

# **Le Sueur County Zoning Ordinance Excerpts**

Full Document available at, <http://www.co.le-sueur.mn.us/environmentalservices/ZoningOrdinance.pdf>  
(last visited Nov. 30, 2013)

# LE SUEUR COUNTY ZONING ORDINANCE TABLE OF CONTENTS

## LAND USE GOALS AND POLICIES

<b><u>SECTION 1.</u></b>	<b>PURPOSE &amp; INTENT</b>	1, 2, 3-1
<b><u>SECTION 2.</u></b>	<b>TITLE</b>	1, 2, 3-1
<b><u>SECTION 3.</u></b>	<b>STATUTORY AUTHORIZATION, JURISDICTION, SCOPE AND INTERPRETATION</b>	
	Subdivision 1. Statutory Authorization	1, 2, 3-1
	Subdivision 2. Jurisdiction	1, 2, 3-2
	Subdivision 3. Scope	1, 2, 3-2
	Subdivision 4. Interpretation	1, 2, 3-2
	Subdivision 5. Lots of Record	1, 2, 3-2
	Subdivision 6. Disclaimer of Liability	1, 2, 3-2
	Subdivision 7. Injunctive Relief	1, 2, 3-3
<b><u>SECTION 4.</u></b>	<b>RULES AND DEFINITIONS</b>	
	Subdivision 1. Purpose	4-1
	Significant Dates	4-1
	Subdivision 2. Definitions	4-2
<b><u>SECTION 5.</u></b>	<b>CLASSIFICATION OF DISTRICTS</b>	
	Subdivision 1. Districts	5-1
	Subdivision 2. Zoning Map	5-2
	Subdivision 3. District Boundaries	5-2
	Subdivision 4. Future Detachment	5-2
	Subdivision 5. Uses Not Provided For In Zoning Districts	5-3
	Subdivision 6. Appeals As To District Boundaries	5-3
<b><u>SECTION 6.</u></b>	<b>OVERLAY DISTRICTS (MINERAL RESOURCES, FLOOD PLAIN AND AIRPORT ZONING)</b>	
	Subdivision 1. Purpose	6-1
<b><u>SECTION 6.1</u></b>	<b>MINERAL RESOURCES (MR) OVERLAY DISTRICT</b>	
	Subdivision 1. Purpose	6-2
	Subdivision 2. Specific Standards	6-2
<b><u>SECTION 6.2</u></b>	<b>FLOOD PLAIN (FP) OVERLAY DISTRICT</b>	
	Subdivision 1. Statutory Authorization, Findings of Fact And Purpose	6-5
	Subdivision 2. General Provisions	6-6
	Subdivision 3. Establishment of Zoning Districts And Evaluation Procedure	6-7
	Subdivision 4. Floodway District (FW)	6-10
	Subdivision 5. Flood Fringe District (FF)	6-13
	Subdivision 6. Public Utilities, Railroads, Roads & Bridges	6-16
	Subdivision 7. Manufactured Homes And Manufactured Home Parks And Placement of Recreational Vehicles	6-17
	Subdivision 8. Non-Conforming Uses	6-18
	Subdivision 9. Administration	6-19

<b><u>SECTION 6.3</u></b>	<b>AIRPORT ZONING (AZ) OVERLAY DISTRICT</b>	
	Subdivision 1. Purpose	6-21
	Subdivision 2. Adopt By Reference	6-21
<b><u>SECTION 7.</u></b>	<b>CONSERVANCY (C) DISTRICT</b>	
	Subdivision 1. Purpose	7-1
	Subdivision 2. Permitted Uses	7-1
	Subdivision 3. Conditional Uses	7-2
	Subdivision 4. Permitted Accessory Uses And Standards	7-4
	Subdivision 5. Dimensional Regulations	7-5
	Subdivision 6. Dwelling Standards	7-9
	Subdivision 7. Access Drives, Access And Service Roads	7-9
	Subdivision 8. General Regulations	7-10
<b><u>SECTION 8.</u></b>	<b>AGRICULTURAL (A) DISTRICT</b>	
	Subdivision 1. Purpose	8-1
	Subdivision 2. Permitted Uses	8-1
	Subdivision 3. Conditional Uses	8-3
	Subdivision 4. Permitted Accessory Uses And Standards	8-5
	Subdivision 5. Dimensional Regulations	8-7
	Subdivision 6. Dwelling Standards	8-11
	Subdivision 7. Access Drives, Access And Service Roads	8-11
	Subdivision 8. General Regulations	8-12
<b><u>SECTION 9.</u></b>	<b>URBAN/RURAL RESIDENTIAL (R1) DISTRICT</b>	
	Subdivision 1. Purpose	9-1
	Subdivision 2. Permitted Uses	9-1
	Subdivision 3. Conditional Uses	9-2
	Subdivision 4. Permitted Accessory Uses And Standards	9-4
	Subdivision 5. Dimensional Regulations	9-5
	Subdivision 6. Dwelling Standards	9-9
	Subdivision 7. Access Drives, Access And Service Roads	9-9
	Subdivision 8. General Regulations	9-10
<b><u>SECTION 10.</u></b>	<b>GENERAL BUSINESS (B) DISTRICT</b>	
	Subdivision 1. Purpose	10-1
	Subdivision 2. Permitted Uses	10-1
	Subdivision 3. Conditional Uses	10-2
	Subdivision 4. Permitted Accessory Uses And Standards	10-4
	Subdivision 5. Dimensional Regulations	10-7
	Subdivision 6. Access Drives, Access And Service Roads	10-10
	Subdivision 7. General Regulations	10-10
<b><u>SECTION 11.</u></b>	<b>GENERAL INDUSTRY (I) DISTRICT</b>	
	Subdivision 1. Purpose	11-1
	Subdivision 2. Permitted Uses	11-1
	Subdivision 3. Conditional Uses	11-2
	Subdivision 4. Permitted Accessory Uses And Standards	11-4
	Subdivision 5. Dimensional Regulations	11-6
	Subdivision 6. Access Drives, Access And Service Roads	11-10
	Subdivision 7. General Regulations	11-10
<b><u>SECTION 12.</u></b>	<b>SUBDIVISION/PLATTING PROVISIONS</b>	
	Subdivision 1. Purpose	12-1
	Subdivision 2. Planned Unit Development (PUD's)	12-3

<b><u>SECTION 13.</u></b>	<b>LE SUEUR COUNTY SHORELAND MANAGEMENT</b>	
	Subdivision 1.	Statutory Authorization And Policy 13-1
	Subdivision 2.	General Provisions and Definitions 13-1
	Subdivision 3.	Administration 13-3
	Subdivision 4.	Shoreland Classification System And Land Use Districts 13-4
		Public Waters, Lakes 13-4
		Public Waters, Rivers And Streams 13-6
	Subdivision 5.	Design Criteria, Shoreland Alterations And Special Provisions 13-10
	Subdivision 6.	Non-Conformities 13-23
<b><u>SECTION 13.1</u></b>	<b>SPECIAL PROTECTION (SP) DISTRICT</b>	
	Subdivision 1.	Purpose 13-25
	Subdivision 2.	Permitted Uses 13-25
	Subdivision 3.	Conditional Uses 13-26
	Subdivision 4.	Permitted Accessory Uses And Standards 13-28
	Subdivision 5.	Dimensional Regulations 13-30
	Subdivision 6.	Dwelling Standards 13-35
	Subdivision 7.	Access Drives, Access And Service Roads 13-36
	Subdivision 8.	General Regulations 13-37
<b><u>SECTION 13.2</u></b>	<b>RECREATIONAL RESIDENTIAL (RR) DISTRICT</b>	
	Subdivision 1.	Purpose 13-38
	Subdivision 2.	Permitted Uses 13-38
	Subdivision 3.	Conditional Uses 13-39
	Subdivision 4.	Permitted Accessory Uses And Standards 13-41
	Subdivision 5.	Dimensional Regulations 13-43
	Subdivision 6.	Dwelling Standards 13-48
	Subdivision 7.	Access Drives, Access And Service Roads 13-49
	Subdivision 8.	General Regulations 13-50
<b><u>SECTION 13.3</u></b>	<b>RECREATIONAL COMMERCIAL (RC) DISTRICT</b>	
	Subdivision 1.	Purpose 13-52
	Subdivision 2.	Permitted Uses 13-52
	Subdivision 3.	Conditional Uses 13-53
	Subdivision 4.	Permitted Accessory Uses And Standards 13-55
	Subdivision 5.	Dimensional Regulations 13-59
	Subdivision 6.	Dwelling Standards 13-64
	Subdivision 7.	Access Drives, Access And Service Roads 13-65
	Subdivision 8.	General Regulations 13-65
<b><u>SECTION 14.</u></b>	<b>SCENIC TRAIL STANDARDS</b>	
	Subdivision 1.	Purpose 14-1
	Subdivision 2.	Prohibited Uses 14-1
	Subdivision 3.	Prohibited Signs 14-1
	Subdivision 4.	Home Occupations 14-1
<b><u>SECTION 15.</u></b>	<b>ADULT USES</b>	
	Subdivision 1.	Statutory Authorization 15-1
	Subdivision 2.	Findings And Purpose Of Ordinance 15-1
	Subdivision 3.	Licensing And Enforcement 15-1
	Subdivision 4.	Allowed Adult Use Locations By Zoning District And Other Applicable Standards 15-2

<b><u>SECTION 16.</u></b>	<b>ANIMAL FEEDLOT AND MANURE MANAGEMENTc</b>	
	Subdivision 1.	Purpose 16-1
	Subdivision 2.	Adoption By Reference Of State Regulations 16-1
	Subdivision 3.	Scope And Applicability 16-1
	Subdivision 4.	Exempt From Regulations 16-4
	Subdivision 5.	Permit Requirements 16-5
	Subdivision 6.	Inspections 16-5
	Subdivision 7.	General Requirements 16-6
	Subdivision 8.	Conditional Uses 16-6
	Subdivision 9.	Standards For Conditional Use Permits 16-7
	Subdivision 10.	Required Setbacks For New Animal Feedlots, Expansion Of Existing Animal Feedlots, And Manure Storage Structures 16-8
	Subdivision 11.	Manure Management 16-9
	Subdivision 12.	Severability 16-11
	Subdivision 13.	Variance 16-11
	Subdivision 14.	Non-Conforming Use 16-12
	Subdivision 15.	Fees 16-13
<b><u>SECTION 17.</u></b>	<b>SUBSURFACE SEWAGE TREATMENT SYSTEMS (SSTS)</b>	
	Subdivision 1.	Purpose And Authority 17-1
	Subdivision 2.	General Provisions 17-2
	Subdivision 3.	General Requirements 17-4
	Subdivision 4.	SSTS Standards 17-6
		Setbacks 17-9
	Subdivision 5.	SSTS Permitting 17-10
	Subdivision 6.	Management Plans 17-15
	Subdivision 7.	Compliance Inspection Program 17-16
	Subdivision 8.	Enforcement 17-20
<b><u>SECTION 18.</u></b>	<b>ENVIRONMENTAL PERFORMANCE STANDARDS</b>	
	Subdivision 1.	Wetland Conservation 18-1
	Subdivision 2.	Bluff Regulations 18-2
	Subdivision 3.	Grading, Excavating, Or Filling Standards 18-3
	Subdivision 4.	Abatement of Environmental Hazards 18-6
	Subdivision 5.	Forest Management And Natural Vegetation Preservation 18-7
	Subdivision 6.	Spreading of Contaminated Soil 18-8
	Subdivision 7.	Erosion Control 18-9
	Subdivision 8.	Drainage 18-14
<b><u>SECTION 19.</u></b>	<b>LAND USE PERFORMANCE STANDARDS</b>	
	Subdivision 1.	Purpose 19-1
	Subdivision 2.	Application 19-1
	Subdivision 3.	General Standards 19-3
	Subdivision 4.	Access Drives, Access And Service Roads 19-4
	Subdivision 5.	Parking And Loading Standards 19-5
	Subdivision 6.	Landscaping And Screening 19-9
	Subdivision 7.	Sign Standards 19-10
	Subdivision 8.	Outdoor Lighting Standards 19-14
	Subdivision 9.	Nuisance Control 19-15
	Subdivision 10.	Relocating Structures 19-17
	Subdivision 11.	Right To Farm 19-17
	Subdivision 12.	Specific Land Uses 19-18

<b><u>SECTION 20.</u></b>	<b>MINERAL EXTRACTION</b>	
	Subdivision 1.	Purpose 20-1
	Subdivision 2.	Conditional Use Permit Required 20-1
	Subdivision 3.	Mining Operation Standards 20-5
	Subdivision 4.	Reclamation Plan Standards 20-10
	Subdivision 5.	Bond Required 20-12
	Subdivision 6.	Existing Operations 20-13
<b><u>SECTION 21.</u></b>	<b>CONDITIONAL USE PERMITS</b>	
	Subdivision 1.	Purpose 21-1
	Subdivision 2.	Procedure 21-1
	Subdivision 3.	Fees 21-6
	Subdivision 4.	Reconsideration 21-7
	Subdivision 5.	Lapse Conditional Use Permit By Non-use 21-7
	Subdivision 6.	Compliance 21-7
	Subdivision 7.	Revocation Of Permit 21-8
	Subdivision 8.	Registration 21-8
<b><u>SECTION 22.</u></b>	<b>BOARD OF ADJUSTMENT</b>	
	Subdivision 1.	Creation And Membership 22-1
	Subdivision 2.	Authority 22-2
	Subdivision 3.	Appeals/Variances 22-2
	Subdivision 4.	Procedure 22-4
	Subdivision 5.	Appeals To District Court 22-6
	Subdivision 6.	Fees 22-6
	Subdivision 7.	Lapse Of Variance 22-6
<b><u>SECTION 23.</u></b>	<b>AMENDMENTS/REZONINGS</b>	
	Subdivision 1.	Authority 23-1
	Subdivision 2.	Application 23-1
	Subdivision 3.	Procedure 23-2
	Subdivision 4.	Action And Authorization 23-3
	Subdivision 5.	Fees 23-4
	Subdivision 6.	Registration 23-5
<b><u>SECTION 24.</u></b>	<b>NON-CONFORMITIES</b>	
	Subdivision 1.	Intent 24-1
	Subdivision 2.	Significant Dates 24-1
	Subdivision 3.	Non-Conformities In the FW & FF Districts 24-1
	Subdivision 4.	Discontinuance 24-2
	Subdivision 5.	Alterations 24-2
	Subdivision 6.	Residential Alterations 24-2
	Subdivision 7.	Restoration 24-3
	Subdivision 8.	Normal Maintenance 24-3
	Subdivision 9.	Lots of Record 24-3
<b><u>SECTION 25.</u></b>	<b>ADMINISTRATION/PLANNING COMMISSION</b>	
	Subdivision 1.	County Planning And Zoning Administrator 25-1
	Subdivision 2.	Planning Commission 25-1

<b><u>SECTION 26.</u></b>	<b>ZONING PERMITS AND LAND ALTERATION PERMITS</b>	<b>26-1</b>
	Subdivision 1.    Zoning Administrator And Assistant Zoning Administrator	26-1
	Subdivision 2.    Zoning Permits	26-1
	Subdivision 3.    Land Alteration Permit	26-2
	Subdivision 4.    Fees	26-2
<b><u>SECTION 27.</u></b>	<b>ESSENTIAL SERVICES</b>	
	Subdivision 1.    General	27-1
	Subdivision 2.    Procedures For Large Facilities	27-1
	Subdivision 3.    Procedure For Local Distribution Services	27-2
<b><u>SECTION 28.</u></b>	<b>RESERVED</b>	
<b><u>SECTION 29.</u></b>	<b>RESERVED</b>	
<b><u>SECTION 30.</u></b>	<b>VIOLATIONS, FINES AND ENFORCEMENT</b>	
	Subdivision 1.    Violations	30-1
	Subdivision 2.    Enforcement	30-1
	Subdivision 3.    Remedies	30-1
	Subdivision 4.    Fines	30-2
	Subdivision 5.    Sheriff of Le Sueur County Duties	30-2
<b><u>SECTION 31.</u></b>	<b>VALIDITY</b>	<b>31-1</b>
<b><u>SECTION 32.</u></b>	<b>REPEAL, ADOPTION AND EFFECTIVE DATE</b>	
	Subdivision 1.    Repeal	32-1
	Subdivision 2.    Public Hearing And Planning Commission Recommendation	32-1
	Subdivision 3.    Adoption	32-1
	Subdivision 4.    Effective Date	32-1

# ***Le Sueur County Land Use Goals and Policies***

Le Sueur County will adopt and enforce the following land use goals and policies to enhance land use regulation efficiencies, use County resources to meet County residents' needs, and protect County residents' health, safety, and welfare.

**Goal 1: Le Sueur County contains some of the most productive agricultural soils in Minnesota and should adopt and enforce land use goals and policies that conserve and protect agricultural resources and uses.**

Policy: The County will protect the best of its agricultural land as a resource for long term agricultural use.

Policy: An adequate supply of healthy livestock is essential to the well being of Le Sueur County. The location of livestock feedlots and non-feedlot uses too close to one another can cause conflicts. An effort to combine local needs with state feedlot regulations will ensure local involvement in this issue, help provide minimal disruption to existing agricultural businesses, and help provide rules to protect the environment.

**Goal 2: Le Sueur County should adopt and enforce land use goals and policies that conserve and restore its natural resources, bring protections to the ecological systems of the natural environment, and prevent the premature development of natural resource areas.**

Policy: The County should continue its preservation of significant bluff areas and river valleys through its use of a Conservancy Zone.

Policy: Utilize shorelands on Recreational Development Lakes (RD) for housing, but with a focus on development design that protects the resource.

Policy: Preserve shorelands on Natural Environment Lakes (NE) and Tributary Rivers as open space or wildlife areas.

**Goal 3: Improve water quality in Le Sueur County.**

Policy: The County will undertake actions to help protect groundwater as well as surface water features.

**Goal 4: Le Sueur County should adopt and enforce land use goals and policies that provide a wide range of opportunity for Urban and Rural Housing Development.**

Policy: Le Sueur County should allow non-farm development to occur in agricultural areas, but with guidelines meant to reduce conflicts with agricultural operators.



**Goal 5: The County needs to establish closer land use planning efforts with its urbanized cities for reasons of economic efficiencies and to reduce conflicts and confusion.**

Policy: The County will work with each of the Cities to establish an urban growth boundary that will graphically represent the growth intentions of each City by defining its future urban service area for some specified future time period.

**Goal 6: Aggregate resources are a finite resource that is directly impacted by scattered site development. The County should protect its aggregate resources from premature development.**

Policy: The County should adopt an aggregate resource protection ordinance.

**Goal 7: Parks and other County owned open spaces are valuable resources that need to be improved and developed to serve County residents.**

Policy: The County Board will request the Le Sueur County Park Board to become more active in being an advocate for County Park improvements.

**Goal 8: As part of the County's responsibility to protect the public health, safety, and welfare, the County will consider adopting the Uniform Building Code.**

# **ZONING ORDINANCE OF LE SUEUR COUNTY**

**AN ORDINANCE REGULATING THE USE OF LAND IN LE SUEUR COUNTY BY DISTRICTS, INCLUDING THE REGULATION OF THE LOCATION, SIZE, USE, AND HEIGHT OF STRUCTURES, THE ARRANGEMENT OF STRUCTURES AND PROVIDING FOR OTHER REQUIREMENTS AND IMPOSING PENALTIES FOR THE PURPOSE OF PROMOTING THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE OF LE SUEUR COUNTY.**

## **SECTION 1. PURPOSE AND INTENT**

A. This Ordinance is enacted for the following purposes:

1. Promoting and protecting the public health, safety, morals, and general welfare throughout Le Sueur County.
2. Implementing the Le Sueur County Comprehensive Land Use Plan.
3. Protecting and preserving agricultural land and natural resources.
4. Promoting orderly development of residential, commercial, industrial, recreational and park areas.
5. Conserving the natural and scenic beauty of the County.
6. Providing for the compatibility of different land uses and most appropriate use of land throughout the County.
7. Minimizing environmental pollution.

## **SECTION 2. TITLE**

This Ordinance shall be known and may be cited and referred to as the “Le Sueur County Zoning Ordinance” when referred to herein; it shall be known as “this Ordinance.”

## **SECTION 3. STATUTORY AUTHORIZATION, JURISDICTION, SCOPE AND INTERPRETATION**

### **SUBDIVISION 1. STATUTORY AUTHORIZATION**

This Ordinance is adopted pursuant to the authorization contained in Minnesota Statutes and Minnesota Rules as amended from time to time.

## **SUBDIVISION 2. JURISDICTION**

The jurisdiction of this Ordinance shall apply to all the area of Le Sueur County outside the incorporated limits of cities.

## **SUBDIVISION 3. SCOPE**

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

## **SUBDIVISION 4. INTERPRETATION**

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

## **SUBDIVISION 5. LOTS OF RECORD**

All lots which are a part of a subdivision legally recorded with the County Recorder, and all lots, parcels, tracts, and other legally described land to which the deed has been recorded prior to July 9, 2009, shall be considered Lots of Record. Lots of Record shall be legally developable for the purpose of single-family dwelling construction, provided all applicable standards and requirements of this Ordinance can be met at the time of development.

## **SUBDIVISION 6. DISCLAIMER OF LIABILITY**

The Flood Plain Overlay 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; nor shall this Ordinance, or districts established herein, create a liability on the part of, or cause action against Le Sueur County or any office or employee thereof, for any flood damage that may result from reliance upon this Ordinance or flood district so established.

**SUBDIVISION 7. INJUNCTIVE RELIEF**

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

**SECTION 4. RULES AND DEFINITIONS**

**SUBDIVISION 1. PURPOSE**

**A. WORD USAGE**

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

**B. PERMITTED USES**

1. Permitted uses of land or structures, as hereinafter listed, shall be allowed in the districts indicated under the conditions specified. No structure or land shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such structure or land shall be located, except for the following exceptions:
  - a. Uses lawfully established prior to the effective date of this Ordinance.
  - b. Conditional Uses allowed in accordance with Subdivision 1.C of this Ordinance.
  - c. Essential services erected, constructed, altered, or maintained by public utilities or by governmental departments or commissions, subject only to the permit requirements as set forth in this Ordinance.

**C. CONDITIONAL USES**

Conditional Uses of land or structures, as hereinafter listed, may be allowed in the districts indicated, subject to the issuance of Conditional Use Permits, in accordance with the provisions of this Ordinance. Whenever a conditional use is named as a major category, it shall be deemed to include all and only those itemized uses listed.

**D. SIGNIFICANT DATES:**

*(TABLE ON NEXT PAGE)*

<b>Ordinance or Amendment</b>	<b>Effective Date</b>	<b>Summary</b>
Primary and Alternative SSTS Sites	January 23, 1996	Building Sites created after date must have sufficient area for a minimum of two (2) subsurface sewage treatment systems
Nonconforming Structures and Land Uses in Floodway and Flood Fringe District	July 6, 1999	Lawful nonconforming structures and uses may continue with conditions set forth in Section 24 of this Ordinance
Lot of Record	July 9, 2009	See Definition
New or Expansion of Feedlots	June 10, 2010	New or expansion of feedlots shall conform to current Section 16 standards and Minnesota Administrative Rules
Existing Building Sites	June 18, 1996	See Definition

## **SUBDIVISION 2. DEFINITIONS**

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

**ADULT USES** - A use, business or establishment, including but not limited to, adult bookstores, adult motion picture theaters, adult picture rental, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of specified sexual activities or specified anatomical areas which are capable of being seen by members of the public.

**ADULT USES. ACCESSORY** - A use, business or establishment having ten (10) percent or less of its stock in trade or floor area allocated to, or twenty (20) percent or less of its gross receipts derived from movie rentals or magazine sales.

**ADULT USES. PRINCIPAL** - A use, business or establishment having more than ten (10) percent of its stock in trade or floor area to, or more than twenty (20) percent of its gross receipts derived from movie rentals or magazine sales.

**AGENCY** - The Minnesota Pollution Control Agency (MPCA) as established in Minnesota Statutes, Chapter 116.

**AGGREGATED PROJECTS** - 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 (Minnesota County Model Wind Ordinance)

**AGRICULTURAL BEST MANAGEMENT PRACTICES (BMP)** - An agricultural BMP is broadly defined as an economically sound practice that is capable of minimizing nutrient contamination of surface and ground waters. Specific BMP practices are described in Minnesota Extension Service Bulletins AG-FO-6125, AG-FO-6127 and AG-FO3553.

**AGRICULTURE** - The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the agricultural product provided, however, that the operation of any such accessory uses shall be secondary to that of primary agricultural activities.

**AGRICULTURE, VALUE ADDED** - An agriculture product in which value is added to an agriculture crop, poultry, or livestock grown on a site owned or operated by the applicant by the process of changing, combining or transforming its original state to a more valuable state.

**ANIMAL CREMATORIUM** - A place in which deceased animals are cremated through the use of properly installed and certified apparatus.

**ANIMAL, DOMESTIC PETS** - Dogs, cats, birds and similar animals kept in a residence. Animals considered wild, exotic, or non domestic, such as lions, bears, wolves, and similar animals, shall not be considered domestic pets.

**ANIMAL FEEDLOT** - A lot or structure or combination of lots and structures intended for the feeding, breeding, raising, or holding of animals and specifically designed as a structure or area in which animals may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots.

**ANIMAL FEEDLOT, CERTIFICATE OF COMPLIANCE** - A letter from the Agency or the County Feedlot Officer to the owner of an animal feedlot stating that the feedlot meets the Agency standards, and that the livestock operation does not create or maintain a potential pollution hazard, or if a potential pollution hazard existed, it has been corrected to meet the Agency requirements.

**ANIMAL FEEDLOT, CHANGE IN OPERATION** - An increase beyond the permitted maximum number of animal units, or an increase in the number of animal units which are confined at an unpermitted animal feedlot requiring a construction investment, or a change in the construction or operation of an animal feedlot that would affect the storage, handling, utilization, or disposal of animal manure.

**ANIMAL FEEDLOT, EXISTING** - An animal feedlot that has been utilized for livestock production within the past five (5) years.

**ANIMAL FEEDLOT, EXPANSION OF AN EXISTING** - Increasing production capacity by addition of structures used to contain animals.

**ANIMAL FEEDLOT, MANURE STORAGE AREA OR FACILITY** - An area or facility associated with an animal feedlot where animal manure or runoff containing animal manure is stored until it can be utilized as domestic fertilizer or removed to a permitted animal manure disposal site. Animal manure packs or mounding within the animal feedlot shall not be considered to be manure storage for these regulations.

**ANIMAL FEEDLOT, MODIFICATION OF AN EXISTING** - Conversion or remodeling of an existing structure used for livestock production. The conversion or remodeling will not result in increased production capacity.

**ANIMAL FEEDLOT, NEW** - An animal feedlot constructed and operated at a site where an animal feedlot did not previously exist or where a preexisting animal feedlot has been discontinued or unused for live-stock production for five (5) years or more.

**ANIMAL FEEDLOT, OFFICER** - An individual, appointed by the Board of County Commissioners to receive, review and process animal feedlot permit applications.

**ANIMAL FEEDLOT, OPERATOR/OWNER** - An individual, corporation, group of individuals, 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.

**ANIMAL FEEDLOT PERMIT, INTERIM** - A permit issued by the county and, when required, the Agency which expires no later than ten (10) months from the date of issuance, identifying the necessary corrective measures to abate potential pollution hazards.

**ANIMAL FEEDLOT PERMIT, STATE** - A State Animal Feedlot Permit is issued when an identified potential pollution hazard cannot be corrected within a ten (10) month period because the solution is not technically or economically feasible, or the manure is not used as a domestic fertilizer.



**ANIMAL FEEDLOT, POTENTIAL POLLUTION HAZARD** - A condition which indicates a potential for pollution of the land or waters of the state including, but not limited to:

1. An animal feedlot or manure storage area whose boundaries are located within shoreland or floodplain, or are located in an area draining directly to a sinkhole or draining to an area with shallow soils overlaying a fractured or cavernous rock, or are located within one hundred (100) feet of a water well; or
2. An animal feedlot or manure storage area whose construction or operation will allow a discharge of pollutants to surface or groundwater of the state in excess of applicable standards, including, but not limited to, MN Rules Chapters 7050 and 7055, during a rainstorm event of less magnitude than the twenty five (25) year, (4.9 inches), twenty four (24) hour event, or will violate any applicable state rules.

**ANIMAL FEEDLOT, SUITABLE AREA** - The area remaining on a lot or parcel of land that is capable of sustaining animal units after land defined as bluffs, steep slopes, wetlands, and land below the ordinary high water level are subtracted.

**ANIMAL HOSPITAL AND VETERINARY CLINIC** - A facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases and where animals may be boarded for their treatment.

**ANIMAL MANURE** - Poultry, livestock, or other animal excreta or a mixture of excreta with feed, bedding, or other materials.

**ANIMAL SHELTER** - A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned by a private citizen, public body, humane society or other non-profit organization devoted to the welfare, protection, and humane treatment of animals.

**ANIMAL UNIT** - 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 slaughter steer or heifer.

**ANTENNA** - Any structure or device used for the purpose of collecting or radiating electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

**ANTIQUE STORE** - A place offering antiques for sale. An antique, for purposes of this Ordinance, shall be a work of art, piece of furniture, decorative object, or the like, of or belonging to the past, at least thirty (30) years old.

**APPLICANT** - A person, property owner, or entity that submits an application for a permit, development approval, or land use action which includes but not limited to a variance, conditional use permit, rezoning, ordinance amendment, or plat.

**APPLICATION DEADLINE** - The date, as established by the Department, by which an applicant must submit an application for consideration by the Planning and Zoning Advisory Commission or the Board of Adjustment.

**AS-BUILTS** - A construction drawing prepared after completion of a project which depicts the site as it has been actually constructed. An As-Built may include structures, parking and topographic elevations.

**AUTOMOBILE WRECKING** - See Junk/Salvage Yards.

**AVERAGE DAILY TRIP** - The average number of vehicles using a traveled way for a 24-hour period determined by dividing the total number of vehicles for a stated period by the number of days in that time period. In calculating vehicle trips, trucks with trailers shall be adjusted to a passenger car equivalent.

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

**BEACH SAND BLANKET** - An amount of sand allowable by County and State regulations that is placed on a lakeshore to make a beach area.

**BED AND BREAKFAST INN** - An owner-occupied dwelling unit where short-term lodging rooms with or without meals, are provided for compensation.

**BLOCK** - An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or lake.

**BLUFF** - A topographic feature such as a hill, cliff, or embankment in which the slope rises at least fifteen (15) feet from the toe of the bluff to the top of the bluff and the grade of the slope from the toe of the bluff to the top of the bluff averages 18 percent or greater. The percent of the slope is defined as the change in elevation (rise) over a distance (run).

**BLUFF, TOE** - The toe of the bluff shall be determined to be the lower end of the lowest ten (10) foot segment that exceeds eighteen (18) percent slope.

**BLUFF, TOP** - The top of the bluff shall be determined to the upper end of the highest ten (10) foot segment that exceeds eighteen (18) percent.

**BLUFF IMPACT ZONE** - Land located within 30 feet from the top or toe of a bluff.

**BOARD OF COUNTY COMMISSIONERS** - Le Sueur County Board of Commissioners.

**BOAT HOUSE** - A structure for storage of boat or lake sporting and recreational equipment.

**BUILDING** - See Structure

**BUILDABLE LOT AREA** - The portion of a lot or parcel remaining after the deletion of floodplain, wetlands, bluffs or steep slopes and/or below ordinary high water level.

**CABIN** - A structure used seasonally or intermittently as a single-family dwelling.

**CALCAREOUS FENS** - Calcareous fens, a rare type of wetland as identified by the commissioner by written order published in the State Register, are regulated under the WCA but the responsibility for their regulation is assigned to the DNR and which may not be filled, drained, or otherwise degraded, wholly or partially, by any activity, unless the Commissioner, under an approved management plan, decides some alteration is necessary, as defined in MN Statutes, §103G.223.

**CAMPER** - See Travel Trailer.

**CAMPGROUND** - An area of property used on a daily, nightly or weekly basis upon which a tent, pickup camper, motor home, pop-up camper, or trailer, made for camping where proper sanitation facilities and spacing of camp units are provided and maintained.

**CANDELAS PER SQUARE METER (cd/m<sup>2</sup>)** - The standard unit of luminance (*also called NITS*). 1 CDM is equal to 1 NIT.

**CARTAGE AND EXPRESS FACILITIES** - A facility which receives packages and materials from another customer and transports those packages and materials to another location.

**CHURCH** - A structure that is used for the assembling of people for religious purposes.

**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 nonsewage from a two-family dwelling or greater or receive sewage or nonsewage 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).

**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.

**CLUSTER SYSTEM** - A wastewater collection and treatment system under some form of common ownership that collects wastewater from two or more dwellings or structures and conveys it to a treatment and dispersal system located on an acceptable site near the dwellings or structures.

**COMMERCIAL BUSINESS** - The selling or vending of any good or service including but not limited to food, beverages, souvenirs, craft items, repair or rental services, or any other salable item or service.

**COMMERCIAL GRAIN ELEVATOR** - A facility with a group of structures and grain storage facilities that purchases grain from agricultural producers. The facility stores and at times may process grain on site before transporting grain off site.

**COMMERCIAL GRAIN STORAGE** - A facility with a group of structures and grain storage facility that is used by agricultural cooperative or agribusiness.

**COMMERCIAL RECREATIONAL AREA, INDOOR** - Recreational uses conducted indoors, including; but not limited to, archery, miniature golf, firing ranges, paintball, laser tag, motorized cart tracks, water parks, and similar uses.

**COMMERCIAL RECREATIONAL AREA, OUTDOOR** - Recreational uses conducted outdoors, including; golf driving ranges (not associated with a golf course), archery, miniature golf, firing ranges, paintball, laser tag, motorized cart tracks, water parks, amusement parks, and similar uses.

**COMMERCIAL USE** - The principal use of land or structures for the sale, lease, rental, or trade of products, goods, and services.

**COMMISSIONER** - Minnesota Commissioner of Natural Resources.

**COMMUNITY CENTER** - A place, structure, area, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

**COMMUNITY WATER AND SEWER SYSTEMS** - Utilities systems serving a group of structures, lots, or an area of the County with the design and construction of such utility systems as approved by the County Engineering Department and the State of Minnesota.

**COMPLIANCE INSPECTION** - An evaluation, investigation, inspection, or other such process for the purpose of issuing a certificate of compliance or notice of noncompliance.

**CONDITIONAL USE** - A land use or development as defined by this Ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in this Ordinance exist, the use or development conforms to the comprehensive land use plan of Le Sueur County, and the use is compatible with the surrounding area.

**CORNER LOT** - A lot situated at the junction of and fronting on two (2) or more roads or highways.

**CORRECTIVE ACTION** - Any action required by the Department to ensure compliance or conformance with this Ordinance and State regulations.

**CORRECTIVE OR PROTECTIVE MEASURE** - A practice, structure, condition, or combination thereof which prevents or reduces the discharge of pollutants from an animal feedlot to a level in conformity with Agency rules.

**COUNTRY CLUB** - A golfing club equipped with a golf course and a club house.

**COUNTY** - Le Sueur County, Minnesota.

**DEADLINE DATE** - The date as established by the Department in reference to an application for the Planning and Zoning Advisory Commission or the Board of Adjustment .

**DECK** - A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and which exceeds thirty-two (32) square feet.

**DEPARTMENT** - The Le Sueur County Environmental Services Department.

**DEPTH OF LOT** - The mean horizontal distance between the mean front street and the mean rear property 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 structure line and the rear property line.

**DESIGN FLOW** - The daily volume of wastewater for which an onsite/cluster system is designed to treat and discharge.

**DEVELOPMENT** - Any building, construction, renovation, mining, extraction, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwelling units in a structure or a change to a commercial or industrial use from a less intensive use; any activity that alters a shore, beach, seacoast, river, stream, lake, pond, canal, marsh, dune area, woodlands, wetland, endangered species habitat, aquifer or other resource area, including coastal construction or other activity.

**DIRECT LINE OF FIRE** - For the purposes of Outdoor Firing Ranges this is the straight horizontal line from the muzzle of a weapon in the direction of the axis of the bore, just prior to firing.

**DISTRICT** - A section of the County for which the regulations governing the height, area, use of structures and premises are the same.

**DNR. SCENIC TRAIL** - That strip of land one hundred (100) feet wide which was formerly the Chicago and North Western railroad that extends from the Rice County line on the east (Waterville Township) to the Blue Earth County line on the west (Elysian Township).

**DOMESTIC FERTILIZER** - For the purposes of this Ordinance domestic fertilizer means animal manure that is put on or into the soil to improve the quality or quantity of plant growth; or animal manure that is used as compost, soil conditioners, or specialized plant beds.

**DOMESTICATED FOWL** - Any domesticated bird, including, but not limited to, chickens, turkeys, waterfowl, ratites, and game birds.

**DUPLEX, TRIPLEX, AND QUAD** - A dwelling structure on a single lot, having two, three, and four units respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living and sanitation facilities.

**DWELLING UNIT** - Any structure or part thereof which is designed or used exclusively for residential purposes by one or more human beings, either permanently or transiently; short or long term living quarters for one or more persons, including rental or time-share accommodations such as motel, hotel, cabins, and resort rooms are considered dwelling units. A recreational vehicle, travel trailer, or tent shall not be considered a dwelling for the purposes of this Ordinance.

**DWELLING, MULTIPLE** - A dwelling designed for or occupied by two (2) or more families.

**DWELLING, SINGLE FAMILY DETACHED** - A dwelling structure designed for or occupied exclusively by one (1) family, not attached to another dwelling, meeting all of the following standards:

1. A permanent masonry or concrete foundation extending below frost level,
2. A minimum of seven hundred sixty (760) square feet of floor area on the ground floor,
3. The minimum dwelling width excluding porches, decks, or other similar attachments shall be twenty (20) feet except in the cases of temporary dwellings.
4. Open space on the same lot to surround dwelling.

**DWELLING SITE** - A designated location for residential use.

**DWELLING SITE, PERMITTED** - A site that was permitted by the Department for a single-family dwelling.

**DWELLING, TEMPORARY** - Temporary dwellings are defined as manufactured homes that are less than twenty (20) feet wide, excluding decks or entry vestibules, and not on a permanent foundation. All manufactured homes shall bear a State seal as verification of construction and inspection to ANSI A119.1 standards during original construction (issued for manufactured homes built between July 1, 1972 to June 14, 1976) or, for manufactured homes built after that date a Federal seal in accordance with HUD CFR 3280 Construction Standards.

**EASEMENT** - A grant by a landowner for the use of a parcel of land for the purpose of construction 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 floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

**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 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 therewith, but not including structures.

**EXISTING BUILDING SITE** - A permitted dwelling site or an area that has an existing access to a public road right of way and at least one of the following is presently on the premises: a windbreak, water well, accessory structures or a dwelling. In addition, the area must be non-cultivated and have existed prior to June 18, 1996.

**EXTRACTION PIT** - Any artificial excavation of the earth exceeding fifty (50) square feet of surface area or two (2) feet in depth, excavated or made by the removal from the natural surface of the earth, of sod, soil, sand, gravel, stone or other natural matter; or made by turning, or breaking or undermining the surface of the earth. Excavations ancillary to other construction of any installation erected or to be erected, built, or placed thereon in conjunction with or immediately following such excavation shall be exempted, if a permit has been issued for such construction for installation.

**EXTRACTIVE USE** - The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota statutes, sections 93.44 to 93.51 and as amended from time to time.

**FAILURE TO PROTECT GROUNDWATER** - A SSTS that does not protect groundwater such as a seepage pit, cesspool, drywell, leaching pit, or other pit; a SSTS with less than the required vertical separation distance described in Minn. R. 7080.1500, subs. 4(D) and 4(E); and a system not abandoned in accordance with Minn. R. 7080.2500. The determination of the threat to groundwater for other conditions must be made by a qualified employee or a licensed inspection business.

**FARM** - A tract of land, which is principally used for agricultural production of cash crop, livestock, or poultry farming. Such farm may include accessory structures and structures necessary to the operation of the farm.

**FARM, HOBBY** - An area used as a limited farm operation where the income from the farm is incidental to the residential use of the property.

**FARMING** - The cultivation of the soil and all activities incidental thereto; agriculture.

**FARMLAND** - Any land used in conjunction with a farming operation.

**FARMSTEAD** - Property on which structures and a farm dwelling are located for management, storage, livestock, etc. for a farm operation.

**FLOOD** - A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

**FLOOD FREQUENCY** - The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

**FLOOD FRINGE** - That portion of the flood plain outside the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Le Sueur County.

**FLOOD PLAIN** - The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

**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.

**FLOODWAY** - The bed of a wetland or lake and the channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry or store the regional flood discharge.

**FLOOR AREA** - The sum of the gross horizontal areas of the several floors of a structure measured from the exterior walls, including basements and attached accessory structures.

**FLORIST STORE** - A retail business within an enclosed structure whose principal activity is the selling of cut flowers and plants which are not grown on the site.

**FOOTCANDLE** - A unit of measurement that calculates lighting illumination levels.



**FOREST LAND CONVERSION**- Clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

**FOREST MANAGEMENT**- A process by which the proper care so that a forest stand remains healthy and vigorous.

**FUR FARM**- An area used for keeping and/or raising fur-bearing animals.

**GARAGE, PRIVATE**- A detached or attached accessory structure or carport which is used primarily for storing of private vehicles.

**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.

**GREENHOUSE/NURSERY**- A retail business for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted inside or outside an enclosed structure.

**GOLF COURSE**- A tract of land laid out with at least nine (9) holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course includes a clubhouse and shelters as accessory uses.

**GOLF COURSE, MINATURE**- A theme-oriented recreational facility, typically comprised of nine (9) or eighteen (18) putting greens, each with a “cup” or “hole,” where patrons in groups of one to four pay a fee to move in consecutive order from the first hole to the last.

**GROUNDWATER**- Water contained below the surface of the earth in a saturated zone.

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

**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 Le Sueur County numerical route designation.

**HISTORIC SITE**- A location set aside for no other purpose than to commemorate a historical event, activity, or person having local, regional, statewide, or national historic significance.

**HOME OCCUPATION**- Any owner-occupied dwelling which includes an occupation of a service character clearly secondary to the main use of the premises as a dwelling place but does not change the character thereof or have any exterior evidence. There are two (2) levels; Level I and Level II.

**IMMINENT THREAT TO PUBLIC HEALTH AND SAFETY** - 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; sewage tanks with unsecured, damaged, or weak maintenance access covers; or any other situation with the potential to immediately and adversely affect or threaten public health or safety. The determination of protectiveness for other conditions must be made by a qualified employee or a licensed inspection business.

**IMPERVIOUS SURFACE** - A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include but are not limited to, rooftops, sidewalks, patios, decks, driveways, parking lots, storage areas and concrete, asphalt, or gravel roads, or tightly compacted soils. Surface area of a lot physically separated by a public or private road right-of-way or access shall not be included for the purposes of the impervious surface calculation.

**INCORPORATION** - The mixing of manure or septage with the topsoil, concurrent with the application or immediately thereafter, by means such as discing, plowing, rototilling, injection or other mechanical means.

**INSLOPE** - The area from the bottom of ditch to the adjacent roadway elevation.

**INSPECTOR** - An individual qualified to review proposed plans and inspect on-site sewage treatment systems and who has been issued a license from the Agency.

**INTENSIVE VEGETATION CLEARING** - The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

**JUNK/SALVAGE YARD** - A place maintained for keeping, storing, or piling in commercial quantities, whether temporarily, irregularly, or continually; buying or selling at retail or wholesale any old, used, or second hand material of any kind, including used motor vehicles, machinery of any kind, and/or parts thereof, cloth, rugs, clothing, paper, rubbish, bottles, rubber, iron, or other metals, or articles which from its worn condition render it practically useless for the purpose for which it was made and which is commonly classed as junk. This shall include a lot or yard for the keeping of unlicensed motor vehicles or the remains thereof for the purpose of dismantling, sale of parts, sale as scrap, storage or abandonment. Provided further, that the storage of ten (10) or more inoperable motor vehicles for a period in excess of three (3) months shall also be considered a salvage yard.

**KENNEL** - Any place where there are more than the permitted number of dogs or cats, in accordance with the applicable zoning district regulations for the subject property.

**LAKE, NATURAL ENVIRONMENT (NE)** - Lakes that usually have less than one hundred fifty (150) total acres, less than sixty (60) acres per mile of shoreline, and less than three (3) dwellings per mile of shoreline. They may have some winter kill of fish; may have shallow, swampy shoreline; and are less than fifteen (15) feet deep.

**LAKE, RECREATIONAL DEVELOPMENT (RD)** - Lakes that usually have between sixty (60) and two hundred twenty five (225) acres of water per mile of shoreline, between three (3) and twenty five (25) dwellings per mile of shoreline, and are more than fifteen (15) feet deep.

**LAND ALTERATIONS PLAN (LAP)** - A plan required, as approved by the Department, for projects involving grading, excavating or filling activities as described in each applicable zoning district and for projects creating impervious surface including but not limited to driveways, patios, decks, sidewalks, etc. as follows:

<b><u>Acreage</u></b>	<b><u>Impervious Surface Projects</u></b>
Lots less than one (1) acre	32 square feet or more
Lots one (1) acre to 1.99 acres	100 square feet or more

**LANDOWNER** - Any person who holds a fee interest, either individually or as a joint tenant or tenant in common, to any land lying within the County. Where the term "owner of land" or "land owner" is used, it includes each and all of the joint tenants and tenants in common with respect to such land.

**LAND SPREADING** - The placement of seepage or human waste from septic or holding tanks on or into the soil surface.

**LAND USE DEVELOPMENT APPLICATION** - The term includes, but is not limited to applications for the following: construction permits, subsurface sewage treatment system permits, land alterations permits, or other types of zoning permits, conditional use permits, amendments to this ordinance, variances from the provisions of this Ordinance, and the subdivision of real estate. The application is not considered complete and will not be accepted by the Department 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 Department.

**LIQUOR STORE, OFF-SALE** - A structure primarily used for the sale of alcoholic beverages.

**LICENSED PROFESSIONAL ENGINEER** - A person who is registered as a professional engineer in the State of Minnesota.

**LIVESTOCK** - Any domesticated animal that is kept for use or pleasure, raised for home use, for profit, or for food or other products. These domesticated animals include, but are not limited to, beef and dairy cattle, swine, horses, sheep, goats, domesticated fowl, bison (buffalo), farmed cervidae, or llamas.

**LIVESTOCK WASTE LAGOON** - A diked enclosure for disposal of livestock wastes by natural processes.

**LOGGING** - The cutting of timber on any public or private land of one (1) acre or more for the purpose of selling the timber for a profit. This shall not include the selective cutting of trees by the property owner for the purpose of removing dead or diseased trees.

**LOT** - A parcel of land designated by plat, metes, and bounds, registered land survey, auditors plat, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

**LOT AREA** - The lot area is the land area within the property lines.

**LOT AREA PER FAMILY** - The lot area per family is the lot area required by this Ordinance to be provided for each family in a dwelling.

**LOT DEPTH** - The mean horizontal distance between the mean front road and the mean rear property line. The greater frontage of a corner lot is its depth and its lesser frontage is its width.

**LOT, DOUBLE FRONTAGE** - An interior lot having frontage on two (2) streets.

**LOT, INTERIOR** - A lot other than a corner lot.

**LOT OF RECORD** - All lots which are a part of a subdivision legally recorded with the County Recorder, and all lots, parcels, tracts, and other legally described land to which the deed has been recorded prior to July 9, 2009, shall be considered Lots of Record. Lots of Record shall be legally developable for the purpose of single-family dwelling construction, provided all applicable standards and official controls of this Ordinance can be met at the time of development.

**LOT WIDTH** - The horizontal distance between the side lot lines measured at the building setback line. In addition, minimum lot widths at road right of ways and shorelands are required.

**LOWEST FLOOR** - The lowest floor of the lowest enclosed area, including basement.

**MANUFACTURED HOME** - A structure, transportable in one (1) or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on 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 to be used as a single-family dwelling; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary, as defined in Minnesota Statute 327.31, subd. 18, and complies with the standards established under this chapter.

**MANUFACTURED HOME (IN FLOOD PLAIN DISTRICTS)** - A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

**MANUFACTURED HOME, DEPENDENT** - A manufactured home which does not have a self-contained sanitary system. One that is hooked to an outside sanitary system.

**METES AND BOUNDS** - A method of property description by means of their direction and distance from an easily identifiable point.

**MINOR** - A person under eighteen (18) years of age.

**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 concepts of the SSTS.

**MODULAR HOME** - A non-mobile housing unit that is basically fabricated at a central factory and transported to a dwelling site, to be used as a single-family dwelling.

**MOTEL** - A structure or group of structures used primarily for the temporary residence of motorists or travelers.

**MOTOR HOME** - See Recreational Vehicle.

**MPCA** - Minnesota Pollution Control Agency. Referred to as "the Agency" throughout this Ordinance.

**MUNICIPALITY** - Any incorporated city or township within the boundaries of Le Sueur County, Minnesota.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)** - A permit issued by the Agency for the purpose of regulating the discharge of pollutants from point sources including concentrated animal feeding operations.

**NONCONFORMING LOT** - Any lot that does not meet the zoning district regulations for minimum lot width, lot depth and/or lot size.

**NONCONFORMING STRUCTURE** - Any structure that does not meet zoning district regulations for structure size, structure height, lot coverage, or setback.

**NONCONFORMING STRUCTURE, EXPANSION** - Any expansion of a structure that does not meet zoning district regulations for building size, structure height, lot coverage, or setback.

**NONCONFORMING USE** - A use of land that does not comply with the use regulations of this Ordinance.

**NONCONFORMING USE, EXPANSION** - Intensifying a use of land that does not comply with the use regulations of this Ordinance.

**NONCONFORMITY** - Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

**NON-WATER CARRIED SEWAGE SYSTEMS** - A device for the disposal of human excreta in a structure designed to treat sewage utilizing methods that significantly reduce or eliminate the addition of water to the sewage. These systems include, but are not limited to, privies, chemical toilets, recirculating toilets, combustion toilets, composting toilets, oil flush toilets, and portable toilets.

**OBSTRUCTION (WATERWAY)** - Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across or projecting into any channel, watercourse or regulatory flood plain 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.

**ORCHARD** - A non-natural group of fruit trees that are grown planted, managed, and renewed by the land owner or farmer.

**ORCHARD, COMMERCIAL** - A group of fruit trees, grown and cultivated for revenue and fruit from the trees is processed on site.

**ORDINARY HIGH WATER LEVEL, (OHWL)** - The boundary of public waters and wetlands, that is an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominately aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool as defined in MN Statutes, §103G.005, subd 14, as amended from time to time .

**ORGANIZED GROUP CAMP** - Premises and facilities used occasionally or periodically for the accommodation of members of groups or associations for outdoor recreational activities.

**ORGANIZED MOTOR SPORTS** - A commercial operation that involves ATV Trails, motorcycle tracks, trails or go cart tracks.

**OTHER ESTABLISHMENT** - Any public or private structure other than a dwelling that generates sewage that discharges to an SSTS.

**OUTDOOR LIGHT FIXTURE** - Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. Such devices shall include, but are not limited to: search, spot, and floodlights for structures; recreational areas; parking lot lighting; landscape lighting; billboards and other signs; street lighting; product display area lighting; structure overhangs and open canopies.

**PARK** - A public or private area of land, with or without structures intended for outdoor active or passive recreational uses.

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

**PERMIT, ZONING** - A document issued by the Department to permit construction or the establishment of certain uses of land, including but not limited to: all structures, structure additions, towers, and subsurface sewage treatment systems.

**PERMITTEE** - Any person who obtains a permit from the County pursuant to this Ordinance. A person is a permittee only for the term of the permit.

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

**PLANNED UNIT DEVELOPMENT** - A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels and conversions of structures and land uses to these uses.

**PLANNED UNIT DEVELOPMENT, COMMERCIAL** - Typically uses that provide transient, short-term lodging spaces, rooms or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle, camping parks, and other primarily service-oriented activities are commercial planned unit developments.

**PLANNED UNIT DEVELOPMENT, RESIDENTIAL** - A use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives and full fee ownership residences would be considered as residential planned unit developments.

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

**PLAT, PRELIMINARY** - A tentative drawing or map of a proposed subdivision, meeting requirements herein enumerated.

**PLATTED BUSINESS SUBDIVISION** - The creation of two (2) or more lots in a General Business Zoning District under the provisions of the County Subdivision Ordinance.

**PLATTED INDUSTRIAL SUBDIVISION** - The creation of two (2) or more lots in a General Industry Zoning District under the provisions of the County Subdivision Ordinance.

**PLATTED RESIDENTIAL SUBDIVISION** - The creation of two (2) or more lots in a Residential District under the provisions of the County Subdivision Ordinance.

**PLATTED SUBDIVISION** - The creation of two (2) or more lots under the provisions of the County Subdivision Ordinance.

**PLOT** - A tract, other than one unit, of a recorded plat or subdivision and occupied and used or intended to be occupied and used as an individual site and improved or intended to be improved by the erection thereon of buildings, and having a frontage on a public road or highway upon a traveled or used road and including as a minimum such open spaces as required under this section.

**POOL, PERMANENT** - pools constructed in the ground; in a structure, or surrounded by a permanent structure in such a manner that the pool cannot be readily disassembled; and contains more than three thousand (3,000) gallons and with a depth of water over three and one-half (3 1/2) feet.

**PREMISES** - A lot or plot with the required front, side and rear yards for a dwelling or other use as allowed.

**PRINCIPAL USE OR STRUCTURE** - All uses or structures that are not accessory uses or structures.

**PUBLIC NUISANCES** - Any condition which is generally objectionable to people in the direct area and as regulated in this Ordinance.

**PUBLIC UTILITY** - Persons, corporations, or governments, supplying gas, electric, transportation, water, sewer, or land line telephone service to the general public. For purposes of this Ordinance wireless telecommunication services shall not be considered utility uses, and are defined separately.

**PUBLIC WATERS** - Any waters that have been determined to be public waters or navigable waters as defined in MN Statutes, §103G.005, subd 15.



**PUBLIC WATERS WETLANDS** - All types of 3, 4, and 5 wetlands, as defined in United States Fish and Wildlife Service Circular No. 39 (1971 edition), as well as public waters that are ten (10) or more acres in size in unincorporated areas and two point five (2.5) or more acres in incorporated areas, as defined in MN Statutes, §103G.005, subd 15a.

**RAIN GARDENS** - A shallow depression filled with flood-tolerant shrubs, flowers and grasses used to collect and filter stormwater runoff.

**RAIN GARDENS, LARGE CAPACITY** - A rain garden as defined by this Ordinance that is larger than one hundred (100) square feet.

**RAIN GARDENS, SMALL CAPACITY** - A rain garden as defined by this Ordinance that is one hundred (100) square feet or less.

**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.

**RECLAMATION** - Activity which is taken during and after 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.

**RECORD DRAWING** - Drawings and documentation specifying the final in-place location, size, and type of all septic system components. These records identify the results of materials testing and describe conditions during construction and shall contain a certified statement.

**RECREATIONAL AREA** - Any public park, playground, trail, athletic field, picnic ground, swimming beach, or fairground.

**RECREATIONAL VEHICLE** - A vehicle that is built on a single chassis, is four hundred (400) square feet or less when measured at the largest projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this Ordinance, the term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle.

**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 an average frequency in the magnitude of the one hundred (100) year recurrence interval. Regional flood is synonymous with the term "Base Flood" used in the Flood Insurance Study.

**REGULATORY FLOOD PROTECTION ELEVATION** - An elevation no lower than one (1) foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

**RESTAURANTS** - A structure with its primary activity being the preparation and sale of food and beverages.

**RESORT** - A structure or group of structures containing guest rooms, with a large portion of the site devoted to recreational activities.

**RETAIL SALES AND SERVICES** - Establishments that are retail operations and that carry an assortment of merchandise from varied categories. Such establishments may include, but are not limited to, department stores, discount stores, farm stores, and similar establishments.

**RIDING ACADEMY** - An establishment where horses are boarded and cared for and such facilities may include instructional riding courses.

**RIPARIAN** - Land contiguous to the bank of a stream, the shore of a lake, or the edge of a wetland.

**RIVER, AGRICULTURAL** - Rivers located in intensively cultivated areas of the County. For purposes of this Ordinance the Minnesota River and Cannon River are considered as Agricultural Rivers.

**RIVER, TRANSITIONAL** - Rivers located in a mixture of cultivated, pasture, and forested lands.

**ROAD** - A public or private 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, land, place or however otherwise designated.

**ROAD AUTHORITY** - The Commissioner, as to trunk highways; the County Board, as to county state-aid highways and county highways; and the town board, as to town roads.

**ROAD RIGHT-OF-WAY** - Any United States, county, municipal, or township highway, or road including any shoulder and drainage alongside the road.

**SALVAGE VEHICLE** - Any unlicensed and/or inoperable, self-propelled, motorized vehicle or equipment/parts.

**SEASONAL HIGH WATER TABLE** - The highest elevation in the soil where all voids are filled with water, as evidenced by presence of water or soil mottling or other information.

**SEASONAL PRODUCE STAND** - A temporary stand, structure or place that is used for the seasonal selling of agricultural produce.

**SECTION** - An area approximately one (1) mile square containing more or less six hundred and forty (640) acres.

**SELF-SERVICE STORAGE FACILITY** - A commercial structure or group of structures that contain varying sizes of individual compartmentalized and controlled access stalls or lockers for the storage of customers' items.

**SEMPUBLIC USE** - The use of land by a private or nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

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

**SEPTAGE** - Those solids and liquids removed during periodic maintenance of a subsurface sewage treatment system or those solids or liquids which are removed from toilet waste treatment devices or a holding tank.

**SETBACK** - Minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, top of a bluff, road, highway, property line, or other facility.

**SEWAGE** - Waste produced by toilets, bathing, laundry, or culinary operations or the floor drains associated with these sources, and includes household cleaners, medications, and other constituents in sewage restricted to amounts normally used for domestic purposes

**SHORE IMPACT ZONE** - Land located between the ordinary high water level of public waters and a line parallel to it at a setback of fifty (50) percent of the structure setback.

**SHORELAND** - The land located within the following distances from public waters:

1. One thousand (1,000) feet from the ordinary high water level of a lake, pond, or flowage.
2. Three hundred (300) feet from a river or stream, or the landward extent of a flood plain designated by this Ordinance on such a river or stream, whichever is greater.
3. The practical limits of shorelands may be less than the statutory limits wherever the waters involved are bounded by natural topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

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

**SIGN. ADDRESS** - A sign for single-family dwellings or multi dwelling units identifying the occupant or street address. Such signs shall be at a maximum of three (3) square feet.

**SIGN. BUSINESS** - A sign which directs attention to a business or profession or to a commodity, service, or entertainment sold or offered on the premises where such sign is located.

**SIGN. DIRECTIONAL BUSINESS** - Twelve (12) square feet or less with directional arrows or information of a business or other use for the purpose of guiding vehicular and pedestrian traffic.

**SIGN. ELECTRONIC GRAPHIC DISPLAY/DYNAMIC** - A sign or portion of a sign that displays electronic text and/or images using different combinations of LED's, fiber optics or other illumination devises.

**SIGN. ELECTRONIC MESSAGEBOARD** - A sign or portion of a sign that displays electronic text using different combinations of LED's, fiber optics or other illumination devises.

**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. GROUND/PYLON** - A freestanding sign, including the structure needed to support such sign.

**SIGN. HEIGHT** - The sign shall be measured from ground grade elevation to the highest point of said sign.

**SIGN. HOME OCCUPATION** - A sign that denotes the name of a Home Occupation Business. LEVEL I Home Occupations: a maximum size of three (3) Square feet. LEVEL II Home Occupations: a maximum size of sixteen (16) square feet.

**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. NONCONFORMING** - A sign which lawfully existed at the time of the adoption of this Ordinance and does not conform to the requirements thereof.

**SIGN. OFF PREMISES/BILLBOARD** - A sign advertising a business, commodity, service, or entertainment conducted, sold, or offered elsewhere other than upon the property where the sign is maintained.

**SIGN. ROTATING** - A sign which revolves or rotates on its axis by mechanical means.

**SIGN. SURFACE 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 total surface area.

**SIGN. WALL** - A sign affixed to the exterior wall of a structure.

**SIGNIFICANT SITE, HISTORIC** - Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

**SPECIAL EVENT** - The use of privately owned land, structures for a gathering at any location, for any purpose that will result in attendance of more than three hundred (300) people. Private gatherings are exempt.

1. Special Events include, but are not limited to: Carnivals, Circuses, Concerts, Fund-raisers, Flea markets, Craft fairs, or markets.
  - a. Farmers markets or stands for sale of seasonal products when sold other than on the site where the product is grown.
2. Special Events do not include gatherings at any regularly established place of assembly or other similar permanently established place of assembly provided that such place is being used for its established and normal use allowed by this Ordinance and the applicant/landowner meets all applicable County, State and Federal regulations, shall include but not limited to:
  - a. Permanent place of worship, stadiums, athletic fields, auditoriums, picnic or camping areas, sale or auction of agricultural lands or personal property, polling places for special or general elections,

**STABLE** - A structure that is used to house horses, ponies, mules or donkeys in individual stalls or compartments.

**STATE** - the State of Minnesota.

**STEEP SLOPE** - Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this section. Where specific information is not available, steep slopes are lands having average slopes between twelve (12) and eighteen (18) percent, as measured over horizontal distances of fifty (50) feet or more.

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

**STREAM, INTERMITTENT** - A stream that only flows during wet periods and only flows in a well-defined channel.

**STREAM, PERENNIAL** - A stream or river (channel) that has continuous flow in parts of its bed all year round during years of normal rainfall.

**STREAM, TRIBUTARY** - Other streams in the Protected (Public) Waters Inventory that do not have a specific classification.

**STRUCTURAL ALTERATIONS** - Any change in the supporting members of a structure such as bearing walls, columns, beams, or girders.

**STRUCTURE** - Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, structures, structure additions, pools, basements, water wells, factories, sheds, decks or similar elevated platforms, detached garages, cabins, manufactured homes. Retaining walls and fences shall be exempt from this definition.

**STRUCTURE, ACCESSORY** - A structure on the same lot with, and of a nature customarily incidental and subordinate to the principal structure. An accessory structure shall not contain living space.

**STRUCTURE HEIGHT** - The vertical distance between the lowest ground elevation at the structure and the highest point of a gable, pitched, mansard, flat, or hipped roof. Structure height shall not be measured on any side of a structure where the structure foundation is exposed more than four (4) feet.

**STRUCTURE SETBACK LINE** - A line within a lot or other parcel of land parallel to a public road or street or highway right-of-way or ordinary high water level, defining a portion of the lot between said setback line and said right-of-way in which structures may not be placed.

**STRUCTURE, WATER-ORIENTED ACCESSORY** - A small, above ground structure or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

**SUBDIVISION** - A tract of land which is to be or has been divided into two (2) or more lots or plots for the purpose of sale, rent, lease, or of building development.

**SUBDIVISION ORDINANCE** - A separate set of regulations covering Subdivisions of land.

**SUBSTANDARD SHORELAND USE** - Any legal use of shorelands existing prior to the date of enactment of this 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 this Ordinance.

**SUBSTANTIAL DAMAGE** - Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the estimated market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** - Within any consecutive three hundred and sixty five (365) day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the estimated market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damages,” regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
2. Any alteration of an “historic structure,” provided that the alteration will not preclude the structure’s continued designation as an “historic structure.” For the purpose of this Ordinance, “historic structure” shall be as defined in 44 Code of Federal Regulations, Part 59.1 as amended from time to time.

**SUBSURFACE SEWAGE TREATMENT SYSTEM (SSTS)** - Is either an individual subsurface sewage treatment system (ISTS) or a mid-sized subsurface sewage treatment system (MSTS) as defined in Chapters 7080 and 7081.

**SUBSURFACE SEWAGE TREATMENT SYSTEM, 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.

**SUBSURFACE SEWAGE TREATMENT SYSTEM, TREATMENT LEVEL** - Means treatment system performance levels as defined in Minn. R. 7083.4030, Table III for testing of proprietary treatment products.

**SUBSURFACE SEWAGE TREATMENT SYSTEM, INDIVIDUAL** - As defined in Minnesota Rules, Chapter 7080, subpart 41, as amended from time to time.

**SUBSURFACE SEWAGE TREATMENT SYSTEM, MIDSIZED** - As defined in Minnesota Rules, Chapter 7081, subpart 4, as amended from time to time.

**SUBSURFACE SEWAGE TREATMENT SYSTEM, TYPE I SYSTEM** - A SSTS designed according to Minn. R. 7080.2200 through Minn. R. 7080.2240, as may be amended.

**SUBSURFACE SEWAGE TREATMENT SYSTEM, TYPE II SYSTEM** - A SSTS designed according to Minn. R. parts 7080.2250 to 7080.2290, as may be amended.

**SUBSURFACE SEWAGE TREATMENT SYSTEM, TYPE III SYSTEM** - A SSTS designed according to Minn. R. 7080.2300, as may be amended.

**SUBSURFACE SEWAGE TREATMENT SYSTEM, TYPE IV SYSTEM** - A SSTS designed according to Minn. R. 7080.2350, as may be amended.

**SUBSURFACE SEWAGE TREATMENT SYSTEM, TYPE V SYSTEM** - A SSTS designed according to Minn. R. 7080.2400, as may be amended.

**SURFACE WATER-ORIENTED COMMERCIAL USE** - The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

**TAVERN** - A place primarily used for the consumption of alcoholic beverages on site by the public.

**TECHNICAL EVALUATION PANEL (TEP)** - The TEP consists of at least three technical professionals appointed by Le Sueur County, Board of Soil and Water Resources (BWSR), and the local Soil and Water Conservation District (SWCD). For projects impacting or adjacent to public waters or public waters wetlands, the TEP also includes a technical professional employee of the Department of Natural Resources (DNR).

**TOWER** - Any ground or roof mounted pole, spire, structure, or combination thereof taller than fifteen (15) feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade (except amateur radio antennas).

**TRANSFER OF PROPERTY** - The act of a party by which the title to property is conveyed from one person to another. The sale and every other method, direct or indirect, of disposing or parting with property, or with an interest therein, or with the possession thereof, absolutely or conditionally, voluntarily or involuntarily, by or without judicial proceedings, as a conveyance, sale, mortgage, gift, or otherwise.

**TRAVEL TRAILER** - A trailer, mounted on wheels, that is designed to provide temporary living quarters during recreation, camping or travel, does not require a special highway movement permit based on its size or weight when towed by a motor vehicle, and does not exceed eight and one half (8.5) feet in width or forty (40) feet in length.

**TREE FARM** - A parcel of land that is used to raise trees for the purpose of transporting them to be replanted off-site or for the purpose of harvesting them for wood products.



**UNINCORPORATED AREA** - The area outside a city.

**USE** - The purpose for which land or premises or a structure thereon is designated, arranged or intended, or for which it is or may be occupied or maintained.

**USE, ACCESSORY** - A use on the same lot with, and of a nature customarily incidental and subordinate to the principal use.

**VARIANCE** - A modification of a specific development standard in an official control including this Ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a practical difficulty as defined in Minnesota Statutes, Chapter 394.27.

**WATER SUPPLY PURPOSE** - Includes any uses of water for domestic, commercial, industrial, or agricultural purposes.

**WATERS OF THE STATE** - Surface or underground waters, except surface waters that are not confined but are spread and diffused over the land. Waters of the state includes boundary and inland waters.

**WIND ENERGY CONVERSION SYSTEMS (WECS)** - 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 kinetic energy of the wind into electrical energy. The energy may be used on-site or transferred off-site via transmission lines

1. **WECS, COMMERCIAL** - A WECS of equal or greater than forty (40) kW in total name plate generating capacity with not more than five (5) MW.
2. **WECS, NON-COMMERCIAL** - A WECS of less than forty (40) kW in total name plate generating capacity, not to exceed a maximum height of one hundred fifty (150) feet.
3. **WECS, TOTAL HEIGHT** - Overall height of a WEC measured as the height of the tip of a blade extended at apex of rotation above the local ground level.
4. **WECS, ROTOR DIAMETER** - The diameter of the circle described by the moving rotor blades.
5. **WECS, AGGREGATED PROJECTS** - 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.

**WETLAND** - Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes:

1. Have a predominance of hydric soils.
2. Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.
3. Under normal circumstances support a prevalence of such vegetation. Wetlands are further defined in the Wetland Conservation Act, Minnesota Statutes, § 103G.005, subd. 19.

**WETLAND BOUNDARY** - Area delineating wetland as determined using the methodologies in the United States Army Corps of Engineers Wetlands Delineation Manual (January 1987), including subsequent updates and supplements, and guidance provided by the board, per MN Rules 8420.

**WETLAND TYPE** - Refers to a classification system according to Wetlands of the United States, US Fish and Wildlife Service Circular 39 (1971 edition). As summarized in this subdivision and as defined in MN Statutes, §103G.005, subd. 17b as amended from time to time.

1. **Type 1 wetlands** are seasonally flooded basins or flats in which soil is covered with water or is waterlogged during variable seasonal periods but usually is well-drained during much of the growing season. Type 1 wetlands are located in depressions and in overflow bottomlands along watercourses, and in which vegetation varies greatly according to season and duration of flooding and includes bottomland hardwoods as well as herbaceous growths.
2. **Type 2 wetlands** are inland fresh meadows in which soil is usually without standing water during most of the growing season but is waterlogged within at least a few inches of surface. Vegetation includes grasses, sedges, rushes, and various broad-leafed plants. Meadows may fill shallow basins, sloughs, or farmland sags, or these meadows may border shallow marshes on the landward side.
3. **Type 3 wetlands** are inland shallow fresh marshes in which soil is usually waterlogged early during a growing season and often covered with as much as six (6) inches or more of water. Vegetation includes grasses, bulrushes, spikerushes, and various other marsh plants such as cattails, arrowheads, pickerelweed, and smartweeds. These marshes may nearly fill shallow lake basins or sloughs, or may border deep marshes on the landward side and are also common as seep areas on irrigated lands.

4. **Type 4 wetlands** are inland deep fresh marshes in which soil is usually covered with six (6) inches to three (3) feet or more of water during the growing season. Vegetation includes cattails, reeds, bulrushes, spikerushes, and wild rice. In open areas, pondweeds, naiads, coontail, water milfoils, waterweeds, duckweeds, waterlilies, or spatterdocks may occur. These deep marshes may completely fill shallow lake basins, potholes, limestone sinks, and sloughs, or they may border open water in such depressions.
5. **Type 5 wetlands** are inland open fresh water, shallow ponds, and reservoirs in which water is usually less than ten (10) feet deep and is fringed by a border of emergent vegetation similar to open areas of type 4 wetland.
6. **Type 6 wetlands** are shrub swamps in which soil is usually waterlogged during growing season and is often covered with as much as six (6) inches of water. Vegetation includes alders, willows, buttonbush, dogwoods, and swamp-privet. This type occurs mostly along sluggish streams and occasionally on floodplains.
7. **Type 7 wetlands** are wooded swamps in which soil is waterlogged at least to within a few inches of the surface during growing season and is often covered with as much as one (1) foot of water. This type occurs mostly along sluggish streams, on floodplains, on flat uplands, and in shallow basins. Trees include tamarack, arborvitae, black spruce, balsam, red maple, and black ash. Northern evergreen swamps usually have a thick ground cover of mosses. Deciduous swamps frequently support beds of duckweeds and smartweeds
8. **Type 8 wetlands** are bogs in which soil is usually waterlogged and supports a spongy covering of mosses. This type occurs mostly in shallow basins, on flat uplands, and along sluggish streams. Vegetation is woody or herbaceous or both. Typical plants are heath shrubs, sphagnum moss, and sedges. In the north, leatherleaf, Labrador-tea, cranberries, carex, and cottongrass are often present. Scattered, often stunted, black spruce and tamarack may occur.

**WIRELESS TELECOMMUNICATION TOWERS** - Include cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized (ESMR), paging, and similar services that are marketed to the general public.

**YARD** - Any space in the same lot with a structure, open and unobstructed from the ground to the sky.

**YARD, FRONT** - A yard extending along the full width of the front property line between side property lines and extending from the adjacent road right-of-way line to depth required in the setback regulations for the zoning district in which such lot is located.

**YARD, REAR** - An open space unoccupied except for accessory structures on the same lot with the principal structure between the rear line of the principal structure and the rear property line and extending the full width of the lot.

**YARD, SIDE** - An open unoccupied space between the structure and the side line of the lot and extending from the front lot line to the rear lot line.

**SECTION 5. CLASSIFICATION OF DISTRICTS**

**SUBDIVISION 1. DISTRICTS**

For the purpose of this section, Le Sueur County is hereby divided into classes of districts, which shall be designated as follows;

A. AGRICULTURE DISTRICT

A            Agriculture

B. CONSERVATION DISTRICT

C            Conservancy  
SP          Special Protection (Shoreland)

C. RESIDENCE DISTRICTS

RI          Urban/Rural Residential  
RR          Recreational Residential (Shoreland)

D. SHORELAND DISTRICTS

SP          Special Protection  
RR          Recreational Residential  
RC          Recreational Commercial

E. COMMERCIAL DISTRICTS

RC          Recreational Commercial (Shoreland)  
B            General Business

F. INDUSTRY DISTRICT

I            General Industry

G. OVERLAY DISTRICTS

MR          Mineral Resources  
  
FP          Flood Plain  
FW          Floodway  
FF          Flood Fringe  
  
AZ          Airport Zoning

## **SUBDIVISION 2. ZONING MAP**

The location and boundaries of the districts established by this Ordinance are hereby set forth on the zoning maps to include the Mineral Resources Overlay map, the Airport Zoning Overlay map, and the Flood Plain Overlay map, which shall include the Flood Insurance Study and the Flood Insurance Rate Map (FIRM) panels for Le Sueur County Minnesota and Incorporated Areas. Said maps are hereby made a part of this Ordinance and shall be known as the "Official 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 Department to maintain said maps, and amendments thereto shall be recorded on said Official Zoning Maps within forty five (45) calendar days after official adoption and publication of such amendments. The official Zoning Maps shall be kept on file in the County Auditor's office.

## **SUBDIVISION 3. DISTRICT BOUNDARIES**

- A. The boundaries between districts are, unless otherwise indicated, the center lines of highways, roads, streets, alleys, or railroad right-of-way or such lines extended or lines parallel or perpendicular thereto; or section, half section, quarter section, quarter-quarter-section or other fractional section lines of the United States public land surveys, as established by law. Where figures are shown on the Official Zoning Map between a road and a district boundary line, they indicate that the district boundary line runs parallel to the road center line at a distance therefrom equivalent to the number of feet so indicated, unless otherwise indicated.
- B. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of a change in a shoreline, the boundary shall be construed as moving with the actual shoreline of a river, stream and tributary and the Ordinary High Water Level (OHWL) of a lake.

## **SUBDIVISION 4. FUTURE DETACHMENT**

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

**SUBDIVISION 5. USES NOT PROVIDED FOR IN ZONING DISTRICTS**

Whenever in any Zoning District a use is neither specifically permitted or conditional use, the use shall be considered prohibited. In such case the Board of County Commissioners and/or Planning Commission, upon the application of the property owner or Department, may conduct a study to determine if the use is acceptable and, if so, what Zoning District would be most appropriate, and the determination as to conditions and standards relating to the development of the use. The Board of County Commissioners and Planning Commission may also initiate an amendment to the Zoning Ordinance, if appropriate, to provide for the particular use under consideration or shall find that the use is not compatible within certain Zoning Districts

**SUBDIVISION 6. APPEALS AS TO DISTRICT BOUNDARIES**

Appeals from the Department's determination of the exact location of district boundary lines shall be heard by the Board of Adjustment for a judgment as to the location of the district boundaries. A judgment by the Commissioner of Natural Resources may also be sought in the event that agreement relative to precise location of shoreland and flood plain district boundaries cannot be obtained.

**SECTION 6. OVERLAY DISTRICTS (MINERAL RESOURCES, FLOOD PLAIN AND AIRPORT ZONING)**

**SUBDIVISION 1. PURPOSE**

- A. The overlay districts shall be considered an overlay zoning district to all existing zoning districts of the County.
- B. Each overlay district shall specify what uses are permitted in the overlay. All other uses may be permitted only if allowed by the established underlying zoning district.
- C. The requirements of this Section shall apply in addition to other legally established regulations of the County.
- D. Two (2) overlay districts may occur in the same area. Where two (2) overlay districts occupy the same area, the requirements that impose greater restrictions shall apply.
- E. The overlay districts consist of the following:
  - 1. Mineral Resources (MR) Overlay District.
  - 2. Flood Plain (FP) Overlay District.
  - 3. Airport Zoning (AZ) Overlay District.



**SECTION 6.1 MINERAL RESOURCES (MR) OVERLAY DISTRICT**

**SUBDIVISION 1. PURPOSE**

- A. The Mineral Resources Overlay District is intended to protect areas with existing significant mineral resources including sand, gravel, limestone and sandstone deposits, as shown in the Le Sueur County Aggregate Resources Inventory completed pursuant to Minnesota Statutes Chapter 84.94.
- B. This Mineral Resources Overlay District shall not prohibit mining in other areas of the County not identified within the Mineral Resources Overlay District boundaries as shown on the Official Zoning Map.

**SUBDIVISION 2. SPECIFIC STANDARDS**

- A. The following specific standards shall apply in the Mineral Resources Overlay District and shall preempt any conflicting standards for any base district underlying the Mineral Resources Overlay district:
  - 1. The maximum number of dwellings allowed per quarter-quarter section shall be one (1), provided the following conditions are met:
    - a. The minimum lot size shall be five (5) acres of which forty thousand (40,000) square feet shall be buildable area.
    - b. New improvements including structures, wells, and subsurface sewage treatment systems (SSTS) shall be set back at least one hundred fifty (150) feet from the property boundary adjacent to any existing or permitted mining parcel.
    - c. New improvements on parcels adjacent to existing or permitted mining parcels shall prevent all surface water runoff from entering the mining parcel.
  - 2. Prior to submittal of any conditional use permit applications and/or proposed subdivisions, significant site determination is required in the Mineral Resources Overlay District to determine the quality of those potential resources. Information shall be submitted to the County during the informational stage of the development process, prior to any application submitted.

**SUBDIVISION 3. SIGNIFICANT MINERAL RESOURCE DETERMINATION**

- 1. To determine an area within the Mineral Resources Overlay District, the following information shall be provided by the Applicant and/or Landowner and considered:

- a. Soil borings shall be conducted at a rate of one (1) boring per five (5) acres distributed proportionately throughout the proposed project site, or by methods comparable in order to accurately identify material quantity and quality.
  - b. Information may consist of laboratory test data or the determination of a certified, licensed or registered geologist, or other person deemed qualified by the County.
  - c. A survey map and legal description that identifies the location and boundary of the determination.
  - d. The Applicant and/or Landowner of the site shall submit evidence showing the parcel or area of the proposed project is not a significant site.
2. The information must demonstrate that the resource meets the following considerations for determination, and is considered a significant site:
    - a. The textural characteristics of the deposit must be greater than ‘moderately poor’ to ‘poor’ determined through a sieve analysis, with the quality ranging from greater than low to moderate determined through soundness and durability analysis, as determined by the Minnesota Department of Natural Resources (DNR), Division of Lands & Minerals.
    - b. The percent composition of the mineral contains mostly greater than finer material that meets MNDOT specifications.
    - c. Deposit thickness averages more than five (5) feet.
    - d. Overburden depth averages less than fifty (50) feet.
3. Based on the analysis of boring and information relating to the location, quality and quantity of the mineral resource, the County shall determine the status of the resource site. The following determination shall be made:
    - a. If the resource site meets the definition of a significant site, the County shall include the site within the Mineral Resources Overlay District.
    - b. If information provided determines the site of the proposed project is not significant, the County shall exclude the site from the Mineral Resources Protection Overlay District.
4. The Mineral Resources Overlay District shall be removed from a site when the mineral resource site has been reclaimed in accordance with this Ordinance and the Applicant and/or Landowner submits the required information to be removed from the Mineral Resources Overlay District.

### C. LAND USE NOTIFICATION

1. No permit for the construction of, or addition to, a dwelling unit located within the Mineral Resources Overlay District shall be issued until the Applicant and/or Landowner signs a “Mineral Resources Land Use Notification Form” provided by the Department. These Forms shall inform the applicant and /or landowner of the following:
  - a. The land that is the subject of the permit or development is located within the Mineral Resources Overlay District, where Le Sueur County and the DNR have determined mineral resources are an important resource in this area.
  - b. Mineral extraction operations may be accompanied by noise, dust, odor, light, and other off-site impacts.
  - c. Mineral extraction is given preference over residential uses within the Mineral Resources Overlay District.
  - d. Residents have a right to live in the Mineral Resources Overlay District, however; residents shall be prepared to accept that mineral extraction operations and accompanying impacts associated with this use are a normal and necessary aspect of living in the Mineral Resources Overlay District.
2. Said form shall be filed with the Le Sueur County Recorder at the expense of the Applicant and/or Landowner and shall include the legal description of the property involved.

### **Sections Omitted**

**SECTION 18. ENVIRONMENTAL PERFORMANCE STANDARDS**

**SUBDIVISION 1. WETLAND CONSERVATION**

**A. PURPOSE**

The County finds that wetlands provide a variety of benefits. Wetlands maintain water quality by filtering and absorbing polluted surface water runoff, reduce flooding and soil erosion, recharge groundwater, provide fish and wildlife habitat, provide open space, and are an integral part of the County's environment. Wetlands are important physical, educational, ecological, aesthetic, recreational, and economic assets to the County. They are critical to the County's stormwater management and other aspects of the public health, safety, and general welfare. Regulating wetlands and the land uses around them are therefore in the public interest.

**B. AUTHORITY**

The Wetland Conservation Act (WCA) of 1991, shall be adopted by reference, as amended from time to time. Le Sueur County designates the administrative responsibilities as the local government unit (LGU) to Le Sueur County Soil and Water Conservation Districts (SWCD) who will be responsible for the implementation of WCA in order for Le Sueur County to fulfill their responsibilities as the LGU.

**C. PRESERVATION**

To the extent possible, all wetlands shall be retained in their natural state. Alterations to wetlands shall require review by the Le Sueur County SWCD. The following provisions apply to wetlands in Le Sueur County.

**D. WETLAND BOUNDARY OR TYPE APPLICATIONS**

An applicant and/or landowner may apply for a wetland boundary or type decision from the Le Sueur County SWCD or submit a wetland boundary or type decision by a certified wetland delineator. The applicant and/or landowner is responsible for submitting proof necessary to make the decision. Applications for approval of wetland boundary or type must include information in accordance with wetland delineation report submittal guidelines provided. A wetland boundary or type application may be submitted independently or as part of a no-loss, exemption, sequencing, replacement plan, or banking application.

**E. GENERAL STANDARDS**

The following regulations shall apply in all Districts:

1. New Structures or additions to existing structures shall be set back seventy five (75) feet from the wetland boundary of any Type three (3) through Type eight (8).

2. No part of any sewage treatment system shall be located closer than seventy five (75) feet from the wetland boundary of any Type three (3) through Type eight (8) or ordinary high water level.
3. Organic waste which would normally be disposed of at a solid waste treatment site or which would normally be discharged into a sewage treatment system or sewer shall not be directly or indirectly discharged to a wetland.

## **SUBDIVISION 2. BLUFF REGULATIONS**

### **A. GENERAL STANDARDS**

1. All development shall conform to the natural limitations presented by the topography and soil as to create the best potential for preventing soil erosion.
2. No structure shall be constructed in any bluff or bluff impact zone as defined in this Ordinance. Essential Services shall be exempt from this standard.
3. Filling and cutting activity in any bluff or bluff impact zone shall be considered a conditional use. In no case shall cutting or filling be allowed for the purpose of establishing a site for the erection of a structure.
4. If the adjacent bluff is actively eroding, the Department may increase the setback requirement.
5. Development on steep slopes with a grade between eight (8) to eighteen (18) percent shall be carefully reviewed to insure adequate measures have been taken to prevent erosion, sedimentation, and structural damage.

### **B. BLUFF SETBACKS**

1. All structures shall be set back from the top and/or toe of the bluff:
  - a. Thirty (30) feet for bluffs with slopes eighteen (18) to thirty (30) percent.
  - b. Fifty (50) feet for bluffs with slopes greater than thirty (30) percent.
  - c. **Existing Building Sites**. All structures shall be set back thirty (30) feet from the top or toe of the bluff.
2. SSTS shall be set back thirty (30) feet from the top or toe of the bluff.
  - a. SSTS upgrade and/or replacement for an existing dwelling:
    1. Shall be exempt from bluff setback.
    2. May be located within the bluff impact zone.
    3. Shall not be located within the bluff.

3. If the adjacent bluff is actively eroding, the Department may increase the setback requirement.
4. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

### **SUBDIVISION 3. GRADING, EXCAVATING, OR FILLING STANDARDS**

#### **A. APPLICABILITY**

1. Grading, excavating or filling activities that involve topographic alterations in all districts shall conform to the following standards of this Section, with the following exceptions.
  - a. Grading, excavating, or filling activities necessary for the construction of structures, sewage treatment systems, and driveways under validly issued zoning permits shall be exempt from this standard.
  - b. Public roads and land alterations for agricultural purposes shall be exempt from this standard.
2. Grading, excavating or filling activities within the bluff shall be a conditional use.

#### **B. STANDARDS**

1. There shall be no substantial environmental impact or that such impact shall be alleviated through the County's Erosion Control Standards and other conditions of the permit.
2. There shall be no substantial adverse impact on surrounding properties.
3. Grading, excavating or filling activities within a shoreland district shall conform to the regulations of this Ordinance.
4. Grading, excavating or filling activities in any type of wetland shall be evaluated in accordance with the WCA regulations, as administered by the Le Sueur County SWCD.

#### **C. PERMIT REQUIREMENTS**

1. Plans shall be submitted by the applicant and/or landowner as indicated in the following table for review by the Department. The Department may request review by the SWCD.
2. Erosion control measures shall be required. Erosion and siltation of the surrounding area shall be prohibited.
3. The proposed grading, excavating or filling activities shall occur within one (1) year of permit issuance.

4. The permit shall specify what operations are to occur in the permitted area and what general types of equipment may be used in the operation.
5. A National Pollution Discharge Elimination System (NPDES) permit shall be obtained if the land disturbance is greater than one (1) acre.
6. Refer to the following table for permitting requirements for grading, excavating or filling activities in each zoning district.

*(TABLE ON NEXT PAGE)*

ZONE		Permitted Use (No requirements)	Permitted Use w/LAP	Land Alteration Permit (LAP) Requirements	Conditional Use	Conditional Use Requirements
Shore Impact Zone Bluff Impact Zone	SIZ BIZ	<5 cu yds	5-10 cu yds	Scaled Site plan w/ 2-foot contours depicting existing and proposed topography.  As-Built upon completion.	>10 cu yds	Scaled Site plan w/ 2-foot contours depicting existing and proposed topography.  As-Built upon completion.
Bluff		Prohibited	Prohibited	Prohibited	>0 cu yds	<b>Site plan &amp; As-Built completed by a surveyor or engineer.</b>
Special Protection	SP	<25 cu yds	25-50 cu yds	<u>Parcels &lt; 5 ac:</u> Scaled Site plan w/ 2-foot contours depicting existing and proposed topography.  As-Built upon completion.  <u>Parcels 5-20 ac:</u> Scaled Site plan w/ 5-foot contours depicting existing and proposed topography.  As-Built upon completion.  <u>Parcels &gt; 20 ac:</u> Scaled Site plan w/ 10-foot contours depicting existing and proposed topography.  As-Built upon completion.	>50 cu yds	<u>Parcels &lt; 5 ac:</u> Scaled Site plan w/ 2-foot contours depicting existing and proposed topography.  As-Built upon completion.  <u>Parcels 5-20 ac:</u> Scaled Site plan w/ 5-foot contours depicting existing and proposed topography.  As-Built upon completion.  <u>Parcels &gt; 20 ac:</u> Scaled Site plan w/ 10-foot contours depicting existing and proposed topography.  As-Built upon completion.  <b>Site plan &amp; As-Built completed by a surveyor or engineer.</b>
Recreational Commercial	RC	<25 cu yds	25-50 cu yds		>50 cu yds	
Recreational Residential	RR	<25 cu yds	25-50 cu yds		>50 cu yds	
Urban/Rural Residential	R1	<25 cu yds	25-50 cu yds		>50 cu yds	
Conservancy	C	<25 cu yds	25-50 cu yds		>50 cu yds	
Business	B	<25 cu yds	25-50 cu yds		>50 cu yds	
Industrial	I	<250 cu yds	250-500 cu yds		>500 cu yds	
Agricultural Parcels less than 20 acres	A	<250 cu yds	250-500 cu yds		>500 cu yds	
Agricultural Parcels more than 20 acres	A	>500 cu yds	500-1000 cu yds		>1000 cu yds	
<b>** Road projects and farming practices are exempt from Grading, Excavating, and Filling requirements .</b>						



#### D. ASSURANCE REQUIREMENTS

1. A performance bond, letter of credit, or other improvement security satisfactory to the County shall be required to be filed with the Department for grading, excavating or filling activities involving the movement of more than fifteen hundred (1500) cubic yards of material.
  - a. The County shall specify the amount and type of assurance required.
  - b. The assurance shall be used to reimburse the County for any monies, labor, or materials expended to bring the operation into compliance with the conditions of the permit. This includes, but is not limited to cover all costs of improvements, landscaping, maintenance of improvements, engineering, inspection and professional fee and consultant costs.
  - c. The assurance may be used in the event of failure to execute any phase of the restoration plan specifically scheduled as required in the permit.
  - d. This option may be executed one hundred and eighty (180) days after written notice of non-compliance to the applicant and/or landowner.
2. The applicant and/or landowner shall acquire and keep in force for the duration of the permit, liability insurance specifically covering the project.
3. The applicant and/or landowner shall provide certification of insurance.

#### **SUBDIVISION 4. ABATEMENT OF ENVIRONMENTAL HAZARDS.**

- A. Final plats shall not be approved until all known environmental hazards situated on the subject property have been abated in a manner prescribed by law. Environmental hazards include, but not limited to the following:
  1. Unused or improperly sealed wells, cisterns, pits, tanks, and similar hazards.
  2. Unapproved sites where man made articles are stored, abandoned or discarded.
  3. Discarded appliances.
  4. Inoperative, or unlicensed motor vehicles, combustion engines and parts.
  5. Any hazardous waste materials.
  6. Abandoned, dilapidated, or burned out structures.
  7. Other uses similar to those listed above.

## **SUBDIVISION 5. FOREST MANAGEMENT AND NATURAL VEGETATION PRESERVATION**

### **A. FOREST MANAGEMENT STANDARDS**

1. The harvesting of timber and associated reforestation or conversion of forested use to a nonforested use must be conducted consistent with the following standards:
  - a. Timber harvesting and associated reforestation shall be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota."

### **B. NATURAL VEGETATION STANDARDS**

1. Natural vegetation, including ground cover and trees, shall be preserved and maintained to the greatest extent possible in order to control erosion and runoff, preserve habitat, and maintain a buffer between land uses.
2. Structures shall be located in such a manner that the maximum number of trees shall be preserved.
3. Prior to the granting of a zoning permit, it shall be the responsibility of the applicant and/or landowner to demonstrate that there are no feasible or prudent alternatives to the cutting of trees on the site.
4. A Tree Inventory and Replacement Plan shall be required if the applicant and/or landowner will be cutting or removing trees on site. A tree inventory shall be submitted by the property owner and identify all trees with a caliper of six (6) inches or greater (measured at four and one-half (4.5) feet above ground level).
  - a. No trees shall be cleared or in any way removed from the site unless replaced with one (1) trees for every tree that is removed and a variety of trees shall be used.
  - b. Replacement trees shall have a minimum caliper of two (2) inches measured at four and one-half (4.5) feet above ground level.
5. Residential development shall not disturb or remove more than one-half (1/2) acre of healthy tree cover for the building pad, accessory structure, driveway, septic system, firebreak, well or for any other purpose without first providing a tree replanting plan for the site.
6. Commercial or industrial development shall not disturb more than one (1) acre of healthy tree cover for the building pad, accessory structure, driveway, septic system, firebreak, well or for any other purpose without first providing a tree replanting plan for the site.
7. Timing of tree removal shall be as such to minimize tree loss.

### C. GENERAL STANDARDS

1. Shore and bluff impact zones shall not be intensively cleared of vegetation.
2. An erosion and sediment control plan shall be developed and approved by the Le Sueur County SWCD before issuance of a conditional use permit for the conversion.
3. Forestation, reforestation or landscaping shall utilize a variety of tree species and shall not utilize any species presently under disease epidemic. Native species are recommended, however species planted shall be hardy under local conditions and compatible with the local landscape.
4. The root zone of existing trees shall be preserved and protected during development including grading and contouring, so that the trees will not be adversely affected by the work.
5. The removal of trees seriously damaged by storms or other natural causes, or diseased trees shall be allowed.
6. As a mitigating measure, where trees are to be removed, the applicant and/or landowner shall prepare a tree planting plan to be approved by the Department.

### **SUBDIVISION 6. SPREADING OF CONTAMINATED SOIL**

- A. Soil that has been determined by the Agency to be contaminated with petroleum, or soil that has been determined by the Minnesota Department of Agriculture (MDA) to be contaminated with agricultural pesticides, may be land spread if the following have been met.
  1. The Agency or MDA has granted approval for the land spreading of contaminated soil on the proposed site.
  2. The Applicant and/or Landowner shall provide documentation that the Township Board has received notification.
  3. The Department has reviewed and approved the proposal. The County may impose conditions to assure compliance with this Ordinance.
  4. Shall abide by all grading and filling standards as set forth in this Ordinance.

## **SUBDIVISION 7. EROSION CONTROL**

A. Le Sueur County hereby adopts by reference Minnesota Statute Chapters 103B, 105, 462, and 497, Minnesota Rules, Parts 6120.2500-6120.3900, and Minnesota Rules Chapters 8410 and 8420, as amended from time to time, for the purpose of setting forth the minimum requirements to control or eliminate storm water pollution along with soil erosion and sedimentation within the County. It establishes standards and specifications for conservation practices and planning activities designed to minimize nonpoint source pollution, soil erosion and sedimentation.

### **B. GENERAL CRITERIA FOR STORMWATER POLLUTION PREVENTION PLAN (SWPPP)**

Any construction activity disturbing surface vegetation of one (1) acre or more shall not take place without the implementation of an approved SWPPP meeting the requirements of the Agency's National Pollutant Discharge Elimination System Stormwater Program (NPDES), unless by Agency exception.

### **C. EROSION AND SEDIMENT CONTROL**

1. Erosion and siltation control measures shall be coordinated with the different stages of development.
2. Appropriate control measures shall be installed prior to development, when necessary to control erosion.
3. The County may require a storm water drainage and erosion control plan prepared by a licensed professional engineer on all development that has less than one (1) acre of disturbed area.
4. For all areas that have one (1) acre or more of disturbed area, SWPPP and NPDES permits are required. The SWPPP shall be prepared by a licensed professional engineer.
5. The following restrictions shall apply:
  - a. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses.
  - b. The smallest practical area of land shall be exposed at any one period of time.
  - c. The drainage system shall be constructed and operational as quickly as possible during construction.
  - d. Natural vegetation shall be retained and protected when feasible, and the amount of exposed soil shall be minimized.

- e. Where the topsoil is removed, sufficient desirable soil shall be set aside for respreading over the developed area. The soil shall be restored to a depth of four (4) inches and shall be of a quality at least equal to the soil quality prior to development.
- f. Perimeter sediment control measures shall be properly installed before construction activity begins. Such structures may be adjusted during dry weather to accommodate short term activities, such as those that require very large vehicles. As soon as this activity is finished or before rainfall, the erosion and sediment control structures must be returned to the configuration specified by the Agency.
- g. The natural drainage shall be used when feasible for storage and flow of runoff.
- h. Temporary storage areas or retention basins scattered throughout developed areas shall be encouraged to reduce peak flow, erosion damage, and construction costs.
- i. Inlet protection shall be placed on culverts, tile inlets and storm sewer inlets.
- j. Pipe outlets shall have energy dissipation installed to a surface water for outlet protection within twenty four (24) hours of connection.

#### D. EXPOSED SLOPES

1. All exposed soil areas with a continuous positive slope that are within two hundred (200) lineal feet of any surface water, or any conveyance (stormwater inlet, drainage ditch, etc.) to a surface water, must have temporary or permanent cover year round. The area shall be stabilized if it has not been worked within the following:
  - a. Seven (7) days on slopes greater than three feet horizontal to one foot vertical (3:1).
  - b. Fourteen (14) days on slopes ranging from 3:1 to 10:1.
  - c. Twenty one (21) days for flatter slopes.
  - d. On sensitive sites or sites with special waters, as defined by the Agency, exposed soil areas with a greater than 3:1 slope.
2. At the foot of each exposed slope, a channel and berm shall be constructed to control runoff. The channelized water shall be diverted to a sedimentation basin (debris basin, silt basin, or silt trap), before being allowed to enter the natural drainage system.
3. For exposed slopes on stockpiles greater than ten (10) cubic yards the toe must be more than twenty five (25) feet from a road, drainage channel or stormwater inlet.
  - a. If left exposed for more than seven (7) days, it must be stabilized with mulch, vegetation, tarps or other means.

- b. If left exposed for less than seven (7) days, erosion must be controlled with perimeter control devices such as a silt fence.
  - c. If for any reason an exposed slope or stockpile is located closer than twenty five (25) feet from a road, drainage channel or stormwater inlet, it must be controlled with perimeter control devices immediately.
4. Exposed slopes shall be protected by whatever means which will effectively prevent erosion considering the degree of slope, soil material, and expected length of exposure. Slope protection shall consist of but not limited to, mulch, sheets of plastic, burlap or jute netting, sod blanket, erosion mat, fast growing grasses or temporary seedlings of annual grasses.
- a. Mulch consists of hay, straw, wood chips, corn stalks, bark or other protective material.
  - b. Mulch shall be anchored to slopes with liquid asphalt, stakes and netting or worked into the soil to provide additional slope stability.
5. Control measures, other than those specifically stated in this Subdivision, may be used in place of the above measures if it can be demonstrated that they will as effectively protect exposed slopes.

## E. PRESERVATION OF NATURAL DRAINAGE WAYS

### 1. **Waterways**

- a. The natural drainage system shall be used, when feasible, for storage and flow of runoff water.
- b. Untreated stormwater drainage may be discharged to retention basins or other treatment facilities.
- c. Only treated stormwater may be discharged to wetlands, marshlands or swamps.
- d. Diversion of treated stormwater to wetlands, marshlands or swamps shall be considered for existing or planned surface drainage.
- e. Marshlands and swamps used for treated stormwater shall provide for natural or artificial water level control.
- f. Temporary storage areas or retention basins scattered throughout developed areas shall be encouraged in order to reduce peak flow, erosion damage and construction cost.

- g. The widths of a constructed waterway shall be sufficiently large enough to adequately channel runoff from a ten (10) year storm event as determined by the Agency. Adequacy shall be determined by the expected runoff when full development of the drainage area is reached.
- h. A report prepared by a licensed professional engineer may be required in order to prove waterway adequacy on sites that disturb less than one (1) acre.
- i. An NPDES permit and report prepared by a licensed professional engineer shall be required in order to prove waterway adequacy on all sites that disturb more than one (1) acre.
- j. No fences or structures that will reduce or restrict the flow of water shall be constructed across the waterway.
- k. The banks of the waterway shall be protected with permanent vegetation.
- l. The banks of the waterway shall not exceed 3:1 in gradient.
- m. The gradient of the waterway bed shall not exceed a grade that will result in a velocity that will cause erosion to the banks of the waterway.
- n. When possible, existing natural watercourses and vegetated soil surfaces shall be used to convey, store, filter and retain runoff before discharge into public waters or a stormwater conveyance system.
- o. If the waterway must be constructed, the bed of the waterway should be protected with natural vegetation, sod, or designed in accordance with the DNR's Best Practices for Meeting DNR General Public Waters Work Permit GP2004-001 Manual.
  - 1. If sod will not function properly, rip rap may be used.
  - 2. Rip rap shall consist of only natural rock excluding limestone and other similar erosive materials.
  - 3. The rip rap shall be no smaller than two (2) inches square or no larger than two (2) feet square, except along a public waterway in which shoreland rules apply.
  - 4. Any other forms of rip rap shall require a conditional use permit.
- p. If the flow velocity in the waterway is such that erosion of the vegetated sidewall will occur and said velocity cannot be decreased via velocity control structures, then other materials may be placed on the side walls.
- q. Either gravel or rip rap, excluding limestone and other similar erosive materials shall be allowed to prevent erosion at these points.

- r. A buffer strip of a minimum of sixteen and one-half (16 ½) feet shall be maintained in permanent native vegetation on each side of the waterway.

## 2. **Waterway Velocity**

- a. The flow of runoff in waterways shall be controlled to a velocity that will not cause erosion of the waterway.
- b. Flow velocity shall be controlled through the installation of diversions, berm, slope drains, and other similarly effective velocity control structures.

## 3. **Sediment Control**

- a. To prevent sedimentation from entering waterways, pervious and impervious sediment traps and other sediment control structures shall be incorporated throughout the contributing watershed.
- b. Temporary pervious sediment traps shall consist of a construction of bales of hay with a low spillway embankment section of sand and gravel or specifically designed fabric fences or other means approved by the Department that will allow a slow movement of water while filtering sediment. Such structures may serve as temporary sediment control feature during the construction state of development.
- c. Permanent impervious sediment control structures consist of sediment basins (debris basins, settling basins, or silt traps), and shall be utilized to remove sediment from runoff prior to its disposal in any permanent body of water.

## F. MAINTENANCE OF EROSION CONTROL SYSTEMS

- 1. The erosion and velocity control structures shall be maintained in a condition that will insure continuous functioning according to the provisions of this Section.
- 2. A minimum eight (8) foot wide access shall be provided to erosion and velocity control structures, along with a maintenance plan identifying who will be responsible for future maintenance of the system.
- 3. Sediment basins shall be maintained as the need occurs to insure continuous desilting action. All sediment basins shall have a minimum of three (3) feet of depth below the outlet.
- 4. The areas utilized for runoff waterways and sediment basins shall not be allowed to exist in an unsightly condition. The banks of the sediment basins and waterways shall be landscaped.
- 5. Prior to the approval of any plat for development, the developer shall make provisions for continued maintenance on the erosion and sediment control system until project completion.



## **SUBDIVISION 8. DRAINAGE**

- A. Drainage requirements within the County shall meet the standards of Minnesota Statute 103E, as amended from time to time, when applicable, along with the following standards.
- B. The use of public road right-of-ways for the purpose of subsoil drainage outlet for artificial drainage tile drains shall be prohibited without approval by the Road Authority. Approval must be granted prior to any installation of artificial drainage tile.
- C. A drainage plan shall be submitted and approved for all new commercial developments, industrial developments, and platted subdivisions.
- D. Any proposed development of land shall not increase the runoff rate of stormwater so as to cause an adverse effect upon adjacent lands.
- E. Erosion control measures shall make maximum use of natural in-place vegetation rather than the placing of new vegetation on-site as erosion control measures. When possible, existing natural drainage ways, natural or created wetlands, and vegetated soil surfaces shall be used to convey, store, filter, and retain storm water runoff.
- F. Development shall be planned in a manner that will minimize the extent of disturbed areas, runoff velocities and erosion potential. Disturbed areas shall be stabilized and protected in conformance with all applicable County, State and Federal regulations.
- G. When development density, topographic features and/or soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features, various types of constructed facilities such as, but not limited to, diversions, settling basins, skimming devices, dikes, waterways, and ponds shall be required.
- H. Preference shall be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.
- I. Settling basins to intercept urban runoff shall be sized to a minimum of a 100-year storm event.
- J. When constructed facilities are used for stormwater management, documentation shall be provided from a licensed professional engineer such that facilities are designed and installed consistent with all applicable State standards.
- K. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
- L. A management and maintenance plan shall be submitted and approved for all new commercial developments, industrial developments, and platted subdivisions.

- M. The management and maintenance plan shall include plans for ownership, management and maintenance of drainage and storm water control features.
- N. Any public tile that is affected by development activity shall be replaced in accordance with Minnesota Statute 103, as amended from time to time when applicable.
- O. Any private tile line that is impacted by development activity shall be repaired and rerouted with the same or larger pipe size and pipe grade as the existing tile.

## **SECTION 19. LAND USE PERFORMANCE STANDARDS**

### **SUBDIVISION 1. PURPOSE**

- A. The performance standards established in this Section are designed to encourage a high standard of development. All future development in all districts shall be required to meet these standards and the standards shall also apply to existing development where so stated. The Department shall be responsible for enforcing the standards.
- B. Before any permitted use or conditional use is approved, the Department and/or Board of County Commissioners shall determine whether the proposed use will conform to the performance standards. The applicant and/or landowner shall supply data necessary to demonstrate such conformance.

### **SUBDIVISION 2. APPLICATION**

- A. Land Use Development Applications shall not be accepted until all of the following have been completed:
  - 1. A pre-application meeting with the Department during which the appropriate application procedures, requirements and applicable provisions are reviewed and explained.
  - 2. When a Land Use Development Application requires a public hearing, the proposer shall notify the Board of the Township in which the action is proposed prior to the application with the Department.
  - 3. All applicable County application forms relating to the use being requested, shall be submitted to the Department.
  - 4. All supporting documentation shall be submitted to include, but not limited to the following:
    - a. Name and address of applicant and landowner.
    - b. Legal description and property address.
    - c. Proposed days and hours of operation.
    - d. Estimated number of persons to attend place of business/location on a daily or weekly basis.

- e. List of all public health plans:
  - 1. Water supply
  - 2. Solid waste collection
  - 3. Toilet facilities
  - 4. Other
- f. Fire prevention and emergency medical services plan, if applicable.
- g. Any security plans, if applicable.
- h. Retail sales that may take place.
- i. Food or alcohol that may be served or sold.
- j. Describe if the applicant may request the County to alter vehicular traffic or pedestrian traffic patterns.
- k. Describe if the applicant may request the County to provide any services or County personnel.
- l. Describe if there will be any sound amplification, public address system, playing of music or musical instruments.
- m. Exterior lighting.
- n. Parking and Loading.
- o. Signage.
- p. Access as required by this Section and approved by the Road Authority.
- q. A certificate of insurance, if applicable, shall be filed with the Department prior to the issuance of the conditional use permit. Insurance coverage shall be maintained for the duration of the conditional use permit.
  - 1. Insurance coverage shall be a commercial general liability policy.
  - 2. The minimum limits shall be at least \$1,000,000.
  - 3. If alcoholic beverages are to be sold or distributed on-site, the policy shall also include an endorsement for liquor liability.
  - 4. The County may require additional endorsements depending upon the type of activities.
- r. Meet all other applicable county, state and federal regulations.

### **SUBDIVISION 3. GENERAL STANDARDS**

#### **A. PURPOSE**

It is the intent of this Subdivision to provide that uses of land and structures shall be established and maintained with proper appearance from streets and adjoining properties.

#### **B. EMISSION STANDARDS**

Emission or creation of noise, odors, heat, glare, vibration, smoke, toxic or noxious fumes and dust or other particulate matter shall conform to standards established by the Agency. Detailed plans relating to the proposed use and operation may be required before issuance of a zoning permit to insure compliance with these regulations.

#### **C. NOISE**

Noise shall be measured at the property line of the parcel of land on which the operation is located, and shall be muffled so as not to become objectionable due to interference, beat frequency, shrillness or intensity as regulated by the Agency. Noise generated by agricultural use shall be exempt.

#### **D. ODORS**

Any use established, enlarged, or remodeled shall be so operated as to prevent the emission of odorous matter of such quantity as to be readily detectable at any point beyond the property line of the parcel of land on which such use is located and such use shall meet requirements of the Agency. Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a zoning permit. Odors from permitted agricultural activities are exempt.

#### **E. WATER POLLUTION**

All uses shall conform to the water pollution standards and controls enforced by Le Sueur County and those adopted by the Agency, DNR, and other agencies and governing bodies which have such powers and controls.

#### **F. VIBRATION**

Any use creating periodic earth-shaking vibrations shall be prohibited if such vibrations are perceptible beyond the property line of the parcel of land on which the use is located and such use shall meet the requirements of the Agency. The standard shall not apply to vibrations created during the process of construction and/or permitted mineral extraction operations.

## G. SMOKE AND PARTICULATE MATTER

Any use established, enlarged or remodeled shall be so operated as to control the emission of smoke or particulate matter to the degree that it is not detrimental to nor shall it endanger the public health, safety, or general welfare of the public and comply with Agency standards.

## H. DUST

Solid or liquid particulate shall not be emitted at any point in concentrations exceeding State of Minnesota standards.

## I. TOXIC OR NOXIOUS MATTER

Any use established shall not discharge to the surface, air or through percolation into the subsoil or soil, toxic or noxious matter in such concentration as to be detrimental to and/or endanger the public health, safety, and general welfare, or exceed Agency standards.

## J. EXPLOSIVES

Any use requiring warehousing, utilization, or manufacturing of explosive products which could degrade and become unstable shall comply with the Minnesota State Fire and Safety Rules as outlined by the Minnesota Department of Public Safety, and shall not be located less than four hundred (400) feet from any dwelling and/or Residential District.

## K. COMPLIANCE

1. In order to insure compliance with the performance standards in this Section, the Department and/or Board of County Commissioners may require the Applicant and/or Landowner of any permitted or conditional use to have made such investigations and tests as may be required to show adherence to the performance standards.
2. Such investigation and tests may be required to be carried out by an independent testing organization at the applicant and/or landowner's expense as may be selected by the County.

## **SUBDIVISION 4. ACCESS DRIVES, ACCESS AND SERVICE ROADS**

- A. Access drives onto any public roads shall require a review by the Road Authority. The Road Authority shall determine the appropriate location, size, and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow.
- B. Access drives shall be constructed and maintained to meet all of the following:
  1. A minimum driving surface width of fourteen (14) feet.

2. Inslope no greater than 4 to 1, as measured horizontal to vertical.
  3. Base material depth sufficient to support access by emergency vehicles.
  4. Unobstructed width of not less than twenty (20) feet.
  5. Unobstructed vertical clearance of not less than thirteen (13) feet, six (6) inches.
- C. Access drives in excess of one hundred fifty (150) feet in length shall provide a minimum turn-around of sixty (60) feet in width by sixty (60) feet in length.
- D. Access drives shall have a twenty (20) foot long flat grade directly adjacent to the road that the drive accesses.
- E. All lots or parcels with dwellings shall have direct physical access of adequate size for emergency vehicles along the frontage of the lot or parcel from either an existing or dedicated public roadway.
- F. All roads serving more than two (2) lots or parcels with dwellings shall be built to township road specifications or at least sixty six (66) feet wide with a minimum driving surface width of twenty four (24) feet.
- G. A service road shall be constructed when two (2) or more General Business (B), General Industrial (I), or Recreational Commercial (RC) properties are contiguous and when required by the Road Authority.
- H. Access drives shall not be located within the bluff or shore impact zones.

## **SUBDIVISION 5. PARKING AND LOADING STANDARDS**

### **A. PARKING**

1. All on-site parking hereafter constructed or maintained shall conform with the provisions of this Subdivision and any other Ordinances or Regulations of the County.
2. **Size Requirements**
  - a. Each parking space shall contain a minimum area of not less than three hundred (300) square feet, including access drives, a width of not less than eight and one-half (8 ½) feet and a depth of not less than twenty (20) feet.
  - b. Handicap parking requirements shall be in accordance with the Americans with Disabilities Act as amended, from time to time.
  - c. Each parking space shall be adequately served by access drives.

### 3. **Reduction of Parking Space**

On-site parking facilities shall not subsequently be reduced below the requirements of this Subdivision.

### 4. **Location of Parking Facilities and Combined Facilities**

Required on-site parking space shall be provided on the same lot as the principal structure or use, except combined or joint parking facilities may be provided for one (1) or more structures or uses in the General Business (B), Recreational Commercial (RC) and in the General Industry (I) districts provided that the total number of spaces shall equal the sum of the requirements for each structure or use.

### 5. **Computing Requirements.** In computing the number of such parking spaces required, the following rules shall apply:

- a. Floor space shall mean the gross floor area of the specific use.
- b. Where fractional spaces result, the parking spaces required shall be constructed to be the nearest whole number.
- c. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature, as determined by the Department.
- d. In places of public assembly in which patrons occupy benches, pews or similar facilities, every twenty two (22) inches of such seating facility shall be counted as one (1) seat for the purposes of determining these requirements.

### 6. **Required Number of On-Site Parking Spaces**

- a. 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.
- b. The minimum number of required on-site parking spaces for the following uses shall be as follows:
  1. **Single family dwelling.** Two (2) parking spaces. No attached garage shall be converted into living space unless other acceptable on-site parking space is provided.
  2. **Multiple dwelling or manufactured home park.** Two (2) parking spaces per dwelling unit, apartment or manufactured home.
  3. **Churches.** One (1) parking space for each four (4) seats, based on the design capacity of the main seating area.



4. **Hospitals.** One (1) parking space for each two (2) hospital beds plus one (1) parking space for each employee on the major shift.
5. **Convalescent, rest or nursing homes, or assisted living facilities.** One (1) parking space for each four (4) beds for which accommodations are offered.
6. **Schools.** Two (2) parking spaces for each classroom.
7. **Administration buildings, community center, public library, museum, art galleries, post office and other public service buildings.** One (1) parking space for each five hundred (500) square feet of floor area in the principal structure.
8. **Indoor/Outdoor Recreational Areas.** One (1) parking space for each four (4) occupants based upon design capacity. The number of parking spaces may be increased with the conditional use permit review process.
9. **Medical and dental clinics and animal hospital.** One (1) parking space for each five hundred (500) square feet of floor area.
10. **Office buildings.** One (1) parking space for each three hundred (300) square feet of floor area.
11. **Automobile service station.** Four (4) parking spaces plus two (2) parking spaces required for each gas pump area.
12. **Auto sales, trailer sales, marine and boat sales, implement sales, garden supply store, building materials sales and auto repair.** Six (6) parking spaces plus one (1) parking space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet.
13. **Bowling alley.** Five (5) parking spaces for each bowling lane.
14. **Drive-in restaurant.** One (1) parking space per each four (4) seats and one (1) parking space for each employee on the major shift.
15. **Restaurant, cafe, tavern, bar, or adult use establishment.** One (1) parking space per each four (4) seats and one (1) space for each two (2) employees on the major shift.
16. **Motel or hotel.** One (1) parking space for each rental room or suite, and one (1) space for each employee on any shift.
17. **Assembly or exhibition hall, auditorium, theater or sports arena.** One (1) parking space for each four (4) seats, based upon design capacity.

18. **Retail stores and service establishments.** One (1) parking space for each two hundred fifty (250) square feet of retail floor area.

19. **Research, experimental or testing stations.** Three (3) parking spaces, plus one (1) per employee on the major shift.

20. **Storage, wholesale or warehouse establishments.** Three (3) parking spaces, plus one (1) per employee on the major shift.

21. **Manufacturing or processing plant.** Three (3) parking spaces, plus one (1) per employee on the major shift.

## B. LOADING

1. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicle they are designed to serve.
2. Each loading space shall contain a minimum area of not less than five hundred (500) square feet.
3. The required area for loading space shall not be used for storage of goods or for storage of vehicles that are inoperable or for sale or rent.

## C. PARKING & LOADING GENERAL STANDARDS

### 1. Yards

- a. No parking or loading space shall be located within ten (10) feet of any property line or any road right-of-way, except those that are strictly of a residential use.
- b. No parking or loading space shall be located within bluff or shore impact zones.

### 2. Buffers, Fences and Planting Screens

On-Site parking and loading in General Business (B), General Industrial (I), or Recreational Commercial (RC) Districts, shall be screened from eye-level view from adjacent lands by a buffer fence of adequate design or a planting buffer screen.

### 3. Access

- a. Parking and loading spaces shall have proper access from a road right-of-way.
- b. The number and width of access drives shall be so located as to minimize traffic congestion and traffic hazards.

- c. Frontage roads or service roads may be required when such service roads are necessary to maintain traffic safety as deemed necessary by the Road Authority.
- d. Vehicular access to business or industrial uses across property in any Residential District shall be prohibited.

**4. Construction and Maintenance**

- a. In the General Business (B), General Industry (I) and the Recreational Commercial (RC) Districts, parking and loading areas and access drives shall be covered with a dust-free, all-weather surface or an adequate aggregate base with proper surface drainage, as required by the Road Authority.
- b. The operator of the principal structure or use shall maintain parking and loading areas, access drives and yard areas in a well-kept manner.

**SUBDIVISION 6. LANDSCAPING AND SCREENING**

- A. It is the intent of this Subdivision to provide that uses of land and structures shall be established and maintained.
- B. All required yards shall either be landscaped and green areas or be left in a natural state. If any yards are to be landscaped, they shall be landscaped to include but not limited to; lawns, trees, shrubs etc. Any areas left in a natural state shall be maintained. Where any business (structure, parking or storage) is adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, parking lot, or industry is located across the street from a residential zone, but not on that side of a business or industry considered to be the front.
- C. All exterior storage shall be screened. The exceptions are:
  - 1. Merchandise being displayed for sale.
  - 2. Materials and equipment presently being used for construction on the premises.
- D. The screening required may consist of fences and/or landscaping. Plans of such screen shall be submitted for approval as a part of the site plan and installed prior to occupancy of any tract in the district.
- E. All junk yards, salvage yards, and open storage yards, shall be screened with buffer planting and screen fences. Plans of such screens shall be submitted for approval.
- F. Landscaping Maintenance. All structures and areas requiring landscaping and fences shall be maintained.

## **SUBDIVISION 7. SIGN STANDARDS**

### **A. PURPOSE**

The intent of this subdivision is to provide for necessary visual communications and to preserve and promote a pleasant physical environment within the County by regulating the type, number, size, height, lighting, maintenance, and erection of sign structures.

### **B. GENERAL SIGN STANDARDS**

1. All signs hereafter erected or maintained, except official, public, traffic and street signs, shall conform to the provisions of this subdivision and any other Ordinance or regulations of Le Sueur County.
2. No sign shall be erected, re-erected, or altered unless adhering to the rules outlined in this subdivision.
3. A zoning permit shall be required for signs larger than thirty two (32) square feet and all Off-Premises Signs/Billboards.
4. Application for a zoning permit shall be made to the Department on forms to be furnished by the County and must be signed by the applicant and/or landowner. In addition, a sign plan must be submitted with the application for each sign and shall include the following:
  - a. The face of the sign and the type of sign materials to be used.
  - b. The size and height of the sign.
  - c. A site plan with required setbacks, which displays the location of the sign on the property or structure.
  - d. All parts of a sign and support structure shall be set back at least ten (10) feet from any property line.
  - e. Any sign and any support mechanism of the sign, shall not project more than six (6) feet from the face of the structure.
  - f. For Off-Premises Signs/Billboards proposed greater than twelve (12) feet in height, a structural footing detail plan shall be submitted which shall be approved and signed by a Licensed Professional Engineer.
5. All signs shall be constructed and maintained in a manner so as to be safe to the general public. A sign shall be repainted whenever its paint begins to fade, chip or discolor and defective parts shall be replaced.

6. All parts of a sign and support structure shall be removed by the landowner from the property within thirty (30) calendar days after termination of the use for which the sign was installed.
7. If the Department shall find that any sign is unsafe, a detriment to the public, not maintained, or constructed, erected or maintained in violation of the provisions of this Section, the Department shall give written notice to the landowner thereof.
8. All electrical wiring of signs shall comply with the provisions of the State Electrical Code.

#### C. EXEMPTED SIGNS - NO PERMIT

1. The following signs are exempt from permitting requirements, but shall conform with the standards of this Subdivision.
  - a. Address signs.
  - b. Public signs, street signs, warning signs, railroad crossing signs, as required by any governmental agency, or signs of public service companies for the purpose of promoting safety.
  - c. Home Occupation Signs.
  - d. Directional Business Signs.
  - e. Any sign less than thirty two (32) square feet in size and less than ten (10) feet in height.

#### D. PROHIBITED SIGNS

1. Signs that resemble any official marker installed by a government agency by reason of position, shape, or color, which would interfere with the proper function of a traffic sign, signal or are misleading to vehicular traffic.
2. Signs within a public right-of-way or easement, except for signs installed by any government agency.
3. Off-Premises Signs/Billboards located on a roof.
4. Off-Premises Signs/Billboards in the form of an Illuminated sign.

#### E. NON-CONFORMING SIGNS

1. Any sign legally existing on the effective date of this Ordinance which does not conform to the requirements set forth shall be considered a non-conforming sign.

2. Normal maintenance including the repair, replacement and repainting of a sign face or lettering of a non-conforming sign shall be allowed.

F. GENERAL BUSINESS (B) DISTRICT AND GENERAL INDUSTRIAL (I) DISTRICT

1. **Ground/Pylon Signs**

- a. No more than one (1) sign shall be permitted per every thirty five (35) lineal feet of road frontage.
- b. All parts of a sign shall be set back a minimum of ten (10) feet from property lines and all road right-of-ways.
- c. The maximum height shall not exceed thirty (30) feet.
- d. The maximum area shall not exceed two hundred (200) square feet.

2. **Wall Signs**

- a. The signs shall not exceed twenty (20) percent of the wall area.
- b. The signs shall not project above the roof level.

3. **Electronic Messageboard Signs/Dynamic Signs**

- a. Shall not flash.
- b. Any portion of the sign display shall be a minimum duration of ten (10) seconds and must be a static image.
- c. Lighting shall comply with the exterior lighting standards of this Section.

4. **Electronic Graphic Display Signs**

- a. Shall not flash.
- b. Any portion of the sign display shall be a minimum duration of ten (10) seconds and must be a static image.
- c. The sign shall not exceed illumination levels of five thousand (5,000) candela per square meter (also known as NITS) between dusk and dawn and five hundred (500) NITS during the daytime.
- d. Lighting shall comply with the exterior lighting standards of this Section.

## G. RECREATIONAL COMMERCIAL (RC) DISTRICT

### 1. **Ground/ Pylon Signs**

- a. No more than one (1) sign shall be permitted per every thirty five (35) lineal feet of road frontage.
- b. All parts of a sign shall be set back a minimum of ten (10) feet from property lines and all road right-of-ways.
- d. The maximum height shall not exceed twenty (20) feet.
- e. The maximum area shall not exceed one hundred (100) square feet.

### 2. **Wall Signs**

- a. The signs shall not exceed twenty (20) percent of the wall area.
- b. The signs shall not project above the roof level.

## H. OFF-PREMISES SIGNS/BILLBOARDS

1. Signs shall only be allowed as a conditional use in the General Industrial (I) District provided the following standards are met:
  - a. Shall be allowed only in areas adjacent to a state or federal highway.
  - b. Shall not exceed eight hundred fifty (850) square feet in total area. Maximum allowable signage shall be computed on the basis of one side of any double-faced sign.
  - c. Shall not exceed thirty (30) feet in height.
  - d. Signs abutting an elevated highway may exceed the maximum height requirement provided that the top of the sign shall not exceed fifteen (15) feet above the grade elevation of such elevated four (4) lane highway directly adjacent to such property on which the sign is positioned.
  - e. All parts of a sign shall be set back a minimum of ten (10) feet from all road right-of-ways.
  - f. All parts of a sign shall be set back two hundred (200) feet of a residential zoning district, park, playground, school, or church.

- g. All parts of a sign shall be set back a minimum of one thousand three hundred and twenty (1,320) feet from areas designated as Minnesota River Valley Scenic Byway as designated by the Federal Highway Administration.
- h. All parts of a sign shall have a minimum separation distance of fifteen hundred (1,500) lineal feet from another Off-Premises Sign/Billboard.
- i. Off-Premises Signs/Billboards located on a roof or in the form of an Illuminated sign shall be prohibited.
- j. The support structure shall be monopole design. The exposed upright or superstructure shall be painted an earth-tone color.
- k. Lighting shall comply with the exterior lighting standards of this Section.
- l. The Applicant and/or Landowner shall identify the financial resources that will be available to pay for the removal of the Off-Premises Sign/Billboard. The County may require financial security in the form of a letter of credit, a cash escrow account, a performance bond, or other financial means acceptable to the County.

#### I. NON-COMMERCIAL SPEECH

Notwithstanding any other provisions of this subdivision to the contrary, all signs of any size containing non-commercial speech may be posted from August 1 in any general election year until ten (10) days following the general election and thirteen (13) weeks prior to an special election until ten (10) days following the special election.

### **SUBDIVISION 8. OUTDOOR LIGHTING STANDARDS**

#### A. PURPOSE

The intent of this Subdivision is to create standards for outdoor light so that its use does not interfere with the reasonable use and enjoyment of property.

#### B. APPLICABILITY

All outdoor, electrically-powered illuminating devices shall be installed in conformance with the provisions of this Subdivision and the state electrical code.

#### C. STANDARDS

- 1. In all districts, any exterior lighting used to illuminate an off-street parking area, sign, or structure, shall be arranged as to deflect light away from any adjoining residential district and all road right-of-ways.



2. Any light or, combination of lights, which cast light on a road right-of-way shall not exceed one (1) foot candle, as measured from the centerline of said road. No light shall be directed in such a manner as to blind the driver of any vehicle.
3. The source of light shall be shielded or controlled in some manner so as not to illuminate adjacent property.
4. Any light, or combination of lights, which cast light shall not exceed one (1) foot candle, as measured from the property line.
5. Any light or, combination of lights, which cast light on residential property shall not exceed 0.4 foot candles as measured from the property line.
6. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion of welding, shall not be directed into any adjoining property.
7. Lighting fixtures used to illuminate an Off-Premise Sign/Billboard shall be mounted on the top of the sign structure.

#### D. PROHIBITIONS

1. The operation of searchlights for advertising purposes is prohibited between 10:00 P.M. and sunrise the following morning.
2. No outdoor recreational facility, public or private, shall be illuminated after 11:00 P.M. except to conclude a specific recreational or sporting event or any other similar activity conducted at or in the facility which was in progress under such illumination prior to 11:00 P.M.

### **SUBDIVISION 9. NUISANCE CONTROL**

#### A. PURPOSE

It is the intent of this Subdivision to provide for and control those nuisances which will affect the public health, safety and general welfare of the residents of Le Sueur County and further preserve the aesthetic values of the County and individual neighborhoods.

#### B. WASTE DISPOSAL

All refuse shall be disposed of in compliance with all County, State and Federal waste disposal requirements.

### C. RODENT CONTROL

1. At any time when there is found to exist on any property rodents which are detrimental or present a public health threat, the landowner of said property shall be given notice of the nuisance and shall within thirty (30) calendar days correct the rodent problem found to exist.
2. The method of correction may be extermination utilizing means acceptable to the County and the Agency and/or may include, but not limited to, the removal of the source, i.e. debris piles, unprotected storage areas or lumber piles.
3. If, within thirty (30) calendar days, the nuisance is not corrected, the County may take corrective action as provided elsewhere in this Ordinance.

### D. NOXIOUS WEEDS

In all Zoning Districts each landowner shall be responsible to control noxious weeds to the greatest degree possible. Enforcement of this provision shall be coordinated with the County Agricultural Inspector.

### E. RESTRICTED STORAGE

1. In all zoning districts, all waste material or refuse, with the exception of crop residue debris, shall be kept in an enclosed structure or properly contained in a closed container designed for such purposes.
2. The landowner shall be responsible for keeping such land free of refuse.

### F. SALVAGE VEHICLES, AGRICULTURAL/INDUSTRIAL EQUIPMENT AND PARTS

1. In all non-residential districts, no more than five (5) salvage vehicles shall be kept or stored outside, unless specifically permitted as a conditional use salvage yard.
2. In residential districts no more than one (1) salvage vehicle shall be kept or stored outside.
3. All such vehicles, equipment and/or parts shall be screened from eye-level view from adjacent properties and all roads.
4. All fluids and batteries shall be removed and recycled in accordance with all County, State and Federal guidelines.
5. Any vehicle or agricultural/industrial equipment or part which is in violation of this Subdivision is hereby declared to be a public nuisance.

## G. ABATEMENT

1. The County may enter upon the land where the public nuisance is located and remove and dispose of such public nuisance, after a hearing as provided by law, and after thirty (30) days notice to the landowner.
2. If the County receives any proceeds from the removal and disposal of the public nuisance the County shall first apply the proceeds to reimburse the County for any expenses incurred, and refund the remainder to the Landowner.
3. Any costs incurred by the County in the removal and disposal of the public nuisance which are not reimbursed may be assessed as a special assessment against the property upon which the public nuisance was located.

## **SUBDIVISION 10. RELOCATING STRUCTURES**

### A. PERMIT REQUIRED

1. **Zoning Permit.** No person shall move any structure without first obtaining a zoning permit.
2. **Moving Permit.** Every licensed house mover shall, in each and every instance, before raising, holding up or moving any structure, obtain a permit hereafter from the Road Authority.

## **SUBDIVISION 11. RIGHT TO FARM**

### A. PURPOSE

It is the intent of this Subdivision that farmers have the right to farm, provided all County, State, and Federal regulations are adhered to, regardless if development is taking place around them, without unreasonable restrictions, regulations or harassment.

### B. ADOPT BY REFERENCE

The County adopts by reference Section 561.19 of Minnesota State Statutes as amended from time to time.

### C. COMPLAINTS

Complaints against the operations of farms shall be considered to be unwarranted and frivolous as long as the farming activities are being conducted according to generally accepted agricultural standards.

## **SUBDIVISION 12. SPECIFIC LAND USES**

### A. PURPOSE

It is the intent of this Subdivision that the following Specific Land Uses shall have additional performance standards due to the issues associated with their establishment.

**Sections Omitted**

#### D. TRANSFER OF DEVELOPMENT RIGHTS

- a. Development rights may be transferred to a contiguous quarter-quarter section in the Agriculture (A), Conservancy (C), and Special Protection (SP) districts, upon obtaining a conditional use permit.

- b. For the purpose of this Subdivision, contiguous shall mean quarter-quarter sections that are touching along a boundary or at a point. Quarter-quarter sections that are separated by a road shall be considered contiguous.
- c. Development rights shall not be transferable from one township to another township.
- d. The sending quarter-quarter shall have a building eligibility, as defined by this Ordinance, in order to transfer development rights.
- e. The transferred development right shall meet the registered feedlot separation requirements of this Ordinance, including transferred Lot of Record building eligibilities.
- f. The transfer shall not allow the establishment of more than four (4) dwellings in a quarter-quarter section, with the exception of non-transferred lots of record and existing building sites.
- g. There shall be no maximum number of building eligibilities in the sending quarter-quarter section.
- h. Upon approval of the Conditional Use Permit for transfer of development rights, the building site shall not be required to be established and shall be exempt from the one (1) year completion requirement for conditional use permits as set forth in this Ordinance.
- i. The transfer shall be memorialized in a document that is recorded against both the sending and the receiving property.

### **Sections Omitted**

E. OPEN AND OUTDOOR STORAGE, SALES AND SERVICE

- a. Landscaping and screening shall be required for all storage, sales, and service areas as described in this Section.
- b. The storage, sales and service areas shall not take up parking and loading spaces as described in this Section.
- c. The sales area is grassed or surfaced to control dust.

F. INDUSTRIAL PLANTS

- a. Industrial plants utilizing cool-water processing within their operations shall:
  - i. Safeguard against impeding the natural flow of the immediate stream and polluting, including thermal pollution.
  - ii. Assure that no lighting will create a hazard to navigation.
  - iii. Obtain all necessary permits from the DNR and the Agency as needed.

**Sections Omitted**

## **SECTION 20. MINERAL EXTRACTION**

### **SUBDIVISION 1. PURPOSE**

It is declared to be the policy of Le Sueur County to provide for the reclamation of land disturbed by mining in order to encourage productive use to include, 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 public health, safety and general welfare of the people, as well as the natural beauty and aesthetic values, in the affected areas of the County.

### **SUBDIVISION 2. CONDITIONAL USE PERMIT REQUIRED**

A. No person, firm, or corporation shall hereafter engage in the mining and/or processing of sand, gravel, limestone or other minerals on any land within Le Sueur County, located outside the boundaries of any city, village or incorporated town without first obtaining from the County a Conditional Use Permit. The Conditional Use permit shall be filed with the Le Sueur County Recorder.

#### **B. JURISDICTION**

1. 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 Section. Any processing of extracted material shall be subject to the requirements of this Section.
2. Excavations for purposes of residential, commercial, or industrial development or land alterations for agricultural purposes shall be exempt from the provisions of this Section.

#### **C. APPLICATION FOR PERMIT**

1. Any person, firm, or corporation desiring to commence or expand the mining and/or processing of sand, gravel, limestone or other minerals shall make written application for a Conditional Use Permit to the Department.
2. Application for such permit shall be made upon a form furnished by the Department Applicant shall provide the following items:
  - a. Applicant and/or landowner name and address.
  - b. A statement that the applicant has the right to ownership or lease to mine and to reclaim that land described.



- c. Legal description of the parcel of land.
  - d. Number of acres to be mined.
  - e. A statement containing an estimate of the life expectancy of the proposed operation. Estimate shall include a starting date and the anticipated completion date.
3. An Existing Conditions Map shall be submitted at the time of application to include, but not limited to, the following:
- a. Existing topographical features at ten (10) foot contour intervals.
  - b. Location and elevations of water courses, drainage systems, water tables and impounded waters.
  - c. Outline of the maximum area to be excavated and total surficial acres to be excavated.
  - d. Vertical profile of area to be excavated indicating overburden, water tables, and other geological layers to the extent known.
  - e. Location and names of existing roads, trails, railroads, structures, utility rights-of-way, vegetation, wells and other cultural features within and immediately adjacent five hundred (500 feet) to the proposed excavation area.
  - f. Access routes within one (1) mile of the site.
4. Proposed Mining Operations Plan shall be submitted at the time of application to include, but not limited to, the following:
- a. The location of any structures, signage, equipment storage areas, stockpiles, screening, berms, fences, operation areas, site access, mitigation measures, and any other uses incorporated in the excavation process.
  - b. The aerial extent, geologic composition and depth of mineral deposit, the distribution, thickness and the type of topsoil.
  - c. Approximate proposed volume of excavation and anticipated timeline of excavation, volume removed over time.
  - d. Method of stripping and location for stripped material not leaving the site.
  - e. Description of all processing that would occur on site.
  - f. Information available on ecological and biological resources, plant communities, and wildlife use at and adjacent to the proposed site.

- g. Soil erosion and sediment control plans meeting the Agency standards under Construction Activity and the Industrial Stormwater Program.
  - h. Dust and noise control plan meeting the Agency standards.
  - i. Recycling plan for concrete or other forms of aggregate.
  - j. Storage and location of any on-site fuel storage and a copy of the Spill Prevention Control and Countermeasures (SPCC) Plan, if required per the Environmental Protection Agency (EPA) guidelines.
5. Reclamation Plan shall be submitted at the time of application as described in this Section.
6. Hydrogeology Plan, if excavation proposed will occur below the groundwater table, shall be submitted at the time of application to include, but not limited to, the following:
- a. Identify the lowest excavation point and the elevation of the groundwater table in any area excavated below the groundwater table.
  - b. Identify any streams, springs, and groundwater within one-half (1/2) mile and provide the location, elevation, natural flow direction and volume.
  - c. Identify any surface water or headwater within one-half (1/2) mile and provide the location and elevation.
  - d. Identify all groundwater users within one (1) mile.
7. Dewatering plan, shall be submitted at the time of application, if needed, for any stormwater or groundwater encountered on the site in accordance with the DNR and the Agency to include the following specifications:
- a. Identify the proposed outlet location and receiving ditches and bodies of water within one-half (1/2) mile.
  - b. Identify the maximum discharge velocities and flows from the specified location.
  - c. Include a groundwater model, forecasting the anticipated cone of depression from dewatering activities.
  - d. Establish a groundwater monitoring program, as needed, in accordance with the Minnesota Department of Health, DNR, and the Agency.
8. A bond meeting the requirements set forth in this section.

9. Any other information requested by the Department, Planning Commission, or Board of County Commissioners.

#### D. TERM OF PERMIT

1. The Conditional Use Permit approved shall be filed with the Le Sueur County Recorder and effective from and after the date of approval, provided the requirements and conditions of the Conditional Use Permit are met.
2. However, upon determination by the Department, or the Board of County 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.
3. Failure to restore the site immediately as provided for in the reclamation plan or failure to restore depleted and idle portions of the site on a phased basis in accordance with this Section shall result in the County exercising the bond to restore and properly close the site.
4. An examination of the premises may be made by the Department at any time.
5. An annual report shall be prepared and submitted to the Department no later than June 1<sup>st</sup>. This report shall include, but is not limited to, the following information:
  - a. The excavation volume (in cubic yards and tons) sold and/or transported from the excavation site, as indicated by Minnesota Statute 298.75 for the Aggregate Material Removal Production Tax.
  - b. An updated timeline.
  - c. Total acres of active, unvegetated, and/or unreclaimed area.
  - d. Total acres being mined.
  - e. Total acres reclaimed and an updated percent completion.
  - f. Any hazards or unexpected items encountered in that year.
  - g. Any fees due for unreclaimed lands.
  - h. Any responses to citizen complaints.
6. When an Environmental Review is affiliated with the mining operation, the annual report shall be reviewed by the Board of County Commissioners.
7. When an Environmental Review is not affiliated with the mining operation, the annual report shall be reviewed by the Department.

## **SUBDIVISION 3. MINING OPERATION STANDARDS**

### **A. GENERAL REQUIREMENTS**

1. Each person, firm, or corporation engaged in mining upon lands described in the conditional use permit is subject to the following regulations.

2. **Overview**

Mining operations shall be conducted in compliance with the laws of the county, state and federal government, especially as related to safety standards, and Ordinances and resolutions of Le Sueur County, as amended from time to time, and in compliance with and upon approval of the reclamation plan for the affected land.

3. **Timing**

No excavation shall begin until all required county, state, and federal permits have been obtained by the applicant/landowner, unless otherwise specified in the plan.

4. **Clearing**

- a. Clearing of the mining site shall conform to the development and reclamation plan, whenever possible, unless otherwise specified in the plan.
- b. Existing trees and shrubs shall remain in their natural state whenever possible and not prematurely stripped.
- c. Existing vegetation shall be preserved, maintained, and supplemented for the depth of the required setbacks.
- d. 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 (10) 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 the approved plan, such planting shall be made in areas where excavation is completed and land is not being used for material storage.

5. **Vegetative and Other Screening**

- a. Adequate screening, including either natural and/or supplied screening in the form of plantings, fencing and/or berming shall be provided along all public roads adjacent to the property involved and adjacent properties where improvements are located, unless otherwise specified in the plan. This includes the following:

1. Adequate screening is defined as screening the mining operation from public view as seen by either standing from the center of the road or at the adjacent property boundary.
2. Natural screening consists of existing features which are located within fifty (50) feet of the boundary of the site and which screen the view of mining activities.
3. Supplied screening includes planting, fencing, or berming. Density of plantings used for supplied screening shall not be required to exceed a density of alternating rows of conifer trees six (6) feet on center and a height of six (6) feet at the commencement of mining.
4. Screening with berms shall be stabilized with native vegetative cover.

## 6. Access

- a. Ingress and egress access points from or onto any road or highway shall be clearly indicated, and only those indicated access points shall be utilized.
- b. All access points must be approved by the appropriate Road Authority having jurisdiction, and shall preferably be located along a secondary road.
- c. 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.
- d. Precautions must be taken to minimize the deposit of dirt and mined material from trucks onto the public roads or highways.
- e. All access roads intersecting a paved city, township, county, or state road/highway shall be paved a minimum of fifty (50) feet from the paved road.
- f. A lockable gate across the access road to the pit is required.

## 7. Hauling

- a. Trucks used in hauling materials from the site or excavation shall be loaded in such a manner as to minimize spillage onto public highways.
- b. Any spillage resulting from overloading or from adhering to truck tires shall be removed daily.

## 8. Signage

- a. Adequate signage for the following shall be provided:

1. Site signage indicating site name, applicant and/or landowner, and contact phone number.
2. Signage for public safety, such as “Trucks Hauling” signs.

#### **9. Dust and Noise**

Operating procedures shall be utilized to control dust and noise so as not to be in conflict with adjoining property, and shall meet the Agency standards.

#### **10. Blasting**

- a. If explosives are allowed by the conditional use permit, the applicant and/or landowner shall take all necessary precautions to safeguard life and to protect property.
- b. The method of storing and handling explosives shall conform with all laws and regulations relating thereto.

#### **11. Accessory Uses**

- a. Temporary/Portable washing, crushing, hot mix asphalt, and ready mix plants if allowed by the conditional use permit, excluding permanent sites, may be brought to the site in the future on an as needed basis for specific jobs.
- b. The applicant shall notify the Department prior to the placement of this equipment.

#### **12. Hours**

- a. The general hours of operation for all mining and processing operations shall be between of 6:00 AM and 7:00 PM, Monday through Saturday, unless otherwise specified in the plan.
- b. The excavation, drilling, hauling, sawing, crushing, and other physical activities of mining cannot proceed until one hour after the initial start time.

#### **13. Water Resources**

- a. The mining operation shall not be allowed to interfere with surface water drainage beyond the boundaries of the mining operation.
- b. The mining operation shall not adversely affect the quantity or quality of surface or groundwater resources.

- c. Surface water originally outside and passing through the mining site shall, at its point of departure from the mining site, be of equal quality to the water at the point where it enters the mining site.
- d. The applicant and/or landowner shall perform any water treatment necessary to comply with this provision.

#### **14. Reclamation**

- a. Proposed graded or backfilled areas or banks as conforming to the approved reclamation plan shall be covered with stockpiled topsoil, to provide for re-vegetation.
  - b. No topsoil is to be removed from the site.
  - c. When back sloping is proposed on the reclamation plan, the rate of slope shall not be less than four (4) feet horizontal to one (1) foot vertical or a slope to provide a stable and safe condition.
  - d. 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.
  - e. Operator shall keep pit or excavation in a condition that insures banks do not cave or slide to insure stability.
  - f. When the reclamation plan includes a water impoundment, the approved final grade at the edge of a body of water shall extend vertically six (6) feet below the lowest seasonal water level.
  - g. 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 the approved reclamation plan.
  - h. Quantifiable standards for adequate revegetation to show that a sustainable stand of vegetation has been established which will support the approved reclamation of the site will be provided and utilized for assessing completion of successful reclamation.
  - i. Standards for revegetation may be based on the percent cover, productivity, plant density, diversity, or other applicable measures.
15. Upon completion of excavation, all structures, processing plants, and equipment shall be removed within six (6) months, unless such structures, processing plants, and equipment will be used in the reclamation process.

16. Applicant and/or landowner shall be assessed costs as determined by the Road Authority any damage, repair to County or Township roads attributable to mineral extraction from the site.
17. The County Engineer and DNR shall review the reclamation proposal.
18. Additional conditions or modifications of mining operation standards deemed necessary by the Board of County Commissioners shall apply.

## B. SETBACK REQUIREMENTS

1. Mining operations shall not be conducted closer than:
  - a. One hundred (100) feet to the boundary of any district where such operations are not permitted.
  - b. Two hundred (200) feet to the following, unless the written consent of the owner of such adjoining property is first secured.:
    1. A residential dwelling,
    2. The property boundary of any adjoining parcel less than five (5) acres with a residential dwelling.
    3. The property boundary of any adjoining parcel in a Residential Zoning District.
  - c. Fifty (50) feet to the boundary of an adjoining property line, unless the written consent of the owner of such adjoining property is first secured.
  - d. Excavation or stockpiling shall not be conducted closer than one hundred (100) feet to the right-of-way of any existing or platted street, road, or highway.
  - e. One hundred (100) feet from the ordinary high water level (OHWL) of any public water.
  - f. Dust and noise producing processing or loading shall not be conducted closer than three hundred (300) feet to the boundary of any residential or commercial structures existing prior to the commencement of mining and processing operations without written consent of all owners and residents of said structures.
2. Temporary/Portable ready-mix cement plants, asphalt batch plants, and associated processing facilities and structures, if allowed by the conditional use permit, shall be set back the following distances:
  - a. Fifty (50) feet to the boundary of any district where such operations are not permitted.



- b. Five hundred (500) feet to the property boundary of any adjoining parcel with a residential structure and/or residential zoning district.
  - c. Five hundred (500) feet to the boundary of an adjoining property line, unless the written consent of the owner of such adjoining property is first secured.
  - d. Fifty (50) feet to the right-of-way of any existing or platted street, road, or highway.
  - e. Five hundred (500) feet from the OHWL of any public water.
3. New improvements including structures, wells, and subsurface sewage treatment systems (SSTS) shall be set back at least one hundred fifty (150) feet from the property boundary adjacent to any existing mining parcel. New improvements on parcels adjacent to existing mining parcels shall prevent all surface water runoff from entering the mining parcel.

#### **SUBDIVISION 4. RECLAMATION PLAN STANDARDS**

- A. A reclamation plan shall be prepared for the planned after-use of affected areas and the nature and extent of reclamation.
- B. Reclamation shall be conducted to minimize the area disturbed by mineral mining and to restore, to the extent practical, the land to a condition at least as suitable as that which existed before the lands were affected by mineral extraction operations.
- C. A detailed reclamation map shall be provided, designating which parts of the land shall be reclaimed for forest, pasture, crop, dwelling site, recreational, industrial, or other uses including food, shelter, and ground cover for wildlife.
- D. The reclamation plan and map shall include but not limited to, the following:
  1. Proposed Topographical features and elevations at ten (10) foot contour intervals and any water impoundments.
  2. Vertical profile of the reclaimed area indicating the following:
    - a. Depth of restored topsoil.
    - b. Type, volume and source of fill, if fill is proposed.
    - c. Water-table.
    - d. Any other applicable features.

#### E. TYPE OF PLANTING AND RESTORATION

1. Type of planting, or if natural re-vegetation is proposed, it shall so be stated.
2. End use of the impacted land shall be in accordance with the desires of the applicant and/or landowner.
3. Use of land after completion of mining will determine method of reclamation.
4. Seed and mulch plan per the Agency, DNR and MNDOT specifications.

#### F. ESTIMATED PROGRESS AND COMPLETION DATES

Reclamation activities shall progress on a phased basis; for every ten (10) acres of additional mining operations, the previously exhausted ten (10) acres must be reclaimed, unless otherwise specified in the plan.

#### G. RECLAMATION PLAN REVISIONS

1. In the event the applicant and/landowner find the characteristics of the mining area to be different than what was previously determined, changes may be made in the original reclamation plan by amending the approved Conditional Use Permit.
2. A written statement containing an explanation for the revision to the approved reclamation plan to include, but not limited to, the following:
  - a. The character of the site to be mined as well as the surrounding territory.
  - b. An explanation of the schedule of development which shall include phase development.
  - c. If a development schedule cannot feasibly be prepared, it shall be so stated with written reasons submitted.
3. The Department shall determine whether the requirements of filing a reclamation plan have been met. Applications which propose no reclamation and reuse of an area shall be submitted to the Planning Commission accompanied by a report by the Department concerning the desirability of such reuse.
4. The Board of County Commissioners shall have final authority to require a revised reclamation plan.

## H. FINAL RECLAMATION ASSESSMENT

1. A final assessment of successful reclamation upon completion of the site shall be conducted in order to release the site from fees, overlay, and financial assurance according to the details specified in the reclamation plan approved pursuant to this Section.
2. Compliance with the revegetation success standards in the approved reclamation plan shall be determined by a combination of inspections and reports as follows:
  - a. On-site inspection by the County or its agent;
  - b. Reports presenting results obtained during reclamation evaluations shall include, but not limited to, summarized data on revegetation, photo documentation and other evidence that the criteria approved in the reclamation plan to ascertain success have been met.
3. In those cases where the post mining land use specified in the reclamation plan requires a return to natural condition, the applicant and/or landowner shall obtain baseline data on the existing plant community for use in the evaluation of reclamation success pursuant to this section.
4. Revegetation success may be determined by:
  - a. Comparison to an appropriate reference area.
  - b. Comparison to baseline data acquired at the site prior to its being affected by the mine.
  - c. Comparison to an approved alternate technical standard.
5. Revegetation using a variety of plants indigenous to the area is preferred.

### **SUBDIVISION 5. BOND REQUIRED**

- A. The bond herein required shall be filed with the County Treasurer and a copy to the Department.
  1. Such bond shall be payable to the County and the amount shall be set by the Board of County Commissioners and reported and reviewed with the annual report.
  2. 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 Conditional Use Permit.

3. The applicant and/or landowner shall furnish proof to the County yearly that the bond has been renewed.
4. Failure to renew the bond shall result in immediate cancellation of the Conditional Use Permit.
5. The performance bond protecting the restored acreage shall be returned to the applicant at such time the portions of the bonded property are completely rehabilitated in accordance with the reclamation plan and the reclamation criteria in this Section.

#### **SUBDIVISION 6. EXISTING OPERATIONS**

##### A. Any active mining operations:

1. May continue in terms of the nature of the operation, however said mining operations may not expand beyond the legally described parcel, recorded in the office of the County Recorder prior to June 18, 1996, in which the mining operation is located.
2. Any change in terms of the nature of the operation, shall require the operation to come into full compliance with the rules and regulations of this Ordinance.

##### B. Within five (5) years of the effective date of this Ordinance, all existing non-permitted mining, extraction, and/or excavation operations that have not been permitted under this Ordinance and for which this Ordinance would apply, shall be required to register with the Department. Information required for registration shall include, but not be limited to:

1. Name, address, and signature of applicant and/or landowner.
2. Accurate legal description and map of the existing operations including boundary lines and mining extraction boundaries and excavation depths.
3. Any processing, recycling, temporary asphalt or concrete plants onsite with location identified.
4. Blasting conducted or proposed, if applicable.
5. Existing wells.
6. Existing State and Federal permits, if applicable.
7. Existing structures.
8. Reclamation plan and narrative.
9. Reclamation bond required.

## **SECTION 21.       CONDITIONAL USE PERMITS**

### **SUBDIVISION 1.   PURPOSE**

- A. The purpose of this Section is to provide Le Sueur County with discretion in determining the suitability of certain designated uses within each district upon the public health, safety and general welfare.
- B. In making this determination, whether or not the conditional use is to be allowed, the County may consider the nature of the land upon which the use is to be located, the nature of the adjoining land or structures, whether or not a similar use is already in existence and located on the same premises, or on any adjoining roads, and all such other further factors as the County shall deem a requisite of consideration in determining the effect of such use of the public health, safety, and general welfare.

### **SUBDIVISION 2.   PROCEDURE**

- A. An application for a new Conditional Use Permit, extension, or amendment of an existing Conditional Use Permit shall be filed with the Department on an official application form. The application shall:
  - 1. Include the name and address of the applicant and/or landowner of the site and any architect, professional engineer and contractor employed by the applicant.
  - 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.
  - 3. Include any copies of any necessary State and Federal Permits.
- B. Upon receipt of the application and other prescribed materials, a time and place shall be set by the Department for a public hearing before the Planning Commission. The Planning Commission shall hold at least one (1) public hearing on the proposed Conditional Use Permit. All such hearings shall be held after the requirements of proper notice are complied with.
- C. All landowners of record within five hundred (500) feet of the affected property in incorporated areas and in unincorporated areas, owners within one-quarter (1/4) mile of the affected property, or to the ten (10) properties nearest to the affected property, whichever provides the greatest number of owners, and the affected Town Board and any municipality within two (2) miles of the affected property shall be given notice of time, date, place and purpose of the hearing on the Conditional Use Permit application at least ten (10) days, but not more than thirty (30) days, prior to the hearing. A copy of all conditional use permit applications within the Shoreland and Flood Plain Overlay districts shall be forwarded to the Commissioner within ten (10) days of such action.

- D. The current records on file in the office of the County Treasurer shall be deemed sufficient for notification purposes.
- E. The failure of any landowner to receive notification or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with the notification requirements has been made.
- F. The Department shall also give notice of the time, place, and purpose 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.
- G. The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed conditional use.
- H. The Planning Commission and staff shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce such adverse effects. Its judgment shall be based upon the following factors to include, but not limited to:
  - 1. Relationship to County plans.
  - 2. The geographical area involved.
  - 3. Whether such use will negatively affect surrounding properties in the area in which it is proposed.
  - 4. The character of the surrounding area.
  - 5. The demonstrated need for such use.
  - 6. Whether the proposed use would cause odors, dust, flies, vermin, smoke, gas, noise, or vibration or would impose hazards to life or property in the neighborhood.
  - 7. Whether such use would inherently lead to or encourage disturbing influences in the neighborhood.
  - 8. Whether stored equipment or materials would be screened and whether there would be continuous operation within the visible range of surrounding residences.
  - 9. Abatement of Environmental Hazards as regulated in this Ordinance
  - 10. Other factors impacting the public health, safety and welfare.

- I. The Planning Commission and/or the Department shall have the authority to request additional information from the applicant and/or landowner concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant and/or landowner concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent Sections of this Ordinance.
- J. The Conditional Use Permit, which in the opinion of the Planning Commission may result in a material adverse affect on the environment, may be required by the Planning Commission to demonstrate the nature and extent of the effect.
- K. The Planning Commission shall recommend such conditions relating to the granting of said Conditional Use Permit, as they deem necessary to carry out the intent and purpose of this Ordinance or recommend that the request be denied. Such recommendation shall be in writing. The conditions may include, but are not limited to the following:
  - 1. Increasing the required lot size or yard dimension.
  - 2. Limiting the height, size, or location of the structures.
  - 3. Controlling the location, size, and number of vehicle access points.
  - 4. Increasing the street width.
  - 5. Increasing the number of required off-street parking space.
  - 6. Limiting the number, size, location, or lighting of signs.
  - 7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
  - 8. Designating sites for open space.
- L. The following additional evaluation criteria and conditions apply within the Shoreland and Flood Plain Overlay Districts of the County.
  - 1. **Shoreland District. Evaluation criteria.** A thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site must be made to ensure:
    - a. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
    - b. The visibility of structures and other facilities as viewed from public waters is limited.
    - c. The site is adequate for water supply and on-site sewage treatment.

- d. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate this watercraft.
2. **Shoreland District. Conditions attached to Conditional Use Permits.** The Board of County Commissioners, upon consideration of the criteria listed above and the purposes of this Ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:
    - a. Increased setbacks from the ordinary high water level.
    - b. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.
    - c. Special provisions for the location, design, and use of structures, sewage treatment system, watercraft, launching and docking areas, and vehicle parking areas.
  3. **Flood Plain District. Evaluation Criteria.** In passing upon conditional use applications, the Le Sueur County Board of Commissioners shall consider all relevant factors specified in this Ordinance, and the following:
    - a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
    - b. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
    - c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
    - d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
    - e. The importance of the services provided by the proposed facility to the community.
    - f. The requirements of the facility for a waterfront location.
    - g. The availability of alternative locations not subject to flooding for the proposed use.
    - h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
    - i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.



- j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
  - k. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
  - l. Such other factors which are relevant to the purpose of this Ordinance.
4. **Flood Plain Overlay District. Conditions attached to Conditional Use Permits.** Upon consideration of the factors listed above and the purpose of this Ordinance, the Board of County Commissioners, shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purpose of this Ordinance. Such conditions may include, but are not limited to the following:
- a. Modification of waste treatment and water supply facilities.
  - b. Limitations on period of use, occupancy, and operation.
  - c. Imposition of operational controls, sureties, and deed restrictions.
  - d. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
- M. The Board of County Commissioners shall not grant a Conditional Use Permit until it receives a report from the Department and a recommendation from the Planning Commission.
- N. For Conditional Use Permits recommended for approval, the Board of County Commissioners shall find all of the following:
- 1. 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 diminishes and impairs property values within the immediate vicinity.
  - 2. 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. The adequate utilities, access roads, drainage and other facilities have been or are being provided.
  - 4. The adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

5. The adequate measures have been or will be taken to prevent and 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.
- O. Following the closing of the public hearing and formulation of the Planning Commission's recommendation, the Department shall report the findings and recommendations of the Planning Commission to the Board of County Commissioners, at a regularly scheduled Board Meeting.
1. Following receipt of the findings and recommendations by the Planning Commission and notwithstanding any other law to the contrary, the Board of County Commissioners shall take action on the Conditional Use Permit within the assigned period of time as stated in Minnesota Statutes Chapter 15.99, as amended from time to time.
  2. The Board of County Commissioners shall, upon receiving no report from the Planning Commission place the request on the Board of County Commissioners agenda and decide the issue within the assigned period of time as stated in Minnesota Statutes 15.99, as amended from time to time.
  3. The Board of County Commissioners shall have the option to set and hold a public hearing in accordance with this Section, if deemed necessary, and may impose any condition it considers necessary to protect the public health, safety and general welfare.
  4. Said action of a Conditional Use Permit shall require a simple majority by the members of the Board of County Commissioners.
  5. The applicant and/or landowner for the Conditional Use Permit shall be notified in writing by the Department of the Board of Commissioner's action or decision for no action.
- P. A copy of all decisions for Conditional Use Permits within the Shoreland and Flood Plain Overlay districts shall be forwarded to the Commissioner of Natural Resources within ten (10) days of such action.

### **SUBDIVISION 3. FEES**

- A. A Conditional Use Permit, extension, and/or amendment fee shall be as established by the Board of County Commissioners, payable when the application is filed.
- B. Any outside costs for consulting services to aid the Planning Commission and/or Board of County Commissioners in making a decision on the Conditional Use Permit shall be paid by the applicant and/or landowner. Such fee shall be as determined by the Board of County Commissioners.

- C. Any additional expenses incurred by the County regarding the Environmental Review process shall be reimbursed by the applicant and/or landowner, such as but not limited to, per diems and mileage. Such fee shall be determined by the Board of County Commissioners.

#### **SUBDIVISION 4. RECONSIDERATION**

Whenever an application for a Conditional Use Permit has been considered and denied by the Board of County Commissioners, a similar application for a Conditional Use Permit affecting the same property shall not be considered again by the Planning Commission or Board of County Commissioners for at least one (1) year from the date of its denial.

#### **SUBDIVISION 5. LAPSE CONDITIONAL USE PERMIT BY NON-USE**

- A. After granting a Conditional Use Permit, if the work as permitted by the permit shall not have been completed within one (1) year.
1. Such permit shall become null and void unless a petition for extension of time in which to complete the work has been granted by the Board of County Commissioners.
  2. Such extension shall be requested in writing and filed with the Department at least thirty (30) days before the expiration of the original Conditional Use Permit.
  3. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the Conditional Use Permit.
  4. Such petition shall be presented to the Planning Commission and Board of County Commissioners for decision.
- B. In the event a Conditional Use Permit is discontinued or its approved operation is stopped for a period of one (1) year, the Conditional Use Permit shall become null and void.

#### **SUBDIVISION 6. COMPLIANCE**

- A. Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity with the terms of such permit and of any condition designated in connection therewith.
- B. All Conditional Use Permits shall be reviewed 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 by the Board of County Commissioners at a duly called public hearing.
- C. A request for a change in conditions attached to the granting of a Conditional Use Permit or a request to carry out activities not allowed by the Conditional Use Permit shall be subject to reapplication and to the procedures required for a new Conditional Use Permit application.

**SUBDIVISION 7. REVOCATION OF PERMIT**

- A. Upon failure by the applicant and/or landowner, of an approved Conditional Use Permit pursuant to the provisions of this Ordinance to fully comply with the provisions contained herein.
- B. When same has been certified by the Department to the Board of County Commissioners.
- C. The Department shall give notice to the applicant and/or landowner setting forth the provisions of this Ordinance being violated.
- D. The Department shall set a time and place of a hearing to be held by the Planning Commission to consider such violation of provisions of this Ordinance.
- E. If said Planning Commission find that provisions of this Ordinance have not been complied with by the permit holder, the Planning Commission may recommend revocation or suspension of the said permit to the Board of County Commissioners for final determination.

**SUBDIVISION 8. REGISTRATION**

A certified copy of any Conditional Use Permit shall be filed with the Le Sueur County Recorder by the Department. The Conditional Use Permit shall include the legal description of the property involved, owner's name, and any conditions stipulated upon approval by the Board of County Commissioners.

**Sections Omitted.**

**SECTION 32. REPEAL, ADOPTION AND EFFECTIVE DATE**

**SUBDIVISION 1. REPEAL**

The Le Sueur County Zoning Ordinance, adopted, June 18, 1996 as amended, is hereby repealed in its entirety on the effective date of adoption of this Ordinance. The adoption of this Ordinance, however, shall not affect nor prevent any pending or future prosecution of, or action to abate, any existing violation of said Le Sueur County Zoning Ordinance, adopted, June 18, 1996 as amended, if the violation is also a violation of this Ordinance.

**SUBDIVISION 2. PUBLIC HEARING AND PLANNING COMMISSION RECOMMENDATION**

The Planning Commission, after proper notice and publication, held public hearings on the adoption of this Ordinance on **November 27, 2012** and **December 3, 2012**. After hearing public testimony and with due deliberation, the Planning Commission voted to recommend adoption of this Ordinance to the Board of County Commissioners.

**SUBDIVISION 3. ADOPTION**

The Board of County Commissioners, after proper notice and publication, held public hearings on the adoption of this Ordinance on **December 11, 2012** and **December 27, 2012**, at the Le Sueur County Courthouse and with due deliberation, the Board of County Commissioners voted   4   Yes and   1   Nay to adopt this Ordinance.

**SUBDIVISION 4. EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication.

Passed on this date: **December 27, 2012 with an effective date of February 1, 2013.**

\_\_\_\_\_  
Chairperson, Board of County Commissioners

ATTEST: \_\_\_\_\_  
County Administrator