

Blue Earth County Zoning Ordinance Excerpts

Chapter 24 - ZONING ^[25]

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ARTICLE I. - IN GENERAL

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Sec. 24-1. - Purpose of chapter.

(a)

This chapter is for the purpose of, and pursuant to the authority conferred by the state in Minn. Stats. § 394.21 et seq.:

(1)

To promote and protect the health, safety and general welfare. To prevent the overcrowding of the land and undue congestion of population, by providing adequate light, air and convenience of access to property, by regulating the use of land, buildings and the bulk of structures in relationship to surrounding properties.

(2)

To provide for the orderly development of the county. To protect and conserve the character and the social and economic stability of agricultural, residential, commercial, industrial and other use areas in the county and promote their orderly development.

(3)

To ensure the appropriate use of land. To secure the most appropriate use of land within the county.

(4)

To ensure adequate utilities and transportation. To facilitate adequate and economical provision of transportation, water supply and sewage disposal.

(5)

To ensure adequate public facilities. To provide for general location of schools, recreation facilities and other public requirements.

(6)

To ensure the conservation of natural resources. To provide policy and regulations to conserve the natural resources of the county.

(7)

To prevent pollution. To provide policy and regulations to minimize the potential for environmental pollution.

(b)

The purpose of this chapter is to promote the health, safety and general welfare of the unincorporated areas of the county by:

(1)

Regulating the use of land and building for trade, commerce, industry, residence and other purposes;

(2)

Regulating water supply and sewage disposal facilities;

(3)

Ensuring that new development does not increase the runoff rate or degrade water quality leaving the property;

(4)

Establishing standards for the height and size of buildings, the size of yards, courts and other open spaces and the density of populations;

(5)

Creating districts for such purposes and establishing the boundaries thereof; by providing for changes in regulations, restrictions and boundaries of such districts; by defining certain terms used in this chapter; and

(6)

Providing for enforcement and administration, imposing penalties for the violation of this chapter.

(Ord. No. 100, § 1, 6-8-1996)

Sec. 24-2. - Title and short title.

(a)

Title. Provided by Minn. Stats. §§ 394.21 to 394.37 inclusive, the board of commissioners ordains this chapter (the Blue Earth County Land Use Ordinance).

(b)

Short title. This chapter shall be known and may be cited and referred to as the "Blue Earth County Land Use Ordinance." When referred to in this chapter, it shall be known as this chapter.

Sec. 24-3. - Definitions and word usage.

(a)

Word usage. The word "building" shall include the word "structure"; the word "lot" shall include the words "parcel" and "plot."

(b)

Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building means a secondary building which is located on the same lot as the main building and the use of which is clearly incidental to the use of the main building.

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

Agriculture means the cultivation of the soil and activities incidental thereto; the growing of soil crops in the customary manner on open tracts of land or other growing methods; the accessory raising of livestock and poultry. The term shall include incidental retail selling by the producer of products raised on the premises.

Animal unit (A.U.) means a unit of measure used to compare differences in the production of animal manures that employs as a standard the amount of manure produced on a regular basis by a 1,000-pound slaughter steer or heifer.

Billiards hall means a use in which at all times 51 percent of the gross floor area is dedicated to the playing of billiards or pool.

Bluff means a topographic feature such as a hill, cliff, or embankment meeting the following criteria.

(1)

The slope rises at least 15 feet from the toe of the bluff to the top of the bluff.

(2)

The grade of the slope from the toe of the bluff to the top of the bluff averages 30 percent or greater.

Bluff, toe means the lower point of a bluff where the slope averages less than 18 percent.

Bluff, top means the higher point of a bluff where the slope averages less than 18 percent.

Bluff impact zone means land located within 20 feet from the top of a bluff.

Buildable lot means a lot of record, or other lot, tract or parcel legally recorded with the county recorder that meets the requirements of this chapter and which has frontage on an improved and maintained public road, or an approved and maintained private road or easement. An outlot is not a buildable lot.

Building means a structure for the shelter, support or enclosure of persons, animals, chattel or property of any kind.

Building height means the vertical distance from the average of the highest and lowest point of that portion of the lot covered by the building to the deck line of mansard roofs, or to the mean height between eaves and ridge for all other roofs.

Building setback line means a line within a lot defining the minimum distance between the building and property line in which buildings or structures may not be placed.

Bulk and density controls means those regulations or controls which specify the setback lines, lot size, building height, maximum ground coverage, lot width and lot depth.

Common interest community or condominium means contiguous or noncontiguous real estate within the state that is subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership of occupancy, to pay for real estate taxes levied against; insurance premiums payable with respect to; maintenance of; or construction, maintenance, repair or replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies (hereafter referred to as a "CIC").

(1)

Condominium. A CIC in which portions of the real estate are designated as units, the remainder of the real estate is designated for common ownership solely by the owners of the units, and undivided interests in the common elements are vested in the unit owners.

(2)

Cooperative. A CIC in which the real estate is owned by an association each of whose members is entitled by virtue of the member's ownership interest in the association to a proprietary lease.

(3)

Flexible CIC. A CIC to which additional real estate may be added.

(4)

Leasehold CIC. A CIC in which all or a portion of the real estate is subject to a lease the expiration of which will terminate the CIC or reduce its size.

(5)

Planned community. A CIC that is not a condominium or a cooperative. A condominium or cooperative may be part of a planned community.

Community sewer system means a system of sewage collection and treatment serving a group of building lots with the design and construction approved by the county and the state.

Community water system means a source of water and/or a water distribution system serving a group of building lots with the design and construction of such systems as approved by the county and the state.

Conditional use means a land use as defined by this chapter that would not be generally appropriate, but may be allowed with restrictions which are site and use specific as provided by official controls upon a finding fact that:

(1)

Certain conditions as detailed in this chapter exist.

(2)

The use or development conforms to the land use plan of the county.

(3)

The use is compatible with the existing neighborhood.

Conditional use permit means a permit issued by the board of commissioners in accordance with procedures specified in this chapter which would enable the board of commissioners to assign site specific conditions and dimensions to a proposed use.

Construction permit means a permit issued by the zoning administrator in pursuant to procedures specified in this chapter for the purpose of moving, altering or constructing a structure in the county.

County recorder means the Blue Earth County Recorder when referred to in this chapter.

Demolition landfill means a land disposal site employing an engineered method of disposing of demolition solid waste on land in a manner that minimizes environmental hazards as may be required by the county and the state.

Depth of rear yard means the average horizontal distance between the rear line of the building and the centerline of an alley, where an alley exists, otherwise a rear lot line.

District means a section of the county for which the regulations governing the height, area, density, bulk, and use of buildings and premises are the same as delineated on the land use district map.

Dwelling means a building or its portion, designed exclusively for residential occupancy; the term does not include motels, tents, tent trailers, travel trailers or recreational vehicles.

Dwelling, multiple means a dwelling designed exclusively for occupancy by two or more families living independently of each other. The term includes double bungalows and duplexes.

Dwelling, single-family means a detached building designed exclusively for occupancy by one family.

Essential services means overhead or underground electric, gas, communication, hydrocarbon, steam or water transmission or distribution systems and structures, by public utilities or governmental departments, or as are required for protection of the public health, safety or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection herewith, but not including buildings.

Family means any number of individuals related by blood, marriage, adoption or foster care, or not more than five persons not so related, maintaining a common household and using common cooking and kitchen facilities.

Family, immediate means persons related by blood, marriage or certified legal instrument.

Feedlot means a lot or building, or combination of contiguous 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 purposes of these parts, open lots used for feeding and

rearing of poultry (poultry ranges) and barns, dairy farms, swine facilities, beef lots and barns, horse stalls, mink ranches and domesticated animal zoos, shall be considered to be animal feedlots. Pastures shall not be considered to be animal feedlots.

Firing range, indoor means a target range used for target shooting, training, or for any other use involving the discharge of handguns or other firearms, which is open to members or the general public upon payment of a fee, and which is located within the confines of a building.

Firing range, outdoor, means a range used for target, trap or skeet shooting, training or for any other use involving the discharge of handguns or other firearms, which is open to members or the general public upon payment of a fee.

Floor area gross means the sum of the gross horizontal areas of the several floors of a building, measured from the exterior walls, from the exterior faces of exterior walls, or from the centerline of party walls separating two buildings; the term does not include basements used for storage purposes or enclosed spaces used for off-street parking.

Garage, private, means an accessory building or accessory portion of a principal building designed and used for the storage of private passenger vehicles by the occupants of the principal building, and in which no business service or industry is conducted.

Garage, public, means any structure except those described as a private garage, used for the storage or care of vehicles, or where any such vehicles are equipped for operation, repair, or are kept for enumeration, hire or sale, and in which no business service or industry is conducted.

Hazardous byproduct means any waste that cannot be handled by routine management techniques due to the potential harm to man or the environment. Categories include, but are not limited to, flammables, oxidizers, poisons, irritants and corrosives.

Home occupation means any occupation of a service character for others which is clearly secondary to the main use of the premises as a dwelling place and as set forth in [section 24-308](#).

Junkyard means land or buildings where waste, discarded or salvaged materials are bought, sold, exchanged, stored, cleaned, packed, disassembled or handled including, but not limited to, scrap metal, rags, paper, rubber products, glass products, lumber products, and products resulting from the wrecking of automobiles or other vehicles. The unenclosed storage of three or more inoperable and/or unlicensed vehicles or major appliances for a period of three months shall constitute a junkyard.

Kenel means a place where four or more dogs and four or more cats, or a combination of both, over four months of age are boarded, bred or offered for sale.

Land use development application means, but is not limited to, applications for the following: construction permits, demolition permits, vegetative alteration permits, topographic alterations permits, conditional use permits, amendments to this chapter, variances from the provisions of this chapter, and the subdivision of real estate. The application is not complete and will not be accepted by the zoning administrator unless all fees are paid, preliminary reviews and approvals completed, submitted with associated supporting information and documents, and such other information as required by the zoning administrator.

Lot means a parcel of land occupied or to be occupied by a principal structure or group of structures and accessory structures, together with such yards, open spaces, lot width and lot area as are required by this chapter, and having the required frontage upon a street, either shown and identified by lot number on a plat of record, or considered as a unit of property and described by metes and bounds.

Lot area means the area located within the lot lines. The lot area must conform to lot area standards as stated in this chapter. Contiguous lot area must be free from rights-of-way, waterways, easements, ravines or other physical features which would preclude use of the required lot area.

Lot area per family means the lot area required by this chapter to be provided for each family in a dwelling.

Lot, corner means a lot situated at the junction of, and abutting, intersecting streets.

Lot, depth means the shortest horizontal distance between the front line and the rear lot line measured at a 90-degree angle from the street right-of-way and within the lot boundaries.

Lot frontage, front means that portion of a lot boundary abutting the street right-of-way from which the lot is addressed.

Lot, width means the shortest distance between the lot lines measured at the building setback line and right angles to the lot depth.

Lot, multiple frontage means a lot having frontage on two or more streets.

Lot lines means the lines bounding a lot.

Motel, hotel means a building or group of buildings used primarily for the temporary residence of motorists or travelers.

Manufactured home means a structure, transportable in one or more sections, which in the transportable mode is eight body feet or more in width or 40 body feet or more in length, or when erected on a site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets the requirements with respect to which the manufacturer voluntarily files a certificate required by the secretary and complies with the standards established under Minn. Stats. ch. 327.

Manufactured home, derelict means any pre-code manufactured home or manufactured home that no longer complies with the Minnesota Manufactured Home Code. This definition is applicable when said manufactured home is parked, stored, or abandoned and when it is no longer fit for (or being used for) human habitation.

Manufactured home park means a contiguous parcel of land which has been planned for the placement of two or more manufactured homes or manufactured home lots.

Nonconforming uses means a use lawfully in existence on June 8, 1996, and not conforming to the regulations for the district in which it is situated.

Nonfarm uses means any use which is not an agricultural use as defined in this chapter or which is not accessory to an agricultural use.

Official land use district map and *official zoning map* shall have the same meaning and force of law.

Open space means land areas which are undeveloped and left in their natural states.

Outlot means open space included in a plat, labeled "outlot," and not intended for use as a buildable lot.

Owner or property owner means the fee owner of land, or the beneficial owner of land, whose interest is primarily one of ownership or possession and enjoyment in contemplation of ultimate ownership. The term includes, but is not limited to, mortgagees and vendees under a contract for deed.

Person means any individual, firm, partnership, corporation, company, association, joint stock association or body politic. The term also includes any trustee, receiver, assignee or other similar representative thereof.

Planned unit development means a large lot or tract of land developed as a unit rather than as individual development wherein two or more buildings, or compatible land uses, may be located in relationship to each other rather than to lot lines or land use district boundaries.

Planning agency means the organization of the planning commission or the planning department.

Planning commission means the county planning commission.

Planning director, land use and natural resources administrator, zoning administrator or planner means the county planning director.

Permitted use means a public or private use which of itself conforms with the purposes, objectives, requirements, regulations and performance standards of a particular land use district.

Quarry means any pit or excavation made for the purpose of searching for or removal of any soil, earth, clay, sand, gravel, limestone or other nonmetallic minerals.

Quarter/quarter section means a division of a section of land according to the rules of the original United States Government Public Land Survey containing approximately 40 acres.

Road means a public right-of-way or private street affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place, or however otherwise designated.

Rural townsite means a small, developed, (preordinance, existing prior to the land use ordinance) rural community recognized and assigned specific land use zoning by the county land use map. Established rural townsites include: Beauford Townsite, Butternut Townsite, Cambria Townsite, Garden City Townsite, Judson Townsite, Rapidan Townsite, Smith's Mill Townsite, and the area of small lots within LeHillier and South Bend Townsites which are encompassed by the zoning insert in the county zoning map.

Seasonal cabin means an existing dwelling unit that is not permanently occupied as a family residence during any entire year and that is designed to be used for only a few months each year.

Solid waste landfill means a land disposal site employing an engineered method of disposing of solid waste in a manner that minimizes environmental hazards.

Setback means the minimum horizontal distance between a building and the centerline of a road or a lot line.

Screening means the use of plant material, fences or earthen berm to partially conceal and separate a land use from the surrounding land uses.

Shoreland means land located within the following distances from public waters:

(1)

One thousand feet from the normal high water mark of a lake, pond or flowage; and

(2)

Three hundred feet from a river or stream; or

(3)

The landward extension of a designated floodplain, 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 commissioner of the department of natural resources and the county commissioners.

Story means 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. If the finished floor level directly above a basement or cellar or unused under floor space is more than six feet above grade for more than 50 percent of its perimeter, or is more than 12 feet above grade any point, such basement, cellar or unused under floor space is a story.

Structure means anything constructed or erected, the use of which requires permanent location on the ground, or having permanent location on the ground, including advertising devices or other construction or erection with special function or form, except fences and walks.

Structural alterations means any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Tower, commercial wireless communications means a structure, privately or publicly owned, used for commercial purposes, upon which radio, television, cellular telecommunications, personal communication services, or other communication antennas and/or equipment of a similar nature is mounted, excluding towers used for business band, citizen's band, amateur radio, personal television reception antennas, or other similar personal uses.

Travel trailer means a vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified as a travel trailer by the manufacturer of the trailer.

Use means the purpose for which land or premises or a building thereon is designated, arranged or intended, or for which it is or may be occupied or maintained.

Vacation means the act of relinquishing a recorded dedication or easement as in a street right-of-way, utility easement, etc.

Variance means the waiving by the board of adjustment of the literal provisions of this chapter in cases where their strict enforcement would cause undue hardship because of physical circumstances unique to the individual property involved. Variances shall be limited to height, bulk, density and yard requirements.

Wind energy conversion system or WECS means any device, such as a wind charger, windmill, or wind turbine and associated facilities that convert wind energy to electrical energy.

Wind energy conversion system (WECS), commercial means a WECS or combination of WECS that is designed to have a capacity in excess of the amount needed for residential and agricultural uses and that has a combined nameplate capacity of 125 KW or more.

Wind energy conversion system (WECS), non-commercial means a WECS or combination of WECS that is designed to have a capacity for residential and agricultural uses and has a combined nameplate capacity of less than 125 KW.

Yard means any space in the same lot with a building open and unobstructed from the ground to the sky.

Yard, front, means the area extending across the front of the lot between the side yard lines and lying between the centerline of the road or highway, and the nearest line of the building.

Yard, rear, means a space unoccupied, except for an accessory building, between the rear lines of the principal building and the rear line of the lot, for the full width of the lot.

Yard, side, means an open unoccupied space on a lot between the main building and the side line of the lot, extending from the front to the rear of the main building.

Zoning administrator means the person designated by the county to administer and enforce this chapter.

Zoning ordinance and land use ordinance shall have the same meaning and force of law.

(Ord. No. 100, § 4, 6-8-1996; Ord. of 2-17-1998; Ord. of 3-24-1998; Ord. of 5-28-1998; Ord. of 8-18-1998; Ord. of 11-24-1998; Ord. of 5-28-1999; Ord. of 8-21-2001, § 1; Ord. of 10-23-2001, § 1; Ord. of 2-25-2003, § 3; Ord. of 4-22-2003; Ord. of 3-25-2003, § 1)

Cross reference— Definitions generally, [§ 1-2](#)

Sec. 24-4. - Jurisdiction of chapter provisions.

The jurisdiction of this chapter shall apply to all the areas of the county outside the incorporated limits of municipalities, and within the boundaries of any municipality which chooses to come under the jurisdiction of this chapter.

(Ord. No. 100, § 3, 6-8-1996)

Sec. 24-5. - Scope of chapter.

From and after June 8, 1996, no structure may be erected, constructed, enlarged, reconstructed or altered, and no structure or land may be used or occupied for any purpose nor in any manner which is not in conformity with this chapter.

(Ord. No. 100, § 3, 6-8-1996)

Sec. 24-6. - Interpretation of chapter provisions.

When interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

(Ord. No. 100, § 3, 6-8-1996)

Sec. 24-7. - Abrogation of greater restrictions.

Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this chapter, the provisions of such statute, other ordinance or regulation shall be controlling.

(Ord. No. 100, § 3, 6-8-1996)

Sec. 24-8. - Relation to land use plan.

It is the policy of the board of commissioners that the enactment, amendment and administration of this chapter be accomplished with due consideration of the purposes and objectives of the county land use plan, as adopted or approved and amended from time to time by the board of commissioners. The board of commissioners recognizes that the land use plan is a guide for the future development of the county and the basis for the enactment of this chapter.

(Ord. No. 100, § 3, 6-8-1996)

Sec. 24-9. - General regulations.

(a)

Residential buildings. Buildings used as residential dwellings shall be designed for residential purposes and shall comply with other provisions of this chapter.

(b)

Required facilities. Single-family and multifamily dwellings, guestrooms, and congregate housing designed to be used for human occupancy shall be provided with the following facilities inside the living unit:

(1)

Heating facilities capable of maintaining a temperature of 70 degrees Fahrenheit (21 degrees Celsius) at a point three feet above the floor;

(2)

A potable drinking water supply from a well, individual or shared, which meets the requirements of the Well Ordinance, [chapter 6](#), article III;

(3)

One lavatory, one water closet, one kitchen type sink, and one bathtub or shower to meet basic requirements of sanitation and personal hygiene, connected to an individual on-site

septic system meeting the requirements of the Blue Earth County ISTS Ordinance, [chapter 6](#), article IV, division 4;

(4)

A source of electricity meeting the requirements of, and approved by, the Minnesota State Board of Electricity.

(c)

Occupancy. Residential buildings shall not be occupied until such residential building is connected to a source of potable drinking water, required sanitary facilities have been installed and connected to approved sewage treatment facilities, heating facilities are operational, and the electrical installation has received final approval from the Minnesota State Board of Electricity.

(d)

Seasonal cabins. Subsections (b)(1)—(b)(4) of this section shall not apply to existing seasonal cabins used for recreational purposes. Water, sanitary facilities, and electricity, when provided, shall meet minimum requirements of this chapter, the Well Ordinance, [chapter 6](#), article III, the Blue Earth County ISTS Ordinance, [chapter 6](#), article IV, division 4; the Shoreland Ordinance; and the Minnesota State Board of Electricity.

(Ord. of 10-23-01, § 1)

Sec. 24-10. - Permitted uses.

(a)

Generally. Permitted uses of land or buildings as listed in this chapter, shall be permitted in the districts indicated under the conditions specified. No building or land shall be devoted to any use other than a use permitted in this chapter in the land use district in which such building, structure or land shall be located, except for the exceptions in subsection (b) of this section.

(b)

Exceptions.

(1)

Uses lawfully established prior to June 8, 1996, in accordance with sections [24-304](#) and [24-305](#)

(2)

Conditional uses established in accordance with [section 24-11](#)

(3)

Essential services erected, constructed, altered or maintained by public and private utilities or by governmental departments or commissions, subject to permit requirements of this chapter.

(Ord. No. 100, § 4, 6-8-1996)

Sec. 24-11. - Conditional uses.

Conditional uses of land or buildings, as listed in this chapter, may be allowed in the districts indicated, subject to the issuance of conditional use permits, in accordance with the provisions of article VIII of this chapter. Whenever a conditional use is named as a major category, it shall be deemed to include all and only those itemized uses listed.

(Ord. No. 100, § 4, 6-8-1996)

Secs. 24-12—24-40. - Reserved.

ARTICLE III. - DISTRICT REGULATIONS

DIVISION 1. - GENERALLY

DIVISION 2. - A AGRICULTURE DISTRICT

DIVISION 3. - C CONSERVATION DISTRICT

DIVISION 4. - RR RURAL RESIDENCE DISTRICT

DIVISION 5. - RT RURAL TOWNSITE DISTRICT

DIVISION 6. - GB GENERAL BUSINESS DISTRICT

DIVISION 7. - HB HIGHWAY BUSINESS DISTRICT

DIVISION 8. - LI LIGHT INDUSTRY DISTRICT

DIVISION 9. - HI HEAVY INDUSTRY DISTRICT

DIVISION 2. - A AGRICULTURE DISTRICT

Sec. 24-111. - Purpose.

Sec. 24-112. - Uses.

Sec. 24-113. - Height, yard and lot area, width and depth regulations.

Sec. 24-114. - Density regulations for dwellings.

Secs. 24-115—24-135. - Reserved.

Sec. 24-111. - Purpose.

(a)

Preservation of agriculture land. The intent of this A agriculture district is to allow extensive areas of the county to be preserved in agricultural use.

(b)

Agriculture operations. Through the adoption of this subsection, the board of commissioners is expressing its intent to enhance and encourage agricultural operations within the boundaries of the county. The county will view the agriculture district as a zone in which land is used for commercial agricultural production. Owners of property, residents, other users of property in the agriculture zone, and neighboring properties adjacent to the agriculture zone may be subjected to inconvenience or discomfort arising from normal and accepted agricultural practices and operations including, but not limited to; noise, odors, dust, operation of aircraft and late night operation of farm machinery, the storage and application of manure, fertilizers, soil amendments, herbicides and pesticides associated with normal agricultural operations. Owners of property, residents, other users of property in the agriculture zone, and neighboring properties adjacent to the agriculture zone, should be prepared to accept such inconveniences or discomfort from normal operations, and are hereby put on official notice, pursuant to Minn. Stats. ch. 561.19, that this declaration may prevent them from obtaining a legal judgement against such normal operations.

(c)

Residential development. It is the intent of this A district to prevent scattered development.

(d)

Conservation of natural resources. It is the intent of this A district to preserve woodlands and other areas of aesthetic and scenic value which, because of their physical features, are desirable as water retention areas, natural habitat for plant and animal life, green space or other uses beneficial to the county.

(Ord. No. 100, § 6, 6-8-1996; Ord. of 6-29-1999)

Sec. 24-112. - Uses.

(a)

Permitted uses. The following uses are permitted within the A agriculture district:

(1)

Agriculture and incidental agriculture related uses, including agricultural buildings.

(2)

Parks, recreational areas, wildlife areas, game refuges and forest preserves owned by government agencies.

(3)

Flood control and watershed structures.

(4)

Single-family, dwellings, including manufactured homes constructed and installed according to standards contained in subsection [24-462](#)(1) and as regulated by this division.

(5)

Level I home occupations as regulated in article IV of this chapter.

(6)

Land spreading of septage and sewage sludge as regulated by the county and state.

(7)

Feedlots of 100 animal units or less.

(8)

Non-commercial wind energy conversion system.

(b)

Conditional uses. The following uses may be allowed in the A agriculture district as a conditional use as regulated in article VIII of this chapter.

(1)

Commercial outdoor recreation areas and accessory buildings.

(2)

Riding academies and commercial stables.

(3)

Organized group camps.

(4)

Churches, cemeteries and/or memorial gardens.

(5)

Essential public utilities and service buildings, but not including storage yards.

(6)

Outdoor firing ranges, subject to performance standards contained in [section 24-303](#)

(7)

- (8) Golf courses and country clubs, gun clubs, race tracks and golf driving ranges.
- (9) Extraction of minerals as regulated in article VII of this chapter.
- (10) Veterinary and animal clinics and the facilities for the care and/or breeding of animals, including kennels.
- (11) Private-commercial landing fields and associated facilities.
- (12) Manufactured homes constructed and installed according to subsection [24-462\(1\)](#) for temporary purposes while a permanent residence is being constructed.
- (13) Land application of nonhazardous industrial waste.
- (14) Solid waste landfills as regulated by state and county regulations.
- (15) Broadcasting facilities, including studios and antennas.
- (16) Storage of septage and sewage sludge.
- (17) Removal of timber for commercial purposes.
- (18) Removing or filling over 50 cubic yards of soil that is not in connection with another permitted or conditional use.
- (19) Grain elevators.
- (20) Level II home occupations as regulated in article IV of this chapter.
- (21) Greenhouses.
- (22) Landscape contractors
- (23) Feedlots over 100 animal units.
- (24) Manure storage structures.
- (25) Cellular telecommunication and personal communication services towers and facilities, subject to performance standards contained in [section 24-303](#)
- Conversion of existing common interest communities, resorts, manufactured home parks, and other similar rezoning ordinance nonconforming developments pursuant to Minn. Stats.

chs. 515A and 515B, Minn. Stats. ch. 327C.095, where applicable, and requirements of sections [24-344](#) and [24-464](#)

(26)

Commercial wind energy conversion system.

(27)

Other uses determined by the planning agency to be similar to the uses listed in this subsection.

(c)

Permitted accessory uses. The following are permitted accessory uses in the A district:

(1)

Private garages.

(2)

Accessory buildings or structures which are clearly incidental to any of the uses listed in subsection (b) of this section and are located on the same property.

(3)

One additional accessory dwelling subject to the following:

a.

Shall be a stickbuilt dwelling or a manufactured home constructed and installed according to standards contained in subsection [24-462](#)(1), located on a parcel containing more than 20 acres and not the primary residence on the parcel.

b.

Shall be an integral part of an agricultural operation to house labor.

c.

Shall be serviced by an approved water and sewage treatment system.

d.

Shall be removed from the property when no longer used as a dwelling as an integral part of an agricultural operation.

(Ord. No. 100, § 6, 6-8-1996; Ord. of 2-17-1998; Ord. of 11-24-1998; Ord. of 5-25-1999; Ord. of 4-22-2003)

Sec. 24-113. - Height, yard and lot area, width and depth regulations.

(a)

Height regulations. No height limitation shall be imposed for agricultural buildings in the A district except where hazardous conditions may result. No residential building, hereafter erected or altered, shall exceed 35 feet or 2½ stories in height.

(b)

Front yard regulations. There shall be a front yard setback in the A district of 130 feet from the centerline of all federal, state, county and county-state aid highways, except for divided highways which shall be 100 feet from the highway right-of-way line. There shall be a front yard setback of not less than 65 feet from the centerline of all other public rights-of-way and private roads. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback from each road or highway abutting the corner lot. Accessory buildings are not allowed within the required front yard.

(c)

Side yard regulations. There shall be a side yard having a width of not less than 50 feet on each side of a building in the A district.

(d)

Rear yard regulations. There shall be a rear yard of not less than 50 feet in depth in the A district.

(e)

Lot area regulations. Every lot or plot of land on which a single-family dwelling is erected in the A district shall contain a buildable lot area of not less than one acre.

(f)

Lot width and depth regulations. Every lot or plot of land on which a dwelling is to be erected in the A district shall have a minimum width of not less than 150 feet at the building setback line and a minimum depth of not less than 175 feet.

(g)

Setback from feedlots. New residential dwellings in the A district shall set back as specified in subsection [24-3\(b\)](#).

(Ord. No. 100, § 6, 6-8-1996)

Sec. 24-114. - Density regulations for dwellings.

(a)

Permitted dwellings. In the A agriculture district, not more than one dwelling per quarter of a quarter section shall be permitted except that additional dwellings may be allowed subject to the provisions stated in this section.

(b)

Bonus lots. Owners of parcels or tracts of land in the A district, containing more than 20 acres, that include subparcels or tracts which have not been farmed (tilled) within the past five years prior to the date of the application for a permit, may be permitted one additional bonus dwelling unit upon granting of a conditional use permit subject to the provisions of article VIII of this chapter.

(c)

Lots of record. It is the intent of this section that the total dwellings per quarter of a quarter section in the A district shall not exceed four, except lots of record, recorded at the land records office prior to April 12, 1977, and lots subsequently established in conformance with the zoning ordinance, prior to the adoption of this chapter, shall be considered conforming lots.

(d)

Transfer of development rights. Development rights may be transferred to a contiguous quarter-quarter section in the A district, upon obtaining a conditional use permit, and subject to article VIII of this chapter and the following: The transfer shall not allow the establishment of more than four dwellings in a quarter of a quarter section.

(Ord. No. 100, § 6, 6-8-1996)

Secs. 24-115—24-135. - Reserved.

DIVISION 3. - C CONSERVATION DISTRICT

[Sec. 24-136. - Purpose.](#)

[Sec. 24-137. - Uses.](#)

[Sec. 24-138. - Height, yard and lot area, width and depth regulations.](#)

[Sec. 24-139. - Density regulations for dwellings.](#)

[Secs. 24-140—24-160. - Reserved.](#)

Sec. 24-136. - Purpose.

The purpose of the C conservation district is to provide a district, based on topographic, physiographic and soil conditions, that will:

(1)

Protection of environmentally sensitive areas. It is the intent of this C district to protect the environmentally sensitive areas in the county.

(2)

Preservation of natural ground cover. It is the intent of this C district to preserve major areas of natural ground cover of this county for conservation purposes.

(3)

Conservation of natural resources. It is the intent of this C district to deter abuse of water resources and conserve other natural resources of the county.

(Ord. No. 100, § 7, 6-8-1996)

Sec. 24-137. - Uses.

(a)

Permitted uses. The following uses shall be permitted in the C conservation district:

(1)

Agriculture, including agricultural buildings, but excluding feedlots.

(2)

Parks, recreational areas, wildlife areas, game refuges and forest preserves owned or operated by governmental agencies.

(3)

Flood control and watershed structures.

(4)

Single-family dwellings, including manufactured homes constructed and installed according to standards contained in subsection [24-462](#)(1) and as regulated in this division.

(5)

Level I home occupations as regulated in article IV of this chapter.

(6)

Non-commercial wind energy conversion system.

(b)

Conditional uses. The following uses may be allowed in the C conservation district as a conditional use and subject to the provisions of article VIII of this chapter:

- (1) Commercial outdoor recreation areas that are similar to public recreation areas.
- (2) Organized group camps.
- (3) Water supply buildings, reservoirs, elevated tanks and similar public facilities.
- (4) Extraction of minerals as regulated in article VII of this chapter.
- (5) Level II home occupations as regulated in article IV of this chapter.
- (6) Manufactured homes constructed and installed according to subsection [24-462](#)(1) for temporary purposes while a permanent residence is being constructed.
- (7) Greenhouses.
- (8) Existing feedlots.
- (9) Manure storage structures.
- (10) Land application of septage and sludge.
- (11) Conversion of existing common interest communities, resorts, manufactured home parks, and other similar rezoning ordinance nonconforming developments pursuant to Minn. Stats. chs. 515A and 515B, Minn. Stats. ch. 327C.095, where applicable, and requirements of sections [24-344](#) and [24-464](#)
- (12) Other uses deemed by the planning agency to be of the same general character as those listed as permitted and conditional uses listed in this subsections (a) and (b) of this section.

(c)

Permitted accessory uses. Other accessory uses customarily incidental to the permitted and conditional uses listed in subsections (a) and (b) of this section, except no accessory buildings shall be allowed within the required front yard.

(Ord. No. 100, § 7, 6-8-1996; Ord. of 11-24-1998; Ord. of 4-22-2003)

Sec. 24-138. - Height, yard and lot area, width and depth regulations.

(a)

Height regulations in the C district.

(1)

No height regulation shall be required for agricultural buildings, except where hazardous conditions may result.

(2)

No residential building, hereafter erected or altered, shall exceed 35 feet, or 2½ stories.

(b)

Front yard regulations. There shall be a front yard setback of not less than 130 feet from the centerline of all federal, state, county and county state aid highways in the C district, except for divided highways which will require 100 feet from the highway right-of-way line. There shall be a front yard set back of not less than 65 feet from the centerline of all other public rights-of-way or private roads. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot.

(c)

Side yard regulations. There shall be a side yard of not less than 50 feet on each side of the building in the C district.

(d)

Rear yard regulations. There shall be a rear yard of not less than 50 feet in the C district.

(e)

Lot area regulations. Every lot or plot of land on which a single-family dwelling is to be erected in the C district must have a buildable area of not less than one acre.

(f)

Setback from feedlots. New residential dwellings shall set back as specified in subsection [24-3\(b\)](#).

(Ord. No. 100, § 7, 6-8-1996)

Sec. 24-139. - Density regulations for dwellings.

(a)

Permitted dwellings. In the C conservation district, not more than one dwelling per quarter of a quarter section shall be permitted.

(b)

Lots of record. It is the intent of this division that the total dwellings per quarter of a quarter section in the C district shall not exceed four, except lots of record, recorded at the land records office prior to the adoption of the chapter, shall be considered conforming lots.

(c)

Transfer of development rights. Development rights in the C district may be transferred to a contiguous quarter-quarter section, upon obtaining a conditional use permit, and subject to article VIII of this chapter and the following: The transfer shall not allow the establishment of more than four dwellings in a quarter of a quarter section.

(Ord. No. 100, § 7, 6-8-1996)

Secs. 24-140—24-160. - Reserved.

DIVISION 8. - LI LIGHT INDUSTRY DISTRICT ^[29]

Sec. 24-251. - Purpose.

Sec. 24-252. - Uses.

Sec. 24-253. - Height, yard, lot area, width, depth and coverage.

Sec. 24-251. - Purpose.

The LI light industry district is intended to provide a district that will allow light industrial development in diverse locations throughout the county. The uses are limited to wholesaling, light manufacturing, service and related uses which can be carried on in an unobtrusive manner and which would not be considered detrimental to an adjacent lower intensity district.

(Ord. No. 100, § 12, 6-8-1996)

Sec. 24-252. - Uses.

(a)

Permitted uses. The following uses are permitted within the LI light industry district if they do not generate hazardous byproducts and are not generally considered to be detrimental to adjacent residential and business districts:

- (1) Bottling establishments.
- (2) Building materials sales and storage.
- (3) Cartage and express facilities.
- (4) Farm implement sales and storage.
- (5) General light manufacturing, assembly plants and facilities.
- (6) Mail order houses.
- (7) Outdoor advertising devices as regulated in article VI of this chapter.
- (8) Trade schools.
- (9) Welding supply.
- (10) Wholesale business facilities.
- (11) Warehousing and storage facilities.
- (12) Non-commercial wind energy conversion system.
- (13) Other uses clearly similar to uses permitted in this LI district.

(b)

Conditional uses. The following uses have the potential to generate hazardous byproducts or may be detrimental to adjacent uses. These uses may be allowed in the LI light industry district as a conditional use, subject to the provisions of article VIII of this chapter, if the hazardous byproducts are controlled and/or activities that are generally considered to be detrimental to adjacent uses are addressed:

- (1) Adult uses, as defined in, and subject to, all provisions of article II of [chapter 4](#) of this Code.
- (2) Any permitted use which generates hazardous waste byproducts.
- (3) Aircraft rental, sale, servicing, manufacturing and related activities.
- (4) Antennas for radio, television, and broadcasting studios and facilities.
- (5) Automotive, truck and other internal combustion engine equipment repair.
- (6) Art equipment supplies, manufacture.
- (7) Planned industrial parks.
- (8) Bulk fuel sales and storage facilities, but not the collection, storage or processing of waste, used or recyclable petroleum products.
- (9) Cabinet and woodworking establishments.
- (10) Cellular telecommunication and personal communication services towers and facilities, subject to performance standards contained in [section 24-303](#)
- (11) Cold storage plants.
- (12) Commercial printing, publishing, engraving and reproduction firms.
- (13) Dry cleaning and dyeing establishments.
- (14) Electrical products, manufacture and assembly.
- (15) Electrical substations.
- (16) Grain elevators.
- (17) Highway maintenance shops and yards.
- (18)

- (19) Indoor firing ranges, subject to performance standards contained in [section 24-303](#)
- (20) Laundries, large scale.
- (21) Any manufacturing, production, processing, cleaning, storage, servicing, repair and testing of materials, goods or products similar to those listed as permitted or conditional uses which conform with the performance standards of this LI district.
- (c) Commercial wind energy conversion system.

Accessory uses. All uses incidental to those permitted and conditional uses in subsections (a) and (b) of this section.

(Ord. No. 100, § 12, 6-8-1996; Ord. of 2-17-1998; Ord. of 8-18-1998; Ord. of 7-27-1999; Ord. of 4-22-2003)

Sec. 24-253. - Height, yard, lot area, width, depth and coverage.

- (a) *Height regulations.* There are no height regulations in the LI district, except where hazardous conditions may exist.
- (b) *Front yard regulations.* In the LI district there shall be a front yard setback of not less than 130 feet from the centerline of all federal, state, county and county-state aid highways, except 100 feet from the highway right-of-way line for divided highways. There shall be a front yard setback of not less than 65 feet from the centerline of all other public rights-of-way or private road. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback from each road or highway abutting the corner lot. No accessory buildings shall be allowed within the required front yard.
- (1) Variances from the required front yard setback will not be required under the following circumstances: Any construction on a developed property within an established unincorporated rural townsite as set forth in subsection [24-3\(b\)](#) must not encroach closer to the centerline of the road than an existing structure on that property. New structures being proposed on a vacant piece of property within an established unincorporated rural townsite must not be constructed closer to the roadway centerline than existing structures on either side of the vacant property.
- Planning and zoning staff may require verification from the county engineer that proposed construction will not create hazards to the traveling public before issuing a construction permit as outlined in this section within an established unincorporated rural townsite.
- (2) A variance will be required if any construction is proposed closer to the centerline of an existing road than adjacent properties within an established unincorporated townsite except as permitted in this section.
- (c)

Side yard regulations. In the LI district there shall be a side yard of not less than 15 feet on each side of a building. Except that no building shall be located within 50 feet of any side lot line abutting a lot in any of the classes of residence districts.

(d)

Rear yard regulations. There shall be a rear yard having a depth of not less than 15 feet in the LI district, except that no building shall be located within 50 feet of any rear lot line abutting a lot in any of the classes of residence districts.

(e)

Lot area regulations. Every individual lot, site or tract shall have an area of not less than one acre in the LI district.

(f)

Lot width regulations. Every lot or tract shall have a width of not less than 150 feet abutting a public right-of-way in the LI district.

(g)

Lot coverage regulations. Not more than 40 percent of total area of a lot shall be covered by buildings in the LI district.

(Ord. No. 100, § 12, 6-8-1996; Ord. of 8-21-2001, § 5)

Secs. 24-254—24-270. - Reserved.

DIVISION 9. - HI HEAVY INDUSTRY DISTRICT ^[30]

Sec. 24-271. - Purpose.

Sec. 24-272. - Uses.

Sec. 24-273. - Height, yard, lot area, width and coverage.

Secs. 24-274—24-300. - Reserved.

Sec. 24-271. - Purpose.

The HI heavy industry district is intended to provide a district which will allow heavy industrial uses which, due to their size and nature, would not be compatible with general rural development patterns of the county.

(Ord. No. 100, § 13, 6-8-1996)

Sec. 24-272. - Uses.

(a)

Permitted uses. The following uses are permitted within the HI heavy industry district if they do not generate hazardous byproducts and are not generally considered to be detrimental to adjacent land uses:

(1)

Any permitted use in the LI light industry district.

- (2) Any heavy industrial use that does not generate hazardous byproducts and is not generally considered detrimental to adjacent land uses.
- (3) Retail and service business establishments related to the operation of a HI heavy industry district that does not generate hazardous byproducts and is not generally considered detrimental to adjacent land uses.
- (4) Non-commercial wind energy conversion system.

(b)

Conditional uses. The following conditional uses have the potential to generate hazardous byproducts or may be detrimental to adjacent uses. These uses may be allowed in the HI heavy industry district, if the hazardous byproducts are controlled and activities that are generally considered to be detrimental to adjacent uses are addressed:

- (1) Any conditional use in the LI light industry district.
- (2) Junkyards and salvage yards.
- (3) Extraction, processing, storage of sand, gravel, stone or other raw material.
- (4) Cement, lime, gypsum or plaster of paris manufacture.
- (5) Distillation operations.
- (6) Rendering plants.
- (7) Fertilizer manufacture.
- (8) Gas, illuminating or heating, manufacture.
- (9) Planned industrial parks.
- (10) Any other heavy industrial use that does not generate uncontrolled hazardous byproducts and which is objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise, or because of subjection of life, health or property to hazard.
- (11) Commercial wind energy conversion system.

(c)

Accessory uses. Accessory uses in the HI district are accessory uses customarily incidental to the permitted and conditional uses in subsections (a) and (b) of this section.

(Ord. No. 100, § 13, 6-8-1996; Ord. of 4-22-2003)

Sec. 24-273. - Height, yard, lot area, width and coverage.

(a)

Height regulations. There are no height regulations in the HI district, except where hazardous conditions may exist.

(b)

Front yard regulations. There shall be a front yard setback in the HI district of not less than 130 feet from the centerline of all federal, state, county, and county-state aid highways, except for divided highways which will require 100 feet from the highway right-of-way line. There shall be a front yard setback of not less than 65 feet from the centerline of all other public rights-of-way or private road. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback from each road or highway abutting the corner lot. No accessory buildings shall be allowed within the required front yard.

(c)

Side yard regulations. There shall be a side yard of not less than 15 feet on each side of a building in the HI district. Except that no building shall be located within 50 feet of any side lot line abutting a lot in any of the classes of residence districts.

(d)

Rear yard regulations. There shall be a rear yard having a depth of not less than 15 feet in the HI district, except that no building shall be located within 50 feet of any rear lot line abutting a lot in any of the classes of residence districts.

(e)

Lot area regulations. Every individual lot, site or tract shall have an area of not less than one acre in the HI district.

(f)

Lot width regulations. Every lot or tract shall have a width of not less than 150 feet abutting a public right-of-way in the HI district.

(g)

Lot coverage regulations. Not more than 40 percent of the total area of a lot shall be covered by buildings in the HI district.

(Ord. No. 100, § 13, 6-8-1996)

Secs. 24-274—24-300. - Reserved.

ARTICLE IV. - REQUIREMENTS AND STANDARDS

[Sec. 24-301. - Parking and loading regulations.](#)

[Sec. 24-302. - Utilities.](#)

[Sec. 24-303. - Performance standards.](#)

[Sec. 24-304. - Lots of record.](#)

[Sec. 24-305. - Nonconformities.](#)

[Sec. 24-306. - Essential services.](#)

[Sec. 24-307. - Additional requirements, exceptions and modifications.](#)

[Sec. 24-308. - Home occupations.](#)

[Sec. 24-309. - Erosion control.](#)

[Sec. 24-310. - Access standards.](#)

[Sec. 24-311. - Snow drifting.](#)

[Sec. 24-312. - Environmental hazard abatement.](#)

[Sec. 24-313. - Land use development application; complete application required.](#)

[Secs. 24-314—24-340. - Reserved.](#)

Sec. 24-313. - Land use development application; complete application required.

An application for land use development shall not be accepted as containing all required information until all of the following have been completed:

(1)

A preapplication meeting with county planning staff during which the appropriate application procedures, requirements and applicable chapter provisions are reviewed and explained.

(2)

When a land use development application requires a public hearing, the person proposing the development shall have a preapplication meeting with the township board of the township in which the action is proposed.

(3)

Submittal of all applicable and completed county applications relating to the zoning action being requested. Current land use development application forms and other county application forms may be periodically updated.

(4)

Submittal of all supporting information required by this chapter and/or outlined in the application procedures documents that are included with the land use development application. Current procedure forms associated with the land use development application may be periodically updated.

(5)

Submittal of all fees associated with the land use development application. Current fees are included on the land use development application form or procedures documents. Such fees may be periodically updated by action of the board of commissioners.

(Ord. No. 100, § 14, 6-8-1996)

ARTICLE VII. - MINERAL EXTRACTION

[Sec. 24-421. - Statement of policy.](#)

[Sec. 24-422. - Definitions.](#)

[Sec. 24-423. - Conditional use permit.](#)

[Sec. 24-424. - Reclamation plan.](#)

[Sec. 24-425. - Mining operation standards.](#)

[Sec. 24-426. - Bond required.](#)

[Sec. 24-427. - Exceptions.](#)

[Sec. 24-428. - Revocation of permit.](#)

[Secs. 24-429—24-460. - Reserved.](#)

Sec. 24-421. - Statement of policy.

It is declared to be the policy of the county to provide for the reclamation of land disturbed by mining in order to encourage productive use of such land including, but not limited to, the planting of forests; the seeding of grasses and legumes for grazing purposes; the planting of crops for harvest; the enhancement of wildlife and aquatic resources; the establishment of recreational, residential and industrial sites; and for the conservation, development, management and appropriate use of all the natural resources of such areas for compatible multiple purposes; to aid in maintaining or improving the tax base; and protecting the health, safety and general welfare of the people, as well as the natural beauty and aesthetic values, in the affected areas of the county.

(Ord. No. 100, § 17, 6-8-1996)

Sec. 24-422. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Excavation means any artificial alteration of the earth, excavated or made by the removal from the natural surface of the earth of soil, sand, gravel, stone or other matter.

Operator means any owner or lessee of mineral rights engaged in or preparing to engage in mining operations.

Quarry means any pit or excavation made for the purpose of searching for or removal of any soil, earth, clay, sand, gravel, limestone, or other nonmetallic minerals.

Reclamation plan means a document that details the activity which is to be taken during and following a mining operation to return the area to a natural state as much as possible or take actions that would substantially reduce adverse environmental effects from occurring.

(Ord. No. 100, § 17, 6-8-1996)

Cross reference— Definitions generally, [§ 1-2](#)

Sec. 24-423. - Conditional use permit.

(a)

Required. No person shall hereafter engage in the mining and processing of sand, gravel, limestone or other minerals on any land within the county, located outside the boundaries of any city, village or incorporated town without first obtaining from the county a conditional use permit as regulated by article VIII of this chapter.

(b)

Jurisdiction. Any excavation, quarrying or removal of surface material for the purpose of extracting minerals, stone, gravel, sand, soil, clay or other material as the function of such excavation shall be conducted subject to the requirements of this article. Excavations for purposes of residential, commercial or industrial development or land alterations for agricultural purposes shall be exempt from the provisions of this article.

(c)

Application. Any person desiring to commence or expand the mining and processing of sand, gravel, limestone or other minerals shall make written land use development application for a conditional use permit to the zoning administrator of the county. Application for such permit shall be made upon a form furnished by the zoning administrator. The form shall contain the following items:

(1)

The applicant's true name and address, and a statement that the applicant has the right to ownership or lease to mine and to reclaim that land described.

(2)

Description of the tract of land and the number of acres to be mined by the applicant. The description shall include the section, town, range and county in which the land is located with sufficient clarity so that it may be located and distinguished from other lands.

(3)

A statement containing an estimate of the life expectancy of the proposed operation. The estimate shall include a starting date and, if within five years, the completion date.

(4)

A detailed map of the land drawn at a scale of one inch equals 100 feet, or larger, showing at least the following specifics:

a.

Existing topographical features at ten-foot contour intervals.

b.

Location of watercourses, drainage systems and impounded waters.

c.

Outline of the maximum area to be excavated.

d.

Vertical profile of area to be excavated indicating overburden and other geological layers to the extent known.

e.

The proposed location of any buildings, equipment storage areas, operation areas, and any other uses incorporated in the excavation process.

f.

Location and names of existing roads, trails, railroads, buildings, utility rights-of-way, vegetation, and other cultural features within and immediately adjacent to the proposed excavation area.

(5)

A bond meeting the requirements set forth in this chapter.

(d)

Term. Each conditional use permit approved shall be effective for a period of five years from and after the date of approval, provided the requirements of operation and reclamation, as are set forth under the operators permit and application, shall be met. An examination of the premises can be made by the zoning administrator at any time during the term of the operation.

(e)

Renewal and review. Each conditional permit shall be renewable for a period of five years upon written application to the zoning administrator and with the concurrence of the planning agency. However, upon determination by the zoning administrator, or the board of commissioners, that the operation is in violation of the provisions of the conditional use permit or other county ordinances, a hearing may be held to review the existence of any alleged violations.

(Ord. No. 100, § 17, 6-8-1996)

Sec. 24-424. - Reclamation plan.

A reclamation plan shall be prepared for the planned after-use of affected areas and the nature and extent of reclamation. A detailed reclamation map drawn at a scale of one inch equals 100 feet or larger shall be provided designating which parts of the land shall be reclaimed for forest, pasture, crop, homesite, recreational, industrial, or other uses including food, shelter and ground cover for wildlife. The reclamation plan and map shall contain:

- (1) Proposed contours after any proposed filling.
- (2) Depth of restored top soil if restoration is proposed.
- (3) Type of fill, if fill is proposed.
- (4) Type of planting or restoration. Planting shall be in accordance with the desires of the property owner. If natural revegetation is proposed, it shall be so stated.
- (5) Estimated progress and completion dates. Reclamation activities shall progress on a phased basis, that is, for every ten acres of additional mining operations, the previous, exhausted ten acres must be reclaimed unless otherwise specified.
- (6) If the operator finds the characteristics of the mining area to be different than what was previously determined, changes may be made in the original reclamation plan by mutual consent of the operator and the county planning agency. Such change shall preserve, as substantially as possible, the original reclamation plan, and shall also provide for the previously unknown variables.
- (7) A written statement containing an explanation of the character of the site to be mined and of the character of the surrounding territory; an explanation of the reclamation plan; and an explanation of the schedule of development which shall include phase development. If a development schedule cannot feasibly be prepared, it shall be so stated and written reasons submitted.
- (8) Any mining operation legally commenced prior to the enactment of this chapter that does not have an approved reclamation plan shall submit a reclamation plan to the planning agency for review and approval within five years of the date of the enactment of this chapter.
- (9)

The zoning administrator shall determine whether the requirements for filing a reclamation plan have been met. The planning commission shall review all reclamation plans and forward them, with a recommendation, to the board of commissioners.

(Ord. No. 100, § 17, 6-8-1996)

Sec. 24-425. - Mining operation standards.

(a)

General requirements. Each person to whom a mining operation permit is issued may engage in mining upon lands described in the license, subject to the following regulations:

(1)

The mining operations shall be conducted in compliance with the laws of the state and the federal government, especially as related to safety standards, and ordinances and resolutions of the county, as amended from time to time, and in compliance with and furtherance of the approved reclamation plan for the affected land.

(2)

Clearing of the mining site shall conform to the development and reclamation plan whenever possible. Existing trees and shrubs shall remain in their natural state and not prematurely stripped.

(3)

Adequate planting, fencing or berming shall be provided along all public roads adjacent to the property involved, sufficient to screen the operation from view.

(4)

Ingress and egress access points from or onto any road or highway shall be clearly signed, and only those signed access points shall be utilized. All access points must be approved by the highway agency having jurisdiction, and shall preferably be located along a secondary road. All access points shall be located so as to avoid the routing of vehicles to and from the mining operation over streets that primarily serve abutting residential development. Precautions must be taken to minimize the deposit of dirt and mined material from trucks onto the public roads.

(5)

Trucks used in hauling materials from the site of excavation shall be loaded in such manner as to minimize spillage onto public highways. Any spillage resulting from overloading or from truck tires shall be removed at regular intervals.

(6)

The amount of overburden to be removed shall not be in excess of that required to undertake operations in an economically feasible manner. Less than ten acres shall be considered economically feasible. Development toward the final plan shall be carried on as excavation progresses. Where ground cover or other planting is indicated on approved plan, such planting shall be made in areas where excavation is completed and land is not being used for material storage.

(7)

Existing trees and ground cover along public road frontage shall be preserved, maintained and supplemented for the depth of the required roadside setback.

(8)

When explosives are used, the operator shall take all necessary precautions not to endanger life and damage or destroy property. The method of storing and handling explosives shall conform with all laws and regulations relating thereto.

(9)

Proposed graded or backfilled areas or banks as conforming to the approved reclamation plan shall be covered with sufficient topsoil, based on the availability of existing topsoil, to provide for revegetation. When backsloping is proposed on the reclamation plan, the rate of slope shall not be less than three feet horizontal to one foot vertical. Proposed banks shall be covered with topsoil and seeded, except where such banks provide a beach area to a proposed recreational lake as indicated on the approved reclamation plan.

(10)

Upon replacement of the topsoil, trees, shrubs, legumes, grasses or other ground cover shall be planted upon the area in order to avoid erosion, in accordance with approved reclamation plan.

(11)

Upon completion of excavation, all buildings, plants and equipment shall be removed within six months, unless such buildings, plants and equipment will be used in the reclamation process.

(12)

Operating procedures will be utilized to control dust and noise so as not to be in conflict with adjoining property.

(b)

Setback requirements. Mining operations shall not be conducted closer than:

(1)

One hundred feet to the boundary of any district where such operations are not permitted.

(2)

Not closer than 200 feet to the boundary of an adjoining property residentially zoned.

(3)

Not closer than 50 feet to the boundary of an adjoining property line, unless the written consent of the owner of such adjoining property is first secured.

(4)

Excavating or stockpiling shall not be conducted closer than 100 feet to the right-of-way line of any existing or platted street, road, or highway, where such excavation may create a traffic or line of site problem.

(5)

Not closer than 100 feet from the ordinary high water level of any public water.

(6)

Dust and noise producing processing or loading shall not be conducted closer than 300 feet to the boundary of any residential structures existing prior to the implementation of the reclamation plan.

(Ord. No. 100, § 17, 6-8-1996)

Sec. 24-426. - Bond required.

The bond required to be filed with the zoning administrator shall be in such form as the board of commissioners shall prescribe, payable to the county. Such bond amount shall be set by the board of commissioners by resolution. The bond shall guarantee that either upon termination of the permit or of the operations, the ground surface of the land used shall be restored in conformity with the reclamation plan filed with the mining permit application. When and if the portions of the bonded property are completely rehabilitated in accord with the reclamation plan, and such restoration is certified by the zoning administrator, the performance bond protecting the restored acreage shall be returned.

(Ord. No. 100, § 17, 6-8-1996)

Sec. 24-427. - Exceptions.

Any mining operation legally commenced prior to the adoption of this article may continue. However, such mining operations may not expand beyond the legally described parcel, recorded in the office of the county recorder, in which the mining operation is located, and must furnish a reclamation plan pursuant to [section 24-424](#).

(Ord. No. 100, § 17, 6-8-1996)

Sec. 24-428. - Revocation of permit.

(a)

Upon failure by the holder of a mining permit, issued pursuant to the provisions of this article, to fully comply with the provisions contained in this article and when the same has been certified by the zoning administrator to the board of commissioners, the board of commissioners shall give notice to such permit holder and owner of the land setting forth the provisions of this article being violated. The board of commissioners shall set a time and place of a hearing to be held by the board of commissioners to consider such violation of provisions of this article.

(b)

If the board of commissioners shall find that provisions of this article have not been complied with by the permit holder, then the mining operations permit may be suspended or terminated by the board of commissioners.

(Ord. No. 100, § 17, 6-8-1996)

Secs. 24-429—24-460. - Reserved.

ARTICLE VIII. - CONDITIONAL USE PERMITS

[Sec. 24-461. - Application.](#)

[Sec. 24-462. - Manufactured homes; requirements.](#)

[Sec. 24-463. - Notification and public hearing.](#)

[Sec. 24-464. - Board of commissioners approval required.](#)

[Sec. 24-465. - Invalidation of permit.](#)

[Sec. 24-466. - Standards for granting a conditional use permit.](#)

[Sec. 24-467. - Adverse environmental effect.](#)

[Sec. 24-468. - Permit validity.](#)

[Sec. 24-469. - Recording.](#)

[Sec. 24-470. - Compliance.](#)

[Secs. 24-471—24-500. - Reserved.](#)

Sec. 24-461. - Application.

(a)

Generally. Applications for land use development for conditional use permits shall be made to the zoning administrator, together with the required fees.

(b)

Site plan required. The application shall be accompanied by a site plan and operation plan and such additional information as determined by the zoning administrator as necessary to show compliance with this chapter.

(Ord. No. 100, § 18, 6-8-1996)

Sec. 24-462. - Manufactured homes; requirements.

When a conditional use permit is required for placement of a manufactured home or establishment of a manufactured home park, the following additional requirements apply:

(1)

All manufactured homes brought into or relocated in unincorporated areas of the county shall be attached to permanent concrete frost footings or frost piers extending a minimum of 42 inches below grade. Construction and installation shall comply with requirements of Minn. Stats. §§ 327.31—327.35 (Minnesota Manufactured Home Building Code). All manufactured homes must have the wheels removed, be anchored and be skirted. A manufactured home constructed on or before July 1, 1972, is prohibited unless it has been upgraded to meet minimum requirements for manufactured homes constructed after July 1, 1972.

(2)

A manufactured home constructed and installed according to provisions of subsection [24-462\(1\)](#) may be allowed in the A agriculture district or C conservation districts, for purposes of temporary housing while a permanent structure is being built. The temporary permit may not exceed two years. Such permits shall be renewed on or before the anniversary date of the original permit.

(3)

Manufactured home parks shall contain manufactured homes constructed and installed according to requirements of Minn. Stats. §§ 327.31—327.35, and must be connected to municipal water and sewer, and must meet the standards of the state department of health and other requirements of this chapter. All manufactured homes permitted under this section must have the wheels removed, be anchored and be skirted.

(4)

Storm shelters meeting the requirements of Minn. Stats. § 327.05 shall be provided for all manufactured home parks.

(Ord. No. 100, § 18, 6-8-1996; Ord. of 11-24-1998)

Sec. 24-463. - Notification and public hearing.

(a)

Publication. At least ten days in advance of each public hearing, the zoning administrator shall cause a notice of the time and place of such hearing to be published in the official newspaper of the county.

(b)

Notification. All property owners of record within 500 feet of the incorporated areas and/or one-quarter mile of the affected property or to the ten properties nearest to the affected property, whichever would provide notice to the greatest number of owners of unincorporated areas where the conditional use is proposed shall be notified by depositing a written notice in the U.S. mail, postage prepaid, as to the time and place of the public hearing. All municipalities within two miles of the proposed conditional use shall be given proper notice.

(c)

Omission in notification. The zoning administrator shall be responsible for proper publication of notices and notification to adjacent property owners. However, an error in the published notice of public hearing or failure to notify a specific property owner of the application for a conditional use permit shall not be considered cause to declare the public hearing invalid.

(d)

Public hearing. Upon receipt in proper form of the application and other requested material, the county planning commission or, in the case of temporary use of manufactured homes in the A agriculture or C conservation districts, the zoning administrator shall hold at least one public hearing in a location to be prescribed by the planning commission or zoning administrator.

(Ord. No. 100, § 18, 6-8-1996)

Sec. 24-464. - Board of commissioners approval required.

For each application for a conditional use permit, the county planning commission or zoning administrator shall report to the board of commissioners findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. Upon receipt of the report of the planning commission or zoning administrator, the board of commissioners shall hold whatever public hearings it deems advisable and shall make a decision upon the proposal for a conditional use permit.

(Ord. No. 100, § 18, 6-8-1996)

Sec. 24-465. - Invalidation of permit.

An approved conditional use permit shall become invalid unless a construction permit is issued within 12 months of final approval by the board of commissioners.

(Ord. No. 100, § 18, 6-8-1996; Ord. of 11-24-1998)

Sec. 24-466. - Standards for granting a conditional use permit.

(a)

Findings required. No conditional use shall be recommended by the county planning commission or zoning administrator unless the planning commission or zoning administrator shall find:

(1)

That the proposed use conforms with the county land use plan.

(2)

The demonstrated need for the proposed use.

(3)

That the proposed use will not degrade the water quality of the county.

(4)

That the proposed use will not adversely increase the quantity of water runoff.

(5)

That soil conditions are adequate to accommodate the proposed use.

(6)

That the proposed use does not create a potential pollution hazard.

(7)

That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

(8)

That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

(9)

That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.

(10)

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.

(11)

That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

(12)

That adequate measures have been or will be taken to prevent or control offensive odors, 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.

(13)

That the density of proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable zoning district.

(14)

That the intensity of proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable zoning district.

(15)

That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals and general welfare.

(b)

Authority to impose conditions. The board of commissioners in order to achieve the standards stated in subsection (a) of this section may require reasonable conditions.

(c)

Resubmittal of application following denial by the board of commissioners. If a request for a conditional use permit is denied by the board of commissioners, no new application shall be accepted by the planning commission for a 12-month period following denial if it is substantially the same as, or similar to, the request which was denied by the board of commissioners. The imposition of this 12-month period is intended to give the applicant time to reconsider the appropriateness of his development proposal, to address concerns and to encourage dialogue between the applicant and affected neighboring landowners. The planning commission may permit a new application, if in its opinion, new evidence or a change in conditions warrants it.

(Ord. No. 100, § 18, 6-8-1996; Ord. of 11-24-1998)

Sec. 24-467. - Adverse environmental effect.

The applicant for a conditional use permit which, in the opinion of the planning commission, may result in a material adverse effect on the environment may be requested by the board of commissioners to demonstrate the nature and extent of the effect.

(Ord. No. 100, § 18, 6-8-1996)

Sec. 24-468. - Permit validity.

(a)

A conditional use permit shall be valid for a period of five years unless otherwise stated on the permit or as otherwise permitted by this chapter. After the fourth, and prior to the fifth anniversary date of the permit, the zoning administrator will perform an administrative review of the conditional use permit file, perform site inspections if necessary, and report the status of the conditional use permit to the board of commissioners.

(b)

The board of commissioners will determine, based on the staff report, if the permit should be continued, amended or allowed to terminate. The board of commissioners may refer the matter to the planning commission for further study.

(Ord. No. 100, § 18, 6-8-1996; Ord. of 11-24-1998)

Sec. 24-469. - Recording.

The zoning administrator shall file a certified copy of any conditional use permit with the land records department for record. The conditional use permit shall include the legal description of the property involved.

(Ord. No. 100, § 18, 6-8-1996)

Sec. 24-470. - Compliance.

Any use permitted under the terms of any conditional use permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith. Failure to comply with the terms of the permit shall cause automatic termination of the permit and the use may not be continued or restarted without board of commissioners approval.

(Ord. No. 100, § 18, 6-8-1996)

Secs. 24-471—24-500. - Reserved.