the lot area, established setback lines along arterial streets, highways and property lines, and the yard, height, parking, loading, unloading, access and any other applicable provisions of this Ordinance, it shall not revert back to a non-conforming use of a substandard structure. Once the Board of Adjustment has permitted the substitution of a more restrictive non-conforming use for the existing non-conforming use, the prior existing use shall lose its status as a legal non-conforming use and the substituted use shall become subject to all the conditions required by the Board of Adjustment.

## **SECTION 3-5: VIOLATIONS, PENALTIES AND ENFORCEMENT**

### **Subsection A: Violations and Penalties**

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

### **Subsection 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 of this Ordinance, the Board of County Commissioners or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations, and it shall be the duty of the County Attorney to institute such action.
3. Any taxpayer or taxpayers of the County may institute mandamus proceedings in the District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.
4. The County Attorney may at his/her discretion institute such action in a lesser court than the District Court.

## **SECTION 3-6: CONDITIONAL USE PERMITS**

### **Subsection A: Purpose**

The purpose of a conditional use is to permit a use that would not be appropriate generally but may be allowed with appropriate restrictions upon a finding that:

1. Certain conditions as detailed in the zoning ordinance exist; and
2. The use or development conforms to the Comprehensive Plan of the County; and
3. Is compatible with the existing neighborhood. In the event the property in question is located within two miles of a municipality in Pipestone County, a Conditional Use Permit may be granted only after review and recommendation by the governing body of such municipality.

### **Subsection B: Application**

The property owner or his/her agent shall meet with the Zoning Administrator to explain his/her situation, learn the procedures and obtain an application form.

An application for a conditional use permit shall be filed with the Zoning Administrator on a form prescribed by the County Board. The application shall include the following:

1. Name and addresses of the applicant, owner of the site and any architect, professional engineer and contractor employed by the applicant; and
2. Shall be accompanied by such plans, elevations and site plans as prescribed by the Planning Commission and shall be filed at least twenty (20) days prior to the hearing.

### **Subsection C: Procedure, Notification and Public Hearing**

1. At least one public hearing shall be held before approving any conditional use permit. Such public hearing may be continued from time to time and additional hearings may be held. All such hearings shall be held at a regularly scheduled Planning Commission meeting.
2. The Zoning Administrator shall:
  - a) Set a date for the hearing on the conditional use permit application and give notice of the time and place of such hearing by publication in a newspaper of general circulation in the town, municipality, or other area concerned, and in the official newspaper of the county, at least ten (10) days before the hearing.

- b) Give written notice of the time and place of the hearing on the conditional use permit application to all property owners of record within five hundred (500) feet of the affected property in incorporated areas, and one-half (1/2) mile in unincorporated areas, the affected board of town supervisors, and the municipal council of any municipality within two (2) miles of the affected property at least ten (10) days before the hearing.
3. For the purpose of giving mailed notice, the applicant shall be responsible for supplying the names and addresses of people within the jurisdiction of the application (paragraph 2.b., Subsection C of this Section). The failure to give mailed notice to the individual property owners, or defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply with this subsection has been made.

#### **Subsection D: Review**

1. **Site Plan** - A site plan on which the conditional use would be located shall be furnished by the applicant and shall be presented by the applicant and any technical people employed by him for review by the Planning Commission at a regularly scheduled Planning Commission meeting. The site plan shall include, but is not limited to, soils information, neighboring land and water uses, existing and proposed structures, architectural plans, driveway locations, parking areas, highway access, traffic generation and circulation, drainage, waste disposal, sewage disposal systems, water supply systems, watershed protection and flood prevention, water quality, shoreland cover, natural beauty and wildlife habitat.
2. **Conditions** - Review of conditions such as effects of the proposed use, landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, location, size and number of signs, higher performance standards, road and street dedication, certified survey maps, flood proofing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or additional parking, shall be required by the Planning Commission and/or the County Board and changes made in such conditions when they find such changes are necessary in order to comply with and fulfill the purposes and intent of this Ordinance.
3. **Additional Information** - Review of additional information as may be required by the Planning Commission, County Board, Zoning Administrator, Sanitation Inspector, Surveyor or County Highway Engineer, such as ground surface elevation, basement and first floor elevations, utility elevations, historic and probable future floodwater elevations, areas subject to inundations by floodwater, depths of inundation, flood proofing measures, soil type, slope and boundaries, and plans for proposed structures

giving dimensions and elevations pertinent to the determination of the hydraulic capacity of the structure or its affects on flood flows.

### **Subsection E: Findings**

No conditional use shall be recommended by the Planning Commission unless said Commission shall find all of the following:

1. 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.
2. 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.
3. 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.
4. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare to any person or property in Pipestone County.
5. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.
6. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public street.
7. The special use shall, in all other aspects, conform to the applicable regulations of the district in which it is to be located.

### **Subsection F: Action and Authorization**

1. Following the closing of the public hearing the Zoning Administrator shall report the findings and recommendations of the Planning Commission to the County Board at their next regularly scheduled meeting.
2. The County Board shall take action on the conditional use permit application within sixty (60) days following receipt of the completed application. If a application is found to be incomplete, the applicant shall be notified in writing within fifteen (15)

working days of the additional information required. Once all of the required information is submitted, the sixty (60) days shall commence. Said action for approval by the County Board shall be not less than a four-fifths (4/5) vote of its members. The person making application for the conditional use permit shall be notified in writing of the Board's action.

3. Copies of all conditional use permits affecting Shoreland Districts shall be forwarded to the Commissioner of the Department of Natural Resources within ten (10) days of such action.

### **Subsection G: Fees**

1. A conditional use permit application fee shall be as established annually by the County Board payable when the application is filed.
2. Any outside costs for consulting services to aid the Planning Commission and/or County Board in making a decision on the conditional use permit application shall be paid by the applicant. Such fee shall be as determined by the County Board.

### **Subsection H: Compliance**

1. Any use permit under the terms of any conditional use permit shall be established and conducted in conformity with the terms of such permit and of any condition designed in connection therewith.
2. All conditional use permits shall be reviewed on an annual basis or when it is brought to the attention of the Planning Commission that the applicant is deviating from any conditions or uses approved for such conditional use permit. Any deviation from the conditions or uses approved shall be considered reasons for cancellation of the conditional use permit.
3. Where a Conditional Use Permit has been issued pursuant to the provisions of this Ordinance, such permit shall become null and void without further action by the Planning Commission or the County Board unless work thereon commences within one year of the date of granting such Conditional Use. A Conditional Use permit shall be deemed to authorize only one particular use.

**SECTION 3-7: BUILDING PERMIT  
AND CERTIFICATE OF OCCUPANCY / ZONING COMPLIANCE**

**Subsection A: Building Permit**

1. A building permit shall be obtained prior to erecting, installing, altering exterior shape, converting, use or moving any building or structure or part thereof in Pipestone County outside the corporate limits of cities and villages and townships having the powers of villages and regulated by this Ordinance. Except portable structures shall be exempt.
2. No permit shall be issued where a proposed setback does not comply with the planning of future road construction which information shall be furnished by the County Highway Engineer.
3. All remodeling that involves any change of human habitation disposal systems shall be by a permit and shall be inspected by the Pipestone County Sanitation Inspector. All questionable installation shall be reviewed by the Pipestone County Board of Health & Sanitation with recommendations.
4. Before a building permit is issued, the terms of this Ordinance shall be met.

**Subsection B: Application**

1. An application for a building permit shall be made by the owner except if a General Contractor is employed, he shall make the application to the Zoning Administrator on blank forms to be furnished by the County. Each application for a permit to construct or alter a building or use 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 or use and accessory buildings to be erected. Application for any kind of building permit shall contain such other information as may be deemed necessary for the proper enforcement of the Ordinance or any other. The Zoning Administrator shall issue the building permit only after determining that the building and site plans, together with the application, comply with the terms of this Ordinance, except where such setback does not comply with the planning of future road construction, which information shall be furnished by the County Highway Engineer.
2. Each permit request shall be judged by the Zoning Administrator as to its suitability relative to the soil conditions of the proposed site. Pipestone County soils survey maps shall be used as the resource to judge soil conditions. The Board of Adjustment shall decide the final issuance of the permit in cases where the Administrator rejects the permit request on grounds of soil conditions.

3. A building permit issued under the terms of this Ordinance shall be valid for one (1) year from the date of issuance.
4. If construction has not been completed within one year, a building permit may be extended by yearly intervals in instances where reasonably diligent construction could not complete the proposed structure, provided that no such extension shall exceed five (5) years.
5. In the cases of involuntary loss through catastrophe such as fire, wind, etc., no fee shall be charged in these instances for a permit to rebuild.

### **Subsection C: Fees**

Building permit fees and other fees as may be established annually 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.

### **Subsection D: Certificate of Occupancy and Zoning Compliance**

1. A Certificate of Occupancy and Zoning Compliance shall be obtained from the Planning/Zoning Administrator before any building hereafter erected or structurally altered is occupied or the use of any such building is altered.
2. Every Certificate of Occupancy and Zoning Compliance shall state that the building or proposed use of a building or land complies with all provisions of law and this Ordinance. A record of all certificates of zoning compliance shall be kept on file in the office of the Zoning Administrator, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

## **CHAPTER FOUR: ZONING DISTRICTS**

### **SECTION 4-1: CLASSIFICATION OF DISTRICTS**

#### **Subsection A: Districts**

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

1. Flood Plain District (F)
2. Agriculture District (A)
3. Urban Expansion District (UE)
4. Rural Residence District (RA)
5. Natural Environment Shoreland District (NES)
6. Special Protection Shoreland District (SP)
7. Recreation Commercial District (RC)
8. Highway Commercial District (HC)
9. Industry District (I)

#### **Subsection B: Zoning Map**

1. The location and boundaries of the districts established by this Ordinance are hereby set forth on the zoning map and flood plain district maps, and said maps are hereby made a part of this Ordinance; said maps shall be known as the "County Zoning Maps. "Said maps, consisting of sheets and all notations, references and data shown thereon are hereby incorporated by reference into this Ordinance and shall be as much a part of it as if all were fully described herein, It shall be the responsibility of the Zoning Administrator to maintain said maps, and amendments thereto shall be recorded on said Zoning Maps within thirty (30) days after official publication of amendments, The official Zoning Maps shall be kept on file in the County Auditor's office or as designated by the Pipestone County Board of Commissioners.

2. The Official Zoning Map shall be identified by the signature of the Chairman of the County Board of Commissioners attested by the County Auditor, and bearing the seal of the County under the following words: "This is to certify that this is the Official Zoning Map of Pipestone County, Minnesota."
3. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under the provisions of this Ordinance.
4. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, only the County's current official zoning map shall be the final authority as to the current zoning status.

### **Subsection C: District Boundaries**

1. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
  - a) Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.
  - b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
  - c) Boundaries indicated as approximately following established municipal limits and county borders shall be construed as following such lines.
  - d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
  - e) Boundaries indicated as approximately following the center of rivers shall be construed to follow such center lines.
  - f) Boundaries indicated as approximately following sections, half sections, quarter sections, eighth sections and government lots shall be construed to follow such lines.
  - g) Boundaries indicated as parallel to or extensions of features indicated in Subsections a through f above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
  - h) Where physical or cultural features, such as flood plains, are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by

Subsection C.1, subparts a) through g), the Board of Adjustment shall interpret the district.

## 2. Flood Plain Boundaries

The Flood Plain District boundaries have been based on available flood data and soil maps for Pipestone County. The boundaries of the Flood Plain District shall be determined by scaling distances on Federal Emergency Management Agency's Floodplain Maps (where there appears to be a conflict between a mapped boundary and actual field conditions) and if an inspection is needed as to the exact location of the boundaries, the Board of Adjustment shall make the necessary interpretation. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his/her case to the Board and to submit his/her own technical evidence if he so desires. Where such a conflict is found to exist, flood elevations shall be the governing factor in location of regulatory flood plain limits. In the event that either Shorelands or Flood Plain District Boundaries are changed through the above procedures, the Commissioner of Natural Resources must be notified of the change and his/her approval obtained.

### **Subsection D: Public Waters Classification**

The Public Waters Classification for Pipestone County, as approved by the Commissioner of Natural Resources and the Pipestone County Board of Commissioners, are listed and described herein.

#### **PIPESTONE COUNTY LAKES AND STREAMS CLASSIFICATION**

##### 1. NE NATURAL ENVIRONMENT LAKES AND STREAMS

- a) Split Rock Lake Ident. No. 59-1

##### 2. SP SPECIAL PROTECTION LAKES AND STREAMS

- a) Nameless Branch of Redwood River (Flowing Out of Sec. 12, T108N, R44W)
- b) Redwood River
- c) Nameless Branch of Des Moines River (Flowing out of Sec. 36, T108N, R44W)
- d) Nameless Branch of Des Moines River (Flowing out of Sec. 1, T107N, R44W)
- e) Nameless Branch of Rock River (Flowing out of Sec. 36, T105N, R44W)
- f) Nameless Branch of Rock River (Flowing out of Sec. 36, T105N, R44W)

- g) Nameless Branch of Rock River (Flowing out of Sec. 35, T105N, R44W)
- h) Rock River
- i) Poplar Creek
- j) Nameless Branch of split Rock Creek (Flowing out of Sec. 35, T105N, R46W)
- k) Nameless Branch of split Rock Creek (Flowing out of Sec. 34, T105N, R46W)
- l) Split Rock Creek
- m) Nameless Branch of Pipestone Creek (Flowing out of Sec. 23, T105N, R47W)
- n) Nameless Branch of Pipestone Creek (Flowing out of Sec. 2, T105N, R47W)
- o) Nameless Branch of Pipestone Creek (Flowing out of Sec. 35, T106N, R47W)
- p) Pipestone Creek
- q) Nameless Branch of Flandreau Creek (Flowing out of Sec. 26, T107N, R47W)
- r) Nameless Branch of Flandreau Creek (Flowing out of Sec. 14, T107N, R47W)
- s) Flandreau Creek
- t) Nameless Branch of Redwood River (Flowing out of Sec. 5, T108N, R44W)
- u) Willow Creek
- v) Chanarambie Creek

## **SECTION 4-2: FLOOD PLAIN DISTRICT (F)**

### **Subsection A: Purpose and Jurisdiction**

The FLOOD PLAIN DISTRICT (F) is intended to be applied by the County to properties which lie within areas where special regulations are necessary for the minimum protection of the public health and safety, and of property and improvements from hazards and damage resulting from flood waters. This district and the regulations herein shall apply to all lands which now or in the future may lie within the boundaries of this district as designated.

### **Subsection B: Permitted Uses**

The following open space uses shall be permitted within the FLOOD PLAIN DISTRICT (F) to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill or storage of materials or equipment. In addition, no use shall adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility or system.

1. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
2. Private and public recreational uses such as golf course, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
3. Residential uses such as lawns, gardens, parking areas and play areas.

### **Subsection C: Conditional Uses**

1. The following uses are allowed only as Conditional Uses within the floodway provided they comply with all the provisions of this SECTION; fill, storage of materials, other standards established in this Ordinance, and any conditions attached by the County to the issuance of the Conditional Use Permit. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other use shall be permitted which acting alone or in combination with existing or reasonably anticipated uses unduly affects the efficiency or the capacity of the flood plain or unduly increases flood heights. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream. Conditional uses include:

- a) Uses or structures accessory to open space or conditional uses.
  - b) Extraction of sand, gravel and other materials.
  - c) Marinas, boat rentals, docks, piers, wharves and water control structures,
  - d) Railroads, streets, bridges, utility transmission lines and pipelines.
  - e) Other uses similar in nature to uses described in Subsection B, or this Subsection which are consistent with the provisions set out therein.
2. Fill, structures or storage of materials. Upon receiving an application for a Conditional Use Permit involving the use of fill, construction of structures, or storage of materials, the Pipestone County Planning Commission shall prior to rendering a decision therein:
- a) Require the applicant to furnish the following information as is deemed necessary by the Planning Commission for determining the regulatory flood protection elevation, whether the proposed use is located in the floodway or flood fringe and other factors necessary to render a decision on the suitability of the particular site for the proposed use.
    - i) Plans in triplicate drawn to scale showing the nature, location, dimensions and elevation of the lots, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the channel.
    - ii) A typical valley cross-section showing the channel of the stream, elevation of and areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
    - iii) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures or the site; location and elevations of streets, water supply, sanitary facilities, photographs showing existing land uses and vegetation upstream and downstream, soil types, and other pertinent information.
    - iv) Profile showing the slope of the bottom of the channel or flow line of the stream for at least five hundred (500) feet in either direction from the proposed development.

- v) Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
- b) In addition to the normal application for conditional permit uses, the County shall submit a copy of the application to the Commission of Natural Resources for review at least ten (10) days prior to the hearing date set before the Board of Adjustment.
- c) Any fill or materials proposed to be deposited in the flood plain will be allowed only upon issuance of a Conditional Use Permit. The fill or materials must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials. Such fill or other materials shall be protected against erosion by rip-rap, vegetative cover, or bulkheading.

**Subsection D: Structures (temporary) Accessory to Conditional Uses**

- 1. Structures shall not be designed for human habitation.
- 2. Structures shall have a low flood damage potential.
- 3. The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters:
  - a) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and
  - b) So far as practicable, structures shall be placed approximately on the same flood flow lines as those adjoining structures.
  - c) Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river.
  - d) Service facilities such as electrical and heating equipment shall be placed at or above the regulatory flood protection elevation for the particular area or adequately floodproofed.

4. Storage of Materials and Equipment

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

5. Garbage and Solid Waste Disposal.

- a) No Conditional Use Permits for garbage and waste disposal sites shall be issued.
- b) Provided further, there shall be no further encroachment upon the floodplain at existing sites.

6. Structural Works for flood control such as dams, levees, dikes, and floodwalls shall not be allowed within the flood plain except upon issuance of a Conditional Use Permit. In addition, any proposed structural work in the beds of public waters as defined in Minnesota Statutes 1969, c. 105, which will change the course, current or cross-section of the waters shall be subject to the provisions of Minnesota Statutes 1969, c. 105, and other applicable statutes. All structures constructed in the (F) zone shall be approved by the County Board after review by the Planning Advisory Commission, except that no structure shall be higher than thirty-five (35) feet above grade.

7. Factors for Consideration.

- a) Structures accessory to the open space uses shall be permitted by conditional use only upon consideration by both the Planning Commission and the County Board of the following factors:
  - i) The danger to life and property due to increased flood heights or velocities caused by encroachments.
  - ii) The danger that materials may be swept onto other lands or downstream to the injury of others.
  - iii) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
  - iv) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

- v) The importance of the services provided by the proposed facility to the community.
- vi) The requirements of the facility for a waterfront location.
- vii) The availability of alternative locations not subject to flooding for the proposed use.
- viii) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- ix) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- x) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- xi) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
- xii) Such other factors which are relevant to the purposes of this Ordinance.

## SECTION 4-3: AGRICULTURE DISTRICT (A)

### Subsection A: Purpose

To provide a district whose primary purpose is to maintain, conserve and enhance agriculture land which has historically been continually tilled and to protect the land from unnecessary urban encroachment.

### Subsection B: Permitted Uses

1. Farm buildings and one two-family dwelling or two single family dwellings (frame or mobile homes) and their accessory buildings may be located on one farm provided the resident or residents of said dwelling or dwellings either owns, operates or is employed on said farm. Sale of said dwelling or dwellings for non-farm dwellings must meet the requirements for non-farm dwellings in this district.
  
2. Farm production:
  - a) Farm livestock and livestock products, domestic animals kept for use on the farm or raised for sole or profit, including dairy and beef cattle, swine, sheep, goats, horses, milk, cheese, butter, and meat. Subject to section 5-12.
  - b) Other animals than farm livestock, for their pelts, food, pleasure or sport, including rabbits, mink, dogs, cats, ponies, buffalo and deer.
  - c) Domestically raised fowl for food and pleasure, including chickens, turkeys, ducks, geese and game birds.
  - d) Bees for honey and pollination purposes.
  - e) Field and specialty crops, including field corn, milo, sorghum, sunflowers, soybeans, wheat, oats, rye, barley, hay and grass for livestock and other animal feed; dried beans, potatoes, sweet corn, peas, green beans and other seed crops for canneries, and sod.
  - f) Fruit, including apples, plums, apricots, peaches, grapes, cherries and berries.
  - g) Nursery stock and tree farms, including deciduous and conifer trees, fruit trees and bushes, and ornamental shrubs, trees and flowers.
  - h) Garden vegetables.

3. Sump type livestock and/or poultry manure storage systems or other systems of manure storage that are of like and similar nature that prevents feedlot runoff provided they meet the following requirements: That it has complied with all Minnesota Pollution Control Agency Regulations for the Control of Wastes from Livestock Feedlots, Poultry Lots and Other Animal Lots and has obtained a permit from the agency for the pollution control devices to be installed.
4. Farm drainage systems, flood control and watershed structures and erosion control devices meeting all County, State and Soil and Water Conservation District minimum Regulations.
5. Railroad rights-of-way, but not including freight classification yards and buildings.
6. Regional pipelines, power transmission lines and relay towers subject to Section 5-6.
7. Temporary or seasonal roadside stands with adequate off-street parking - not to exceed one stand per farm.
8. Forest and game management areas.
9. Single Family non-farm dwellings, but not including residential subdivisions, and regulated herein:
  - a) No more than one (1) dwelling unit (non-farm) per quarter of a quarter section of land shall be allowed.
  - b) No non-farm dwelling units shall be permitted on land which has been historically farmed (tilled) within five (5) years of the date of application for a building permit.
  - c) No dwelling units shall be permitted in areas classified wetlands, flood plain, peat and muck areas and other areas of poor drainage.
  - d) No dwelling units shall be permitted on land which has a slope of twelve (12%) percent or greater, unless the application for a building permit is accompanied by an engineers report showing adequate footings, drainage and grading plans.
  - e) No dwelling unit shall be permitted that does not meet the Pipestone County Board of Health and Sanitation Regulations.
10. Home Occupations as defined herein.

### **Subsection C: Conditional Uses**

1. One additional farm dwelling, meeting the requirements of the Pipestone County Board of Health and Sanitation Regulations.
2. Two-family dwellings, farm or non-farm, meeting the requirements of the Pipestone County Board of Health and Sanitation Regulations.
3. Temporary housing for migratory or other farm workers, meeting the requirements of the State Board of Health Regulations and the Pipestone County Board of Health and Sanitation Regulations.
4. Agriculture Oriented Businesses such as: Grain and feed sales, general repair and installation services, custom meat processing, truck gardening, raising bees, etc.
5. Commercial outdoor recreation areas that are similar to public recreation areas including private campgrounds.
6. Refuse areas and sanitary landfills, as regulated by the Pipestone County Health and Sanitation Regulations and the State of Minnesota Pollution Control Agency.
7. Commercial grain storage and drying.
8. Livestock sales barns and accessory facilities.
9. Temporary Equipment Placement and Operations as regulated in Section 5-3.
10. Churches, chapels, temples, synagogues, cemeteries, with normal accessory building for education and living quarters.
11. Excavation of materials, minerals, open pits and impounding of waters as regulated in Section 5-2.
12. Wind Energy Conversion Systems, including but not limited to turbines, substations, met towers, and feeder lines as regulated in Section 5-10.
13. Other business activity of the same general character as listed in Subsection B or C of this SECTION.

#### **Subsection D: Height, Yard Area and Lot Width and Depth Regulations**

1. Height Regulations are found in Tabulation of Provisions found in the Appendix.
2. Front Yard Regulations are found in Tabulation of Provisions found in the Appendix.

3. In cases where an accessory building is attached to the main building, it shall be considered as structurally a part thereof and shall comply in all respects with the requirements of this Ordinance applicable to the main building.
4. Side Yard Regulations are listed in Tabulation of Provisions found in the Appendix.
5. Rear Yard Regulations are listed in Tabulation of Provisions found in the Appendix.
6. Lot Area Regulations for Non-Farm Residential Dwellings are found in Tabulation of Provisions found in the Appendix.
7. An increase of the two acres minimum lot size may be required by the County if determined to be necessary to meet all soil absorption criteria or other regulations of Pipestone County.
8. Lot Width and Depth Regulations are listed in Tabulation of Provisions found in the Appendix.

#### **Subsection E: Mobile Home Special Regulations**

All mobile homes located in the A District:

1. Shall submit a site plan indicating tie down locations and parking area.
2. Shall be skirted with a fireproof material harmonious with the appearance of the mobile home.
3. All mobile homes must bear a Minnesota State Seal as evidence of compliance with the Mobile Home Standards Code ANSI A 119.1 -1972.

#### **Subsection F: General Regulations**

1. Additional regulations applicable in the AGRICULTURAL DISTRICT are set forth in CHAPTER FIVE: GENERAL REGULATIONS.

## **SECTION 4-4: URBAN EXPANSION DISTRICT (UE)**

### **Subsection A: Purpose**

1. The primary purpose of this district is to conserve for a period of time, land for farming and other open space land uses located adjacent to or in close proximity to existing incorporated urban centers within Pipestone County where urban expansion is planned to take place in accordance with adopted land use plans prepared by the County acting in cooperation and agreement with said incorporated urban centers and their land use plans.

It is the intent that urban development be deferred in such areas until determined by the appropriate governing bodies that it is economically and financially feasible to provide adequate public utilities and services and is included in an urban area's capital expenditures program for a given time.

Orderly transition from farm to urban uses shall be achieved by (1) annexation, rezoning and development of areas adjacent to the incorporated limits of existing urban centers, or (2) contiguous development as a logical extension of similar urban land uses and zoned to the appropriate district.

2. It is intended that the status of all areas in this district be reviewed, jointly, by the appropriate planning bodies once per calendar year who shall determine whether there should be a transfer of all or any part of such area to some other appropriate land use, or to indicate any changes in the existing Comprehensive Plan for the particular political entity or change in the Capital Program of the community affecting this district.

### **Subsection B: Permitted Principal Uses**

All uses permitted in Section 4-3, (A) District, Subsection B.

### **Subsection C: Conditional Uses**

1. Uses permitted in Section 4-3, (A) District, Subsection C.
2. Public recreation areas.
3. Private or commercial outdoor recreation areas that are similar to public recreation areas.
4. Temporary Equipment Placement and Operations as regulated in Section 5-3.

5. Churches, chapels, temples, synagogues, cemeteries, with normal accessory building for education and living quarters.

#### **Subsection D: Height, Yard Area, Setback, Lot Width and Lot Depth Requirements**

These requirements are listed in Tabulation of Provisions found in the Appendix.

#### **Subsection E: General Regulations**

Additional regulations applicable in this District are set forth in CHAPTER FIVE: GENERAL REGULATIONS.

#### **Subsection F: Joint Powers Review**

All proposed developments within the URBAN EXPANSION DISTRICT (UE) prior to action by the Pipestone County Planning Commission shall be submitted to the incorporated community and appropriate township for review and comment.

The proposal shall be submitted to the affected public entity at least fourteen days prior to the scheduled appearance before the Planning Commission.

All review and comments by the affected entity to the Pipestone County Planning Commission shall be in writing.

## **SECTION 4-5: RURAL RESIDENTIAL DISTRICT (RA)**

### **Subsection A: Purpose**

To provide suitable areas of low density residential development in areas of existing development which occurs in unincorporated areas and where municipal (sewer and water) utilities or an approved community utility system is available or as substantially relates to the urban development pattern set forth in the Comprehensive Plan for Pipestone County.

### **Subsection B: Permitted Principal Uses**

1. Single family subdivisions provided they are contiguous to existing subdivisions or existing urban development.
2. Single family dwellings on existing platted lots.
3. Parks and recreation areas owned or operated by a government agency.
4. Public or private schools, provided no building shall be located within fifty (50) feet of any lot line of a residential use.
5. Golf Courses.
6. Limited agriculture, farming, truck gardening activities.

### **Subsection C: Conditional Uses**

1. Cemeteries.
2. Home Occupations.
3. Water supply buildings, reservoirs, commercial wells, elevated tanks, gas regulator stations, electric sub-stations and similar essential service structures, except that no structure shall be located within fifty (50) feet of any residential lot line.
4. Railroad rights-of-way, but not including railroad yards.
5. Two-family dwellings.
6. Multiple dwellings as allowed in Subsection F of this Section.

7. Churches, chapels, temples, synagogues, cemeteries, with normal accessory building for education and living quarters.

#### **Subsection D: Permitted Accessory Uses**

1. Private swimming pools, when completely enclosed within a chain link or similar fence.
2. Private garage.
3. Keeping of not more than four (4) boarders or roomers by a resident family.

#### **Subsection E: Height, Yard Setback, Area and Lot Width and Depth Regulations**

1. Height Regulations are listed in Tabulation of Provisions found in the Appendix.
2. Front Yard Regulations:
  - a) All lots shall front on and have ingress and egress by means of a public street or service road.
  - b) Setback regulations are listed in Tabulation of Provisions found in the Appendix.
  - c) No building shall be erected, reconstructed, altered or moved nearer to the street line on which it faces than the average setback observed by the residential buildings on the same side of the street and fronting thereon within the same block.
3. Side and Rear Yard Regulations are listed in Tabulation of Provisions found in the Appendix.
4. Lot Area, Width, and Depth Regulations are listed in Tabulation of Provisions found in the Appendix.

#### **Subsection F: Provisions for Multiple Dwellings**

The following minimum lot requirements shall apply to all multiple family dwellings in this zone, provided such dwelling is served by both a county approved central water distribution system and a central sewage system.

1. For each efficiency unit, two thousand (2,000) square feet of lot area is required; for each one bedroom unit, two thousand six hundred (2,600) square feet of lot area is

- required; for each two bedroom unit, two thousand seven hundred (2,700) square feet is required; and for each unit with three or more bedrooms, three thousand (3,000) square feet of lot area is required.
2. No multiple family dwelling either detached or semi-detached shall hereafter be erected or altered that provides less than twenty thousand (20,000) square feet of lot area and an average of one hundred twenty (120) feet of lot width for each building.
  3. All multiple family dwellings, including accessory buildings on any lot shall not cover more than forty percent (40%) of the area of such lot.
  4. Each lot containing a multiple family dwelling, or several such dwellings, either detached or semi-detached and grouped as a self-contained site arrangement, shall have ingress and egress by means of a public right-of-way.
  5. All multiple family dwellings erected on a single lot shall have a side yard of not less than fifteen (15) feet on each side; provided, however, that where several such dwellings either detached or semi-detached, are grouped as a self-contained site arrangement, the minimum distance between such dwellings in the interior of the group arrangement shall not be less than one-half (1/2) of the height of the individual buildings but in no case less than thirty (30) feet.
  6. Each lot shall have a rear yard of not less than thirty-five (35) feet.
  7. Accessory buildings shall be permitted as set forth in Subsection D of this SECTION.

### **Subsection G: General Regulations**

Additional Regulations applicable in the RA RESIDENTIAL DISTRICT are set forth in CHAPTER FIVE: GENERAL REGULATIONS.

## **SECTION 4-6: NATURAL ENVIRONMENT SHORELAND DISTRICT (NES)**

### **Subsection A: Purpose**

To preserve and enhance shoreland areas classified Natural Environment Shoreland District (NES), retain high quality water standards, protecting them from pollution; to protect shorelands which are unsuitable for development; to maintain a low density of development and to maintain high standards of quality for permitted development.

### **Subsection B: Permitted Uses**

1. Single Family Homes
2. Permitted Uses in the AGRICULTURE DISTRICT (A)
3. Seasonal dwellings.
4. Designated Historical or Archaeological sites.

### **Subsection C: Conditional Uses**

1. All approved aerial or underground utility line crossings such as electrical, telephone, telegraph, or gas lines that cannot be reasonably located in other than a Special Protection district.
2. Non-residential structures used solely in conjunction with raising wild animals or fish provided the structures are of a design approved by the County Board as being compatible with other general allowable uses of the district.
3. Other uses of the same general character as listed in Subsection B of this SECTION.
4. Golf courses.
5. Drainage of wetlands within one thousand (1,000) feet of lakes or streams.
6. Churches, chapels, temples, synagogues, cemeteries, with normal accessory building for education and living quarters.

### **Subsection D: Accessory Uses**

Accessory uses customarily incidental to the uses permitted in Subsections B and C of this SECTION.

### **Subsection E: Height, Yard, Area and Lot Width and Depth Regulations**

1. Height Regulations are listed in Tabulation of Provisions found in the Appendix.
2. Front Yard Regulations are listed in Tabulation of Provisions found in the Appendix.
3. Where a lot is located at the intersection of two roads, there shall be a front yard setback on each road side for all structures; principal or accessory.
4. Side Yard Regulations are listed in Tabulation of Provisions found in the Appendix.
5. Rear Yard Regulations (Shoreland Setback)
  - a) The minimum setback from the normal high water mark of all Natural Environment Lakes and Streams is listed in Tabulation of Provisions found in the Appendix.
  - b) Variances may be granted where structures incorporate a method of sewage disposal other than soil absorption and in areas of unusual topography of substantial elevation above the lake or stream level.
6. Lot Area, Width and Depth Regulations are listed in Tabulation of Provisions found in the Appendix.

### **Subsection F: General Regulations**

Additional regulations applicable in the NES District are set forth in CHAPTER FIVE: GENERAL REGULATIONS.

In addition to the listed requirements, lot size shall be increased so that the total area of all proposed structures on a lot shall not equal more than twenty five percent (25%) of the lot area. The Board of Adjustment may vary the required lot size where the lot is served by a central sewer system provided, however, that the Commissioner of Natural Resources determines the size of such lots after his/her evaluation of the resource capabilities of the individual body of water.

## **SECTION 4-7: SPECIAL PROTECTION SHORELAND DISTRICT (SP)**

### **Subsection A: Purpose**

The intent of the SPECIAL PROTECTION SHORELAND DISTRICT (SP) is to guide the wise, development and utilization of shorelands of public waters for the preservation of water quality, natural characteristics, economic values, and the general health, safety and welfare of all public waters in the unincorporated areas of the County. Further, the purpose of this district is to manage areas unsuitable for development due to wet soils, steep slopes, or large areas of exposed bedrock; and to manage areas of unique natural and biological characteristics in accordance with compatible uses.

### **Subsection B: Permitted Principal Uses**

1. All general agricultural pasture and minimum tillage cropland uses including farm dwellings, agricultural buildings.
2. Forestry.
3. Parks and waysides which do not maintain overnight camping facilities.
4. Nature areas, hiking and riding trails, wildlife preserves, and designated official wetland areas.
5. Designated historical sites.

### **Subsection C: Conditional Uses**

1. All approved aerial or underground utility line crossings such as electrical, telephone, telegraph, or gas lines that cannot be reasonably located in other than a Special Protection district.
2. Non-residential structures used solely in conjunction with raising wild animals or fish provided the structures are of a design approved by the County Board as being compatible with other general allowable uses of the district.
3. Other uses of the same general character as listed in Subsection B of this SECTION.
4. Drainage of wetlands within one-thousand (1,000) feet of lakes or streams.
5. Churches, chapels, temples, synagogues, cemeteries, with normal accessory building for education and living quarters.

**Subsection D: Accessory Uses**

Accessory uses customarily incidental to the uses permitted in Subsections B and C of this SECTION shall be permitted.

**Subsection E: Height, Yard, Lot Area, Width and Depth Regulations**

The regulations are listed in Tabulation of Provisions found in the Appendix.

**Subsection F: General Regulations**

Additional requirements for signs, parking, water supply, waste disposal, sewage disposal, shoreland alterations and other regulations in the SPECIAL PROTECTION SHORELAND DISTRICT (SP) are set forth in CHAPTER FIVE: GENERAL REGULATIONS.

## **SECTION 4-8: RECREATION COMMERCIAL DISTRICT (RC)**

### **Subsection A: Purpose**

The RECREATION COMMERCIAL DISTRICT (RC) is intended to provide suitable locations for, and to encourage the development of commercial recreation facilities in those areas of the County which benefit the recreational needs of both residents and tourists, will avoid land use conflicts with residential areas, and restrict incompatible commercial and industrial uses.

### **Subsection B: Permitted Uses**

The following uses shall be permitted in the RECREATION COMMERCIAL DISTRICT (RC):

1. Resort facilities to include lodges, guesthouses, cabins and the like.
2. Taverns where the main function is servicing a resort or recreation development.
3. Restaurants where the main function is servicing a resort or recreation development.
4. Golf courses, nine or eighteen hole standard length, and clubhouses.
5. Indoor theaters.
6. Auditoriums, coliseums or convention halls for public entertainment and use.
7. Sporting goods establishments, outfitters and suppliers, bait shops.
8. Ski areas and lodges.
9. Riding academies, stables operated for commercial purposes.

### **Subsection C: Conditional Uses**

The following uses may be permitted subject to the issuance of a Conditional Use Permit as provided in SECTION 3-6.

1. Single family detached dwellings for personnel directly connected with the operating of resort or recreation facilities only.
2. Motels and auto courts.

3. Recreational trailer parks and commercial camping facilities for short duration uses.
4. Yacht slips, service and storage marinas, harbor and docking facilities subject also to all approved regulations and ordinances of governmental agencies for the same.
5. Temporary Equipment Placement and Operations as regulated in CHAPTER FIVE: GENERAL REGULATIONS.
6. Nature trails, snowmobile trails, ski trails and similar facilities.

#### **Subsection D: Permitted Accessory Uses**

The following shall be Permitted Accessory Uses in the RECREATION COMMERCIAL DISTRICT (RC):

1. Swimming pools, saunas, outdoor recreational equipment and structures.
2. Storage garages, rental goods establishments.
3. Accessory uses customarily incidental to the uses listed in Subsections B and C of this SECTION.
4. Signs as regulated by CHAPTER FIVE: GENERAL REGULATIONS.

#### **Subsection E: Height, Yard Setbacks and Lot Coverage Requirements**

The following regulations are also found in Tabulation of Provisions found in the Appendix.

1. **Height Regulations** - No building hereafter erected or altered shall exceed three (3) stories or thirty (30) feet in height.
2. **Front Yard Regulations**
  - a) There shall be a minimum front yard having a depth of not less than one-hundred (100) feet.
  - b) Within existing developed areas, the above front yard setback requirement may be adjusted to coincide with average setbacks occurring on either side of the proposed building within three-hundred (300) feet except that no building shall be located less than thirty-five (35) feet from right-of-way line.
3. **Side Yard Regulations** - There shall be a minimum side yard of:

- a) Twenty (20) feet for all buildings in Shoreland Areas on Natural Environment Lakes and Streams.
  - b) Thirty (30) feet for any building which is adjacent to any RESIDENCE DISTRICT
4. **Rear Yard Regulations** - There shall be a minimum rear yard of fifteen (15) feet.
5. **Shoreland Setback**
- a) There shall be a minimum Shoreland Setback from the Normal High Water Mark of:
    - i) Two hundred (200) feet on Lakes and Streams classified Natural Environment.
    - ii) One hundred fifty (150) feet on Lakes and Streams classified Recreation Development,
    - iii) Seventy-five (75) feet on Lakes and Streams classified General Development.
  - b) Variances to the above Shoreland setback requirement may be granted under the following circumstances:
    - i) Where structures incorporate a method of sewage disposal other than soil absorption.
    - ii) In areas of unusual topography or substantial elevation above the lake or stream level.
  - c) Exceptions to Shoreland setbacks may be allowed for boat houses which may be located up to the normal high water mark provided they are not used for habitation and contain no sanitary facilities.
6. **Lot Area Regulations** - The required minimum total lot area shall be the area necessary to meet the stipulated yard setbacks and all parking, loading, buffering, sewage, or other space requirements set forth for the particular use in this Ordinance.
7. **Lot Coverage Regulations** - Not more than fifty (50) percent of the lot shall be occupied by buildings. In the Shoreland Areas there shall be not more than twenty five (25%) percent allowable lot coverage.
8. **Lot Width Regulations** - Every lot or plot of land on which a building is erected shall have a width of not less than one-hundred (100) feet at the building line,

excepting SHORELAND shall have a minimum width of the setback line from the normal high water mark at the building line of:

- a) Two hundred (200) feet for Lakes and Streams classified Natural Environment.
  - b) One hundred fifty (150) feet for Lakes and Streams classified Recreation Development.
  - c) One hundred (100) feet for Lakes and Streams classified General Development.
9. **Lot Depth Regulations** - Every lot or plot of land on which a building is erected shall have a minimum depth of at least one hundred twenty-five (125) feet, excepting SHORELAND AREAS shall have a minimum depth of:
- a) Three hundred (300) feet on Natural Environment Lakes.
  - b) Two hundred fifty (250) feet on Recreation Development Lakes.
  - c) One hundred fifty (150) feet on General Development Lakes and Streams.
10. **Floor Elevation Regulations** - The elevation of the lowest floor of all structures except boathouses, docks and piers shall be at least three (3) feet above the highest known water level.

#### **Subsection F: Recreational Vehicle Campground Provisions**

1. **Definition** - A Recreational Vehicle Camp shall constitute any area used on a daily, nightly or weekly basis for the accommodation of three or more occupied tents, expandable camp trailers, travel trailers and converted buses or trucks; whether privately or publicly owned; and whether use of such accommodation is granted free of charge or for compensation.
2. **Registration** - Every person, organization or municipality establishing or having control of a Recreational Camping Area shall annually on or before April 1st register with the State Board of Health on a form provided by the Board for such purpose, the name, location, ownership, person in charge and such other data as the Board may require shall be provided.
3. **Caretaker** - A responsible attendant or caretaker shall be in charge of every recreational camping area at all times and the duties of said attendant or caretaker shall be to maintain records of the park, keep the facilities and the equipment in a clean, orderly and sanitary condition. The caretaker or attendant shall be the owner or operator of the camping area, or his/her appointed representative.

4. **Recreational Camping Area Location** - No recreational camping area shall be so located that the drainage from the park or camp area will endanger any water supply. All such camps shall not be located in an area subject to flooding. No wastewater from recreational camping vehicles shall be deposited on the surface of the ground.

5. **General Provisions**

a) Every person, organization or community establishing or having control of a recreational area camp, shall locate such camp on an adequate site. Each camp shall be provided with satisfactory water supply, toilet and refuse disposal facilities. Fish cleaning houses shall be installed where needed.

b) An applicant for a Recreational Vehicle Camping Area conditional use permit shall submit a general development plan for the proposed park including the following:

i) The proposed site and existing development.

ii) Proposed size, location and arrangement of buildings.

iii) Parking areas and stall arrangements.

iv) Entrance and exit drives.

v) Proposed sewer and water system,

vi) Recreation areas.

6. **Recreational Camping Area Spacing** - In recreational camping areas, recreational camping vehicles shall be separated from each other and from other structures by at least ten (10) feet. Any accessory structure such as attached awnings, car ports or individual storage facilities, shall, for the purpose of this separation requirement, be considered to be part of the recreational camping vehicle. A site size appropriate to meet all spacing requirements shall be provided for each recreational camping vehicle in camping areas. All recreational camping vehicles shall be located at least twenty-five (25) feet from any camping area property boundary line abutting upon a public street or highway and at least ten (10) feet from other park property boundary lines.

7. **Water Supply** - Every recreational vehicle camp shall be provided with an adequate water supply system, the location, construction and operation of which complies with the standards of the State Board of Health.

8. **Toilets**

a) Every recreational vehicle camp shall be provided with adequate toilet facilities or privies. Water flush toilets shall be provided wherever a municipal sewerage

system can be operated and where water under pressure is available for the operation of water flush toilets. When a central building with water under pressure is provided, the ratio of fixtures to tent sites shall be as follows:

- i) One wash basin for each ten (10) sites.
  - ii) One lavatory for each ten (10) sites.
  - iii) One shower for each fifteen (15) sites.
- b) There shall not be less than one complete set of fixtures for each sex. Privies of the sealed concrete type shall be used where no municipal sewerage system is available or where conditions are such that a sewage disposal system cannot be operated satisfactorily or water under pressure is not available. Such privies shall be located, constructed and operated in accordance with the standards of the State Board of Health. Toilet facilities shall not be located within one hundred (100) feet of the waters edge. Toilet tissue shall be provided at each unit. Toilet shall be cleaned daily. All toilets and privies must be well ventilated and lighted. Artificial lighting shall be provided after daylight hours. Separate toilets or privies shall be provided for men and women. The location of all toilets shall be indicated by suitable signs. Facilities shall be identified by sign for each sex.
- c) When water flush toilets are used, a sewage disposal system acceptable to the State Board of Health shall be provided. Where water flush toilets are not provided, privies of the sealed concrete vault type which conform to a standard of construction acceptable to the State Board of Health shall be used. Toilets of the vault type hereinafter constructed shall be located at least fifty (50) feet from the nearest camp site.
- d) Whenever self-contained travel trailers, converted buses or trucks are accommodated, separate facilities for emptying the chemical toilets or reservoir tanks shall be provided in accordance with standards of the State Board of Health. All travel trailers, converted buses or trucks having sewage drains shall be connected to a sewerage system or all drains shall be sealed for the duration of stay in the camping area. No post holes, shallow pits or buried metal drums shall be used for the disposal of liquid wastes.
9. **Liquid Waste Disposal** - Liquid wastes from the camp sites and other sources shall be combined with the liquid toilet waste or shall be disposed of separately by soil absorption in a manner which will not endanger the water supply, pollute any surface water, or create nuisances or otherwise constitute a hazard to public health and safety. Liquid waste disposal facilities shall be constructed for each four (4) sites to receive dishwater and other liquid wastes.

10. **Garbage and Refuse Disposal** - All garbage and refuse shall be stored and disposed of in a manner that will not create or tend to create a nuisance, or provide a breeding place for flies. Garbage and refuse containers shall be constructed of non-absorbent materials with tight fitting lids. All containers shall be washed at least once each week and sprayed with effective insecticides. Garbage or refuse containers shall be supplied for each four (4) camp sites and shall be not more than two-hundred (200) feet from the farthest site. Containers shall be emptied twice weekly or more often if required. Garbage and refuse may be disposed of by incineration, burying or other means acceptable to the Board. Open refuse dumps are prohibited. Garbage pits constructed according to standards of the State Board of Health may be used for installations of less than ten (10) sites.
11. **Picnic Areas** - Picnic areas shall be provided with suitable toilets, or privies and refuse containers consistent with the usage demands. Such facilities shall be constructed in accordance with standards of the State Board of Health.
12. **Swimming Areas** - Natural swimming areas shall be located only on lakes and streams which are relatively free from human, animal and industrial pollution, and where swimming will not endanger the quality of a domestic water supply. Swimming areas shall be located at least seventy-five (75) feet (preferably one hundred fifty (150) feet) from boat docks or boat landing slips and shall be roped off by floats and cables to designate the safe limits of the swimming areas. Artificial swimming and wading pools shall be constructed in accordance with standards of the State Board of Health.
13. **Submission of Plans** - No recreational vehicle camp shall be constructed nor shall any system of plumbing, sewage system, water supply or swimming pool for the vehicle camp be installed or altered until four (4) plans drawn to scale have been submitted to and approved by the County Planning Commission and the State Board of Health. This Provision shall be administered and enforced by the Zoning Administrator, who is hereby designated the enforcing officer, who in addition to initiating criminal complaints for violations of this provision may institute any civil action in law or in equity to abate any violation of this Provision.

### **Subsection G: Special District Provisions**

Any principal structure hereafter erected, constructed, altered, moved or substantially renovated in any manner which includes in its function the providing of services, entertainment or lodging for residents or tourists shall be equipped with indoor toilet and running water (hot and cold) facilities, an adequate heating system based on floor area and occupancy criteria, and facilities for maintaining access routes where operated on a year-round basis. It shall be the responsibility of the Zoning Administrator to evaluate the adequacy of utilities using standards established by the Board of County Commissioners and the State Department of Public Health.

**Subsection H: General Regulations**

Additional requirements for the RC DISTRICT are set forth in CHAPTER FIVE: GENERAL REGULATIONS.

## **SECTION 4-9: HIGHWAY COMMERCIAL DISTRICT (HC)**

### **Subsection A: Purpose**

The HIGHWAY COMMERCIAL DISTRICT (HC) is intended to provide a district allowing for a wide range of services and goods in compact and convenient limited highway-oriented business closely related to existing urban areas or major transportation routes. Such development shall be developed at standards that will not impair the traffic-carrying capabilities of abutting roads and highways.

### **Subsection B: Permitted Uses**

The following uses shall be permitted within the HIGHWAY COMMERCIAL DISTRICT, subject to the performance standards set forth in CHAPTER FIVE: GENERAL REGULATIONS.

1. Armories, convention halls, or exhibition halls.
2. Bowling alleys, billiard and pool halls.
3. Drive-in restaurants, drive-in theaters or similar uses that provide goods and services to patrons in automobiles subject to the following requirements:
  - a) A solid screen fence of acceptable design at least five (5) feet in height shall be constructed along the property line when said use is abutting any Residential Districts.
  - b) The parking area shall be surfaced with a dust-free material and the arrangement of entrances, exits, and parking stalls shall be subject to the approval of the County Engineer.
  - c) The lighting, whether direct or reflected, such as from floodlights or spotlights, and as differentiated from general illumination, shall not be directed into an adjacent property.
4. Greenhouses - retail.
5. Laboratories - medical and dental.
6. Recreation equipment and vehicles, boat sales and servicing establishments.

7. Miniature golf course, par three golf courses or archery or golf driving ranges operated for commercial purposes.
8. Monument sales not including processing.
9. Mortuaries or funeral homes.
10. Motels, hotels, or apartment hotels.
11. Newspaper distribution agencies.
12. Nurseries, garden stores, and commercial greenhouses.
13. Orthopedic and medical appliance stores, but not including the assembly or manufacturing of such articles.
14. Offices.
15. Pet and animal hospitals.
16. Plumbing showrooms and shops.
17. Printing shops.
18. Public utility structures, municipal and governmental buildings.
19. Radio and television service and repair shops.
20. Recording studios.
21. Restaurants.
22. Schools; music, dance and business.
23. Skating rinks.
24. Taverns.
25. Taxidermists.
26. Telephone booths (outside).

### **Subsection C: Permitted Accessory Uses**

1. Accessory uses customarily incident to the uses permitted in Subsections B and D of this SECTION.
2. Off-street parking and loading as regulated by Section 5-14.
3. Signs as regulated by Section 5-1.

**Subsection D: Conditional Uses**

1. Automobile sales, used car lots, laundries or car wash, service stations, and repair shops subject to the following:
  - a) The parking area shall be surfaced with a dust-free material, and the arrangement of entrances, exits, and parking stalls, shall be subject to the approval of the County Engineer.
  - b) The lighting, whether direct or reflected, such as from floodlight or spotlights, and as differentiated from general illumination, shall not be directed into any adjacent property.
2. Bakeries.
3. Bottling plants.
4. Cabinet or carpenter shops.
5. Dry cleaning establishments.
6. Laundries and laundrettes or automatic and service.
7. Upholstering, furniture repair shops.
8. Shopping centers as regulated in Subsection F of this SECTION.
9. Churches, chapels, temples, synagogues, cemeteries, with normal accessory building for education and living quarters.
10. Other business activity of the same general character as listed in Subsection B or D of this SECTION.

**Subsection E: Height, Yard, Lot Width, Depth, Area and Lot Coverage Regulations**

1. Height Regulations are listed in Tabulation of Provisions found in the Appendix. Except that any HC HIGHWAY COMMERCIAL DISTRICT which is located

adjacent to or adjoining any other district in which a height greater than four (4) stories or forty (40) feet in height is allowed, the height regulations of that district may be used, provided further that on every lot that is located adjacent to or across the street from any classes of Residential Districts, no building shall hereafter be erected or structurally altered to exceed two and one-half (2-1/2) stories or thirty (30) feet in height unless authorized by the Board of Adjustment.

2. Front Side and Rear Yard Regulations are listed in Tabulation of Provisions found in the Appendix.
3. Lot Area and Coverage Regulations are listed in Tabulation of Provisions found in the Appendix.

#### **Subsection F: General Regulations**

1. Additional regulations applicable in the HIGHWAY COMMERCIAL are set forth in CHAPTER FIVE: GENERAL REGULATIONS.

#### **Subsection G: Special Provisions for District/Planned Commercial as Conditional Use**

1. **Statement of Intent:** This District is intended to provide for the development of modern retail shopping centers. Its facilities are designed to be used in common, such as ingress and egress roads, extensive parking accommodations, proper relations to traffic arteries, and compatibility with surrounding uses. Because planned shopping center developments have a significant effect upon the County Comprehensive Plan for the development of the County, final authority over their development shall be retained by the County Board, with extensive prior study and review by the Planning Commission. Important matters relating to the shopping design, its potential for success or failure, its effect upon surrounding areas, its effect upon traffic circulation, etc., are factors which must be given full consideration by the Planning Commission and the County Board in order that a reasonable assurance can be obtained that the area will not be subject to blight in future years. It is further intended that in the event of an applicants failure to construct, or begin construction of shopping center in accordance with a reasonable time schedule, the County Board shall enact the necessary legislation to void the existing zoning and reclassify the area to a zone consistent with the surrounding neighborhood, in order that the property will not become sterile from lack of proper use.
2. **Principal Uses:** The following principal uses shall be permitted outright in a HC District, subject, however, to the provisions hereinafter set forth in this SECTION:
  - a) Retail sales of merchandise.
  - b) Service establishments.

- c) Indoor recreation establishments.
  - d) Parking lots or parking garages.
  - e) Dwelling facilities for a custodian, caretaker or watchman employed on the premises.
3. Accessory Uses: The following accessory uses shall be permitted in a HC District.
    - a) Uses of land or structure customarily incidental and subordinate to one of the principal uses in the HC District, unless otherwise excluded.
    - b) Storage of material or merchandise incidental to the principal use, but not to exceed forty (40) percent of the floor area for such purposes.
  4. **Tract Size:** The minimum tract of land considered for rezoning to a HC District shall comprise an area of not less than ten (10) acres.
  5. **Height and Setback Requirements:** The minimum height and yard requirements of the former zoning district in which the development was located shall not apply except that the minimum yard specified in that district shall be provided around the boundaries of the area being developed. But this requirement shall not be more restrictive than height and setback requirements in the HC District as set out in this SECTION.
  6. **Lot Coverage:** the lot coverage requirements of the former zoning district in which the development is located shall not apply. However, the Planning Commission may recommend, in the absence of an appropriate physical barrier, uses of a lesser intensity, or a buffer of open space, or that appropriate landscaping be arranged along the borders of the project.
  7. **Interpretation of Standards:** The land usage, minimum lot area, yard, height and accessory uses shall be determined by the requirements set out in Subsection E which shall prevail over conflicting requirements of this SECTION.
  8. **Procedure:** Application; a letter of intent for rezoning a Planned Commercial Sub-district shall be submitted by the owner of affected properties, or his/her authorized agent, to the Zoning Administrator's office, along with a filing fee. This letter of intent shall then be transmitted to the Planning Department for review procedure.
    - a) **Pre-Preliminary:** The following information shall be submitted to the Planning Department.

- i) A schematic drawing, drawn to a minimum scale of one inch equals two hundred feet (1" = 200'), showing the general relationship contemplated among all public and private uses and existing physical features.
  - ii) A written statement setting forth the source of water supply, method of sewage disposal, means of drainage, grading plans, commercial uses, anticipated lot layout, lighting, landscaped area, areas to be devoted to various uses per net acre and per gross acre contemplated by the applicant.
  - iii) The developer and the Planning Staff shall meet together and determine whether the above information has been secured. The Planning Staff at this time may recommend any additional information deemed necessary prior to presentation to the Planning Commission. Following a report of this pre-preliminary stage by the Planning Staff to the Planning Commission, application may be made for presentation of the proposed to the Planning Commission, if the Commission is satisfied that the requirements of the pre-preliminary stage have been met.
- b) **Preliminary:** Application for preliminary approval of a Planned Commercial District shall be made by the applicant and shall be filed on a form prescribed by the Zoning Administrator and filed with said Department. Application shall be accompanied by the following:
- i) Four (4) copies and one (1) transparency of a preliminary development plan of the entire development, showing proposed streets, driveways, sidewalks, pedestrian ways, off-street parking and loading, location and approximate dimensions of structures, utilization of structures, including activities associated with each major landscaping features, drawings and/or elevations clearly establishing the scale, character and relationship of buildings, streets, and open space. Such development plans shall include maps and information on the surrounding area within four hundred (400) feet of said development. A boundary survey or a certified boundary description by a registered engineer or licensed surveyor also shall be submitted.
  - ii) A tabulation of land area to be devoted to various uses.
  - iii) If it is proposed that the development plans will be executed in stages, a time schedule thereof shall be required.
- c) **Notice of Public Hearing:** The said application and the aforesaid information concerning the development shall be presented by the Planning Staff to the Planning Commission. Said Commission shall, within sixty (60) days from such filing, hold a public hearing on such application at which time said Commission shall consider the same. The notice of said public hearing shall be given as prescribed in the appropriate regulation of this Ordinance.

## **SECTION 4-10: INDUSTRY DISTRICT (I)**

### **Subsection A: Purpose**

The INDUSTRY DISTRICT (I) is intended to provide a district that will allow compact, convenient industry adjacent to existing urban areas in the County and at standards that will not impair traffic-carrying capabilities of abutting roads and highways. The DISTRICT will provide locations that have adequate essential utilities and ensure a functional relationship among various types of land use.

### **Subsection B: Permitted Principal Uses**

The following uses shall be permitted within the INDUSTRY DISTRICT, subject to the performance standards set forth in CHAPTER FIVE: GENERAL REGULATIONS.

1. Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products which conform to the performance standards set forth hereinafter, and which shall not be injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust, or other particulate matter, toxic materials, odors, fire or explosion hazards, or glare.
2. Automobile service stations - for the retail or dispensing of fuel, lubricants, tires, batteries, accessories, and supplies, including installation and minor services customarily incidental thereto; facilities for chassis and gear lubrication are permitted only if enclosed in a building.
3. Building material and sales.
4. Cartage and express facilities.
5. Contractors', architects', and engineers' offices, shops, and yards, such as building, cement, electrical, heating, ventilating, and air-conditioning, masonry, painting, plumbing, refrigeration, and roofing.
6. Dry cleaning establishments.
7. Dwelling units, for watchmen and their families, located on the premises where they are employed in such capacity.
8. Farm implement sales, storage and repair.

9. Fuel, containerized or bulk, and ice, sales and storage.
10. Grain elevators.
11. Garages-for storage, repair, and servicing of motor vehicles.
12. Greenhouses-wholesale and/or retail.
13. Laundries.
14. Mail order houses.
15. Printing.
16. Public utility and services uses, including but limited to the following:
  - a) Bus stations, bus terminals, bus turn-around (off-street), bus garages and bus lots.
  - b) Fire stations.
  - c) Police stations.
  - d) Railroad passenger stations.
  - e) Railroad rights-of-way.
  - f) Telephone exchanges, telephone transmission equipment buildings, and microwave relay towers.
  - g) Utility service substations -electric, gas, telephone and water.
  - h) Water works, reservoirs, pumping stations, and filtration plants.
17. Publishing.
18. Radar installation and towers.
19. Radio and television studios, stations and towers, transmitting and receiving.
20. Restaurants.
21. All uses defined as agriculture.
22. Signs and billboards as regulated in Section 5-1.

**Subsection C: Conditional Uses**

The following uses may be allowed in the INDUSTRY DISTRICT (I), subject to the issuance of a Conditional Use Permit as provided in SECTION 3-6.

1. Airports and commercial heliports, including aircraft landing fields, runways, flight strips, and flying schools, together with hangers, terminal buildings, and other auxiliary facilities.
2. Air, railroad and water freight terminals, railroads switching and classification yards, repair shops and roundhouses.
3. Automobile testing grounds and tracks.
4. Heliports, private.
5. Livestock sales.
6. Refuse areas, sanitary landfills, car refuse and junk yards provided proper screening and/or landscaping is provided, also operator shall submit terms of operation or restrictive covenants of proposed operation.
7. Manufacturing, processing and any other use which in the opinion of the Planning Commission are in the same general character as listed in uses permitted, and shall be approved by the County Board of Health and Sanitation.
8. Temporary Equipment Placement and Operation as regulated in CHAPTER FIVE: GENERAL REGULATIONS.
9. Other business activity of the same general character as listed in Subsection B or C of this SECTION.

#### **Subsection D: Accessory Uses**

Accessory uses customarily incidental to the uses permitted in Subsection B and C of this SECTION shall be permitted.

#### **Subsection E: Height, Yard Setback and Lot Area, Width and Depth Requirements**

1. Height Regulations are listed in Tabulation of Provisions found in the Appendix.
2. Front Yard Regulations are listed in Tabulation of Provisions found in the Appendix.

- a) Where a lot or plat is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot for all structures. No accessory building shall project beyond the front yard of either road.
  - b) 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 building within three hundred (300) feet except that no building shall be located less than thirty-five (35) feet from a right-of-way line.
3. Side and Rear Yard Regulations are listed in Tabulation of Provisions found in the Appendix.
  4. Lot Area, Width and Depth Regulations are listed in Tabulation of Provisions found in the Appendix.
  5. The lot size, width and depth Requirements shall not apply to lots of record in the County Register of Deeds prior to the enactment of the Ordinance or amendment thereto. However, no lot or parcel of land of less than ten thousand (10,000) square feet shall be allowed as a building site.

#### **Subsection F: General Regulations**

1. Additional regulations applicable in the INDUSTRY DISTRICT are set forth in CHAPTER FIVE: GENERAL REGULATIONS.
2. The above requirements need not necessarily apply to integrated development under single ownership, which developments shall be submitted to the Planning Commission for their consideration. Submission of such plans for approval shall include site plans illustrating; topography, proposed site grading, exterior dimensions, parking plan, loading plans, drives and roadways, drainage, architectural drawing and any other information requested by the Planning Commission.

## **CHAPTER FIVE: GENERAL REGULATIONS**

### **SECTION 5-1: SIGN REGULATIONS**

1. All signs hereinafter erected, altered, substantially repaired, relocated and maintained, except official traffic and road or street signs shall conform with the provisions of this Ordinance.
  - a) Signs in other than areas zoned agricultural shall be upon special use only.
  - b) No sign shall be permitted that shall in any way endanger the health or safety of the general public.
  - c) No individual corporation, association or otherwise shall be permitted to engage in the sale of, construction of, obtaining leases for, or in any way be engaged in that generally considered to be a sign business without first obtaining an annual permit or license.
  - d) All signed locations shall be kept free from unreasonable growth, debris or rubbish, and failure to correct such conditions after being so directed in writing by authorized officials of the County, shall be cause for revocation of the existing permit and removal of the sign or signs on said location or locations.
  - e) All signs erected in the County shall be identified by owner or erector in 4 inch letters, readable from highway.
  - f) In case of multiple applications for a sign permit within the same general location, preference may be given to the applicant with the oldest unexpired lease within the same general location.
  - g) Home Occupations shall be limited to one sign.
2. Leases - No lease for the erection of any sign shall be for a period in excess of five (5) years and any lease in effect as of date of passage hereof shall be deemed to expire five (5) years from date hereof.
3. Special and Temporary Signs - Signs of a temporary nature, signs of non-profit organizations, professional signs and signs of a like or similar nature shall require a permit, but no fee, except as may be hereinafter provided.
4. Location:

- a) No sign except as erected by an official unit of government for the direction of traffic or necessary public information shall be permitted within the right-of-way of any public road.
  - b) No permit shall be granted for any sign regardless of location except upon the condition that it will be moved at no expense or claim of damage to any governmental unit should the improvement thereof be necessary to the reasonable construction, reconstruction or relocation of any public roadway or easements necessary thereof.
  - c) No sign shall be closer than one-thousand (1,000) feet to preceding sign except directional signs at intersections, turn-offs or similar situations and then only in such manner, style and construction as shall be first approved by the County Planning and Zoning Board.
5. Size - All permitted signs, except those permitted as special or temporary under Paragraph 3 or directional signs as permitted under Paragraph 4.c shall be smaller than six hundred (600) square feet.
  6. Permits - A permit shall be required in all cases where a sign or billboard is erected, altered or relocated within the area of jurisdiction of this Ordinance.
  7. Fees:
    - a) Each individual corporation or association operating or engaging in the lease of sites for construction, sale, or improvement of signs shall pay an annual license fee and post bond guaranteeing compliance with the terms of this Ordinance in the amount of \$1,000.00.
    - b) Erection, remodeling and relocation of signs shall hereafter require fees effective as of January 1st of each year as determined by the County Board:
      - i) 301 - 600 square feet
      - ii) 72 - 300 square feet
      - iii) 24 - 71 square feet
  8. Annual Inspection - Upon reasonable notice being given, all existing signs shall hereafter be subject to an annual inspection fee.
  9. All permits for erection of signs shall expire ninety (90) days after issuance thereof.

**SECTION 5-2:  
MINING AND LAND ALTERATION**

All excavations, extraction of materials and minerals, open pits and impounding of waters hereafter established or enlarged shall conform with the provisions of this Subsection and any other ordinance or regulation of the County.

1. Definition - Excavation, as used in this Subsection, shall mean any artificial excavation of the earth, within the County, dug, excavated, or made by the removal from the natural surface of the earth of soil, sand, gravel, stone or other matter made by tunneling or breaking or undermining the surface of the earth. Excavations ancillary to other construction of any installation erected or to be erected, built or placed thereon contemporaneously with or immediately following such excavation and covering or to cover such excavation when completed are excepted, if a permit has been issued for such construction or installation or if the excavation is ancillary to the construction of installation of essential services or a farming operation. Excavations not exceeding five-hundred (500) square feet of surface area or two (2) feet in depth and excavations including impounding of water for agricultural or public utility purposes are exempted.
2. Conditional Use Permit Required - No person shall hereafter dig, excavate, enlarge, make, maintain or allow to be maintained, upon property owned or used by him, any open pit or excavation or any impounded water, without first making an application for and obtaining from the Board of County Commissioners and the County Planning Commission a Conditional Use Permit.
  - a) A Conditional Use Permit for a site under forty (40) acres shall be valid for a maximum of ten (10) years, and shall have a compliance certification conducted at five (5) years from permit issuance.
  - b) A Conditional Use Permit for a site over forty (40) acres shall be valid for a maximum of thirty (30) years, and shall have a compliance certification conducted every ten (10) years.
3. Fees - A permit fee will be charged as determined annually by the County Board.
4. Application
  - a) In addition to the Conditional Use Permit application, the applicant shall submit a Mining and Reclamation Site Plan on a form provided by the County Zoning Administrator and approved by the Board of County Commissioners.
  - b) The Mining and Reclamation Site Plan shall be submitted along with the completed Conditional Use Permit application.

- c) Any other information requested by the Zoning Administrator, Planning Commission, or Board of County Commissioners as necessary to protect the public's safety, health and general welfare.
5. Filing of Map, Plat - The Board of County Commissioners may require a map or plat of the proposed pit or excavation to be made and filed with the application before acting on the same, showing the confines or limits thereof, together with a plan indicating the topography and overall condition of the site after extraction is completed. A similar map or plat may be required in regard to the proposed container for the impounded waters.
  6. Conditions of Permit - The Board of County Commissioners, 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 user of the property on which the open pit or excavation or impounded waters are located to:
    - 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;
    - 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; and
    - g) Grade site after extraction is completed so as to render it usable, seeding where required to avoid erosion and an unsightly mar on the landscape.
  7. Land Reclamation - All mining sites shall be reclaimed immediately after the permit expires. The following standards shall apply, and may be modified to provide for unique conditions:
    - a) All buildings, structures, and equipment incidental to the permit shall be dismantled and removed within six (6) months after the conditional use permit expires, or is terminated.

- b) All reclamation activities must be completed within one year from the time the conditional use permit expires, or is terminated.
  - c) All aggregate stockpiles or stockpiles of other material must be removed or eliminated prior to the completion of reclamation.
  - d) A seeding and mulching plan shall be reviewed by the Natural Resource Conservation Service (NRCS) and their recommendations given to the Zoning Administrator for approval.
  - e) The peaks and depressions of the area shall be graded and back filled to a surface which will result in a gently rolling topography in substantial conformity to the site's pre-mining conditions, and which will minimize erosion due to rainfall. If the land is to be restored to crop production, no slope shall exceed twelve (12%) percent (8:1). If the restoration is not for crop production, no grade shall exceed twenty- five (25%) percent (4:1). These standards may be modified to accommodate a specific restoration plan.
  - f) Reclaimed areas shall be surfaced with a soil of a quality and depth consistent with the topsoil of pre-mining existing conditions. The topsoil shall be seeded, sodded, or planted. Such planting shall adequately retard soil erosion.
  - g) The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site and shall be consistent with the end use plan.
8. 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 of impounded waters is 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 from 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 the particular permit, and to pay any expense the County may incur by reason of doing anything required to be done by any applicant to whom a permit is issued.

**SECTION 5-3:  
TEMPORARY EQUIPMENT  
PLACEMENT AND OPERATION**

1. Temporary Equipment Placement and Operation Use Permit may be granted for the placement and operation of equipment which is incidental to the construction of public utilities, services, buildings or roads where found to be essential to the function intended.
2. The Board of County Commissioners shall determine the duration of the permit and shall attach conditions to assure that the establishment, maintenance, or conducting of the use for which the permit is sought will not under the circumstances of the particular case be unreasonably detrimental to the persons residing or working in the area adjacent to such use, or to the public welfare or injurious to the property or improvement in the area adjacent to such use.
3. A filing fee shall be charged for each application, the amount of such fee shall be determined annually by the County Board.

**SECTION 5-4:  
MULTIPLE DWELLINGS**

Multiple dwellings when permitted by conditional use in a district shall not exceed the following requirements:

1. In such case where public or community sanitary sewer and water are not available, multiple dwellings to a maximum of four (4) units per building shall be permitted on a basis of one-half (1/2) acre for each dwelling unit, further provided that the minimum site size be two acres.
2. In such case where public sanitary sewer and water are available, multiple dwellings shall be permitted on the basis of one unit for each 3000 square feet of lot area, further provided that the minimum lot size be one (1) acre in size.
3. Multiple dwellings shall be so located as not to provide a detriment to adjacent lands or development.

## SECTION 5-5: SHORELAND STANDARDS

The intent of this Section is to establish controls over lakeshore, river and stream development independent of the standards as described in this Ordinance for zoning districts. The standards as set forth in this subsection shall apply to all shoreland classifications within the county and shall supersede the requirements established for other zoning districts in such cases where other land classification zoning districts fall within the jurisdiction of this Section.

1. Docks, boathouses and piers shall be exempt from the setbacks for shorelands except that projections into the water shall maintain a side yard setback equal to that required in the applicable zoning district and shall be parallel with an extension of the side yard lot line. Projections into the water shall not exceed a distance greater than one-third (1/3) the lakeshore frontage, and shall in no case extend one hundred (100) feet beyond the high water mark.
2. For lakes, ponds or flowages: No structure except boathouses, piers and docks, shall be placed at an elevation such that the lowest floor, including a basement, is less than three feet above the highest known water level. In those instances where sufficient data on known high water levels are not available, the elevation of the line of permanent terrestrial vegetation shall be used as the estimated high water elevation. When fill is required to meet this elevation, the fill shall be allowed to stabilize before construction is begun.
3. For Rivers or Streams: Structures shall be placed at an elevation consistent with any applicable local flood plain management ordinances. Where no ordinances exist, the elevation to which the lowest floor of a structure, including a basement, shall be placed, shall be determined after an evaluation of available flood information and consistent with Statewide Standards and Criteria for Management of Flood Plain Areas of Minnesota.
4. Natural vegetation in shoreland areas shall be preserved insofar as practical and reasonable to retard surface runoff and soil erosion, to utilize excess nutrients in the soil to alleviate pollution problems, and to provide sufficient cover to screen cars, dwellings, and other structures from view from the water.
5. Grading and filling in shoreland areas or any alterations of the natural topography where the slope of the land is toward a public water shall be controlled by the county shoreland ordinance by a conditional use permit to prevent erosion and siltation of public waters and impairment of fish and aquatic life.
6. State Commissioner of Natural Resources:
  - a) All variances, conditional uses, subdivisions and amendments to the County Zoning Ordinance that fall within the jurisdiction of this Subsection shall be

forwarded to the State Commissioner of Natural Resources at least ten (10) days prior to the official county hearing date for his/her review and comment. Such submittal shall include the type of request, the specific problem instituting the request when applicable and the time, date and place of public hearing.

- b) Any alteration to the bed of public waters, including construction of channels, ditches, lagoons, dredging of bottom, muck or weeds or filling in lake or river bed, including marshlands must receive approval by the State Commissioner of Natural Resources, the County Planning Commission and Board of County Commissioners prior to the commencement of operations.
7. Exceptions and variances:
- a) Lot sizes smaller than those specified may be permitted for planned or cluster development only by variance.
  - b) Lot sizes smaller than those specified may be permitted for areas served by a public sewer. The lot sizes shall be determined by the Commissioner of Natural Resources after an evaluation of the individual body of water and its capabilities to support a greater density of development.
8. Airports and Height Limitations:

A maximum height limitation for all buildings and structures (otherwise unregulated herein) is 150 feet. It is the obligation of development of property to develop in accordance with any applicable airport zoning ordinance provisions. Radio and television towers and such structures may exceed this height only by conditional use permit.

## SECTION 5-6: ESSENTIAL SERVICES

- A. Since essential and transmission services defined by this Ordinance may have an effect upon urbanizing areas of the county, county land uses, highway location, park and recreation areas, preservation of natural environmental areas, lakes, streams, and rivers, the proposed location of all such essential and transmission services in any zoning district shall be filed with the County prior to commencement of any condemnation action or construction by the owner.
- B. Transmission services, i.e. utility service such as high voltage (35 KV or greater) electrical power, cell towers, or bulk gas or fuel being transferred from station to station and not intended for enroute consumption shall follow the following procedure:
1. The owner shall file with the County Engineer and the County Zoning Administrator such maps indicating the location, alignment and type of service proposed as well as an Environmental Impact Statement indicating areas of conflict and solutions to such environmental conflicts as shall be required.
  2. All maps and accompanying data submitted to the Zoning Administrator shall be forwarded to the County Planning Commission along with the Administrator's and Engineer's reports for review and recommendation regarding the relationship to urban growth, land uses, highway, environment, recreation and park areas.
  3. 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.
  4. Upon receipt of the report of the County Planning Commission of 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 the Ordinance.
  5. Recognizing a need for timely and adequate service by owners of essential services, the County shall act upon all information filed within forty-five (45) days of receipt by the Zoning Administrator and Engineer. In the process of deliberation, the County can call upon such sources of information public or private as they deem necessary to clarify problems and otherwise provide information necessary to their decision.
- C. Any application for a permit for essential services, i.e. services such as power, gas or fuel for immediate local distribution to the general public within the County shall follow the following procedure:
1. The applicant shall file with the County Engineer, on forms supplied by the County, an application for such permit accompanied by maps indicating the locations, alignment and type of service proposed.

2. The application and accompanying data shall be reviewed by the County Engineer and the County Engineer may issue the permit after determining that the application is acceptable and in the best interest of the County.
  3. The County Engineer may require in conjunction with the issuance of such permit that:
    - a) The applicant submit as-built drawings of the essential service after construction.
    - b) The applicant construct the essential service to take into consideration contemplated widening, regrading or relocation of a county highway or county state aid highway.
  4. 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 at the earliest opportunity.
- D. Temporary distribution services to residents and similar structures may be made prior to application for or issuance of a permit for essential services as described above, however, if such services are to be made permanent, or if permanent service is to be installed, application for such services must be made to the County Engineer within five (5) working days from the date of installation of the temporary services and shall become subject to issuance of said permit.
- E. A filing fee shall be charged for each application for essential services, the amount of such application fee to be determined annually by the County Board.

**SECTION 5-7:  
ADDITIONAL REQUIREMENTS,  
EXCEPTIONS AND MODIFICATIONS**

A. Height Regulations:

1. 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.
2. Height limitations set forth elsewhere in this Ordinance may be increased by one hundred (100) percent when applied to the following:
  - a) Monuments.
  - b) Flag poles.
  - c) Cooling towers.
  - d) Grain elevators.
3. Height limitations set forth elsewhere in this Ordinance may be increased with no limitation when applied to the following:
  - a) Church spires, belfries or domes which do not contain usable space.
  - b) Water towers.
  - c) Chimneys or smokestacks.
  - d) Radio or television transmitting towers.
  - e) Forest fire watch towers.

B. Yard regulations - Measurements shall be taken from the nearest point of the wall of a building to the lot line in question, subject to the following qualifications:

1. Cornices, canopies or eaves may extend into the required front yard a distance not exceeding four (4) feet, six (6) inches.
2. Fire escapes may extend into the required front yard a distance not exceeding four (4) feet, six (6) inches.

3. A landing place or uncovered porch may extend into the required front yard to a distance not exceeding six (6) feet, if the landing place or porch has its floor no higher than the entrance floor of the building. An open railing no higher than three (3) feet, six (6) inches may be placed around such a place.
4. The above enumerated architectural features may also extend into any side or rear yard to the same extent, except that no porch, terrace or outside stairway shall project into the required side yard distance.
5. A wall fence or hedge may occupy part of the required front, side or rear yard.
6. On double frontage lots, the required front yard shall be provided on both streets.
7. The required front yard of a corner lot shall not contain any wall, fence or other structure, tree, shrub, or other growth which may cause danger to traffic on a private or public road by obscuring the view.
8. The required front yard of a corner lot shall be unobstructed above a height of thirty (30) inches above the road intersection elevation in a triangular area, two sides of which are the lines running along the side road lines between the road intersection and a point fifty (50) feet from the intersection, and the third side of which is the line between the latter two points.
9. The required lakeshore or streamside setback area shall be left in a natural state except where otherwise stipulated in this Ordinance, so as to preserve the ecology of the area, and further prevent pollution, through water run-off to the shoreline by artificially introduced residual chemicals such as phosphates, nitrates and dichloro-diphenyl-trichloroethane (commonly referred to as D.D.T.). This requirement shall not be deemed to prohibit removal of dead, dying or diseased plants, trees, or similar natural ground cover.
10. There shall be a required building line setback of five (5) feet from any slope in a required yard having a downward grade greater than sixty (60) percent so that a structure may not abut a bluff line or steep slope but may run contiguous to the same.

C. Storage of Materials - In all CLASSES OF COMMERCIAL and INDUSTRIAL DISTRICTS, open storage of materials in any required front, side or rear yard shall be prohibited. Any other outside storage shall be located or screened so as not to be visible from any of the CLASSES OF RESIDENCE DISTRICTS.

D. 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.

E. Accessory Uses - The following accessory uses, in addition to those herein specified, shall be permitted in any RESIDENCE DISTRICT, if the accessory uses do not alter the character of the premises in respect to their use for the purposes permitted in the district.

1. The operation of necessary facilities and equipment in connection with schools, colleges, universities, hospitals and other institutions permitted in the district.
2. Recreation, refreshment and service buildings in public parks and playgrounds.
3. Fallout shelters.

F. Accessory Buildings and Structures:

1. In case an accessory building 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. An accessory building shall not be closer than five (5) feet to the main building, except as otherwise provided in this Ordinance.
2. A detached accessory building shall not be located in any required front or side yard.
3. In a RESIDENCE DISTRICT a detached accessory building not over one (1) story and not exceeding twelve (12) feet in height shall occupy not more than thirty (30) percent of the area of any rear yard, providing further that no detached accessory building shall be located within five (5) feet of any rear lot line.
4. In a RESIDENCE DISTRICT no underground gasoline storage shall be permitted.

## **SECTION 5-8: BUSINESS AND INDUSTRY APPEARANCE STANDARDS**

### **Subsection A: Purpose**

It is the intent of this Subsection to provide that uses of land and buildings in the 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 application of the controls of the following Subsection.

### **Subsection B: Standards**

#### **A. Landscaping and Screening**

1. All required yards for any structure shall either 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 of the residence districts 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 issuance of a Certificate of Occupancy for any tract in the District.
2. All junk yards, salvage yards, and open storage yards shall be screened with buffer planting or screen fences. Plans of such screens shall be submitted for approval by the Planning Commission.

B. Emission or creation of noise, odors, heat, glare, vibration, smoke and toxic or noxious fumes shall conform to standards established by the Minnesota Pollution Control Agency.

C. Exterior Lighting. Any lights used for exterior illumination shall be diffused or directed away from adjoining properties and public streets.

D. Hazard. Every use established, enlarged, or remodeled after the effective date of this Ordinance shall be operated with reasonable precautions against fire and explosion hazards.

E. Waste Material. No waste material shall be washed into the public storm sewer system nor the sanitary sewer system without first having received a permit to do so. If said permit is not granted, a method of disposal shall be devised which will not require continuous land acquisition for permanent operation and will not cause a detrimental effect to the adjacent land. Should the waste be of a solid form rather than fluid, the storage area shall be located and fenced so as not to cause a public nuisance.

F. Water Pollution. All uses and activities shall conform to water pollution standards and/or controls in effect at the time of the adoption of this Ordinance and those adopted at a later date by the Minnesota Pollution Control Agency and other agencies and governing bodies which have such powers and controls over the territory of this Ordinance.

G. Fire and Explosives as regulated by the State of Minnesota Statutes.

### **Subsection C: Compliance**

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

## **SECTION 5-9: ADULT BUSINESS AND/OR ADULT ENTERTAINMENT**

### **Subsection A. Sex-Related Activities as Conditional Uses**

1. Purpose and intent. It is the purpose of this section to protect the public health, safety, and welfare of the community, and to protect individuals and households from the adverse effects of having activities and standards involving pandering to gross sexuality imposed on them.
  
2. Adult Business Definitions: As used in this section, the following terms will have the following meanings, unless the context clearly indicates a different meaning:
  - a) Specified sexual activities:
    - i) Human genitals in a state of sexual stimulation or arousal;
    - ii) Acts of human masturbation or sexual intercourse;
    - iii) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
  
  - b) Specified anatomical areas:
    - i) Less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola;
    - ii) Human male genitals in a discernibly turgid or aroused state, whether or not covered.
  
3. Conditional Uses: None of the following uses, which shall be considered an Adult Business, shall be permitted unless a conditional use permit for such use has been obtained. These requirements for a conditional use permit shall be in addition to all other requirements of all other applicable sections of this Ordinance.
  - a) Book sales and magazine sales, where either the advertising or the displays or signs in or out of the location offer materials showing specified sexual activities or specified anatomical areas. This does not apply to the availability for sale of any material displayed in such a way that only the name of the book or magazine appears.
  
  - b) Movie theaters offering movies or other displays showing specified sexual activities or specified anatomical areas.

- c) Any type of theater or establishment offering any kind of show emphasizing specified sexual activities or specified anatomical areas.
  - d) Any coin-operated devices and any place offering coin-operated devices which show specified sexual activities or specified anatomical areas.
  - e) Any cabaret, club or tavern offering any entertainment showing specified sexual activities or specified anatomical areas.
- 4. Procedure: Any person desiring a conditional use permit for any use specified in this section shall apply in the manner provided by ordinance for a conditional use.
  - 5. Duration: Conditional use permits issued under this section shall expire one year after issuance, and may be renewed by the same procedure that an original conditional use permit is granted.
  - 6. Annual Fee: In addition to any other conditions established pursuant to this Ordinance, an annual fee \$2,000 shall be paid to the Pipestone County general fund in recognition of additional law enforcement and other related public safety costs. Said fee shall be payable on approval of the conditional use permit by the Board of Commissioners, and thereafter on the anniversary date thereof.

**Subsection B. Sex Related Activities Restricted to Specific Areas**

- 1. Adult businesses shall only be allowed to apply for a conditional use permit in areas zoned as I – Industrial or HC – Highway Commercial.
- 2. No conditional use permit for and adult business shall be issued for any location that is within 1,000 feet of any residence, church or other place of religious worship, school, public park or playground.
- 3. No conditional use permit shall issue for any establishment, location or use which is part of, adjacent to, or within 500 feet of any establishment licensed to sell, at off sale or on sale, any alcoholic beverage, beer, wine or intoxicating spirits, or is licensed as a bottle club.

## SECTION 5-10: WIND ENERGY CONVERSION SYSTEMS

### Subsection A: Purpose

This section established to regulate the installation and operation of Wind Energy Conversion Systems (WECS) within Pipestone County not otherwise subject to siting and oversight by the State of Minnesota under the Minnesota Power Plant Siting Act (MS 116C.51-116C.697.).

### Subsection B: Procedures

1. Land Use Permits, Conditional Use Permits and Variances shall be applied for and reviewed under the procedures established in Chapter Three of this Ordinance.
2. The application for all WECS shall include the following information:
  - a) The names of project applicant.
  - b) The name of the project owner.
  - c) The legal description and address of the project.
  - d) A description of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
  - e) Site layout, including the location of property lines, wind turbines, electrical wires, interconnection points with the electrical grid, and all related accessory structures. The site layout shall include distances and be drawn to scale.
  - f) Engineer's certification.
  - g) Documentation of land ownership or legal control of the property.
3. The application for Commercial WECS shall also include:
  - a) The latitude and longitude of individual wind turbines.
  - b) A USGS topographical map, or map with similar data, of the property and surrounding area, including any other WECS within 10 rotor diameters of the Proposed WECS.

- c) Location of wetlands, scenic, and natural areas including bluffs within 1,320 feet of the proposed WECS.
- d) An Acoustical analysis.
- e) FAA Permit Application.
- f) Location of all known Communications Towers within 2 miles of the proposed WECS.
- g) Decommissioning Plan.
- h) Description of potential impacts on nearby WECS and wind resources on adjacent properties.

**Subsection C: Aggregated Projects – Procedures**

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

**Subsection D: 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>
Agriculture	Permitted	Conditional	Permitted
Rural Residential	Conditional	Not permitted	Not Permitted
Recreation Commercial	Conditional	Not permitted	Not Permitted
Highway Commercial	Conditional	Not Permitted	Permitted
Industry	Permitted	Conditional	Permitted
Shoreland	Conditional	Not permitted	Not permitted
Urban Expansion	Conditional	Not permitted	Not permitted

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

### Subsection E: Setbacks – Wind Turbines and Meteorological Towers

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

	<b>Wind Turbine – Non- Commercial WECS</b>	<b>Wind Turbine - Commercial WECS</b>	<b>Meteorological Towers</b>
<b><i>Property Lines</i></b>	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.
<b><i>Neighboring Dwellings*</i></b>		750 feet	The fall zone, as certified by a professional engineer + 10 feet or 1.1 times the total height.
<b><i>Road Rights-of-Way **</i></b>	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.
<b><i>Other Rights-of-Way (Railroads, power lines, etc)</i></b>	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.
<b><i>Public conservation lands managed as grasslands</i></b>	NA	600 feet	600 feet
<b><i>Wetlands, USFW Types III, IV and V</i></b>	NA	600 feet	600 feet
<b><i>Other Structures</i></b>		To be considered	
<b><i>Other Existing WECS***</i></b>	NA	To be considered based on: - Relative size of the existing and proposed WECS; alignment of the WECS relative to the predominant winds; topography; extent of wake interference impacts on existing WECS; property line setback of existing WECS; Other setbacks required.	

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

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

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

2. Substations and Accessory Facilities - Minimum setback standards for substations and feeder lines shall determined in the permitted process, based upon the site's unique circumstances and consistent with Appendix A.

### **Subsection F: Requirements and Standards**

1. Engineering Certification – For all WECS, the manufacture's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.
2. Clearance – Rotor blades or airfoils must maintain at least 12 feet of clearance between their lowest point and the ground.
3. Warnings:
  - a) For all Commercial WECS, a sign or signs shall be posted on the tower, transformer and substation warning of high voltage. [Signs with emergency contact information shall also be posted on the turbine or at another suitable point.]
  - b) For all guyed towers, visible and reflective objects, such as plastic sleeves, 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.
4. Total height – Non-Commercial WECS shall have a total height of less than 200 feet.
5. Tower configuration:
  - a) All wind turbines, which are part of a commercial WECS, shall be installed with a tubular, monopole type tower.
  - b) Meteorological towers may be guyed.

6. 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.
7. 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.
8. Other Signage – All signage on site shall comply with Chapter Five: Section 5-1. 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.
9. 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 Pipestone County authority.
10. 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.
11. 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.
12. 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.
13. Orderly Development – Upon issuance of a conditional use permit, all Commercial WECS shall notify the Environmental Quality Board Power Plant Siting Act program Staff of the project location and details on the survey form specified by the Environmental Quality Board.

### **Subsection G: Other Applicable Standards**

1. Noise – All WECS shall comply with Minnesota Rules 7030 governing noise.
2. Electrical codes and standards – All WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.
3. Federal Aviation Administration– All WECS shall comply with FAA standards and permits.
4. Uniform Building Code – All WECS shall comply with the Uniform Building Code adopted by the State of Minnesota.
5. Interference – The applicant shall minimize or mitigate interference with electromagnetic 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 County or Minnesota Department of Transportation microwave transmissions.

### **Subsection H: Avoidance and Mitigation of Damages to Public Infrastructure**

1. Roads – Applicants shall:
  - a) 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.
  - b) 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.
  - c) 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.
2. Drainage System – The Applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the WECS.

## Section 5-11: SOLAR ENERGY SYSTEMS

### Subsection A: Purpose, Jurisdiction, Interpretation

1. Purpose: This ordinance is established to set forth processes for permitting a Solar Energy System and to regulate the installation and operation of a Solar Energy System within Pipestone County pursuant to Minnesota Statutes Chapters 216C.25, 500.30, and Minnesota Rules Chapter 1325.1100, as amended, in order to promote the health, safety, and general welfare of the citizens of Pipestone County.
2. Authority: The regulations of this Ordinance shall apply to all the area of Pipestone County outside the incorporated limits of municipalities.
3. Interpretation: In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. Where the provisions of this Ordinance impose greater restriction than those of any statute, other ordinance or regulations, 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.

### Subsection B: Definitions

The following words and phrases shall have the meanings ascribed to them in this Ordinance. If not specifically defined in this Section or in Section 2-2 of the Pipestone County Zoning Ordinance, terms used in this Ordinance shall have the same meaning as provided in the standards adopted by reference. Words or phrases that are not defined here or in the standards adopted by reference shall have common usage meaning. For purposes of this Ordinance, the words “must” and “shall” are mandatory and the words “may” and “should” are permissive.

1. Array (Solar). Any number of solar photovoltaic modules or panels connected together to provide a single electrical output.
2. 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.
3. Ground Mounted Solar Energy System. Freestanding solar panels mounted to the ground by use of stabilizers or similar apparatus.
4. Large Solar Energy System. A solar farm, where the primary land use of the parcel is for a solar array and have a Direct Current (DC) rated capacity greater than 100 kilowatts.

5. Module (Solar). A number of individual solar cells connected together in an environmentally protected housing producing a standard output voltage and power. Multiple modules/panels can be assembled into an array for increased power and/or voltage.
6. Photovoltaic Array. A group of solar photovoltaic modules connected together to increase voltage and/or power to the level required for a given system.
7. Photovoltaic Device. A system of components that generates electricity from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the energy produced for later use.
8. 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.
9. Roof or Building Mounted Solar Energy System. A solar energy system that is mounted to the roof or building using brackets, stands or other apparatus.
10. Small Solar Energy System. A solar array meant to generate electricity to be used on site and/or sold back to Power Utilities and have a Direct Current (DC) rated capacity less than 100 kilowatts.
11. Solar cell. The basic unit of a photovoltaic solar panel.
12. Solar Easement. A right, whether or not stated in the form of a restriction, easement, covenant, or condition, in any deed, will, or other instrument executed by or on behalf of any owner of land or solar sky space for the purpose of ensuring adequate exposure of a solar energy system as defined in Section 216C.06, Subdivision 17, to solar energy. Required contents of a Solar Easement are defined in Minnesota Statute Section 500.30.
13. Solar energy system. A set of devices whose primary purpose is to collect solar energy and convert and store it for useful purposes including heating and cooling buildings or other energy-using processes, or to produce generated power by means of any combination of collecting, transferring, or converting solar-generated energy.
14. Solar Hot Water System. A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs.
15. Tracking Solar Array. A solar array that follows the path of the sun during the day to maximize the solar radiation it receives.

### **Subsection C: District Regulation**

Solar Energy Systems will be permitted, conditionally permitted or not permitted based on the generating capacity and land use district as established in the table below (P=Permitted, C=Conditionally Permitted, NP=Not Permitted):

District	Small Solar Energy Systems	Large Solar Energy System
1. Agriculture	P	C
2. Rural Residential	P	NP
3. Urban Expansion	P	C
4. Hwy Service Business	P	C
5. Industrial	P	C
6. Floodplain	P	NP
7. Shoreland	P	NP

Nothing herein shall be construed to exempt a Solar Energy System from the regulations, requirements, and standards of the District in which it is located.

### **Subsection D: Setbacks and standards**

1. Solar Energy Systems shall be subject to the structure setbacks set forth in each respective Zoning District in respect to property lines, road right-of-way lines, County tile lines (MN Statutes 103E.227), and County and Judicial Ditches.
2. Large Solar Energy Systems must be located at least 150 feet from a dwelling, other than the project owner's dwelling.
3. Standards for Large Solar Energy Systems.
  - A. Shall include a Storm water Management and Erosion and Sediment Control Plan.
  - B. 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.

- C. Other standards and codes. All Large Solar Energy Systems 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.
  - D. Power and communication lines. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground, to the extent practicable.
4. Standards for Small Solar Energy Systems.
- A. Accessory Building Limit. Solar systems, either roof or ground-mounted, do not count as an accessory building for the purpose of meeting limits on the number of accessory structures allowed per residential lot or the coverage limits, as set forth in the Pipestone County Zoning Ordinance.
  - B. Height. Solar systems are subject to the following height requirements:
    - a. Building- or roof- mounted solar systems shall not exceed the maximum allowed height for structures in the zoning district in which the system is being installed, and shall not extend more than 10 feet above the building or roof on which they are mounted.
    - b. Ground- or pole-mounted solar systems shall not exceed 15 feet in height when oriented at maximum tilt.
  - C. Location within Lot. Solar systems must meet the accessory structure setback for the zoning district.
    - a. Roof-mounted Solar Systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar systems that are parallel to the roof surface shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. The collector and racking for roof-mounted systems that have a greater pitch than the roof surface shall be set back from all roof edges by at least 2 feet. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
    - b. Ground-mounted Solar Systems. Ground-mounted solar energy systems may not extend into the side-yard, rear, or road right-of-way setback when oriented at minimum design tilt.

- D. **Maximum Coverage.** The total collector surface area of pole or ground mount systems in the Rural Residential district shall not exceed ten percent of the lot area.
- E. **Building and roof-mounted Solar Energy Systems** cannot be installed without a written certification of a qualified engineer or building inspector licensed by the State of Minnesota that the building or roof is structurally capable of bearing the Solar Energy System.
- F. **Approved Solar Components.** Electric solar system components must have a Underwriters Laboratory (UL) listing.
- G. **Compliance with State Electric Code.** All photovoltaic systems shall comply with the Minnesota State Electric Code.
- H. **Utility Notification.** No grid-intertie photovoltaic system shall be installed until evidence has been given to the Department that the owner has notified the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

#### **Subsection E: Permit application**

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

1. A site plan of existing conditions showing the following:
  - A. Existing property lines and property lines extending 100 feet from the exterior boundaries, including the names of the adjacent property owners and current use of those properties.
  - B. Existing public and private roads, showing widths of the roads and any associated easements.
  - C. Location and size of any abandoned wells, sewage treatment systems and dumps.
  - D. Existing buildings and any impervious surface.
  - E. Topography at 2' intervals and source of contour interval. A contour map of the surrounding properties may also be required.
  - F. Existing vegetation (list type and percent of coverage; i.e. grassland, plowed field, wooded areas, etc.)
  - G. Waterways, watercourses, lakes and public water wetlands.
  - H. Delineated wetland boundaries.

- I. The 100-year flood elevation and Regulatory Flood Protection Elevation, if available.
  - J. Floodway, flood fringe, and/or general flood plain district boundary, if applicable.
  - K. The shoreland district boundary, if any portion of the project is located in a shoreland district.
  - L. In the shoreland district, the ordinary high water level and the highest known water level.
  - M. In the shoreland district, the toe and top of any bluffs within the project boundaries.
  - N. Mapped soils according to the Pipestone County Soil Survey.
  - O. Surface water drainage patterns.
2. Site Plan of Proposed Conditions.
    - A. Location and spacing of solar panels.
    - B. Location of access roads.
    - C. Planned location of underground or overhead electric lines connecting the solar farm to the building, substation or other electric load.
    - D. New electrical equipment other than at the existing building or substation that is the connection point for the solar farm.
    - E. Proposed erosion and sediment control measures.
    - F. Proposed storm water management measures.
    - G. Sketch elevation of the premises accurately depicting the proposed solar energy conversion system and its relationship to structures on adjacent lots (if any).
  3. Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks;
  4. The number of panels to be installed.
  5. A description of the method of connecting the array to a building or substation.
  6. A copy of the interconnection agreement with the local electric utility or a written explanation outlining why an interconnection agreement is not necessary.
  7. 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 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet the provisions of the Pipestone County Solid Waste Ordinance; or successor ordinance. The Board may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

## **SECTION 5-12: FEEDLOTS**

### **Subsection A: Preamble**

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

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

### **Subsection B: Requirements and Procedures For Feedlot Owners of Pipestone County**

1. All feedlots shall operate under Chapter 7020 which is the State of Minnesota's rule addressing pollution problems associated with livestock facilities. Also, feedlots shall operate under the Pipestone County Feedlot Ordinance which addresses local pollution concerns with feedlots.
2. A feedlot owner or operator shall allow the County Feedlot Officer or assigned representative to inspect the site on reasonable notification. Routine site inspections will be conducted for activities including but not limited to compliance, construction, complaints, and permitting.
3. A land use permit shall be obtained for any new or expanding feedlot.
4. Manure shall be treated as a nutrient and applied accordingly. In many cases this will require injection/incorporation of manure. Manure which leaks or spills on a road right of way shall be removed immediately following the incident.
5. Public notification of feedlot applications will be completed by the Pipestone County Conservation and Zoning Office and a fee as set by the Pipestone County fee schedule will be charged to the applicant.
6. The feedlot owner is responsible to comply with well setback requirements as identified under MN Rule Chapter 4725. All unused wells located within the feedlot area shall be properly sealed.

7. Feedlots located within sensitive areas such as shoreland, a drinking water supply management area where the aquifer is identified in the wellhead protection plan as vulnerable to contamination, floodplain or construction/expansions of 1000 or more animal units shall also comply with environmental review requirements as required under MN Rule Chapter 4410.

### **Subsection C: Setbacks**

In addition to the setback requirements defined under MN Rule Chapter 7020, and the Tabulation of Provisions found in the Appendix of this ordinance, the following setbacks shall also apply:

1. The setback for all new feedlots from a neighboring house (s) shall be a minimum setback of 1,320 feet (1/4 mile) up to 800 animal units plus an additional 1.25 feet per animal unit over 800.
2. The expansion of an existing feedlot up to 1,500 animal units will require a minimum setback of 500 feet from a neighboring house(s), church, synagogue, place of worship with regularly scheduled services, cemetery governed by a cemetery association, local government, congregation of worshipers, public or private school, hospital, or government sponsored park. Expansions greater than 1,500 animal units would require the 500 foot setback plus an additional 1.25 feet per animal unit over 1,500.
3. No new feedlot shall be allowed within 2,640 feet (1/2 mile) from a church, synagogue, place of worship with regularly scheduled services, cemetery governed by a cemetery association, local government, congregation of worshipers; public or private school, hospital, or government sponsored park.
4. No new feedlots or expansions of existing feedlots shall be allowed within 1 mile of the corporate limits of any incorporated community.
5. When possible the expansion of the existing feedlot shall be placed away from the neighboring house.
6. Any new feedlot located within 500 feet of an existing feedlot, will be considered one feedlot for the purpose of animal unit setbacks.
7. Reciprocal: Feedlot setbacks hereby set forth in this ordinance shall be reciprocal, meaning the same setbacks shall apply to new houses from feedlots as do new feedlots from houses (MN Statutes 394.24 Subd. 3c. (e).

## **Section 5-13: SUBSURFACE SEWAGE TREATMENT SYSTEM (SSTS)**

### **Subsection A: Purpose, Intent, Authority, and Effective date**

#### **1. Purpose**

- a) The purpose of this ordinance is to establish minimum requirements for regulation of SSTS for the treatment and dispersal of sewage within the applicable jurisdiction of the County to protect public health and safety, groundwater quality, and prevent or eliminate the development of public nuisances. It is intended to serve the best interests of the County's citizens by protecting its health, safety, general welfare, and natural resources.

#### **2. Intent.** It is intended by the County that this Ordinance will promote the following:

- a) The protection of lakes, rivers and streams, wetlands, and groundwater in Pipestone County essential to the promotion of public health, safety, welfare, socioeconomic growth and development of the County .
- b) The regulation of proper SSTS construction, reconstruction, repair and maintenance to prevent the entry and migration of contaminants, thereby protecting the degradation of surface water and groundwater quality.
- c) The establishment of minimum standards for SSTS placement, design, construction, reconstruction, repair and maintenance to prevent contamination and, if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration.
- d) The appropriate utilization of privy vaults and other non-water carried sewage collection and storage facilities.
- e) The provision of technical assistance and education, plan review, inspections, SSTS surveys and complaint investigations to prevent and control water-borne diseases, lake degradation, groundwater related hazards, and public nuisance conditions.

#### **3. Authority.** This Ordinance is adopted pursuant to Minnesota Statutes, Section 115.55; Minnesota Statutes, Sections 145A.01 through 145A.08; Minnesota Statutes, Section 375.51; or successor statutes, and Minnesota Rules, Chapter 7080, Chapter 7081, Chapter 7082;, or successor rules.

#### **4. Effective Date.** The provisions set forth in this Ordinance shall become effective after its passage, publication, and recording as provided by law.

## **Subsection B: Definitions**

The following words and phrases shall have the meanings ascribed to them in this Article. If not specifically defined in this Article, terms used in this Ordinance shall have the same meaning as provided in the standards adopted by reference. Words or phrases that are not defined here or in the standards adopted by reference shall have common usage meaning. For purposes of this Ordinance, the words “must” and “shall” are mandatory and the words “may” and “should” are permissive.

- 1. Agency.** The Minnesota Pollution Control Agency
- 2. As-built.** Drawings and documentation specifying the final in-place location, elevation, size and type of all system components.
- 3. At-grade system.** A pressurized soil treatment and dispersal system where sewage tank effluent is dosed to an absorption bed that is constructed directly on original soil at the ground surface and covered by loamy soil materials.
- 4. Authorized Representative.** An employee of the Pipestone Conservation and Zoning Office who is licensed as a “Qualified Employee”.
- 5. Certificate of Compliance.** A document, written after a compliance inspection, certifying that a system is in compliance with applicable requirements at the time of the inspection.
- 6. Certified Statement.** A statement signed by a certified individual, apprentice, or qualified employee under Minnesota Rules Chapter 7083 certifying that the licensed business or qualified employee completed work in accordance with applicable requirements.
- 7. Cesspool.** An underground pit, receptacle, or seepage tank that receives sewage directly from a building sewer and leaches sewage into the surrounding soil, bedrock, or other soil materials. Cesspools include sewage tanks that were designed to be watertight, but subsequently leak below the designed operating depth.
- 8. Class V Injection Well.** A shallow well used to place a variety of fluids directly below the land surface. This includes SSTS that are designed to receive sewage or non-sewage from a two family dwelling or greater or receive sewage or non-sewage from another establishment that serves more than 20 persons per day. The US Environmental Protection Agency and delegated state groundwater programs permit these wells to inject wastes below the ground surface provided they meet certain requirements and do not endanger underground sources of drinking water. Class V motor vehicle waste disposal wells and large-capacity cesspools are specifically prohibited (see 40 CFR Parts 144 & 146).
- 9. Cluster System.** A SSTS under some form of common ownership that collects wastewater from two or more dwellings or buildings and conveys it to a treatment and dispersal system located on an acceptable site near the dwellings or buildings.
- 10. Commissioner.** The commissioner of the Minnesota Pollution Control Agency.

- 11. Compliance Inspection.** An evaluation, investigation, inspection, or other such process for the purpose of issuing a certificate of compliance or notice of noncompliance.
- 12. Department.** The Pipestone County Conservation and Zoning Office.
- 13. Design Flow.** The daily volume of wastewater for which an SSTS is designed to treat and discharge.
- 14. EPA.** The United States Environmental Protection Agency.
- 15. Existing Systems.** Systems that have been previously inspected and approved by the local unit of government during installation. In addition, all operating systems installed before the adoption of a local permitting and inspection program are considered existing systems.
- 16. Failure to Protect Groundwater.** At a minimum, a SSTS that does not protect groundwater is considered to be a seepage pit, cesspool, drywell, leaching pit, or other pit; a SSTS with less than the required vertical separation distance, described in MR Chapter 7080.1500 Subp. 4 D and E; and a system not abandoned in accordance with part 7080.2500.
- 17. Grey water.** Sewage that does not contain toilet wastes.
- 18. Grey water System.** A system that receives, treats, and disperses only grey water or other similar system as designated by the commissioner.
- 19. Groundwater.** Water contained below the surface of the earth in the saturated zone including, without limitation, all waters whether under confined, unconfined, or perched conditions, in near-surface unconsolidated sediment or regolith, or in rock formations deeper underground.
- 20. Holding Tank.** A tank for storage of sewage until it can be transported to a point of treatment and dispersal. Holding tanks are considered a septic system tank under Minnesota Statutes, section 115.55.
- 21. Imminent Threat to Public Health and Safety (ITPH).** At a minimum, a SSTS with a discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains or directly to surface water; SSTS that cause a reoccurring sewage backup into a dwelling or other establishment; SSTS with electrical hazards; or sewage tanks with unsecured, damaged, or weak maintenance access covers.
- 22. ISTS.** An individual subsurface sewage treatment system having a design flow of no more than 5,000 gallons per day.
- 23. LSTS.** A large subsurface sewage treatment system having a design flow of 10,001 gallons per day or greater.
- 24. Malfunction.** The partial or complete loss of function of a SSTS component, which requires a corrective action to restore its intended function.

- 25. Management Plan.** A plan that describes necessary and recommended routine operational and maintenance requirements, periodic examination, adjustment, and testing, and the frequency of each to ensure system performance meets the treatment expectations, including a planned course of action to prevent an illegal discharge.
- 26. Minor Repair.** The repair or replacement of an existing damaged or faulty component/part of an SSTS that will return the SSTS to its operable condition. The repair shall not alter the original area, dimensions, design, specifications or concept of the SSTS.
- 27. Mound System.** A soil treatment and dispersal system designed and installed such that all of the infiltrative surface is installed above grade, using clean sand between the bottom of the infiltrative surface and the original ground elevation, utilizing pressure distribution and capped with suitable soil material to stabilize the surface and encourage vegetative growth.
- 28. MSTs.** A mid-sized subsurface sewage treatment system under single ownership that receives sewage from dwellings or other establishments having a design flow of more than 5,001 gallons per day to a maximum of 10,000 gallons per day.
- 29. Notice of Noncompliance.** A written document issued by the Department notifying a system owner that the owner's onsite/cluster treatment system has been observed to be noncompliant with the requirements of this Section.
- 30. Original Soil.** Naturally occurring soil that has not been cut, filled, moved, smeared, compacted, altered, or manipulated to the degree that the loading rate must be reduced from that associated with natural soil conditions.
- 31. Periodically Saturated Soil.** The highest elevation in the soil that is in a reduced chemical state due to soil pores filled or nearly filled with water causing anaerobic conditions. Periodically saturated soil is determined by the presence of redoximorphic features in conjunction with other established indicators as specified in part 7080.1720, subpart 5, items E and F, or determined by other scientifically established technical methods or empirical field measurements acceptable to the permitting authority in consultation with the commissioner.
- 32. Pit.** A hole dug with a backhoe, or an auger no less than 2 inches in diameter, used for soil verification for the purpose of designing subsurface sewage treatment systems.
- 33. Pressure Distribution.** A network of distribution pipes in which effluent is forced through orifices under pressure.
- 34. Privy.** An aboveground structure with an underground cavity meeting the requirements of part 7080.2280 that is used for the storage or treatment and dispersal of toilet wastes, excluding water for flushing and gray water. A privy also means a nondwelling structure containing a toilet waste treatment device.

- 35. Pump Tank.** A tank or separate compartment following the sewage tank that serves as a reservoir for a pump. A separate tank used as a pump tank is considered a septic system tank under Minnesota Statutes, section 115.55, subdivision 1, paragraph (o).
- 36. Qualified Employee.** An employee of the state or a local unit of government, who performs site evaluations or designs, installs, maintains, pumps, or inspects SSTS as part of the individual's employment duties and is registered on the SSTS professional register verifying specialty area endorsements applicable to the work being conducted.
- 37. Record Drawings.** A set of drawings which to the fullest extent possible document the final in-place location, size, and type of all SSTS components including the results of any materials testing performed and a description of conditions during construction of the system.
- 38. Redoximorphic Features.**
- a. A color pattern in soil, formed by oxidation and reduction of iron or manganese in saturated soil coupled with their removal, translocation, or accrual, which results in the loss (depletion) or gain (concentration) of mineral compounds compared to the matrix color; or
  - b. A soil matrix color controlled by the presence of ferrous iron. Redoximorphic features are described in part 7080.1720, subpart 5, item E.
- 39. SDS.** State Disposal System permit from MPCA.
- 40. Septage.** Solids and liquids removed from an SSTS and includes solids and liquids from cesspools, seepage pits, other pits, or similar systems or devices that receive sewage. Septage also includes solids and liquids that are removed from portable, incinerating, composting, holding, or other toilets.
- 41. Septic Tank.** Any watertight, covered receptacle that is designed and constructed to receive the discharge of sewage from a building sewer or preceding tank, stores liquids for a detention period that provides separation of solids from liquid and digestion of organic matter, and allows the effluent to discharge to a succeeding tank, treatment device, or soil dispersal system.
- 42. Sewage.** Waste from toilets, bathing, laundry, or culinary activities or operations or floor drains associated with these sources, including household cleaners and other constituents in amounts normally used for domestic purposes.
- 43. SSTS.** Subsurface sewage treatment system including an ISTS, MSTS or LSTS.
- 44. Toilet Waste.** Waste commonly disposed of in toilets, including fecal matter, urine, toilet paper, and water used for flushing.
- 45. Treatment Level.** Treatment system performance levels defined in Minnesota Rules, Chapter 7083.4030, Table III as now constituted and from time to time amended.

- 46. Type I System.** An ISTS that follows a standard trench, bed, at-grade, mound, or gray water system design in accordance with MPCA rules, Minnesota Rules, Chapter 7080.2200 through 7080.2240.
- 47. Type II System.** An ISTS with acceptable modifications or sewage containment system that may be permitted for use on a site not meeting the conditions acceptable for a standard Type I system. These include systems on lots with rapidly permeable soils or lots in floodplains and privies or holding tanks.
- 48. Type III System.** A Type III SSTS is a system designed according to the requirements of 7080.2300.
- 49. Type IV System.** A Type IV SSTS is a system designed according to the requirements of 7080.2350.
- 50. Type V System.** An ISTS, which is a custom engineered design to accommodate the site taking into account pretreatment effluent quality, loading rates, loading methods, groundwater mounding, and other soil and other relevant soil, site, and wastewater characteristics such that groundwater contamination by viable fecal coliform is prevented.
- 51. Vertical Separation.** The vertical measurement of unsaturated soil or sand between the bottom of the distribution medium and the periodically saturated soil level or bedrock.
- 52. Watertight.** Constructed so that no liquid can get into or out of a device except through designed inlets and outlets.

### **Subsection C: General Provisions**

- 1. Scope.** This Ordinance regulates the siting, design, installation, alterations, operation, maintenance, monitoring, and management of all SSTS within the County's applicable jurisdiction including, but not necessarily limited to individual SSTS and cluster or community SSTS, privy vaults, and other non-water carried SSTS. All sewage generated in unsewered areas of the County shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated, and maintained in accordance with the provisions of this Ordinance or by a system that has been permitted by the MPCA.
- 2. Jurisdiction.** The jurisdiction of this Ordinance shall include all lands of the County except for incorporated areas that administer a Subsurface Sewage Treatment System (SSTS) program by Ordinance within their incorporated jurisdiction, which is at least as strict as this Ordinance and has been approved by the County. The Pipestone County Conservation and Zoning Office shall keep a current list of local jurisdictions within the County administering a SSTS program.

### **Subsection D: Administration**

- 1. County Administration.** The Pipestone County Conservation and Zoning Department shall administer the SSTS program and all provisions of this Ordinance.

At appropriate times, the County shall review this and revise and update this Ordinance as necessary. The County shall employ or retain under contract qualified and appropriately licensed professionals to administer and operate the SSTS program.

2. **State of Minnesota.** Where a single SSTS or group of SSTS under single ownership within one-half mile of each other, have a design flow greater than 10,000 gallons per day, the owner or owners shall make application for and obtain a State Disposal System permit from MPCA. For any SSTS that has a measured daily flow for a consecutive seven-day period which equals or exceeds 10,000 gallons per day, a State Disposal System permit is required. SSTS serving establishments or facilities licensed or otherwise regulated by the State shall conform to the requirements of this Ordinance.
3. **Cities and Townships.** Any jurisdiction within the County that regulates SSTS must comply with the standards and requirements of this Ordinance. The standards and ordinance of the jurisdiction may be administratively and technically more restrictive than this Ordinance.
4. **Validity.** The validity of any part of this Ordinance shall not be affected by the invalidity of any other parts of this Ordinance where the part can be given effect irrespective of any invalid part or parts.
5. **Liability.** Any liability or responsibility shall not be imposed upon the department or agency or any of its officials, employees, or other contract agent, its employees, agents or servants thereof for damage resulting from the defective construction, operation, or abandonment of any onsite or cluster treatment system regulated under this rule by reason of standards, requirements, or inspections authorized hereunder.

#### **Subsection E: General Requirements**

##### **1. Retroactive.**

- a) **All SSTS.** Except as explicitly set forth in Subsection E, 1, b), all provisions of this Ordinance shall apply to any SSTS regardless of the date it was originally permitted.
- b) **Existing Permits.** Unexpired permits which were issued prior to the effective date shall remain valid under the terms and conditions of the original permit until the original expiration date or until a change in system ownership whichever is earlier.
- c) **SSTS on Lots Created After January 23, 1996.** All lots created after January 23, 1996 must have a minimum of two soil treatment and dispersal areas that can support trenches, seepage beds, mounds, and at-grade systems as described in Minnesota Rules, Chapters 7080.2200 through 7080.2230 and 7080.2260; or site conditions described in 7081.0270, Subp. 3 through 7.

##### **2. Construction Activity.**

- a) No construction or repair requiring excavation of soil after October 31<sup>st</sup> or before April 15<sup>th</sup> shall be allowed in any portion of the drainfield or soil absorption system, without the permission of a Qualified Employee of the Department.

### **3. Upgrade, Repair, Replacement, and Abandonment**

- a) **SSTS Capacity Expansions.** Expansion of an existing SSTS must include any system upgrades that are necessary to bring the entire system into compliance with the prevailing provisions of this Ordinance at the time of the expansion.
- b) **Additions to Dwellings.** The owner must submit a valid Certificate of Compliance and/or obtain a valid SSTS Septic Permit within 12 months from the date a land use permit is issued for a bedroom addition to an existing dwelling.
- c) **Failure to Protect Groundwater.** An SSTS that is determined not to be protective of groundwater in accordance with Minnesota Rules, Chapter 7080.1500, Subp.4.B shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within 12 months of receipt of a Notice of Noncompliance.
- d) **Imminent Threat to Public Health or Safety.** An SSTS that is determined to be an imminent threat to public health or safety in accordance with Minnesota Rules, Chapter 7080.1500, Subp.4 A shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within 10 months of receipt of a Notice of Noncompliance.
- e) **Abandonment.** Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned in accordance with Minnesota Rules, Chapter 7080.2500.

### **4. SSTS in Floodplains.**

- a) SSTS shall not be located in a floodway and wherever possible, location within any part of a floodplain shall be avoided. If no option exists to locate a SSTS outside of a floodplain, location within the flood fringe is allowed if the requirements in Minnesota Rules, Chapter 7080.2270 and all relevant local requirements are met.

### **5. Class V Injection Wells.**

- a) All owners of new or replacement SSTS that are considered to be Class V injection wells, as defined in the Code of Federal Regulations, title 40, part 144, are required by the Federal Government to submit SSTS inventory information to the Environmental Protection Agency as described in CFR40 part 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures.

### **6. SSTS Practitioner Licensing**

- a) No person shall engage in site evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance, or pumping of SSTS

without an appropriate and valid license issued by MPCA in accordance with Minnesota Rules, Chapter 7083 except as exempted in 7083.0700.

- b) Property owners exempted from SSTS licensing requirements under Minnesota Rules Chapter 7080.0700, must comply with the following additional provisions.
  - i. A property owner must follow all applicable County State, and Federal requirements for permitting and construction of an SSTS.
  - ii. A property owner shall not construct an SSTS that requires a pump.
  - iii. The licensed design business or certified designer of the SSTS must be present during construction of the SSTS.
  - iv. The licensed design business or certified designer of the SSTS shall submit an as-built record of the SSTS to the department.

## **7. Prohibitions**

- a) **Occupancy or Use of a Building without a Compliant SSTS.** It is unlawful for any person to maintain, occupy, or use any building intended for habitation that is not provided with a wastewater treatment system that disposes of wastewater in a manner that does not comply with the provisions of this Ordinance.
- b) **Sewage Discharge to Ground Surface or Surface Water.** It is unlawful for any person to construct, maintain, or use any SSTS system regulated under this Ordinance that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface water. Any surface discharging system must be permitted under the National Pollutant Discharge Elimination System program by the MPCA.
- c) **Sewage Discharge to a Well or Boring.** It is unlawful for any person to discharge raw or treated wastewater into any well or boring as described in Minnesota Rules, Chapter 4725.2050, or any other excavation in the ground that is not in compliance with this ordinance.
- d) **Discharge of Hazardous or Deleterious Materials.** It is unlawful for any person to discharge into any treatment system regulated under this Ordinance any hazardous or deleterious material that adversely affects the treatment or dispersal performance of the system or groundwater quality.

### **Subsection F: SSTS Standards**

- 1. Standard Adopted by Reference.** The County hereby adopts by reference Minnesota Rules, Chapters 7080 and 7081 in their entirety as now constituted and from time to time amended. This adoption does not supersede the County's right or ability to adopt local standards that are in compliance with Minnesota Statute 115.55.
- 2. Amendments to the Adopted Standards**
  - a) **Determination of Hydraulic Loading Rate and SSTS Sizing**

- i. Table IX from Minnesota Rules, Chapter 7080.2150, Subp. 3(E) entitled “Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Detail Soil Descriptions” and herein adopted by reference shall be used to determine the hydraulic loading rate and infiltration area for all SSTS permitted under this ordinance.
  - ii) The Department will make the determination whether a backhoe pit will be required for soil verification unless as required under 7081. Soil disputes must follow the dispute resolution procedure described in Minnesota Rules, chapter 7082.0700, Subpart 5;
- b) Compliance Criteria for Existing SSTS**
- i. SSTS built before April 1, 1996 outside of areas designated as shoreland areas, wellhead protection areas, or SSTS providing sewage treatment for food, beverage, or lodging establishments must have at least two feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock.
  - ii. SSTS built after March 31, 1996 or SSTS located in a Shoreland area, wellhead Protection area, or serving a food, beverage, or lodging establishment as defined under 7080.1100, Subp. 84 shall have a three-foot vertical separation between the bottom soil infiltrative surface and the periodically saturated soil and/or bedrock. When determining the vertical separation distance for existing at-grade or mound systems, a variance reduction of up to five (5) inches will be allowed to account for settling of sand or soil, normal variation of separation distance measurements, and interpretation of limiting layer conditions.
  - iii. The vertical separation measurement for 1) and 2) above shall be made outside the area of system influence but in an area of similar soil.
- c) Holding Tanks.** Holding tanks may be allowed for structures such as shops and other buildings with limited water use under the following conditions:
- i. The holding tank shall be installed, operated, maintained, and monitored in accordance with Minnesota Rules and this Section
  - ii. The owner shall maintain a valid contract with a licensed maintenance business to pump liquids and solids from the holding tank and transport septage to a licensed treatment facility or land apply septage as permitted under this Section prior to overflow or any discharge.

### 3. Variances

- a) Variance Requests. A property owner may request a variance from the standards as specified in Section 3-2 of this ordinance pursuant to county policies and procedures.
- b) Affected Agency. Variances that pertain to the standards and requirements of the State of Minnesota must be approved by the affected State Agency pursuant to the requirements of the State Agency.

**Subsection G: SSTS Permitting**

- 1. **Permit Required.** It is unlawful for any person to construct, install, modify, replace, or operate a SSTS without the appropriate permit from the department.
- 2. **Septic Permit.** A septic permit shall be obtained by the property owner or an agent of the property owner from the County prior to the installation, construction, replacement, modification, alteration, repair, or capacity expansion of a SSTS. The purpose of this permit is to ensure that the proposed construction activity is sited, designed, and constructed in accordance with the provisions of this Ordinance by appropriately certified and/or licensed practitioner(s).
  - a) **Activities Requiring a Septic Permit.** A septic permit is required for installation of a new SSTS, for replacement of an existing SSTS, or for any repair or replacement of components that will alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system’s design, layout, or function.
  - b) **Activities Not Requiring a Permit.** A septic permit is not required for minor repairs or replacements of system components that do not alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system’s design, layout, or function.
  - c) **Septic Permit Required to Obtain Land Use Permit.** For any new construction, addition or alteration of an existing structure for which a SSTS permit is required, approval and issuance of a valid SSTS Septic Permit, must be obtained.
  - d) **Conformance to Prevailing Requirements.** Any activity involving an existing system that requires a septic permit, shall require that the entire system be brought into compliance with this ordinance.
  - e) **Septic Permit Application Requirements.** Septic Permit applications shall be made on forms provided by the Department and shall include the following information:
    - i. Name, mailing address, and telephone number of property owner.
    - ii. Property Identification Number, address, and legal description of property.
    - iii. Site Evaluation Report as described in Minnesota Rules, Chapter 7080.1730

- iv. Design Report as described in Minnesota Rules, Chapter 7080.2430.
  - v. Management Plan as described in Minnesota Rules, Chapter 7082.0600.
  - vi. Name, mailing address, telephone number, and SSTS license number of the system designer and installer.
  - vii. Any other information requested by the Department that is pertinent to the application.
- f) Application Review and Response.** The Department shall review a permit application and supporting documents within 15 business days of its receipt.
- i. Upon satisfaction that the proposed plan and design information conform to the provisions of this section, the Department shall issue a septic permit authorizing construction of the SSTS as designed.
  - ii. In the event there is a significant change to the approved application, the designer must file an amended application to the Department detailing the changed conditions for review and approval or denial prior to initiating or continuing construction, modification, or operation. The Department shall complete the review of the amended application within 15 business days of its receipt.
  - iii. If the permit application is incomplete or does not meet the requirements of this section, the Department shall deny the application. A written notice of denial shall be provided to the applicant, which must state the reason for the denial.
- g) Appeal.** The applicant may appeal the Departments decision to deny the Septic Permit in accordance with the County’s established policies and appeal procedures.
- h) Permit Expiration.** The Septic Permit is valid for a period of no more than one year from its date of issue. Satisfactory completion of construction shall be determined following a final inspection by the Department. After the final inspection, a Certificate of Compliance will be issued to the property owner by the Department, if the construction or installation of the system was completed in reasonable conformance with the approved design.
- i) Extensions and Renewals.** The Department may grant an extension of the septic permit if the construction has commenced prior to the original expiration date of the permit. The permit may be extended for a period of no more than 12 months.
- j) Transferability.** A Septic Permit shall not be transferred to a new owner. The new owner must apply for a new Septic Permit in accordance with this section.
- k) Suspension or Revocation.** The Department may suspend or revoke a Septic Permit issued under this section for any false statements, misrepresentations of facts on which the Septic Permit was issued, or unauthorized changes to the system design that alter the original function of the system, change the treatment

capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function. A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the permit holder. If suspended or revoked, installation or modification of a treatment system may not commence or continue until a valid Septic Permit is obtained.

### **3. Operating Permit**

- a)** SSTS Requiring an Operating Permit. An Operating Permit shall be required of all owners of new holding tanks, MSTs, Types IV or V, or any other system deemed by the Department to require operational oversight. Sewage shall not be discharged to a holding tank or system until the Department has issued a Certificate of Compliance certifying that the holding tank or system was installed in substantial conformance with the approved design plans, and a valid Operating Permit is issued to the owner.
- b)** Operating Permit Application Requirements. Application for an Operating Permit shall be made on a form provided by the (DEPARTMENT) including:
  - i. Owner name, mailing address, telephone
  - ii. Parcel Identification number, address, and legal description of property
  - iii. Septic Permit number and date of issuance
  - iv. Final as-built drawings of the treatment system
  - v. Owners of holding tanks must submit to the Department a copy of a valid executed monitoring and disposal contract with a licensed maintenance business, which guarantees the removal of the holding tank contents in a timely manner that prevents an illegal discharge in accordance with Minnesota Rules, Chapter 7082.0100, Subp. 3G. This requirement is waived if the owner is a farmer who is exempt from licensing under Minnesota Statutes, section 115.56, subdivision 3, paragraph (b), clause (3).
  - vi. Any other information requested by the Department that is pertinent to the application.
- d)** Department Review and Approval. The Department shall review the design drawings, operation and maintenance manual, management plan, maintenance and servicing contract, and any other pertinent documents within 15 business days of their receipt. If any deficiencies are identified, the operating permit shall be denied. A written notice of the denial shall be sent by mail to the applicant stating all deficiencies that need to be corrected to the satisfaction of the Department prior to the issuance of an operating permit. If the submitted documents fulfill the requirements, the Department shall issue an operating permit within 10 business days of receipt of the permit application.

- e) **Operating Permit Terms and Conditions.** The Operating Permit shall include the following:
  - i. System operating requirements
  - ii. System monitoring requirements
  - iii. System maintenance requirements including maintenance schedule
  - iv. System compliance limits and boundaries
  - v. Reporting schedule
  - vi. Department notification requirements for non-compliant conditions
  - vii. Valid contract between the owner and a licensed maintenance business
  - viii. Disclosure of the location and condition of additional soil treatment and dispersal system site.
  - ix. Descriptions of acceptable and prohibited discharges.
- f) **Operating Permit Expiration and Renewal.** Operating Permits shall be valid for the specific term stated on the permit as determined by the Department. An Operating Permit shall be renewed in conformance with the application requirements as outlined in this section.
- g) **Amendments to Existing Permits not Allowed.** The Department may not amend an existing permit to reflect changes in this section until the permit term has expired and is renewed, unless an amendment is necessary to eliminate an imminent threat to public health or safety.
- h) **Operating Permit Transfers.** The operating permit may not be transferred. A new owner shall apply for an operating permit in accordance with subdivision G, subpart 3 of this section. The Department shall not terminate the current permit until 60 calendar days after the date of sale unless an imminent threat to public health and safety exists. To consider the new owner's application, the Department may require a performance inspection of the treatment system certified by a licensed inspector or qualified employee.
- i) **Operating Permit Suspension or Revocation.** The Department may suspend or revoke any operating permit issued under this section for any false statements or misrepresentations of facts on which the Operating Permit was issued. Notice of suspension or revocation and the reasons for this action taken shall be conveyed in writing to the owner. If suspended or revoked, the Department may require that the treatment system be removed from service, operated as a holding tank, or abandoned in accordance with Subdivision G, Subpart 4 of this section. At the Department's discretion, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.
- j) **Operating Permit Compliance Monitoring**

- i. Performance monitoring of a SSTS shall be performed according to the management plan and hired by the holder of the operating permit in accordance with the monitoring frequency and parameters stipulated in the permit.
- ii. A monitoring report shall be prepared and certified. The report shall be submitted to the Department on a form provided by the Department on or before the compliance reporting date stipulated in the operating permit. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described below:
  - a. Owner name, mailing address, and telephone number
  - b. Property address and legal description
  - c. Operating Permit and Septic Permit number
  - d. Average daily flow since last compliance monitoring report
  - e. Description of type of maintenance or repair, and date performed
  - f. Description of samples taken (if required), analytical laboratory used, and results of analyses
  - g. Problems noted with the system and actions proposed or taken to correct them
  - h. A certified statement signed by a licensed inspection business or licensed service provider who performed the work on the system

**4. Abandonment Certification**

- a) Purpose. The purpose of the System Abandonment Certification is to ensure that a treatment system no longer in service is abandoned within a reasonable time following decommissioning and in a manner that protects public health, safety and water quality. It also terminates all permits associated with the system.
- b) Abandonment Requirements
  - i. Whenever the use of a SSTS or any system component is discontinued as the result of a system repair, modification, replacement or decommissioning following connection to a municipal or private sanitary sewer, or condemnation or demolition of a building served by the system, further use of the system or any system component for any purpose under this Ordinance shall be prohibited.
  - ii. Continued use of an existing sewage tank where the tank is to become an integral part of a replacement system or a sewage treatment system requires certification of the tank by a licensed inspection business that the tank is watertight and in compliance with all applicable SSTS tank standards.

- iii. An owner of an SSTS must retain a licensed installation business to abandon all components of the treatment system whenever the use of a SSTS or any system component is discontinued. System abandonment shall be completed in accordance with Minnesota Rules, Chapter 7080.2500. No prior notification of the Department of an owner's intent to abandon a system is necessary.
- iv. A report of abandonment certified by the licensed installation business shall be submitted to the Department within 30 calendar days of the system abandonment. The report shall include:
  - a. Owner's name, mailing address, and telephone number
  - b. Property address
  - c. System septic permit and operating permit numbers
  - d. The reason(s) for abandonment
  - e. A brief description of the abandonment methods used, description of the system components removed or abandoned in place, and disposition of any materials or residuals.

**Subsection H: Management Plans**

1. **SSTS Requiring Management Plans.** Management plans are required for all new or replacement SSTS. The management plan shall be submitted to the Department with the septic permit application for review and approval. The Department shall be notified of any system modifications made during construction and the management plan revised and resubmitted with the as-built.
2. **Required Contents of a Management Plan.** Management plans shall include:
  - a) Operating requirements describing tasks that the owner can perform and tasks that a licensed service provider or maintainer must perform;
  - b) Monitoring requirements;
  - c) Maintenance requirements including maintenance procedures and a schedule for routine maintenance;
  - d) Statement that the owner is required to notify the Department when the management plan requirements are not being met;
  - e) Disclosure of the location and condition of the additional soil treatment and dispersal area on the owner's property or a property serving the owner's residence.
  - f) Other requirements as determined by the Department
3. **Requirements for Systems not Operated under a Management Plan.** Existing SSTS that are not operated under a management plan or operating permit must have treatment tanks inspected and provide for the removal of solids if needed every three

years. Solids must be removed when their accumulation meets the limit described in Minnesota Rules, Chapter 7080.2450.

### **Subsection I: Compliance Management**

**1. Public Education Outreach.** Programs shall be provided by the Department and/or others to increase public awareness and knowledge of SSTS. Programs may include distribution of educational materials through various forms of media and SSTS workshops focusing on SSTS planning, construction, operation, maintenance, and management.

### **2. Compliance Inspection Program**

**a) General Requirements.** SSTS compliance inspections must be performed:

- i. To ensure compliance with applicable requirements;
- ii. To ensure compliance before issuance of a landuse permit for a bedroom addition to the existing dwelling
- iii. For an evaluation, investigation, inspection, recommendation, or other process used to prepare a disclosure statement if conducted by a party who is not the SSTS owner. Such an inspection constitutes a compliance inspection and shall be conducted in accordance with Minnesota Rules, Chapter 7082.0700 using the SSTS inspection report forms provided by MPCA.
- iv. All compliance inspections must be performed and signed by licensed inspection businesses or qualified employees certified as inspectors.
- v. It is the responsibility of the installer to notify the Department at least 2 business days prior to any permitted work on the SST. The installer shall confirm the inspection time with the Department the morning of the business day of the scheduled inspection.
- vi. The installation and construction of the SSTS shall be in accordance with the approved construction permit requirements and design. If any SSTS component is covered before being inspected by the Department, it shall be uncovered upon the direction of the Department. Proposals to alter the design shall be reviewed and approved by the Department prior to construction. An inspection shall be conducted at least one during the construction of the SSTS at such time to assure that the system has been constructed per submitted and approved design.
- vii. If the installer provides proper notice as described above and the Department does not appear for an inspection within two hours after the time set for an inspection, the installer may complete the installation if photographs are taken during each phase of the installation process and are submitted to the Department within 15 days of installation completion.

- viii. The Department shall be given access to enter a property at any reasonable time to inspect and/or monitor the SSTS system.
- ix. No person shall hinder or otherwise interfere with the Department's employees in the performance of their duties and responsibilities pursuant to this ordinance. Refusal to allow reasonable access to the property by the Department shall be deemed a separate and distinct offense.
- x. As-Built drawings shall be submitted to the Department within 15 business days of completion of the work on the SSTS.
- xi. Neither the issuance of permits, Certificates of Compliance, nor notices of non compliance as requested or issued shall be construed to represent a guarantee or warranty of the system's operation or effectiveness. Such certificates signify that the system in question is or has been designed and installed in compliance or non compliance with the provisions of these standards and regulations.

### **3. New Construction or Replacement**

- a) Compliance inspections must be performed on new or replacement SSTS to determine compliance with Minnesota Rules, Chapters 7080 or 7081. SSTS found to be noncompliant with other applicable requirements must be repaired or replaced according to the Department's requirements.
- b) Certificate of Compliance for new SSTS construction or replacement, which shall be valid for 5 years, shall be issued by the Department certifying that the SSTS system was installed in accordance with the applicable requirements as specified in the approved septic design plans.
- c) The certificate of compliance must include a certified statement by the certified inspector or qualified employee who conducted the inspection that the SSTS is or is not in compliance with the ordinance requirements. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must be issued to the owner which includes a statement specifying those ordinance provisions with which the SSTS does not comply.
- d) The certificate of compliance or notice of noncompliance must be submitted to the Department no later than 15 business days after the date the inspection was performed. The Department shall deliver the certificate of compliance or notice of noncompliance to the owner or the owner's agent within 15 business days of receipt from the certified inspector. No SSTS shall be placed into operation until a valid certificated of compliance has been issued.

### **4. Existing Systems**

- a) Compliance inspections shall be required when any of the following conditions occur:
  - i. When a construction permit is required to repair, modify, or upgrade an existing system;

- ii. Any time there is a bedroom addition to an existing dwelling;
- iii. Any time there is a change in use of the building or property being served by an existing SSTS which may impact the performance of the system;
- iv. At any time as required by this ordinance or the Department deems appropriate such as upon receipt of a complaint or other notice of a system malfunction.
- v. A compliance inspection shall be conducted or valid certificate of compliance shall be presented prior to the transfer of ownership of property located in Pipestone County that require a Certificate of Real Estate Value (CRV) as per Minn. Stat. §272.115. Compliance inspections are not required under the following conditions:
  - a) Both parties have signed an agreement stating who will be responsible for the system upgrade within the next 12 months. This agreement must be filed with the Pipestone County Environmental Office before transfer of property.
  - b) Transfer between spouses.
  - c) Dwelling is abandoned and considered uninhabitable.
  - d) Transfer where the Grantor reserves a Life Estate to said property.
  - e) Transfer from Grantor to a Trust wherein the Grantor is the Settlor and/or Trustee of said Trust and the Trust is for the benefit of Grantor and Grantor has the legal right to occupy said property.
- a) Transfer involving property having an approved septic system design by the Environmental Office for a Sanitary Sewer District.
- b) Transfer of land in fulfillment of a contract for deed executed on or before April 1, 2006.
- c) Transfer of land without buildings with plumbing fixtures.
- d) Transfer of land not requiring the filing of a certificate of real estate value with the County Auditor as per Minn. Stat. §272.115 and any amendments thereto.
- e) Transfer of land connected to a municipal wastewater treatment system.

- f) Transfer by a decree of marriage dissolution or any deed or other instrument between the parties to the dissolution made pursuant to the terms of the decree.
  - g) Transfer by a personal representative's deed of distribution.
  - h) Transfer by a decree of distribution or order for distribution in a probate proceeding.
- b)** Compliance inspections of existing SSTS shall be reported on the inspection report forms provided by MPCA. The following conditions, must be assessed, or verified:
- i. A water tightness assessment of all sewage tanks including a leakage report;
  - ii. Vertical separation distance between the bottom of the soil treatment and dispersal system and the periodically saturated soil or bedrock including a vertical separation verification report. A vertical separation report shall include verifications by two independent parties which may be a licensed inspection business, a certified inspector, and/or a verifying inspectors, the disputing parties must follow the dispute resolution procedure described in Minnesota Rules, chapter 7082.0700, Subpart 5;
  - iii. The presence of sewage backup, surface seepage, or surface discharge including a hydraulic function report, which states the methods used to make the assessment.
- c)** The certificate of compliance for an existing SSTS, must include a certified statement by a licensed inspection business, indicating whether the SSTS is in compliance with all applicable requirements. If the SSTS is determined not to be in compliance, a notice of noncompliance must include a statement specifying those requirements with which the SSTS does not comply
- d)** The certificate of compliance or notice of noncompliance must be submitted to the Department no later than 15 business days after the date the inspection was performed. The Department shall deliver the certificate of compliance or notice of noncompliance to the owner or the owner's agent within 15 business days of receipt from the licensed inspection business.
- e)** Certificates of compliance for existing SSTS shall remain valid for 3 years from the date of issue unless the Department finds evidence of noncompliance.

**Subsection J: Enforcement**

**1. Violations**

- a)** Cause to Issue a Notice of Violation. Any person, firm, agent, or corporation who violates any of the provisions of this Ordinance, or who fails, neglects, or refuses

to comply with the provisions of this Ordinance, including violations of conditions and safeguards, or who knowingly makes any material false statement or knowing omission in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable as defined by Minnesota State Statutes. Each day that a violation exists shall constitute a separate offense.

- b) Notice of Violation.** The Department shall serve, in person or by mail, a notice of violation to any person determined to be violating provisions of this Ordinance. The notice of violation shall contain:
  - i. A statement documenting the findings of fact determined through observations, inspections, or investigations;
  - ii. A list of specific violation(s) of this Ordinance
  - iii. A list of specific requirements for correction or removal of the specified violation(s);
  - iv. A mandatory time schedule for correction, removal and compliance with this ordinance.
- c) State Notification of Violation.** In accordance with state law, the Department shall notify the MPCA of any inspection, installation, design, construction, alteration or repair of an SSTS by a licensed/certified person or any septage removal by a licensed maintenance business or a certified maintainer that is performed in violation of the provisions of this Ordinance.

#### **Subdivision K: Record Keeping**

- a) Current Records.** The County shall maintain a current record of all permitted systems. The record shall contain all permit applications, issued permits, fees assessed, variance requests, certificates of compliance, notices of noncompliance, enforcement proceedings, and other records relevant to each system.
- b) Annual Report.** The department shall provide an annual report of SSTS permitting activities to MPCA no later than February 1 for the previous calendar year.

## SECTION 5-14: PARKING AND LOADING REGULATIONS

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

- A. Minimum Size Regulations - Each space shall contain a minimum area of not less than three (300) hundred square feet, including access drives, a width of not less than eight and one-half (8 1/2) feet and a depth of not less than twenty (20) feet. Each space shall be adequately served by access drives. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicles they are designed to serve.
- B. 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.
- C. Computing Requirements - In computing the number of such parking spaces required, the following rules shall govern:
  - 1. Floor space shall mean the gross floor area of the specific use.
  - 2. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.
  - 3. 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.
- D. Surfacing and Drainage - On-site parking areas shall be improved with a durable and dustless surface. Such area shall be so graded and drained as to dispose of all surface water accumulation within the area. In the (NES) and (SP) zones such drainage disposal shall be approved by the appropriate Soil and Water Conservation Districts. These requirements shall also apply to open sales lots for cars, trucks, and other equipment. Parking and driveway areas located within thirty-five (35) feet of the street pavement shall have curbs.
- E. Sale of Parking Areas - Property that constitutes required off-street parking area may not be separated, through sales or other means, from the property containing the principal use for which the parking area is required.

F. Yards:

1. On-site parking and loading facilities shall not be subject to the front yard, side yard and rear yard regulations for the use district in which parking is located, except that:
    2. In a BUSINESS DISTRICT and INDUSTRY 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, or any RURAL RESIDENCE or AGRICULTURE DISTRICT except for railroad loading areas.
- G. Buffer Fences and Planting Screens - On-site parking and loading areas near or abutting RURAL RESIDENCE DISTRICTS shall be screened by a buffer fence of adequate design or a planting buffer screen; plans of such screen or fence shall be submitted for approval as a part of the required site or plot plan, and such fence or landscaping shall be installed as a part of the initial construction.
- H. Access:
1. Parking and loading space shall have proper access from a public right-of-way.
  2. The number and width of access drives shall be so located as to minimize traffic congestion and abnormal traffic hazard.
  3. Vehicular access to business or industrial uses across property in any RURAL RESIDENCE DISTRICT shall be prohibited.
- I. 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 a BUSINESS DISTRICT and in an INDUSTRY DISTRICT, provided that the total number of spaces shall equal the sum of the requirements for each building or use.
- J. Lighting - Lighting shall be reflected away from the public right-of-way and nearby or adjacent RURAL RESIDENCE or AGRICULTURE DISTRICTS.
- K. Required Site Plan - Any application for a building permit shall include a site plan or plot plan drawn to scale and dimensioned, showing on-site parking and loading space to be provided in compliance with this Ordinance.
- L. 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:

Land Use	Number of Parking Spaces	Unit of Measure/ Gross Area
1. Residential Dwelling Units	2	Unit
2. Offices and Service, research or testing uses	1	500 sq. ft.
3. Automotive, trailer or marine sales and service	1	500 sq. Ft.
4. Public and Parochial Schools	2	Classroom
5. Public or Religious assembly, auditoriums or exhibition halls	1	4 seats in main seating area
6. Automotive Service Stations	4+2	Service bay
7. Bowling Alleys	5	Bowling lane
8. Public and Private Athletic Clubs	20+1	500 sq. ft. in main building
9. Fast food and Commercial	20+1	50 sq. ft.
10. Recreation		
11. Motel or hotel	1	Rental sleeping unit
12. Restaurant, cafe or night club	1	75 sq. ft. customer area
13. Retail sales and service Establishment	1	100 sq. ft. customer area
14. Storage, wholesale and warehousing	the greater of 1 space per each 2 a) employees on a major shift or 1 sp. per b) each 2,000 sq. ft.	
15. Manufacturing and Processing	the greater of 1 space per each 2 a) employees on a major shift or 1 space b) per each 1,000 sq. ft.	

In addition to the above requirements, company vehicles normally kept on the premises shall be provided an additional space. Loading and unloading areas for goods, supplies and services shall be sufficient to meet the requirements for each use.

**SECTION 5-15: ROADWAY SETBACKS and ACCESS MANAGEMENT**

To maximize safety and to adhere to the goals and objectives set forth in the Pipestone County Comprehensive Plan, all new access points onto roadways must be approved by the Pipestone County Highway Engineer. In general, new developments will be discouraged to have direct access points onto the County’s major roadways if reasonable alternatives exist. This can be accomplished through having access points along side roads and through the use of frontage and backage roads where necessary.

1. The following access management provisions will guide all land use decisions:

Road Jurisdiction:	Set Back from center	Access no closer of roadway:than: *
A. Township highways	100’	1 per 650’
B. County maintained highways	100’	1 per 650’
C. County State Aid highways	125’	1 per 650’
D. State and US highways	150’	Default to Mn/Dot

\*Does not apply to field entrances with seasonal ingress/egress.

2. Access shall be limited to secondary highways when possible.
3. Access shall be no closer than 325’ from intersections.

## **SECTION 5-16: ENVIRONMENTAL REVIEW PROGRAM**

### **A. ADOPTION BY REFERENCE OF STATE REGULATIONS**

The provisions of the rules for the Environmental Review Program, MN Rules Chapter 4410, are hereby adopted, together with the other provisions of this Ordinance, as the environmental review operating procedures Pipestone County will follow in implementing the provisions of Minnesota Statutes Chapter 116 D relating to the Environmental Review Program and any rules adopted thereunder by the Minnesota Environmental Quality Board. All terms used in this Ordinance shall have the same meaning as the terms used in Chapter 116D and the rules adopted thereunder.

### **B. COST OF PREPARATION AND REVIEW**

1. Information to be provided. The applicant for a Zoning Certificate for any action for which environmental documents are required either by state law or rules by the County Board shall supply in the manner prescribed by the Pipestone County Zoning Administrator all unprivileged data or information reasonably requested by the County that the applicant has in his possession or to which he has reasonable access.
2. Environmental Assessment Worksheets. The applicant for a Zoning Certificate for any action for which an environmental assessment worksheet (EAW) is required either by state law or rules or by the County Board shall pay all costs of preparation and review of the EAW, and upon the request of and in the manner prescribed by the County Zoning Administrator shall prepare a draft EAW and supply all information necessary to complete that document.
3. Environmental Impact Statement. The County and the applicant for a Zoning Certificate for any action for which an environmental impact statement (EIS) is required shall comply with the provisions of the Rules Governing Assessment of Costs for Environmental Impact Statements, MN Rules Chapter 4410.6000-6500, unless the applicant and the County Board provide otherwise by a written agreement.
4. Payment of Costs. No Zoning Certificate for an action for which an EAW or an EIS is required shall be issued until all costs of preparation and review which are to be paid by the applicant are paid, and all information required is supplied, and until the environmental review process has been completed as provided in this Ordinance and the rules adopted by reference by this Ordinance, and pursuant to any written agreement entered into by the applicant for the Zoning Certificate or Certificates and the County Board under the provisions of Paragraph 5 of this Subdivision.

5. Agreements Concerning Cost of Preparation and Review. The applicants for a Zoning Certificate for any action for which an EAW or EIS is required and the County Board may, in writing, agree as to a different division of the costs of preparation and review of any EAW or EIS as provided in MN Rules Chapter 4410.6410.

### **C. ADMINISTRATION**

1. The County Zoning Administrator shall be the person responsible for the administration of the Environmental Review Program, this Ordinance, and the rules adopted by reference by this Ordinance.
2. The County Zoning Administrator shall be responsible for determining whether an action for which a permit is required is an action for which an EAW is mandatory under MN Rules Chapter 4410. The Zoning Administrator shall also determine those proposed actions for which an optional EAW may be required under the provisions of this Ordinance and shall notify the Planning Commission and the County Board of these proposed actions.
3. All EAW's and EIS's shall be prepared under the supervision of the County Zoning Administrator and the Planning Commission and reviewed and approved by the County Board.
4. When reviewing an EAW or EIS, the County Zoning Administrator and the Planning Commission may suggest design alterations which would lessen the environmental impact of the action. The County Board may require these design alterations to be made a condition for issuing the Zoning Certificate when it finds that the design alterations are necessary to lessen the environmental impact of the action.
5. After an EAW is prepared, the Planning Commission shall review the EAW and recommend to the County Board whether or not it should require the preparation of an EIS. The County Board shall require an EIS when it finds under MN Rules Chapter 4410, that an action is major and has potential for significant environmental effects.

### **D. OPTIONAL ENVIRONMENTAL WORKSHEET**

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

1. Is the action to be in or near an area that is considered to be environmentally sensitive or aesthetically pleasing?
2. Is the action likely to have disruptive effects such as generating traffic and noise?

3. Are there public questions or controversy concerning the environment?

#### **E. ENFORCEMENT AND PENALTY**

1. No Zoning Certificate shall be issued for a project for which environmental documents are required until the entire environmental review procedures established by this Ordinance are completed.
2. Any person who violates any provision of this Ordinance shall be guilty of a full misdemeanor and, upon conviction thereof, shall be subject to a fine and/or imprisonment as provided by law. Each day that a violation is permitted to exist, shall constitute a separate offense.
3. No work shall commence and any work in progress on any project for which environmental documents are required shall cease until the environmental review procedures established by this Ordinance are fully complied with.

**APPENDIX:  
TABULATION OF PROVISIONS**

<b>Zoning Districts</b>	<b><u>A</u></b>	<b><u>UE</u></b>	<b><u>RA</u></b>	<b><u>NES</u></b>	<b><u>SP</u></b>	<b><u>HC</u></b>	<b><u>I</u></b>
<b>Maximum Building Height</b>							
1. Allowable Stories						4	3
2. Height in Feet		25'	25'	25'	25'	45'	35'
<b>Lot Area</b>						2 acres	18,000 s.f.
1. Single Family	2 acres	35 acres	40,000 s.f.	80,000 s.f.	2 acres	10 acres	10,000 s.f.
2. Two Family							
3. Multiple Family							
4. Mobile Home Park							
<b>Lot Width at Building Setback Line</b>						200'	100'
1. From Street R/W							
a. Single Family	175'	175'	100'	200'	175'		
b. Two Family	175'	175'	100'				
c. Multiple Family							
2. Shoreland							
<b>Maximum Lot Depth</b>	175'	175'	250'	300'	175'	200'	150'
1. Shoreland							
<b>Maximum Lot Coverage</b>						40%	
1. Shoreland				25%			
<b>Minimum Yard Setback for Structures</b>							
1. Front						100'	50'
a. State & Federal Hwy Center Line	150'	150'	150'	150'	150'		
b. County State Aid Hwy Center Line	125'	125'	125'	125'	125'		
c. County maintained highways Center Line	100'	100'	100'	100'	100'		
c. Township highway center line or other R/W	100'	100'	100'	40'	70'		
2. Side Yard	10% of width but not more than 30'	10% of width but not more than 30'	10'	20'	10% of width but not more than 30'	10'	20'
3. Rear Yard	30'	30'	30'		30'	20'	40'
a. Shoreland				200'	200'		