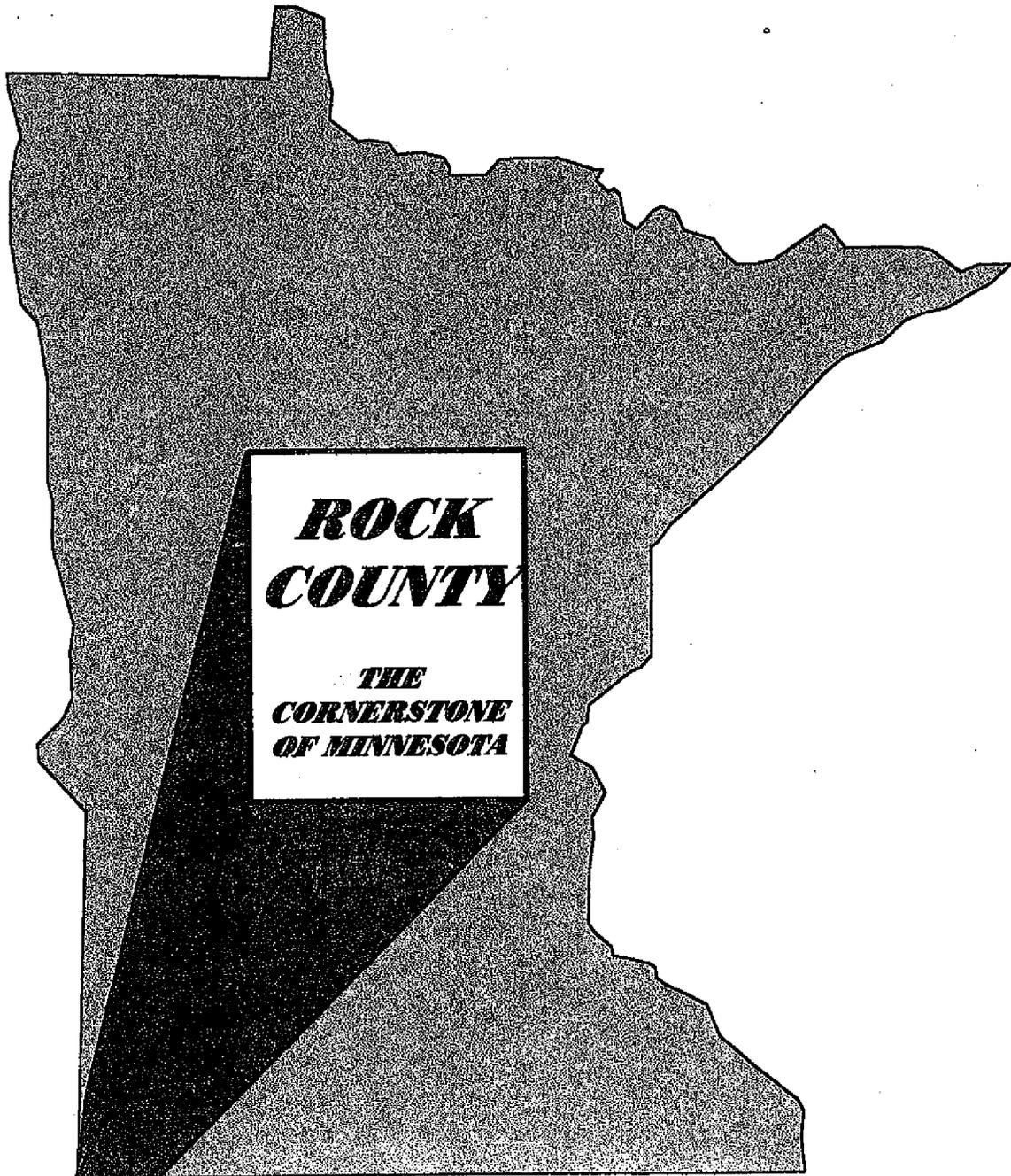

***ROCK COUNTY
PLANNING AND ZONING
ORDINANCE***



ADOPTED AUGUST 22, 2000



TABLE OF CONTENTS
ROCK COUNTY ZONING ORDINANCE

INTRODUCTION i

ZONING ORDINANCE OF ROCK COUNTY 1

INTRODUCTION 2

SECTION 1. TITLE 2

SECTION 2. PURPOSES AND INTENT 2

SECTION 3. JURISDICTION, SCOPE AND INTERPRETATION 3

 Subdivision 1. Jurisdiction 3

 Subdivision 2. Scope 3

 Subdivision 3. Interpretation 3

SECTION 4. RULES AND DEFINITIONS 4

 Subdivision 1. Rules 4

 Subdivision 2. Definitions 4

ADMINISTRATION 17

SECTION 5. ENFORCING OFFICER 17

 Subdivision 1. Zoning Administrator 17

 Subdivision 2. Enforcement 17

 Subdivision 3. Fees 18

 Subdivision 4. Submissions to Board 18

SECTION 6. APPEALS AND BOARD OF ADJUSTMENT 19

 Subdivision 1. Creation and Membership 19

 Subdivision 2. Powers 19

 Subdivision 3. Appeals 20

 Subdivision 4. Findings 20

 Subdivision 5. Procedure 20

SECTION 7. PLANNING COMMISSION 22

 Subdivision 1. Creation and Membership 22

 Subdivision 2. Pay, Expenses 22

 Subdivision 3. Officers, Plan Preparation, Use, Permit Review 22

SECTION 8. ZONING AMENDMENTS 23

 Subdivision 1. Application 23

 Subdivision 2. Public Hearing 23

 Subdivision 3. Authorization 23

 Subdivision 4. Fees 24

 Subdivision 5. Amendments to the Flood Plain Designation 24

SECTION 9. CONDITIONAL USE PERMITS 25

 Subdivision 1. Application 25

Subdivision 2. Public Hearing and Notification	25
Subdivision 3. Report to the County Board	25
Subdivision 4. Findings	26
Subdivision 5. Fees	26
Subdivision 6. Compliance	26
Subdivision 7. Duration	27
Subdivision 8. Copy Filed	27
Subdivision 9. Permit Time Length	27
Subdivision 10. Procedures for Evaluating Proposed Conditional Uses Within the General Flood Plain District	27
SECTION 10. VARIANCES	31
Subdivision 1. Criteria for Granting Variances	31
Subdivision 2. Variance Exceptions	32
Subdivision 3. Procedure	32
SECTION 11. LAND USE AND BUILDING PERMITS	34
Subdivision 1. Land Use and Building Permits	34
Subdivision 2. Utility Permits	34
Subdivision 3. Deadlines for County Action Regarding Applications for Variances, Amendments, Rezonings, and Appeals	36
SECTION 12. NON-CONFORMING USES	37
Subdivision 1. Non-conforming Buildings and Uses	37
Subdivision 2. Non-Conforming Signs	37
Subdivision 3. Non-Conforming Salvage Yard	37
Subdivision 4. Discontinuance	38
Subdivision 5. Alterations	38
Subdivision 6. Residential Alterations	38
Subdivision 7. Destruction of Non-conforming Use	38
Subdivision 8. Normal Maintenance	38
Subdivision 9. Non-conforming Sanitary Facilities	39
Subdivision 10. Non-conforming Uses located in the Flood Plain District	39
SECTION 13. PENALTIES AND VALIDITY	40
Subdivision 1. Violations and Penalties	40
Subdivision 2. Enforcement	40
Subdivision 3. Validity	41
ZONING DISTRICTS AND DISTRICT PROVISIONS	42
SECTION 14. CLASSIFICATION OF DISTRICTS	42
Subdivision 1. Districts	42
Subdivision 2. Maps	42
Subdivision 3. District Boundaries	43
Subdivision 4. Future Detachment	43
Subdivision 5. Orderly Annexation	43
SECTION 15. A-1 LIMITED AGRICULTURE DISTRICT.	44

Subdivision 1. Purpose	44
Subdivision 2. Permitted Uses	44
Subdivision 3. Conditional Uses	44
Subdivision 4. Accessory Uses and Structures	45
Subdivision 5. Height, Yard, Area and Lot Width and Depth Regulations	46
Subdivision 6. General Regulations	47
SECTION 16. A-2 GENERAL AGRICULTURE DISTRICT	48
Subdivision 1. Purpose	48
Subdivision 2. Permitted Uses	48
Subdivision 3. Conditional Uses	49
Subdivision 4. Accessory Uses and Structures	50
Subdivision 5. Height, Yard, Area and Lot Width and Depth Regulations	51
Subdivision 6. General Regulations	52
SECTION 17. R-1 SUBURBAN RESIDENCE DISTRICT	53
Subdivision 1. Purpose	53
Subdivision 2. Permitted Uses	53
Subdivision 3. Conditional Uses	53
Subdivision 4. Accessory Uses and Structures	54
Subdivision 5. Height, Yard, Area and Lot Width and Depth Regulations	55
Subdivision 6. General Regulations	55
SECTION 18. S-1 SHORELAND DISTRICT	56
Subdivision 1. Purpose	56
Subdivision 2. Public Waters Classification	56
Subdivision 3. Permitted Uses	56
Subdivision 4. Conditional Uses	56
Subdivision 5. Sanitary Provisions	58
Subdivision 6. Lot Size, Structure Placement and Shoreland Alterations	61
Subdivision 7. Land Subdivisions	64
Subdivision 8. Nonconforming Uses	64
Subdivision 9. Additional Standards Applicable to Conditional use Permits in S-1 Shoreland District	65
SECTION 19. F-1 FLOODPLAIN MANAGEMENT DISTRICT	67
Subdivision 1. Purpose	67
Subdivision 2. Warning of Disclaimer of Liability	67
Subdivision 3. General Provisions	67
Subdivision 4. Conflict With Pre-Existing Zoning Regulations	67
Subdivision 5. Permitted Uses, Standards, and Floodplain Evaluation Criteria	68
Subdivision 6. Utilities, Railroads, Roads and Bridges in the Flood Plain District	71
Subdivision 7. Subdivisions	71
Subdivision 8. Administration	71
Subdivision 9. Variances	72
Subdivision 10. Nonconformities	73
Subdivision 11. Penalties for Violation	73

Subdivision 12. Travel Trailers and Travel Vehicles	74
SECTION 20. B-1 HIGHWAY SERVICE BUSINESS DISTRICT	76
Subdivision 1. Purpose	76
Subdivision 2. Permitted Uses	76
Subdivision 3. Conditional Uses	77
Subdivision 4. Accessory Uses	77
Subdivision 5. Height, Yard and Lot Width and Coverage Regulations	77
Subdivision 6. General Regulations	78
SECTION 21. B-2 GENERAL BUSINESS DISTRICT	79
Subdivision 1. Purpose	79
Subdivision 2. Permitted Uses	79
Subdivision 3. Conditional Uses	81
Subdivision 4. Accessory Uses	81
Subdivision 5. Height and Yard Regulations	81
Subdivision 6. General Regulations	82
SECTION 22. I-1 GENERAL INDUSTRY DISTRICT	83
Subdivision 1. Purpose	83
Subdivision 2. Permitted Uses	83
Subdivision 3. Conditional Uses	84
Subdivision 4. Accessory Uses	86
Subdivision 5. Height, Yard and Lot Width and Building Coverage Regulations	86
Subdivision 6. General Regulations	87
GENERAL REGULATIONS	88
SECTION 23. SIGN REGULATIONS	88
Subdivision 1. General Provisions	88
Subdivision 2. Signs in A-1 LIMITED AGRICULTURE DISTRICTS and R-1 RESIDENCE DISTRICTS	89
Subdivision 3. Signs in A-2 GENERAL AGRICULTURE DISTRICTS	90
Subdivision 4. Signs in B-1 HIGHWAY SERVICE and B-2 GENERAL BUSINESS DISTRICTS	90
Subdivision 5. Signs in I-1 GENERAL INDUSTRY DISTRICTS	91
SECTION 24. MINERAL EXTRACTATIONS	93
Subdivision 1. Definition	93
Subdivision 2. Conditional Use Permit Required	93
Subdivision 3. Application	93
Subdivision 4. Renewal of Extraction Permits	95
Subdivision 5. Use Restrictions	95
Subdivision 6. Performance Standards	95
Subdivision 7. Waiver of Setback Requirement	98
Subdivision 8. Land Rehabilitation	98
SECTION 25. ROAD MATERIAL CRUSHING	100
Subdivision 1. Definition	100

Subdivision 2. Permit Requirement	100
Subdivision 3. Application	100
SECTION 26. FEEDLOT ORDINANCE	101
Subdivision 1. Feedlot General Provisions	101
Subdivision 2. Definitions	101
Subdivision 3. Penalty Provision	102
Subdivision 4. Variance	102
Subdivision 5. Feedlot Application Requirements	102
Subdivision 6. Feedlot Setback Requirements	103
Subdivision 7. Additional Requirements	104
Subdivision 8. Earthen Basins & Open Top Pits.	104
Subdivision 9. Manure Management Requirements	104
Subdivision 10. Prohibited Uses	105
SECTION 27. WINDPOWER DEVELOPMENT PARKS	106
Subdivision 1. Windpower Development	106
SECTION 28. WIRELESS TELECOMMUNICATIONS EQUIPMENT AND SERVICES	
.....	112
Subdivision 1. Definitions	112
Subdivision 2. General Regulations	112
SECTION 29. PARKING AND LOADING REGULATIONS	120
Subdivision 1. Minimum Size Regulations	120
Subdivision 2. Reduction and Use of Parking and Loading Space	120
Subdivision 3. Computing Requirements	120
Subdivision 4. Yards	120
Subdivision 5. Buffer Fences and Planting Screens	121
Subdivision 6. Access	121
Subdivision 7. Location of Parking Facilities	121
Subdivision 8. Combined Facilities	121
Subdivision 9. Construction and Maintenance	121
Subdivision 10. Lighting	121
Subdivision 11. Required Site Plan	121
Subdivision 12. Application of Parking and Loading Regulations	121
Subdivision 13. Required Number of On-Site Parking Spaces	122
Subdivision 14. Required Loading Areas	123
SECTION 30. SEWAGE AND WASTEWATER TREATMENT	124

The Septic Ordinance has been updated.

Please refer to the January 2014 Subsurface Treatment System Ordinance (SSTS).

.....	125
SECTION 31. COMPOSTING FACILITIES FOR YARD WASTES	126
Subdivision 1. Regulations for Composting Facilities for Yard Wastes	126
SECTION 32. ADDITIONAL REQUIREMENTS, EXCEPTIONS, AND	
MODIFICATIONS	127
Subdivision 1. Height Regulations	127

Subdivision 2. Yard Regulations and Bluff and Ditch Setbacks and Yard Exceptions	127
Subdivision 3. Yard Landscaping	128
Subdivision 4. Public Nuisance Prohibited	128
Subdivision 5. Yard Exceptions	129
SECTION 33. ACCESSIBILITY CODE	129
Subdivision 1. Application, Administration and Enforcement	129
Subdivision 2. Permits and Fees.....	129
Subdivision 3. Violations and Penalties.....	129
Subdivision 4. Building Code for Accessibility.....	129
SECTION 34. DATE EFFECT	130
Subdivision 1. Date of Effect	130

SUBDIVISION REGULATIONS	131
SECTION 1. RULES AND DEFINITIONS.....	131
Subdivision 1. Application	131
Subdivision 2. Rules	131
Subdivision 3. Definitions	131
Subdivision 4. Land Suitability in Shoreland or Floodplain District	135
Subdivision 5. Consistency With Other Controls	136
SECTION 2. ADMINISTRATION	137
Subdivision 1. Pre-Application Meeting	137
Subdivision 2. Preliminary Plat	137
Subdivision 3. Final Plat	139
SECTION 3. DATA FOR PRELIMINARY AND FINAL PLATS	140
Subdivision 1. Data for Preliminary Plat	140
Subdivision 2. Data for Final Plat	143
Subdivision. 3. Certifications	143
SECTION 4. SUBDIVISION DESIGN STANDARDS	145
Subdivision 1. General Requirements	145
Subdivision 2. Streets	145
Subdivision 3. Blocks	147
Subdivision 4. Lots	147
Subdivision 5. Sewage Disposal	147
Subdivision 6. Tree Removal and Conservation of Vegetation	148
Subdivision 7. Erosion and Sediment Control	148
Subdivision 8. Drainage	149
Subdivision 9. Easements	149
Subdivision 10. Steep Slopes	150
Subdivision 11. Flood Plain Subdivisions	150
SECTION 5. IMPROVEMENTS REQUIRED	151
Subdivision 1. Improvements Listed and Described	151
SECTION 6. PAYMENT FOR INSTALLATION OF IMPROVEMENTS	154

Subdivision 1. General	154
Subdivision 2. Required Agreement Providing for Proper Installment of Improvements	154
Subdivision 3. Financial Guarantee	154
Subdivision 4. Construction Plans	155
SECTION 7. MODIFICATIONS, EXCEPTIONS AND VARIANCES	156
Subdivision 1. Hardship	156
Subdivision 2. Applicability	156
Subdivision 3. Easements	156
SECTION 8. LAND DIVISION	157
Subdivision 1. General - Conveyance by Metes and Bounds.	157
Subdivision 2. Small Subdivisions	157
SECTION 9. ENFORCEMENT	158
Subdivision 1	158
Subdivision 2. Sale of Lots from Unrecorded Plats	158
Subdivision 3. Misrepresentations as to Construction, Supervision, or Inspection of Improvement	158
Subdivision 4. Penalty	158
Subdivision 5. Civil Enforcement	158
Subdivision 6. Validity	158
SECTION 10. DATE EFFECT	159
Subdivision 1. Date of Effect	159

INTRODUCTION

Theory and Legal Limitations of Zoning

Zoning is the use of the police power to regulate land use to promote the public health, safety and welfare. Originally, zoning grew out of the laws dealing with nuisance. Typically, a zoning ordinance divides a jurisdictional area into districts such as residential, commercial, industrial and institutional districts. While the regulations may differ from district to district, they must be applied uniformly to all land within each district.

Zoning is primarily concerned with the following three major types of regulations: 1) Use regulations - the use to which the buildings and land can be made; 2) Height regulations - the maximum height to which buildings may be erected; and 3) Area regulations - the area of open space that must be provided around structures in the form of front, side and rear yards, as well as the minimum lot area, lot coverage and density.

Since zoning involves the use of the police power, no compensation is paid to the property owner whose land is subject to the zoning ordinance. A number of legal restraints on authority to regulate land use have been developed by the courts which have come from "due process" and "equal protection" clauses of the 14th Amendment. For example, some of the usual restraints imposed by the courts have been that the regulations must be "reasonable" and must not amount to "taking" of property without just compensation. Furthermore, the regulations must be related to the "public health, safety and welfare". While some courts have become more liberal in their interpretation of the "public welfare" (as witnessed in the upholding of aesthetic zoning by some courts), nevertheless, the legal restraints indicated above must be taken into account in considering the use of zoning to control development.

Zoning ordinances are not retroactive in effect; thus, existing incompatible uses (land uses existing at the time that the ordinance is adopted) are usually allowed to continue as non-conforming uses, either for a certain specified time period, until the structures have been destroyed, or until the use is discontinued. Most ordinances do not allow the non-conforming use to be expanded or enlarged; and if the use is discontinued for more than one year, it must be made to conform to the ordinance.

Zoning is primarily concerned with guiding future development to carry out the goals and policies established and adopted by the local community. The goals and policies are usually stated in a comprehensive plan, or policies plan which represents the best legal defense of zoning. The policies plan need not be an elaborate document, especially for a rural community, but a clear statement of the goals and policies for future development of the community based on a study of resources, problems, needs, and potentials. For example, the major goal of a rural community may be to encourage agricultural or large-lot zoning.

Statutory Authorization

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

Administration of the Ordinance

The goals of a zoning ordinance will only be achieved if the ordinance is properly administered. The following paragraphs provide some guidelines for the administration of the ordinance.

Zoning Amendments

The governing body may adopt amendments to the zoning ordinance and zoning map in relation both to land uses within a particular district or to the location of the district lines. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the community as reflected in the Policies Plan or changes in conditions in the County.

Conditional Use Permits

A use classified as conditional may be appropriate and desirable in a specified zone, but require special approval because if not carefully located or designed it may create special problems such as excessive height or bulk or abnormal traffic congestion. Schools, churches, and public utilities are examples of uses which are often in the conditional use category. Planned unit development can also be handled as conditional uses.

Conditions may be applied to issuance of the permit and a periodic review of the permit may be required. The permit shall be granted for a particular use and not for a particular person or firm.

In granting a conditional use permit, the County Board shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions including parking facilities on adjacent streets and land, and the effect of the proposed use on the Policies Plan. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to these standards and requirements expressly specified by this ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area or the county as a whole.

Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued. The Zoning

Administrator shall maintain a record of all conditional use permits issued including information on the use, location, conditions imposed by the governing body, time limits, review dates, and such other information as may be deemed appropriate.

Variances

The Board of Adjustment may authorize a variance from the requirements of this ordinance where it can be shown that special and unusual circumstances are related to a specific lot, and that strict application of the ordinance would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Board of Adjustment may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this ordinance.

Land Use Permits

A zoning ordinance is enforced through the process of granting land use permits. The goals of a zoning ordinance will be attained only if the ordinances, provisions and standards are followed as land use permits are granted. If the standards of the ordinance are excessively circumvented by the liberal issuance of variances, zoning amendments and conditional use permits, then the ordinance becomes arbitrary in its enforcement and is useless in its effect. For the purposes of enforcing this ordinance, a land use permit shall be required of all persons intending to erect, alter, or move any building.

ZONING ORDINANCE OF ROCK COUNTY

AN ORDINANCE REQUIRING PERMITS FOR BUILDINGS, STRUCTURES AND THE USES THEREOF; FOR LAND USES AND FOR WATER SUPPLY AND SEWAGE DISPOSAL FACILITIES; AND ESTABLISHING MINIMUM LOT SIZES, SETBACKS AND SIDE YARDS; PROVIDING FOR PARKING AND OTHER REQUIREMENTS; AND IMPOSING PENALTIES.

INTRODUCTION

SECTION 1. TITLE.

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

SECTION 2. PURPOSES AND INTENT.

This Ordinance is adopted for the purpose of:

- 1) protecting the public health, safety, morals, comfort, convenience and general welfare.
- 2) promoting orderly development of agricultural, residential, commercial, recreational and public areas.
- 3) conserving the natural and scenic beauty and attractiveness of the county.
- 4) conserving and developing natural resources.
- 5) providing for the compatibility of different land uses and the most appropriate use of the land throughout the county.

SECTION 3. JURISDICTION, SCOPE AND INTERPRETATION.

Subdivision 1. Jurisdiction. The jurisdiction of this Ordinance shall apply to all the area of Rock County outside the incorporated limits of municipalities excluding those areas designated for orderly annexation.

Subdivision 2. Scope. From and after the effective date of this Ordinance, the use of all land and every building or portion of a building erected, altered in respect to height and area, added to or relocated, and every use within a building or use accessory thereto in Rock County shall be in conformity with the provisions of this Ordinance. Any existing building or structure and any existing use of properties not in conformity with the regulations herein prescribed shall be regarded as non-conforming, but may be continued, extended or changed, subject to the special regulations herein provided with respect to non-conforming properties or uses.

Subdivision 3. Interpretation. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, 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.

SECTION 4. RULES AND DEFINITIONS.

Subdivision 1. Rules.

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

2. **Permitted Uses:** Permitted uses of land or buildings, as hereinafter listed, shall be permitted in the district indicated under the conditions specified. No building or land shall be devoted to any use other than as permitted hereinafter in the zoning district in which such building, 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 Paragraph 3 of this Subdivision.

c. Essential services are permitted uses in all zoning districts and are not subject to height, yard, or setback requirements or permits, except as specifically provided herein.

3. **Conditional Uses:** Conditional Uses of land or buildings, as hereinafter listed may be allowed in the districts indicated, subject to the issuance of Conditional Use Permits, in accordance with the provisions of Section 9. Whenever a conditional use is named as a major category, it shall be deemed to include all and only those itemized uses listed.

4. **Other regulations:** For permitted or conditionally permitted uses, there are also standards herein that further regulate use activities, placement of structures and design of certain structures.

Subdivision 2. Definitions. For the purpose of this Ordinance, certain items and words are defined as follows:

Accessory Structure: A subordinate building or portion of the main building which is located on the same lot as the main building and the use of which is clearly incidental to the use of the main building.

Accessory Use: A use is subordinate and incidental to the principal use of the lot or a building located on the same lot.

Agriculture: The art or science of cultivating the soil and activities incidental thereto: the growing of soil crops in the customary manner on open tracts of land; the accessory raising of livestock and poultry; farming; the raising of nursery plants and tree farming.

Animal Unit: A unit of measure used to compare differences in production of animal manures that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer unless otherwise provided in Minnesota Rules, Chapter 7020, as amended. The following equivalents shall apply:

Dairy	1 calf (<500 lb.)	= 0.2 animal units
	1 youngstock (500-1000 lb)	= 0.7 animal units
	1 heifer	= 1.0 animal units (defined by rule)
	1 cow	= 1.4 animal units (defined by rule)
Beef	1 calf (<500 lb.)	= 0.2 animal units
	1 cow	= 1.0 animal units (defined by rule)
	1 cow/calf unit	= 1.2 animal units
	1 heifer	= 1.0 animal units (defined by rule)
	1 steer	= 1.0 animal units (defined by rule)
Swine	Sow w/piglets<14 days old	= 0.4 animal units
	Other swine less than 55 lb.	= 0.05 animal units (defined by rule)
	Other swine over 55 lb.	= 0.3 animal units (defined by rule)
Turkeys	Pullets	= 0.005 animal units
	Hens and Toms	= 0.018 animal units (defined by rule)
Chickens	Pullets	= 0.002 animal units
	Layers and Broilers	= 0.01 animal units (defined by rule)

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

Automobile Wrecking: Any activity wherein salvage materials are generated as the result of the wrecking of automobiles or other vehicles.

Basement: Any area of 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.

Bed and Breakfast facility: A dwelling in which the owner or manager resides, which contains 10 or less guest rooms, in which lodging is provided for compensation with or

without meals being provided to the guest by the owner, which is open for transient or permanent guests or both, and in which no provision is made for cooking in the guest rooms.

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 having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff):

- 1) Part or all of the feature is located in a shoreland area;
- 2) The slope rises at least 25 feet above the ordinary high water level of the waterbody;
- 3) The grade of slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
- 4) The slope must drain toward the waterbody.

Bluff impact zone: A bluff and land located within the 20 feet from the top of a bluff.

Board of County Commissioners: Rock County Board of Commissioners.

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

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

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

Campground: An area where overnight stay is provided or allowed for transient guests using their own movable equipment. In Shoreland Districts, campgrounds are considered as Planned Unit Developments. (Also see organized group camp definition).

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.

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

Commissioner: Minnesota Commissioner of Natural Resources.

Community Water and Sewer Systems: Utilities systems serving a group of buildings, lot, or an area of the County, with the design and construction of such utility systems as approved by the County and the State of Minnesota.

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

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

County: Rock County, Minnesota.

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 at any point extending more than three feet above ground.

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

Depth of Rear Yard: The mean horizontal distance between rear line of the building and the center line of an alley, where an alley exists, otherwise a rear lot line.

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

Dwelling: Any building or part thereof which is designed or used exclusively for residential purposes by one or more human beings, either permanently, or transiently.

Dwelling, One Family: A dwelling designed for or occupied exclusively by one (1) family.

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

Dwelling, Temporary: A dwelling that is to be used for the duration of a certain situation such as for farm workers, during construction of something else, or other that can reasonably be removed when situation ends. It does not require a separate lot.

Dwelling, Two Family: A dwelling that incorporates two one-family dwelling units into one structure with a common wall.

Easement: A right of use over the property of another.

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

Existing site: A site where a dwelling formerly stood that still has an area at least an acre in size that is distinguishable as being separate from the adjacent land by the existence of physical evidence such as vegetation, fences, yard lines, structures and driveways.

Extraction Pit: Any artificial excavation of the earth exceeding fifty (50) square feet of surface area or two (2) feet in depth, excavated or made by the removal from the natural surface of the earth, or sod, soil, 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.

Family: A number of individuals living together on the premises as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house or hotel.

Farming: The cultivation of the soil and all activities incidental thereto; agriculture.

Feedlot: A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered feedlots. Pastures shall not be considered feedlots. Manure storage areas off the site of the feedlot will be considered as a separate feedlot. Notwithstanding the above definition "feedlot" shall be defined under this ordinance, as the same as defined by Minnesota Rules 7020, as amended.

Final Plat: 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.

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.

Floodway: The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.

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

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 of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Rock 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 discharge.

Fur Farm: An area used for keeping and/or raising fur bearing animals; the same shall constitute a "feedlot".

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

Garage, Public: Any premises, except those described as a private garage used for the storage or care of power-driven vehicles, or where any such vehicles are equipped for operation, repair or are kept for remuneration, hire, or sale.

Hardship: The same as that term is defined in Minnesota Statutes, Chapter 394.

Height of Structure: The distance from the highest part of the structure to the highest ground level adjoining the structure base.

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 Rock County numerical route designation.

Home Occupation: Any occupation taking place as an accessory use to a dwelling's principal use as a residence.

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

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

Kennel: The commercial boarding, breeding or selling of dogs or cats that involves over three adult dogs or four adults cats.

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 and recorded with the Office of the County Recorder.

Lot Area: The lot area is the land area within the lot 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, Double Frontage: An interior lot having frontage on two streets.

Lot, Interior: A lot other than a corner lot.

Lot Lines: The lines bounding a lot, as defined herein. When a lot abuts road, street, avenue, park or other public property, except an alley such line shall be known as a street line, and when a lot abuts on an alley, it shall be known as an alley line.

Lot Width: The width of a lot is its own mean width measured at the building setback line.

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

Manufactured Home: A structure transportable in one or more sections, which in the traveling mode, is 8 body feet or more in width or 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 for one family, with or without a permanent foundation when connected to the required facilities, and includes the plumbing, heating, air

conditioning and electrical systems contained therein; except that the term includes any structure to which the manufacturer voluntarily files a certification required by the secretary (US - HUD) and complies with the building code as evidenced by a seal displayed on the manufactured home.

Manufactured Home Park: Any lot or part thereof, or any parcel of land which is used or offered as a location for two or more manufactured homes.

Metes and Bounds: A method of property description by means of their direction and distance from an identified section survey.

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

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

Normal or Ordinary High Water Mark: A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The normal or ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourse, the normal or ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the normal or ordinary high water level is the operating elevation of the normal summer pool.

Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, 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.

Organized Farm Colonies: A group of families, farming land owned by the group as a community and not individually; and which group lives within the boundaries of the land owned by the group.

Organized Group Camps: Campgrounds or buildings used by public or semi-public organizations (such as scouts, churches, wildlife groups) for retreat, interpretative, educational and other activities that do not amount to activities that would be in conflict with the district's uses. If use is by the general public, then it would be defined as a campground or resort except for primitive tent type camping on wild undeveloped land.

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 land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperative, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels and conversions of structures and land uses to these uses.

Plat: A land subdivision that creates new lots and/or public road right-of-ways, thereby replacing the former land records for the area plat.

Preliminary Plat: A tentative drawing or map for a proposed subdivision plat.

Premises: A lot or plot with the required front, side and rear yards for a dwelling or other use allowed under this Ordinance.

Principal Use or Structure: All use or structures that are not accessory uses or structures.

Public Water: A body of water as depicted on the Public Water Inventory map for Rock County.

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

Regional Flood: A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 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 foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that results from designation of a floodway.

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

Salvage Yard: Land or buildings where waste, discarded or salvaged materials are brought, sold, exchanged, stored, cleaned, packed, disassembled or handled, including, but not limited to, scrap metal, rags, paper, rubber products, glass products, lumber products and products resulting from the wrecking of automobiles or other vehicles. Any premises with more than 10 unlicensed vehicles of any kind or type shall be declared a salvage yard.

Sanitary Landfill: A method of disposing of solid wastes on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be necessary."

Setback: The minimum horizontal distance between a structure, sewage treatment system, or other facility and a normal high water level, sewage treatment system, top of a bluff, road, (the center point thereof) highway, property line, or other facility.

Sewage Treatment System: A septic tank and soil absorption system or other individual or cluster type sewage treatment system.

Sewer System: Pipelines or conduits, pumping stations and force main, and all other construction devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

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

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

Shoreland Areas: All shorelands of public waters as designated on the Protected Waters Inventory Map for Rock County, Minnesota, lying within the floodway, flood fringe or general flood plain districts are subject to the regulations set forth in the Shoreland Management Standards in Section 14, Subdivision 13.

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

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

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

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

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

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

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

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

Sign, Warning: A sign which warns of a danger or hazard in the immediate vicinity and is obviously not serving any advertising purpose.

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

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

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

Structure: Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting the exemption criteria specified in Section 6, Subdivision 9, of the Ordinance and other similar items.

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

Subdivision: Land that is divided into smaller lots.

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

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.

Toe of the Bluff: The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of bluff shall be determined to be the lower end of a 50-foot segment, measured on the ground, with an average slope exceeding 18 percent.

Top of the Bluff: The point on a bluff where there is visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of bluff shall be determined to be the upper end of a 50-foot segment, measured on the ground, with an average slope exceeding 18 percent.

Unincorporated Area: The area outside a city, village, or borough.

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

Variance: A modification or variation of the provisions of this Ordinance, as applied to a specific piece of property, except that modification in the allowable uses within a district shall not be considered a variance.

Water-oriented Accessory Structure or Facility: A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to

public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

Water Supply Purpose: Includes any uses of water for domestic, commercial, industrial or agricultural purposes.

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

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

Yard, Front: A yard extending across the front of a lot between the side lot lines and lying between the front right-of-way and the nearest point of the building.

Yard, Rear: A yard extending across the rear of the lot between the side lot lines and lying between the rear property line and the nearest point of the building.

Yard, Side: A yard extending along the side of a lot between the front and rear lot lines and lying between the side property line and the nearest point of the building.

ADMINISTRATION

SECTION 5. ENFORCING OFFICER.

Subdivision 1. Zoning Administrator.

1. The office of the Zoning Administrator is hereby established, for which the Board of County Commissioners may appoint such employee or employees of the County as it may deem proper. The term of office of the Zoning Administrator shall be indefinite and shall terminate at the pleasure of the Board of County Commissioners.
2. The duties of Zoning Administrator shall include the following:
 - a. Enforce and administer this ordinance;
 - b. Issue building permits, land use permits, zoning permits, and other permits/certificates as provided herein and maintain records thereof;
 - c. Receive and forward to the Board of County Commissioners and the County Planning Commission all applications for conditional use permits;
 - d. Receive and forward all applications and petitions for matters to come before the Board of Adjustment;
 - e. Receive and forward to the Board of County Commissioners and the County Planning Commission all applications for amendments to this ordinance;
 - f. Provide and maintain a public information bureau relative to matters arising out of this ordinance; and
 - g. Maintain the County zoning map.

Subdivision 2. Enforcement.

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

Subdivision 3. Fees. The Board of County Commissioners shall establish fee schedules for permits or requests as it deems fit.

Subdivision 4. Submissions to Board.

1. Any written documentation (letters, petitions, etc.) Submitted by a non-applicant relating to a zoning matter must meet the following standards:

a. Must state specific facts.

b. Must identify the draftsman.

c. All signatures to a document must include the printed or typed name, address, phone number and county of residence.

d. Strict compliance with these standards may be waived by the board as it deems appropriate.

2. Any written documentation must be presented to the Zoning Administrator at least five (5) days before the scheduled meeting. The Zoning Administrator may, but is not obligated to accept any document which is not timely presented. The Zoning Administrator will inform the board of the written documentation and make it available to the board.

3. The Zoning Administrator shall determine if the written documentation complies with the requirements of this subdivision.

SECTION 6. APPEALS AND BOARD OF ADJUSTMENT.

Subdivision 1. Creation and Membership.

1. A Board of Adjustment is hereby established and vested with such authority as is hereinafter provided and as provided by Minnesota Statutes, Chapter 559, Laws of 1959, as amended. The Board of Adjustment shall consist of three (3) but not more than seven (7) members, including at least one member from the unincorporated area of the County, provided that no elected officer of the County nor any employee of the Board of Commissioners shall serve as a member of the Board of Adjustment and that one member of such Board of Adjustment shall also be a member of the Planning Commission. Board members shall be appointed by the Board of County Commissioners, shall serve for three (3) year terms, and may be removed by the County Board for nonperformance of duty or misconduct in office. Members shall not be compensated but shall be paid their necessary expenses in attending meetings of the Board in the conduct of the business of the Board.

2 The Board of Adjustment shall elect a chair and vice chair from among its members and shall appoint a secretary who need not be a member of the Board. It shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings and determinations.

3. The meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as the Board in its rules of procedure may specify.

Subdivision 2. Powers.

1. The Board of Adjustments shall have the authority to order the issuance of variances, hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official charged with enforcing any ordinance adopted pursuant to the provision of Sections 394.21 to 394.37, as amended.. Requests for determinations of the Board of Adjustments may be made by any person aggrieved or by any officer, department, board or bureau of a town, municipality, county or state. In exercising its powers under this Subdivision, the Board of Adjustment shall take into consideration the town board's recommendation when the Board of Adjustment's decision directly affects land within the town.

2. Variances; hardship. The Board of Adjustment shall have the exclusive power to order the issuance of variances from the terms of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purpose and intent of the official control in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control, and when the terms of the variance are consistent with the comprehensive plan. "Hardship" as used in connection with the granting of a variance means the property in question cannot be

put to a reasonable use if used under the conditions allowed by the official controls; the plight of the land owner is due to circumstances unique to the property not created by the land owner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. The Board of Adjustment may impose conditions in the granting of variances to ensure compliance and to protect adjacent property and the public interest.

Subdivision 3. Appeals.

1. Any aggrieved person, firm or corporation objecting to the ruling of any administrative official on the administering of the provisions of this Ordinance or other ordinance adopted pursuant to the provisions of Sections 394.21 to 394.37, Minnesota Statutes Chapter 559, Laws of 1959, as amended, shall have the right to appeal to the Board of Adjustment.
2. Such appeal may be taken by any person aggrieved or by an officer, department, board or bureau of a town, municipality, county or state.
3. The decision of the Board shall not be final, and any person having an interest affected by such Ordinance shall have the right to appeal to the District Court.

Subdivision 4. Findings. The Board of Adjustment shall not grant an appeal unless it finds the following facts at the hearing where the applicant shall present a statement and evidence in such form as the Board of Adjustment may require:

1. That there are special circumstances or conditions affecting the land, building or use referred to in the appeal that do not apply generally to the property in the same vicinity.
2. That the granting of the application will not materially adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property of the applicant.

Subdivision 5. Procedure.

1. Application for any appeal permissible under the provisions of this Section shall be made to the Board of Adjustment by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. Said notice shall be filed within ten (10) days of the applicant's receipt of notice of the adverse decision or action appealed from. Upon receipt of any application, the Zoning Administrator shall set a time and place for a public hearing before the Board on such application. At least ten (10) days before the date of the hearing, a notice of the hearing shall be published once in the official newspaper. Written notice shall

be sent to all property owners of record within five hundred (500) feet of the affected property in incorporated areas. In unincorporated areas written notice shall be sent to owners of record within one half (½) mile of the affected property or to the ten properties nearest to the affected property, whichever would provide notice to the greatest number of owners. Written notice shall also be given to the affected board of town supervisors, and the municipal council of any municipality within two miles of the affected property.

2. When any proposed variance is considered in a flood plain district, the board shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the commissioner will receive at least ten (10) days' notice of the hearing.

3. Decisions. The board shall arrive at a decision on such appeal or variance within 15 days from the date of hearing. In passing upon an appeal, the board may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination appealed from. It shall make its decision in writing, setting forth the finding of fact and the reasons for its decision. In granting a variance, the board may prescribe appropriate conditions and safeguards which are in conformity with the purposes of this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance.

4. No variance shall have the effect of allowing in any district uses prohibited in the district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.

5. A copy of all decisions granting variances in flood plains shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

6. Flood Insurance Notice and Record Keeping: The Zoning Administrator shall notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and 2) Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances insured in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

SECTION 7. PLANNING COMMISSION.

Subdivision 1. Creation and Membership. A Planning Commission is hereby established. The Planning Commission shall be composed of not less than five (5) nor more than eleven (11) members appointed by the Chair of the County Board. At least two members shall be residents of the portion of the county outside the corporate limits of municipalities. Members shall serve four (4) year terms and may be reappointed at the leisure of the County Board Chair. No more than one voting member of the Planning Commission shall be an officer or employee of the county. No voting member of the Planning Commission shall have received, during the two years prior to appointment, any substantial portion of income from business operations involving the development of land within the county for urban and urban related purposes. Upon resolution by the County Board, a County Board member may serve as an ex-officio member of the Planning Commission. Any member may be removed from the County Board for nonperformance of duty or misconduct in office upon a majority vote of the Board of County Commissioners.

Subdivision 2. Pay, Expenses. Members of the Planning Commission may be compensated in an amount determined by the County Board. All Commission members, including County Commissioners, may be paid their necessary expenses in attending meetings of the Commission and in the conduct of business of the Commission.

Subdivision 3. Officers, Plan Preparation, Use, Permit Review. The Planning Commission shall elect a chair and secretary from among its members and cooperate with the Zoning Administrator and other employees of the county in preparing and recommending to the Board for adoption a comprehensive plan and recommendations for plan execution in the form of official controls and other measures, and amendments thereto. The Commission shall review all applications for conditional use permits and plans for subdivisions of land and report thereon to the Board of County Commissioners.

SECTION 8. ZONING AMENDMENTS.

Subdivision 1. Application.

1. This ordinance may be amended whenever the public necessity and the general welfare require such amendment by following the procedure specified in this Section.
2. Proceedings for amendment of this ordinance shall be initiated by:
 - a. A petition of the owner or owners of the actual property;
 - b. A recommendation of the County Planning Commission;
 - c. Or by action of the Board of County Commissioners.
3. An application for an amendment shall be filed with the Zoning Administrator. All applications for changes in the boundaries of any zoning district which are initiated by the petition of the owner or owners of property, the zoning of which is proposed to be changed, shall be accompanied by a map or plat showing the lands proposed to be changed and all lands within one-half ($\frac{1}{2}$) mile of the boundaries of the property proposed to be rezoned, together with the names and addresses of the owners of the lands in such area as the same appears on the records of Rock County.
4. All property owners within one-half ($\frac{1}{2}$) mile shall be notified as to the time and place of the public hearing. All municipalities within two (2) miles of the boundaries of the property proposed to be rezoned and the township within which the property proposed to be rezoned is located shall be given proper notice.

Subdivision 2. Public Hearing. Upon receipt in proper form of the application and other requested material, the Rock County Planning Commission shall hold at least one (1) public hearing in a location to be prescribed by the Planning Commission. At least ten (10) days in advance of such hearing notice of the time, place, and purpose of such hearing shall be published in the official paper of the county. Written notice of the public hearing shall be sent to the governing bodies of all towns and all municipalities located within the county.

Subdivision 3. Authorization.

1. Following the public hearing, the County Planning Commission shall make a report of its findings and recommendations on the proposed amendment and shall file a copy with the Board of County Commissioners and the Zoning Administrator within sixty (60) days after the hearing. If no report or recommendation is transmitted by the County Planning Commission within sixty (60) days after the hearing, the Board of County Commissioners may take action without awaiting such recommendation.

2. Upon the filing of such report or recommendation, the Board of County Commissioners may hold such public hearings upon the amendment as it deems advisable. After the conclusion of the hearings, if any, the Board of County Commissioners may adopt the amendment or any part thereof in such form as it deems advisable. The amendment shall be effective only if four-fifths (4/5) of all the members of the Board concur in its passage.

Subdivision 4. Fees. To defray the administrative cost of processing requests for amendments to this ordinance, a fee not exceeding administrative costs shall be paid by the petitioner. Such fee shall be determined by the Board of County Commissioners.

Subdivision 5. Amendments to the Flood Plain Designation.

1. The flood plain designation on the official zoning map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regional flood and its contiguous to lands outside the flood plain. Special exceptions to the rule may be permitted by the Commissioner of Natural Resources if he determines that through other measures, lands are adequately protected for the intended use.

2. All amendments to this ordinance, including amendments to the official zoning map, must be submitted to and approved by the Commissioners of Natural Resources prior to adoption. Changes in the official zoning map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given ten days' written notice of all hearings to consider an amendment to this ordinance and said notice shall include a draft of the ordinance amendment or technical study under consideration.

SECTION 9. CONDITIONAL USE PERMITS.

Subdivision 1. Application.

1. Conditional Use Permits may be issued for any and only the uses or purposes for which such permits are required or permitted by provisions of this Ordinance.

2. Application:

An application for a Conditional Use Permit shall be filed with the Zoning Administrator on a form prescribed by the Board of County Commissioners. The application shall be accompanied by such plans and elevations and site plans as prescribed by the County Planning Commission.

3. Notice to Township Boards: The Zoning Administrator shall forward a copy of the application, together with notice of hearing as required in Subdivision 2, to the Chair of the township board in the township affected.

Subdivision 2. Public Hearing and Notification.

1. Public Hearing. Prior to the consideration of any request for a conditional use permit, a public hearing shall be held. Such public hearings may be continued from time to time and additional hearings may be held.

2. Upon receipt in proper form of the Application and other requested material, the Rock County Planning Commission shall hold at least one public hearing in a location to be prescribed by the Planning Commission. Notice of the time, place, and purpose of the public hearing shall be given by publication in a newspaper of general circulation in the town, municipality, or other area concerned, and in the official newspaper of the County at least ten (10) days before the hearing. Written notice shall be sent to all property owners of record within five hundred (500) feet of the affected property in incorporated areas. In unincorporated areas written notice shall be sent to owners of record within one-half ($\frac{1}{2}$) mile of the affected property or to the ten properties nearest to the affected property, whichever would provide notice to the greatest number of owners. Written notice shall also be given to the affected board of town supervisors, and the municipal council of any municipality within two miles of the affected property.

3. Who Runs Hearing. The Board may assign responsibility to conduct public hearings for one or more purposes to the Planning Commission, Board of Adjustment, or any official or employee of the County.

Subdivision 3. Report to the County Board. For each application for a conditional use, the County Planning Commission shall report to the Board of County Commissioners its findings and

recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. Upon receipt of the report of the Planning Commission, the Board of County Commissioners shall hold whatever public hearings it deems advisable and shall make a decision upon the proposal to grant or deny a Conditional Use Permit. The Planning Commission may recommend, and the County Board may impose such additional restrictions or conditions as it deems necessary to protect the public interest, including but not limited to, matters relating to appearance, lighting, hours of operation, care of public rights-of-ways affected, and performance characteristics. When appropriate restrictive covenants may be entered into regarding such matters.

Subdivision 4. Findings. No conditional use shall be recommended by the County Planning Commission unless said Commission shall find:

1. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.
2. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
6. The use or development conforms to the comprehensive Land Use Plan of the County.

With respect to uses for which material shall be hauled or carried on highways, roads, or other public rights of way the above findings shall also relate to the property in the immediate vicinity of the proposed hauling route.

Subdivision 5. Fees. To defray administrative costs of processing requests for Conditional Use Permits, a fee shall be paid by the applicant. Such fee shall be established by the Board of County Commissioners.

Subdivision 6. Compliance. Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity with the terms of such permit and of any conditions designated in connection therewith.

Subdivision 7. Duration. A Conditional Use Permit shall remain in effect for so long as the conditions agreed upon are observed, provided that nothing in this Subdivision shall prevent the Board from enacting or amending official controls to change the status of the Conditional Uses.

Subdivision 8. Copy Filed. A certified copy of any Conditional Use Permit shall be filed with the County Recorder. The Conditional Use Permit shall include the legal description of the property involved.

Subdivision 9. Permit Time Length. A conditional use permit shall be substantially implemented within two (2) years of the date of issuance or reapplication will be required.

Subdivision 10. Procedures for Evaluating Proposed Conditional Uses Within the General Flood Plain District.

1. Upon receipt of an application for a conditional use permit for a use within the general flood plain district, the applicant shall be required to furnish such of the following information as is deemed necessary by the County Board of Commissioners for the determination of the regulatory flood protection elevation and whether the proposed use is within the floodway or flood fringe.

a. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.

b. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets; photographs showing existing land uses and vegetation upstream and downstream; and soil type.

c. Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.

2. One copy of the above information shall be transmitted to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the floodway or flood fringe and to determine the regulatory flood protection elevation. Procedures consistent with the Minnesota Regulations NO 86-87 shall be followed in this expert evaluation. The designated engineer or expert shall:

a. Estimate the peak discharge of the regional flood.

b. Calculate the water surface profile of the regional flood base upon a hydraulic analysis of the stream channel and over bank areas.

- c. Compute the floodway necessary to convey the regional flood without increasing flood stages more than 0.5 feet. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.
3. Based upon the technical evaluation of the designated engineer or expert, the County Board of Commissioners shall determine whether the proposed use is in the floodway or flood fringe and the regulatory flood protection elevation at the site.
4. Procedures to be followed by the County Board of Commissioners in passing on conditional use permit applications within all flood plain districts are as follows:
 - a. Require the applicant to furnish such of the following information and additional information as deemed necessary by the County Board of Commissioners for determining the suitability of the particular site for the proposed use.
 - 1) Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials flood-proofing measures, and the relationship of the above to the location of the stream channel.
 - 2) Specifications for building construction and materials, flood-proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
 - b. Transmit one copy of the information described in subsection "a" above to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.
 - c. Based upon the technical evaluation of the designated engineer or expert, the County Board of commissioners shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.
5. Factors upon which the decisions of the County Board of Commissioners shall be based: In passing upon conditional use applications, the county Board of Commissioners shall consider all relevant factors specified in Subdivision 4 of this Section, and may also consider the following:
 - a. The danger to life and property due to increased flood heights or velocities caused by encroachment.

- 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 service provided by the proposed facility to the county.
- 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 flood plain 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 flood waters expected at the site.
- l. Such other factors which are relevant to the purposes of this ordinance.

6. **Conditions Attached to Conditional Use Permits.** Upon consideration of the factors listed above and the purpose of this ordinance, the County Board of Commissioners shall attach such conditions to the granting of 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. 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.

e. Flood-proofing measures, in accordance with the state building code. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood protection elevation and associated flood factors for the particular area.

7. A copy of all decisions granting conditional use permits in flood plains shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

SECTION 10. VARIANCES.

Variations may only be granted in accordance with Minnesota Statutes, Chapter 394, as applicable. A variance may not circumvent the general purposes and intent of this ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the board of adjustment must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties. For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system.

Subdivision 1. Criteria for Granting Variations. A variance to the provision of the Zoning Ordinance may be issued to provide relief to the land owner in those zones where the ordinance imposes undue hardship or practical difficulties to the property owner in the use of his land. No use variations may be issued. A variance may be granted only in the event that the following circumstances exist:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography or other circumstances over which the owners of property since enactment of this Ordinance have had no control.
2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
3. That the special conditions or circumstances do not result from the actions of the applicant.
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures or buildings in the same district.
5. The variance requested is the minimum variance which would alleviate the hardship.
6. The variance would not be materially detrimental to the purpose of this Ordinance, or to property in the same zone.

7. In the Flood Plain District no variance may be granted which permits a lower degree of protection than the Regulatory Flood Protection Elevation.

Subdivision 2. Variance Exceptions. In instances where a permit request has been made to improve or add on to an existing structure which does not meet present setback requirements a variance will not be required as long as the applied for construction will be parallel to or away from the regulating point such as the side lot line or the ordinary high water mark. This exception does not apply to road setbacks.

On undeveloped shoreland lots that have two (2) adjacent lots with existing principal structures on both adjacent lots, any new residential structure may be set back to the average setback of the principal structures from the ordinary high water mark or fifty (50) feet whichever is greater, provided all other provisions of the shoreland district are complied with.

Subdivision 3. Procedure.

1. The person applying for a variance shall fill out and submit to the Zoning Administrator a variance request form.
2. The Zoning Administrator shall refer the application to the Zoning Board of Adjustment and Appeals for review.
3. The Zoning Board of Adjustment and Appeals shall hold a public hearing on the proposal. Notice of the public hearing shall be published in the official newspaper designated by the County Board at least ten (10) days prior to the hearing. Notice of the hearing shall also be submitted to the affected township clerk and/or municipal clerk within the county. In unincorporated or incorporated areas of the county, property owners of record within five hundred (500) feet of the affected property shall be notified in writing of the public hearing on the request for a variance.
4. Notifications to the Department of Natural Resources. Copies of all notices of any public hearings to consider variances, under local shoreland and floodplain management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
5. The petitioner or his representative shall appear before the Zoning Board of Adjustment in order to answer questions concerning the proposed variance.
6. The Zoning Board of Adjustment must take action on the application within ninety (90) days after receiving the application. If it grants the variance, the Zoning Board of Adjustment may impose conditions (including time limits) it considers necessary

to protect the public health, safety, and welfare and such conditions may include a time limit for the use to exist or operate.

7. A copy of the final decisions granting or denying a variance in the shoreland and floodplain district must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action.
8. **Flood Insurance Notice and Record Keeping.** The Zoning Administrator shall notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and 2) Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

SECTION 11. LAND USE AND BUILDING PERMITS.

Subdivision 1. Land Use and Building Permits.

1. **Permitted Required.** A permit issued by the Zoning Administrator in conformity with the provisions of this ordinance shall be secured prior to the erection, addition, removal, demolition or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure or land; prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.
2. **Application for Permit.** Application for a permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.
3. **State and Federal Permits.** State and federal permits shall be the responsibility of the applicant.
4. **Construction and Use to be as Provided on Applications, plans, Permits, Variances and Certificates of Zoning Compliance.** Zoning permits, conditional use permits, or certificates of zoning compliances issued on the basis of approved plans and applications authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance.
5. **Permit Time Length.** A zoning permit shall be substantially implemented within two years of the date of issuance or reapplication will be required.

Subdivision 2. Utility Permits.

1. Before any underground or aboveground utility, such as power lines, telephone lines, sanitary or storm sewer lines, water lines, gas lines, fire lines, etc., is installed in the right-of-way of any county highway, county state aid highway, or town road a permit shall be obtained from the county engineer. The application for the new utility permit shall be accompanied by such plans, drawing and as-built drawings as deemed necessary by the county engineer.
2. Where such utility lines are along highways and roads, such utility lines may be required to be built in the right-of-way.

3. Such utility permits shall not be required to maintain, reconstruct, or relocate existing lines or maintain pole line anchors where the general line established in the original permits is maintained, or such line is in existence at the time of the adoption of this ordinance.

4. Public utility buildings not customarily considered industrial in use, as well as electric substations and similar utility structures, are permitted in the Limited Industrial District and may be constructed in all other districts, except any Special Protection Shorelands District, if a conditional use permit is granted under Section 15. However, no such facilities shall be constructed within fifty (50) feet of any line of an abutting lot in any RESIDENCE DISTRICT.

5. Since transmission services, i.e., utility service such as high voltage (35 KV or greater) electrical power or bulk gas or fuel being transferred from station to station and not intended for in-route consumption, may have an effect on county land uses, the owner of the proposed services shall, prior to any condemnation or construction, comply with the following:

a. The owner shall file with the Zoning Administrator such maps indicating the location, alignment, and type of service proposed as shall be requested.

b. Maps and accompanying data on location and alignment of the transmission services shall be submitted to the County Planning Commission for review and recommendations regarding the relationship between the proposed transmission services and the county land uses along the proposed route.

c. Following such review, the County Planning Commission shall make a report of its findings and recommendations on the proposed transmission services and shall file such report with the County Board.

d. Upon receipt of the report of the County Planning Commission, the Board of County Commissioners shall consider the maps and accompanying data and shall either approve the proposed route or make modifications considered desirable under this ordinance. The Board shall transmit to the owner in writing any modifications and the reason for such modifications. The owner shall not construct any service along any route not approved by the county.

e. No filing shall be necessary to maintain, reconstruct, or relocate existing lines or facilities where the general line and confirmation thereof remain essentially the same. Recognizing a need for timely and adequate service by owners of transmission services, the County shall act upon any filing within forty-five (45) days of receipt by the Zoning Administrator. Failure to act within such time shall constitute approval.

Subdivision 3. Deadlines for County Action Regarding Applications for Variances, Amendments, Rezonings, and Appeals. When all application requirements have been complied with, the request is considered as officially submitted. The county must, except as otherwise provided herein and notwithstanding any other law to the contrary, approve or deny within 60 days. Failure to do so results in automatic approval of the request. A denial must include a written reason.

1. In requesting additional information from the applicant, the county must do so in writing, within 30 business days of the original application (or follow-up submittal) in order to start the 60-day limit over.
2. If an action requires the approval of more than one state agency in the executive branch, the 60-day period begins to run for all executive branch agencies on the day a request containing all required information is received by one state agency. The agency receiving the request must forward copies to other agencies whose approval is required.
3. The time limit is extended if a state statute, federal law, or court order requires a process to occur before the agency acts on the request, and the time periods prescribed in the state statute, federal law, or court order make it impossible to act on the request within 60 days. In cases described in this paragraph, the deadline is extended to 60 days after completion of the last process required in the applicable statute, law, or order. Final approval of an agency receiving a request is not considered a process for purposes of this paragraph.
4. The time limit is extended if: (1) a request submitted to a state agency requires prior approval of a federal agency, or (2) an application submitted to a city, county, town, school district, metropolitan, or regional entity, or other political subdivision requires prior approval of a state or federal agency. In cases described in this paragraph, the deadline for action is extended to 60 days after the required prior approval is granted.
5. The county may extend the timeline before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant.

SECTION 12. NON-CONFORMING USES.

Subdivision 1. Non-conforming Buildings and Uses.

1. The lawful use of buildings or land existing at the effective date of this ordinance which does not conform to the provisions of this ordinance shall be discontinued within a reasonable period of amortization of the building; uses of buildings and land which become non-conforming by reason of change in this ordinance shall also be discontinued within a reasonable period of amortization of the building. A reasonable period of amortization shall be construed to begin after the date of adoption of this Ordinance and shall be considered to be forty (40) years for buildings of ordinary wood construction, fifty (50) years for buildings of wood and masonry construction, and sixty (60) years for buildings of fireproof construction.

2. Buildings found to be non-conforming only by reason of height, yard or area requirements shall be exempt from the provisions of Paragraph 1 of this subdivision.

Subdivision 2. Non-Conforming Signs.

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

a. Advertising signs - Five (5) years from the effective date of this ordinance.

b. Business signs - Five (5) years from the effective date of this ordinance.

2. Business signs on the premises of non-conforming building or use may be continued, but such signs shall not be increased in number, area, height or illumination. New signs not to exceed erected only upon the complete removal of all other signs existing at the time of the adoption of this ordinance. Such signs may be illuminated, but no flashing, rotating or moving signs shall be permitted.

3. No sign erected before the passage of this ordinance shall be rebuilt, altered or moved to a new location without being brought into compliance with the requirements of this ordinance.

Subdivision 3. Non-Conforming Salvage Yard. No salvage yard may continue as a non-conforming use for more than five (5) years after the effective date of this ordinance, except that a salvage yard may continue as a non-conforming use in a BUSINESS or INDUSTRIAL DISTRICT,

if, within that period, it is completely enclosed within a building, fence, screen planting or other device of such height as to screen completely the operations of the salvage yard. Plans of such a building or device shall be approved by the County Planning Commission and the Board of County Commissioners before it is erected or put into place.

Subdivision 4. Discontinuance.

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

Subdivision 5. Alterations.

1. The lawful use of a building existing at the time of the adoption of this ordinance may be continued, although such use does not conform with the provisions hereof. The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed. Whenever a non-conforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed into a less restricted use.
2. The lawful use of a building, structure or premises existing at the time of the adoption of this ordinance may be continued, provided that no new permits of any kind may be issued until the premises has come into conformity with this ordinance.

Subdivision 6. Residential Alterations. Alterations may be made to a residential building containing non-conforming residential units when they will improve the livability of such units, provided, however, that they do not increase the number of dwelling units in the building.

Subdivision 7. Destruction of Non-conforming Use. If any nonconforming use or structure is destroyed by any means, including floods, to an extent of 50 percent or more of its market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.

Subdivision 8. Normal Maintenance. Maintenance of a building or other structure containing or used by a non-conforming use will be permitted when it includes necessary, non-structural repairs and incidental alterations which do not extend or intensify the non-conforming building or use. Nothing in this ordinance shall prevent the placing of a structure in a safe condition when said structure is declared unsafe by the county Zoning Administrator.

Subdivision 9. Non-conforming Sanitary Facilities. All sanitary facilities inconsistent with Section 14, Subdivision 3, located within the jurisdictional limits of this ordinance, shall be brought into conformity or discontinued within five (5) years from the date of enactment of this ordinance.

Subdivision 10. Non-conforming Uses located in the Flood Plain District.

1. In the Flood Plain District, no such use shall be expanded, changed, enlarged or altered in a way which increases its nonconformity.
2. Any alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of the structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any rules for elevation, fill or flood proofing techniques allowable in the state building code, except as further restricted below.
3. The cost of any structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this subdivision are satisfied. The cost of all structural alterations and additions constructed since the adoption of the county's initial flood plain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds 50 percent of the current market value of the structure then the structure must meet the standards of this ordinance for new structures depending upon whether the structures is in the Floodway or Flood Fringe, respectively.
4. If any nonconforming use is discontinued for 12 consecutive months, any further use of the building premises shall conform to this ordinance. The assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses which have been discontinued for a period of 12 months.

SECTION 13. PENALTIES AND VALIDITY.

Subdivision 1. Violations and Penalties. Any person, firm or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions thereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed seven hundred dollars (\$700.00) and/or by imprisonment not to exceed ninety (90) days. Each day that a violation continues shall constitute a separate offense.

Subdivision 2. Enforcement.

1. This ordinance shall be administered and enforced by the Zoning Administrator, who is hereby designated the enforcing officer.
2. In the event of a violation or a threatened violation of this ordinance, the Board of County Commissioners or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the County Attorney to institute such action.
3. Any taxpayer or taxpayers of the County may institute mandamus proceedings in the District Court to compel specific performance by the proper official or officials of any duty required by this ordinance.
4. Nothing herein contained shall prevent the Board of County Commissioners from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:
 - a. In responding to a suspected ordinance violation, the Zoning Administrator and local government may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The county must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.
 - b. When an ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources and Federal Emergency Management Agency Regional Office along with the community's plan of action to correct the violation to the degree possible.

c. The Zoning Administrator shall notify the suspected party of the requirements of this ordinance and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the County. If the construction or development is already completed, then the Zoning Administrator may either (1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls, or (2) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed thirty (30) days.

d. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this ordinance and shall be prosecuted accordingly. The Zoning Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this ordinance.

Subdivision 3. Validity. Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this ordinance as a whole or any part thereof other than the part so declared to be invalid.

ZONING DISTRICTS AND DISTRICT PROVISIONS

SECTION 14. CLASSIFICATION OF DISTRICTS.

Subdivision 1. Districts. For the purpose of this Ordinance, Rock County is hereby divided into classes of districts which shall be designated as follows:

1. AGRICULTURE DISTRICTS

- A-1 LIMITED AGRICULTURE DISTRICT
- A-2 GENERAL AGRICULTURE DISTRICT

2. RESIDENCE DISTRICT

- R-1 SUBURBAN RESIDENCE DISTRICT

3. SHORELAND DISTRICT

- S-1 SHORE LAND DISTRICT
- F-1 FLOODPLAIN MANAGEMENT DISTRICT

4. BUSINESS DISTRICTS

- B-1 HIGHWAY SERVICE BUSINESS DISTRICT
- B-2 GENERAL BUSINESS DISTRICT

5. INDUSTRY DISTRICT

- I-1 GENERAL INDUSTRY DISTRICT

Subdivision 2. Maps.

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

2. Floodplain Zoning District Map. The boundaries of the Floodplain District shall be determined and established by the Official Floodplain Zoning District Map of Rock County, as amended.

All amendments to SECTION 9b, including revisions to the Official Flood Plain Zoning District Map, shall be submitted to and approved by the Commission of Natural Resources prior to adoption. The floodplain designated on the Official Flood Plain Zoning District Map shall not be removed unless the area is filled to an elevation at or above the Regulatory Flood Protection Elevation and is contiguous to lands outside of the floodplain.

Subdivision 3. District Boundaries. The boundaries between districts are, unless otherwise indicated, the center lines of highways, roads, streets, alleys or railroad rights of way or such lines extended or lines parallel or perpendicular thereto; or plot or lot lines; or section, half section, quarter section, quarter-quarter-section or other fractional section lines of United States public land surveys, as established by law. Where figures are shown on the Zoning Map between a road and a district boundary line, they indicate that the district boundary line runs parallel to the road center line at a distance therefrom equivalent to the number of feet so indicated, unless otherwise indicated.

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 in the A-1 LIMITED AGRICULTURE DISTRICT, until placed in another district by action of the Board of County Commissioners after recommendation of the County Planning Commission.

Subdivision 5. Orderly Annexation. Any land located adjacent to or in close proximity to existing incorporated cities within Rock County and designated under Orderly Annexation Agreements on the Zoning Map shall be governed by the unit of government so designated in the joint resolution, and applicable zoning ordinances duly adopted.

SECTION 15. A-1 LIMITED AGRICULTURE DISTRICT.

Subdivision 1. Purpose. The intent of the A-1 AGRICULTURE DISTRICT is to provide a district that will:

- (1) allow limited agricultural activities because of topographic and physiographic characteristics;
- (2) retain and protect areas of natural ground cover, including but not limited to established parks and conservation preserves for conservation and aesthetic purposes.
- (3) prevent scattered, non-farm growth; and
- (4) secure economy in governmental expenditures for public services, utilities and schools.

Subdivision 2. Permitted Uses. The following uses shall be permitted in the A-1 AGRICULTURE DISTRICT:

1. Agriculture, including farm dwellings and agricultural buildings unless specifically addressed in Subdivision 3 of this Section.
2. Parks, recreational areas, wildlife areas, game refuges and prairie preserves owned or operated by governmental agencies or non-profit organizations
3. Flood control and watershed structures
4. Essential services and power transmission lines, as regulated in SECTION 13.
5. Single family dwellings - newly constructed non-farm dwellings with the following conditions:
 - (a) the dwelling unit shall be located on a separately owned parcel.
 - (b) the parcel of land must have at least two hundred (200) feet of frontage, access to an existing road, and have a minimum lot area of two (2) acres, including public rights-of-way.
 - (c) a new non-farm residence must maintain the same setback distance from existing feedlots as is specified for a new feedlot (of a 1,000 animal units or less) from an existing residence, unless the new residence is built to replace an existing residence.

Subdivision 3. Conditional Uses. The following uses may be allowed in the A-1 AGRICULTURE DISTRICT.

1. Commercial outdoor recreation areas that are similar to public recreation areas
2. Riding academies, stables
3. Organized group camps
4. Churches
5. Cemeteries, memorial gardens
6. Water supply buildings, reservoirs, wells, elevated tanks, regional pipelines and power lines, public sewage treatment facilities and similar essential public utility and service structures excluding wind towers for the commercial production of electrical energy
7. Essential services and power transmission lines, as regulated in SECTION ____
8. Golf courses, golf club house, country club, public swimming pool, private swimming pool serving more than one family
9. Railroad rights of way, but not including railroad yards
10. Feedlots located no less than one (1) mile from the statutory boundary of any state park, one-half (½) mile from any R-1 District boundary, one-half (½) mile from the boundary of any county or municipal park, recreational area, wildlife area, game refuge, or prairie preserve and otherwise in compliance with the provisions of Section 26 of this Ordinance.
11. Truck farms
12. Produce stands
13. Storage of non-toxic chemicals
14. Commercial storage of fertilizer
15. Home occupations as defined at Section 4, Subdivision 2 of this Ordinance.

Subdivision 4. Accessory Uses and Structures.

1. Residential accessory uses include, but are not limited to, gardening, garage sales, storage of personal items, recreation, socializing and boarding.
2. Agriculture accessory uses include, but are not limited to sale products raised on the farm, seed sales and airstrips.

3. Residential accessory structures include, but are not limited to storage shed, garages, fences, gazebos, antennae, satellite dishes, light poles, flag poles, raised plant beds, personal green houses, swimming pools, play equipment, docks and boat lifts.
4. Swimming pools must be enclosed within a chain link or similar fence five (5) feet in height.
5. Agricultural accessory structures include, but are not limited to storage facilities, feeding equipment, animal shelters, irrigation systems and shops.
6. Accessory structures must conform with yard and setback requirements with the following exceptions:
 - a. Fences can be erected with zero setback
 - b. Sheds under 150 square feet in floor area can be within five (5) feet of property lines in side yards and rear yards behind the dwelling.
 - c. Structures shall be five (5) feet away from each other if not attached.

Subdivision 5. Height, Yard, Area and Lot Width and Depth Regulations.

1. Height Regulations:
 - (a) No height regulation shall be imposed for agricultural buildings.
 - (b) No other building hereafter erected or altered shall exceed three (3) stories or forty (40) feet in height
2. Front Yard Regulations:
 - (a) There shall be a front yard setback of not less than one hundred thirty (130) feet from the center line of all highways
 - (b) There shall be a front yard setback of not less than sixty-five (65) feet from the center line of other public rights of way
 - (c) Where a lot is located at the intersection of two (2) or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard setback of either road
3. Side Yard Regulations:

(a) No side yard regulation shall be required for agricultural buildings

(b) For other buildings there shall be a side yard having a width of not less than thirty (30) feet on each side of a building

4. Rear Yard Regulations:

(a) No rear yard regulation shall be required for agricultural buildings

(b) For other buildings there shall be a rear yard having a depth of not less than thirty (30) feet

5. Lot Area Regulations: Every lot or plot of land on which a one family dwelling is erected shall contain an area of not less than two (2) acres on a separately owned parcel.

6. Lot Width, Depth, and Frontage Regulations: Every lot or plot of land on which a one family dwelling is erected shall have a minimum width of not less than one hundred fifty (150) feet at the building setback line, a minimum frontage upon a public road, street or highway of one hundred fifty (150) feet and a minimum depth of not less than two hundred twenty (220) feet.

Subdivision 6. General Regulations. Additional requirements for feedlots, signs, parking and other regulations in the A-1 AGRICULTURE DISTRICT are set forth in the "General Regulations" provisions and incorporated into SECTION 15 by this reference.

SECTION 16. A-2 GENERAL AGRICULTURE DISTRICT.

Subdivision 1. Purpose. The intent of the A-2 AGRICULTURE DISTRICT is to provide a district that will: (1) allow suitable areas of Rock County to be retained in agricultural use; (2) prevent scattered, non-farm development; and (3) secure economy in governmental expenditures for public services, utilities and schools.

Subdivision 2. Permitted Uses. The following uses shall be permitted within the A-2 AGRICULTURAL DISTRICT:

1. Agriculture, including farm dwellings and agricultural buildings unless specifically addressed in Subdivision 3 of this Section.
2. Parks, recreational areas, wildlife areas, game refuges and prairie preserves owned or operated by governmental agencies or non-profit organizations.
3. Flood control and watershed structures
4. Nurseries and tree farms
5. Riding academies, stables
6. Flood control and watershed structures
7. Advertising signs and billboards, as regulated in SECTION 23
8. Feedlots of no more than one thousand (1,000) animal units and otherwise on compliance with the provisions of SECTION 26 of this Ordinance
9. Essential services and power transmission lines.
10. Single family dwellings - one newly constructed non-farm dwelling with the following conditions:
 - (a) the dwelling unit shall be located entirely within a 40 acre parcel ($\frac{1}{4}$ of $\frac{1}{4}$ of $\frac{1}{4}$ of a section) and shall be the only non-farm dwelling on said parcel.
 - (b) the property shall have at least two hundred (200) feet of frontage, access to an existing road, and a minimum lot area of two (2) acres, including public rights-of-way.

(c) a new non-farm residence must maintain the same setback distance from existing feedlots as is specified for a new feedlot (of a 1,000 animal units or less) from an existing residence, unless the new residence is built to replace an existing non-farm residence.

The limitations of Subdivision 2.10(a) notwithstanding, non-farm dwellings shall be allowed at densities exceeding one (1) per forty (40) acres if the property for which the permit is requested, as measured from its nearest point, is within:

- (1) two (2) miles of the statutory limits of the city of Luverne, or
- (2) one (1) mile of the statutory limits of any other statutory city in Rock County, or
- (3) one-quarter ($\frac{1}{4}$) mile from the center line of any state highway.

Subdivision 3. Conditional Uses. The following uses may be allowed in the A-2 AGRICULTURE DISTRICT, subject to the "General Regulations" provisions of this Ordinance.

1. Commercial outdoor recreation areas that are similar to public recreation areas
2. Organized group camps
3. Water supply buildings, reservoirs, wells, elevated tanks, regional pipelines and power lines, public sewage treatment facilities, sanitary landfill operations and similar essential public utility and service structures
4. Essential services and power transmission lines.
5. Local municipal administration and service buildings
6. Golf course and club house, country club, public swimming pool, private swimming pool serving more than one family
7. Stock and poultry feeding operations or feedlots, exceeding one thousand (1,000) animal units
8. Railroad rights of way, but not including railroad yards
9. Grain storage bins as a primary use
10. Dog kennels
11. Commercial wireless telecommunication towers and antennas subject to the provisions of SECTION 28

12. Public, parochial, or other private elementary, middle, junior high, or senior high schools, offering a curriculum equivalent to the public school system and not operated for profit; when located one (1) mile or more from an existing feedlot.
13. Churches, when located one-half mile (½) mile or more from an existing feedlot
14. Hospitals, convalescent or nursing homes, when located one (1) mile or more from an existing feedlot
15. Extraction of minerals as regulated in SECTION 24
16. Truck farms
17. Produce stands
18. Cemeteries and memorial gardens
10. Storage of non-toxic chemicals
20. Commercial storage of fertilizer
21. Home occupations as defined at SECTION 4, Subdivision 2 of this Ordinance
22. Wind power developments as regulated in SECTION 27

Subdivision 4. Accessory Uses and Structures.

1. Residential accessory uses include, but are not limited to, gardening, garage sales, storage of personal items, recreation, socializing and boarding.
2. Agriculture accessory uses include, but are not limited to sale products raised on the farm, seed sales and airstrips.
3. Residential accessory structures include, but are not limited to storage shed, garages, fences, gazebos, antennae, satellite dishes, light poles, flag poles, raised plant beds, personal green houses, swimming pools, play equipment, docks and boat lifts.
4. Swimming pools must be enclosed within a chain link or similar fence five (5) feet in height.
5. Agricultural accessory structures include, but are not limited to storage facilities, feeding equipment, animal shelters, irrigation systems and shops.

6. Accessory structures must conform with yard and setback requirements with the following exceptions:

- a. Fences can be erected with zero setback
- b. Sheds under 150 square feet in floor area can be within five (5) feet of property lines in side yards and rear yards behind the dwelling.
- c. Structures shall be five (5) feet away from each other if not attached.

Subdivision 5. Height, Yard, Area and Lot Width and Depth Regulations.

1. Height Regulations:

- (a) No height regulation shall be imposed for agricultural buildings
- (b) No other building hereafter erected or altered shall exceed three (3) stories or thirty (40) feet in height

2. Front Yard Regulations:

- (a) There shall be a front yard setback of not less than one hundred thirty (130) feet from the center line of all highways
- (b) There shall be a front yard setback of not less than sixty five (65) feet from the center line of other public rights of way
- (c) Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard setback of either road

3. Side Yard Regulations:

- (a) No side yard regulations shall be required for agricultural buildings
- (b) For other buildings there shall be a side yard having a width of not less than fifteen(15) feet on each side of a building

4. Rear Yard Regulations:

- (a) No rear yard regulations shall be required for agricultural buildings
- (b) For other buildings there shall be a rear yard having a depth of not less than thirty (30)feet

5. Lot Area Regulations: Every lot or plot of land on which a one family dwelling is erected shall contain an area of not less than two (2) acres on a separately owned parcel.

6. Lot Width and Depth Regulations: Every lot or plot of land on which a one family dwelling is erected shall have a minimum width of not less than one hundred fifty (150) feet at the building setback line, a minimum frontage upon a public road, street, or highway of one hundred fifty (150) feet, and a minimum depth of not less than two hundred twenty (220) feet.

Subdivision 6. General Regulations. Additional requirements for feedlots, signs, parking and other regulations in the A-2 AGRICULTURE DISTRICT are set forth in the "General Regulations" provisions and incorporated into SECTION 16 by this reference.

SECTION 17. R-1 SUBURBAN RESIDENCE DISTRICT.

Subdivision 1. Purpose. The intent of the R-1 SUBURBAN RESIDENCE DISTRICT is to provide a district that will allow low density residential development and on-lot utilities in areas adjacent to urban development, but where municipal utilities are not available.

Subdivision 2. Permitted Uses. The following uses shall be permitted within the R-1 RESIDENCE DISTRICT:

1. One-family dwellings, provided that the dwelling is located fifty (50) feet or more from any lot line abutting an existing agricultural use.
2. Parks and recreational areas owned or operated by governmental agencies.
3. Public schools or private schools having a curriculum equivalent to a public elementary school or public high school, provided that no building shall be located within fifty (50) feet of any lot line of an abutting lot in any of the CLASSES OF RESIDENCE DISTRICTS.
4. Churches, provided that no building shall be located within fifty (50) feet of any lot line of an abutting lot in any of the CLASSES OF RESIDENCE DISTRICTS.
5. Agriculture, farming and truck farming, except kennels operated for commercial purposes.
6. Hospital, convalescent or nursing home.
7. Essential services and power transmission lines.

Subdivision 3. Conditional Uses. The following uses may be allowed in the R-1 RESIDENCE DISTRICT, subject to the "General Regulations" provisions of this Ordinance, which provisions are incorporated into this Section by this reference.

1. Municipal administration buildings, police and fire stations, community center buildings, public libraries, museums, art galleries, post office and other municipal service buildings, except those customarily considered industrial in use and provided that no buildings shall be located within fifty (50) feet of any lot line of an abutting lot in any of the CLASSES OF RESIDENCE DISTRICTS.
2. Water supply buildings, reservoirs, wells, elevated tanks and similar essential service structures, except that no structure shall be located within fifty (50) feet of the lot line of an abutting lot in any of the CLASSES OF RESIDENCE DISTRICTS
- 2a. Essential services and power transmission lines.

3. Golf club house, country club, public swimming pool, private swimming pool serving more than one family, provided that no principal structure shall be located within fifty (50) feet of any lot line of an abutting lot in any of the CLASSES OF RESIDENCE DISTRICTS
4. Offices of professional persons and home occupations, when such use does not exceed one-third ($\frac{1}{3}$) of the main floor space of a dwelling and is conducted only in the principal dwelling.
5. Railroad rights of way, but not including railroad yards
6. Cemetery, memorial garden
7. Two-family and multi-family dwellings located on a lot or plot complying with the lot area, width and depth regulations of this section.
8. Home occupations as defined at SECTION 4, Subdivision 2 of this Ordinance.

Subdivision 4. Accessory Uses and Structures.

1. Residential accessory uses include, but are not limited to, gardening, garage sales, storage of personal items, recreation, socializing and boarding.
2. Agriculture accessory uses include, but are not limited to sale products raised on the farm, seed sales and airstrips.
3. Residential accessory structures include, but are not limited to storage shed, garages, fences, gazebos, antennae, satellite dishes, light poles, flag poles, raised plant beds, personal green houses, swimming pools, play equipment, docks and boat lifts.
4. Swimming pools must be enclosed within a chain link or similar fence five (5) feet in height.
5. Agricultural accessory structures include, but are not limited to storage facilities, feeding equipment, animal shelters, irrigation systems and shops.
6. Accessory structures must conform with yard and setback requirements with the following exceptions:
 - a. Fences can be erected with zero setback
 - b. Sheds under 150 square feet in floor area can be within five (5) feet of property lines in side yards and rear yards behind the dwelling.

- c. Structures shall be five (5) feet away from each other if not attached.

Subdivision 5. Height, Yard, Area and Lot Width and Depth Regulations.

1. Height Regulations: No building hereafter erected or altered shall exceed three (3) stories or forty (40) feet in height.

2. Front Yard Regulations:

- (a) There shall be a front yard setback of not less than one hundred thirty (130) feet from the center line of all highways.

- (b) There shall be a front yard setback of not less than sixty-five (65) feet from the center line of all other public rights of way.

- (c) Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard setback of either road.

3. Side Yard Regulations: There shall be a side yard having a width of not less than fifteen (15) feet on each side of a building.

4. Rear Yard Regulations: There shall be a rear yard having a depth of not less than thirty (30) feet.

5. Lot Area Regulations: Every lot or plot of land on which a dwelling is erected shall contain an area of not less than:

- (a) twenty-two thousand (22,000) square feet for lots with individual water and sewer systems;

- (b) fifteen thousand (15,000) square feet for lots with community water or sewer systems.

6. Lot Width and Depth Regulations: Every lot or plot of land on which a one-family dwelling is erected shall have a minimum width of not less than one hundred (100) feet at the building setback line and a minimum depth of one hundred fifty (150) feet for lots with individual water and sewer systems.

Subdivision 6. General Regulations. Additional requirements for signs, parking and other regulations in the R-1 RESIDENCE DISTRICT are set forth in the "General Regulations" provisions of this Ordinance and incorporated into SECTION 17 by this reference.

SECTION 18. S-1 SHORELAND DISTRICT.

Subdivision 1. Purpose. The intent of the S-1 Shoreland District is to provide a district which will allow the proper development and control of waters and related land resources within the County.

Subdivision 2. Public Waters Classification. The shorelands of Rock County, Minnesota are hereby classified in one land use area known as the General Shoreland Use Area. Final determination of the exact location of the General Shoreland Use Area shall be made by the Zoning Administrator, subject to appeal to the Board of Adjustment as provided for in SECTION 17.

Subdivision 3. Permitted Uses. The following uses are permitted within the S-1 Shoreland District:

1. Agriculture, not to include feedlots.
2. Forestry.
3. Parks, waysides and golf courses which do not maintain overnight camping facilities.
4. Nature areas, hiking and riding trails, wildlife preserves and designated official wetland areas
5. Designated historical sites

Subdivision 4. Conditional Uses. The following uses may be allowed in the S-1 Shoreland District, subject to the "General Regulations" provisions of this Ordinance.

1. All approved aerial or underground utility line crossings such as electrical, telephone, telegraph, or gas lines which cannot be reasonably located outside the area.
2. Non-residential structures used solely in conjunction with raising wild animals or fish provided the structures are of a design approved by the county board as being compatible with other general allowable uses of the district.
3. One-family seasonal or year round residential uses.
4. Two-family and multi-family seasonal or year round residential uses.
5. Mobile Home Parks - provided:
 - (a) Site plans for mobile home parks shall be approved by the Board of Commissioners.

(b) Mobile home parks shall be licensed by and in conformance with the standards prescribed by the Minnesota Department of Health, except where provisions of this Ordinance are more restrictive, and then these provisions shall prevail.

(c) There shall be at least ten (10) feet between sides of adjacent mobile homes, including their attachments and at least three (3) feet between mobile homes when parked end to end.

(d) A centralized sewage disposal facility which meets the standards, criteria, rules or regulations of the Minnesota Department of Health and the Pollution Control Agency must be installed.

(e) The location of this facility shall be consistent with the number of units served, soil types, and topography. The facility shall be setback from the normal high water mark at a distance approved by the Board of Commissioners.

(f) Adequate vegetative screening shall be maintained for the mobile home park..

6. Recreational Camping Vehicle Areas, provided:

(a) Site plans for recreational camping vehicle areas shall be approved by the Board of Commissioners.

(b) Recreational camping vehicle areas shall be licensed by and meet the standards prescribed by the Minnesota Department of Health, except where the provisions of this Ordinance are more restrictive, and then these provisions shall prevail.

(c) Each recreational camping vehicle site shall be at least two thousand (2,000) square feet in area.

(d) A centralized sewage disposal facility which meets the standards, criteria, rules and regulations of the Minnesota Department of Health and the Pollution Control Agency must be installed.

(e) Adequate vegetative screening for the recreational camping area shall be maintained.

7. Hotels, motels, resorts and other permanent buildings which provide sleeping accommodations on a transient rental basis.

8. Restaurants, drive-ins, dinner clubs, taverns, and private clubs.

9. Retail businesses, novelty shops, and service facilities, such as gas stations, and any other establishments except those engaged in manufacturing or processing enterprises.

10. Commercial uses.

11. Industrial uses which require location within shoreland areas.

12. Feedlots.

13. Truck farms.

14. Produce stands.

Subdivision 5. Sanitary Provisions. The following provisions relating to water supply, waste disposal and sewage disposal shall apply to both permitted and conditional uses in the S-1 Shoreland District.

1. Water Supply:

(a) Any public or private supply of water for domestic purposes must conform to Minnesota Department of Health standards for water quality.

(b) Permit. No person, firm, or corporation shall install or extend any private well without first obtaining a permit therefore from the Zoning Administrator for the specific installation or extension.

(1) Application for permits shall be made in writing upon printed blanks or form furnished by the Zoning Administrator and shall be signed by the applicant.

(2) Each application for a permit shall have thereon the correct legal description of the property on which the proposed installation or extension is to take place. Each application for a permit shall be accompanied by a plan of the site.

2. Waste Disposal:

(a) The disposal of sewage and industrial wastes shall be subject to the standards, criteria, rules and regulations of the Minnesota Pollution Control Agency.

(b) No rubbish or trash of any sort shall be thrown or discarded in any manner into any public water or into any watercourse leading to a public water.

(c) No solid waste disposal site shall be located within the jurisdiction of this Ordinance.

3. Sewage Disposal:

(a) Any premises intended for human occupancy must be provided with an adequate method of sewage disposal to be maintained in accordance with acceptable practices.

(b) Permit. No person, firm, or corporation shall install, alter, repair or extend any individual sewage disposal system without first obtaining a permit therefor from the Zoning Administrator for the specific installation, alteration, repair or extension.

(1) Application for permits shall be made in writing upon printed blanks or forms furnished by the Zoning Administrator and shall be signed by the applicant.

(2) Each application for a permit shall have thereon the correct legal description of the property on which the proposed installation, alteration, repair or extension is to take place, and each application for a permit shall be accompanied by a plan of the site of reasonable scale and accuracy showing the location of any proposed or existing buildings located on the property with respect to the boundary lines of the property and complete plans of the proposed sewage disposal system with substantiating data, if necessary, attesting to the compliance with the with the minimum standards of this Ordinance. A complete plan shall include the location, size and design of all parts of the system to be installed, altered, repaired or extended. The application shall also show the present or proposed location of water supply facilities and water supply piping, and the name of the person, firm or corporation who is to install the system, and shall provide such further information as may be required by the Zoning Administrator.

(3) Administration. The Zoning Administrator may assign responsibility for administration of these provisions to a qualified inspector.

(c) Location and installation of the individual sewage disposal system shall be such that, with reasonable maintenance, it will function in a sanitary manner and will not create a nuisance, endanger the safety of any domestic water supply, nor pollute any waters of the state. In determining a suitable location for the system, consideration shall be given to the size and shape of the lot, slope of natural and finished grade, soil permeability, high ground water elevation, geology, proximity to existing or future water supplies, and future expansion of the system.

(d) Privies shall be considered to be an adequate method of sewage disposal, provided they are maintained in a clean condition and do not constitute a public nuisance. Privies shall be located at least ten (10) feet from a dwelling or lot line, and they shall meet the structural setbacks from public waters specified herein.

(e) Only septic tanks meeting the specifications prescribed by the Minnesota Department of Health and Minnesota Pollution Control Agency may be installed or constructed. Location of septic tanks shall be subject to the following restrictions: ten (10) feet from any building intended for human occupancy; ten (10) feet from a lot line; fifty (50) feet from a well or other water supply; and where feasible, the septic tank shall be placed downslope from a well.

(f) Placement of soil absorption systems shall be subject to the following specifications, where soil conditions are adequate:

(1) At least fifty (50) feet from the normal high water mark; ten (10) feet from a lot line; twenty (20) feet from a building intended for human occupancy; and fifty (50) feet from a well or other water supply source.

(2) Soil absorption or similar systems shall not be acceptable for disposal of domestic sewage for developments on lots adjacent to public waters under the following circumstances:

(aa) Low swampy areas or areas subject to recurrent flooding; or

(bb) Areas where the highest known ground water table is within four (4) feet of the bottom of the soil absorption system; or

(cc) Areas of exposed bedrock or shallow bed rock within four (4) feet of the bottom of the soil absorption system or where sub-surface conditions significantly restrict percolation of the effluent; or

(dd) Areas of ground slope where there is danger of seepage of the effluent onto the surface of the ground.

(g) Servicing of septic tanks and soil absorption units shall conform to the Minnesota Department of Health and Minnesota Pollution Control Agency specifications. Disposal of sludge and scum removed from the system shall be:

(1) Into a municipal sewage disposal system where practicable.

(2) In the absence of a public sewer, at a disposal site designed by the Zoning Administrator.

(3) Sludge shall not be discharged into any lake or watercourse, nor on land without burial.

(h) Alternative methods of sewage disposal such as holding tanks, electric or gas incinerators, biological and/or tertiary waste treatment plants or land disposal systems wherever required or allowed in particular circumstances, shall be subject to the standards, criteria, rules and regulations of the Minnesota Department of Health and Minnesota Pollution Control Agency.

4. Agricultural Waste Disposal: Any agricultural waste disposal operations in shoreland areas must conform to the standards, criteria, rules and regulations of the Minnesota Pollution Control Agency.

Subdivision 6. Lot Size, Structure Placement and Shoreland Alterations.

1. Lot Size:

(a) For lots newly platted or created by metes and bounds description.

(1) The minimum lot size shall be twenty-two thousand (22,000) square feet and at least one hundred (100) feet in width at the building line and at least one hundred (100) feet in width at the waterline for lots abutting a public water.

(2) The total area of all structures proposed on a lot will not equal more than thirty (30) percent of the lot area.

(b) Lots of record in the County Recorder's office prior to the date of enactment of this ordinance which do not meet the requirements immediately above may be allowed as building sites provided; such use is permitted in the zoning district, the lot is in separate ownership from abutting lands, and all sanitary and dimensional requirements of the county ordinance are complied with insofar as practical.

2. Structure Placement:

(a) Setbacks: All structures, except boat houses, piers and docks shall be setback at least seventy-five (75) feet from the normal high water mark and outside a floodway as defined. In addition, the following setback requirements shall be used for all feedlots, unless there is stricter application by Minnesota Pollution Control Agency regulations:

(1) No feedlot of over three hundred (300) animal units shall be located within one thousand (1,000) feet of the normal high water mark of any lake, pond, or water pit; or within three hundred (300) feet of a river or stream.

(2) No feedlot of over one thousand (1,000) animal units shall be located within one-half (½) mile of ten (10) or more homes or within one thousand (1,000) feet of a public park.

(b) No structure shall be placed in any area which will require grading and/or filling which will result in impairment of public waters by reason of erosion and sedimentation, violate provisions of Statewide Standards and Criteria for Management of Flood Plain Areas of Minnesota, or result in impairment of fish and aquatic life.

(c) Location of structures in relation to side lot lines and roads:

(1) There shall be at least ten (10) foot side yard between any structure and side lot lines.

(2) No structure shall be placed closer than one hundred thirty (130) feet from the center line of any federal, state, or county trunk highway, or sixty-five (65) feet from the center line of any town road, public street or others not classified.

(d) Variances to the setback requirements of this subdivision may be granted under the following circumstances by the County Board of Adjustment, if not within a floodway:

(1) In areas where development exists on both sides of a proposed building site, water and road setbacks may be varied to conform to the existing established setbacks, or

(2) In areas of unusual topography or substantial elevation above the lake level, the water setback may be varied to allow a riparian owner reasonable use and enjoyment of his property, or

(3) Where homes incorporate a method of sewage disposal other than soil absorption, water setbacks may be reduced by one-third (⅓).

(e) Locations of signs and structural appurtenances thereto: All commercial advertising signs shall be of a size, shape and location so as not to be unduly prominent in their surroundings. The regulations of signs hereunder are in addition to the provisions of M.S. 1969 c. 173 and regulations promulgated pursuant thereto.

(1) All signs, except the following when they are not more than six (6) square feet in area, shall require a permit to be erected:

- (a) Signs advertising a customary home occupation,
- (b) Temporary signs advertising the sale, rent or lease of property,
- (c) Recreational directory signs.

(2) Prohibited signs are:

- (a) Those which interfere with visibility of drivers or obstruct traffic signs.
- (b) Those which are illuminated by a flashing light or by any light directed toward a neighboring residence or toward the water, except emergency or warning signs.
- (c) Those which are composed of any conspicuous animated part.
- (d) Those which are mounted on a dock or float.

(3) Shoreland Alterations:

(a) The removal of natural vegetation shall be restricted to prevent erosion into public waters, to consume nutrients in the soil, and to preserve shoreland aesthetics. Removal shall be restricted within a strip thirty-five (35) feet from the normal high water mark; provided, however, that this provision shall not apply to permitted uses which normally require the removal of the natural vegetation.

(b) Grading and filling in shoreland areas or any alterations of the natural topography where the slope of the land is toward public water or a watercourse leading to a public water must be authorized by a conditional use permit obtained from the Board of County Commissioners and Planning Commission. The permit may be granted subject to the conditions that:

- (1) The smallest amount of bare ground is exposed for as short a time as feasible,
- (2) Temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is planted.

(3) Methods to prevent erosion and trap sediment are employed, and

(4) Fill is stabilized to accepted engineering standards.

(c) Excavations on shore lands where the intended purpose is connection to a public water shall require a permit from the county Zoning Administrator before construction is begun. Such permit may be obtained only after the Commissioner of Natural Resources has issued a permit for work in the beds of public waters.

Subdivision 7. Land Subdivisions. No land shall be subdivided which is held not suitable for the proposed use by the Board of Commissioners for reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the community. The Board of Commissioners in applying the provisions of this section shall in writing recite the particular facts upon which it bases its conclusions that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such suitability at a public hearing as provided in M.S. 394.26. Thereafter the Board of Commissioners may affirm, modify or withdraw its determination of unsuitability.

Subdivision 8. Nonconforming Uses.

1. Any uses in existence prior to the date of enactment of this Ordinance which do not conform to the use restrictions of the established zoning district are nonconforming uses. All sanitary facilities inconsistent herewith shall be brought into conformity or discontinued within five (5) years from the date of enactment of this Ordinance. All other nonconforming uses shall be subject to the following conditions:

(a) No such use shall be expanded or enlarged except in conformity with the provisions of this Ordinance.

(b) No structural alteration, addition, or repair to any nonconforming structure over the life of the structure shall exceed fifty (50) percent of its assessed value at the time of its becoming a non conforming use unless permanently changed to a conforming use.

(c) If such use is discontinued for twelve (12) consecutive months, any future use of the building or premises shall conform to this Ordinance. The county assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses which have been discontinued for a period of twelve (12) consecutive months.

(d) Uses or adjuncts thereof which are nuisances shall not be permitted to continue as nonconforming uses.

2. Any uses of shorelands in existence prior to the date of enactment of this Ordinance which are permitted within the applicable zoning district, but do not meet the minimum lot area, setbacks or other dimensional requirements of this Ordinance are substandard uses, including substandard sanitary facilities, shall be allowed to continue. However, any structural alteration or addition to a substandard use which will increase the substandard dimensions shall not be allowed.

Subdivision 9. Additional Standards Applicable to Conditional use Permits in S-1 Shoreland District.

1. In passing upon a Conditional Use Permit in the S-1 Shoreland District the Planning Commission shall evaluate the effect of the proposed use upon the following:

- (a) The maintenance of safe and healthful conditions.
- (b) The prevention of control of water pollution including sedimentation.
- (c) Existing topographic and drainage features and vegetative cover on the site.
- (d) The location of the site with respect to floodplains and floodways of rivers and streams.
- (e) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
- (f) The location of the site with respect to existing or future access roads.
- (g) The need of the proposed use for a shoreland location.
- (h) Its compatibility with uses on adjacent land.
- (i) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.
- (j) Locational factors under which:
 - (1) Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source;

(2) Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.

2. Upon consideration of the factors listed above, the Planning Commission may attach such conditions, in addition to those required elsewhere in this Ordinance, that it deems necessary in furthering the purposes of this Ordinance. Violation of any of these conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; increased setbacks and yards; specified sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; locations of piers, docks, parking and signs; type of construction or any other requirements necessary to fulfill the purpose and intent of this Ordinance.

In order to secure information upon which to base its determination the Planning Commission may require the applicant to furnish, in addition to the information required for a zoning permit, the following information:

- (a) A plan of the area showing contours, soil types, high water mark, ground water conditions, bedrock, slope and vegetative cover.
- (b) Location of buildings, parking area, traffic access, driveways, walkways, piers, open spaces and landscaping.
- (c) Plans of buildings, sewage disposal facilities, water supply systems, and arrangements of operations.
- (d) Specifications for areas of proposed filling, grading, lagooning or dredging.
- (e) Other pertinent information necessary to determine if the proposed use meets the requirements of this Ordinance.

The Planning Commission in evaluating each application may request the County Soil and Water Conservation District to make available expert assistance from those state and federal agencies which are assisting said district under a memorandum of understanding and any other state or federal agency which can provide technical assistance.

SECTION 19. F-1 FLOODPLAIN MANAGEMENT DISTRICT.

Subdivision 1. Purpose. The intent of the Floodplain Management District is to maintain the County's eligibility in the National Flood Insurance Program and to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

Subdivision 2. Warning of Disclaimer of Liability. SECTION 19 does not imply that areas outside the floodplain district or land uses permitted within such districts will be free from flooding and flood damages. The floodplain Management District shall not create liability on the part of the county or any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decisions lawfully made thereunder.

Subdivision 3. General Provisions.

1. The Floodplain Management District shall apply to all lands designated as floodplain within the jurisdiction of the County of Rock.
2. The boundaries of the floodplain district shall be determined by scaling distances on the Official Floodplain Zoning District Map. Where interpretation is needed as to the exact location of the boundaries of the floodplain district, the Zoning Administrator shall make the necessary interpretation based on elevation on the regional (100-year) flood profile, if available. If 100-year flood elevations are not available, the county shall: 1) Require a floodplain elevation consistent with Subdivision 5.3 of this Section to determine a 100-year flood elevation for the site; or 2) base its decision on available hydraulic/hydrologic or site elevation survey data which demonstrates the likelihood the site is within or outside the floodplain.

Subdivision 4. Conflict With Pre-Existing Zoning Regulations.

1. The floodplain zoning district shall be considered an overlay zoning district to all existing land use regulations of the county. The uses permitted in subdivisions 5 and 6 of this Section shall be permitted only if not prohibited by any established, underlying zoning district. The requirements of this ordinance shall apply in addition to other legally established regulations of the county where this ordinance shall apply in addition to other legally established regulations of the county and where this Section imposes greater restrictions, the provisions of this ordinance shall apply.
2. Compliance: No new structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of SECTION 19 and other applicable regulations which apply to uses within the jurisdiction

of SECTION 19. Within the Floodway and Flood Fringe, all uses not listed as permitted uses in Subdivision 5 of this Section shall be prohibited. In addition, a caution is provided here that:

- a. New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of SECTION 19 and specifically 5 and 12;
- b. Modifications, additions, structural alterations or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of SECTION 19 and specifically Subdivision 10; and
- c. As-built elevations for elevated structures must be certified by ground surveys as stated in Subdivision 8 of SECTION 19 of this Ordinance.

Subdivision 5. Permitted Uses, Standards, and Floodplain Evaluation Criteria.

1. Permitted Uses in the Floodplain. The following uses of land are permitted uses in the floodplain district:

- a. Any use of land which does not involve a structure, an addition to the outside dimensions to an existing structure or an obstruction to flood flows such as fill or storage of materials or equipment.
- b. Any use of land involving the construction of new structures, the addition to the outside dimensions of any existing structure or obstructions such as fill or storage of materials or equipment, provided these activities are located in the flood fringe portion of the floodplain. These uses shall be subject to the development standards in Subdivision 5.2 of this ordinance and the floodplain evaluation criteria in Subdivision 5.3 of this ordinance for determining floodway and flood fringe boundaries.
- c. Travel trailers and travel vehicles are regulated by Subdivision 12 of SECTION 19.
- d. New accessory structures or additions to existing accessory structures costing \$1,000 or less are exempt from the floodplain requirements as long as they do not require placement of fill or are obstructions as defined in SECTION 4 of this Ordinance.

2. Standards for Floodplain Permitted Uses

a. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation - FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

b. Storage of Materials and Equipment:

(1) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

(2) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning or if placed on fill to the Regulatory Flood Protection Elevation.

c. No use shall be permitted which will adversely affect the capacity of the channels or floodways of any tributary to the main stream, or of any drainage ditch, or any other drainage facility or system.

d. All structures, including accessory structures, additions to existing structures and manufactured homes, shall be constructed on fill so that the basement floor, or first floor if there is no basement, is at or above the regulatory flood protection elevation. The finished fill elevation must be no lower than one foot below the Regulatory Flood Protection Elevation and shall extend at such elevation at least 15' beyond the limits of the structure constructed thereon.

e. All Uses. Uses that do not have vehicular access at or above an elevation not more than two feet below the Regulatory Flood Protection Elevation to lands outside of the flood plain shall not be permitted unless granted a variance by the Board of Adjustment. In granting a variance, the Board shall specify limitations on the period of use or occupancy of the use and only after determining that adequate flood warning time and local emergency response and recovery procedures exist.

f. Commercial and Manufacturing Uses. Accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the Regulatory Flood Protection Elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be

inundated to a depth greater than two feet or be subject to flood velocities greater than four feet per second upon occurrence of the regional flood.

g. On-site Sewage Treatment and Water Supply Systems: Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.

h. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

3. Floodplain Evaluation.

a. Upon receipt of an application for a permit, manufactured home park development or subdivision approval within the floodplain district, the Zoning Administrator shall require the applicant to furnish sufficient site development plans and a hydrologic/hydraulic analysis by a qualified engineer or hydrologist specifying the nature of the development and whether the proposed use is located in the floodway or flood fringe and the Regulatory Flood Protection Elevation for the site. Procedures consistent with Minnesota Rules 1983 Parts 6120.5600 (Technical Standards and Requirements for Floodplain Evaluation) and 6120.5700 (Minimum Floodplain Management Standards for Local Ordinances) shall be followed during the technical evaluation and review of the development proposal.

b. The Zoning Administrator shall submit one copy of all information required by Subdivision 5.3A of SECTION 19 to the respective Department of Natural Resources' Area Hydrologist for review and comment at least 20 days prior to the granting of a use/building permit or manufactured home park development/subdivision approval by the community. The Planning Commission may accept or reject any review comments provided. The Zoning Administrator shall notify the respective Department of Natural Resources Area Hydrologist within 10 days after a use/building permit or manufactured home park development/subdivision approval is granted.

Subdivision 6. Utilities, Railroads, Roads and Bridges in the Flood Plain District. All utilities and transportation facilities, including railroad tracks, roads and bridges, shall be constructed in accordance with state flood plain management standards contained in Minnesota Rules 1983 Parts 6120.5000 - 6120.6200.

Subdivision 7. Subdivisions.

1. No land shall be subdivided and no manufactured home park shall be developed or expanded where the site is determined to be suitable by the Planning and Zoning Commission for reason of flooding or inadequate drainage, water supply or sewage treatment facilities. The Zoning Administrator shall review the subdivision/development proposal to insure that each lot or parcel contains sufficient area outside of the floodway for fill placement for elevating structures, sewage systems and related activities.
2. In the Floodplain District, applicants for subdivision approval or development of a manufactured home park or manufactured home park expansion shall provide the information required in Subdivision 5.3A of this Section. The Zoning Administrator shall evaluate the proposed subdivision or mobile home park development in accordance with the standards established in Subdivisions 5.2, 5.3, and 6.
3. For all subdivisions in the flood plain, the Floodway and Flood Fringe boundaries, the Regulatory Flood Protection Elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.
4. Removal of Special Flood Hazards Area Designation: The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

Subdivision 8. Administration.

1. A Use/Building Permit issued by the Zoning Administrator shall be secured prior to the construction, addition, or alteration of any building or structure; prior to the use or change of use of a building, structure, or land; prior to the change or extension of a nonconforming use; and prior to the placement of an obstruction within the floodplain.
2. Prior to granting a Use/Building Permit or processing an application for a Variance, the Zoning Administrator shall determine that the applicant has obtained all necessary State and Federal permits.

3. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. The Zoning Administrator shall maintain a record of the elevation of the first floor (including basement) for all structures in the floodplain district.

Subdivision 9. Variances.

1. A variance means a modification of a specific permitted development standard required in an official control including SECTION 19 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 hardship, practical difficulty or unique circumstance as defined and elaborated upon in the County's respective planning and zoning enabling legislation.

2. The board may authorize upon appeal in specific cases such relief or variance from the terms of SECTION 19 as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for Counties. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in the respective enabling legislation which justified the granting of the variance.

3. No variance shall allow in any district a use prohibited in that district or permit a lower degree of flood protection than the Regulatory Flood Protection Elevation. Variances may be used to modify permissible methods of flood protection.

4. The Board shall submit by mail to the Commission of Natural Resources a copy of the application for proposed Variance sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing. A copy of all decisions granting a Variance shall be forwarded by mail to the Commission of Natural Resources within ten (10) days of such action.

5. Appeals from any decision of the Board may be made, and as specified in this Community's Official Controls and also Minnesota Statutes.

6. Flood Insurance Notice and Record Keeping. The Zoning Administrator shall notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and 2) Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its

annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

Subdivision 10. Nonconformities. A structure or the use of a structure or premises which was lawful before the passage or amendment of SECTION 19 but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:

1. No such use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.
2. An alteration within the inside dimensions of a nonconforming use or structure is permissible provided it will not result in increasing the flood damage potential of that use or structure.
3. The cost of all structural alterations or additions both inside and outside of a structure to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of Subdivision 10 of SECTION 19 are satisfied. The cost of all structural alterations and additions constructed since the adoption of the County's initial floodplain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds 50 percent of the current market value of the structure, then the structure must meet the standards of Subdivision 5 of SECTION 19 for new structures.
4. If any nonconforming use of a structure or land is destroyed by any means, including flood, to an extent of 50 percent or more of its market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance. The Zoning Administrator may issue a Permit for reconstruction if the use is located outside the floodway and, upon reconstruction, is adequately elevated on fill in conformity with the provisions of this Section.

Subdivision 11. Penalties for Violation.

1. In responding to a suspected ordinance violation, the Zoning Administrator and County Board may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The county must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.
2. When an ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation

and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the County's plan of action to correct the violation to the degree possible.

3. The Zoning Administrator shall notify the suspected party of the requirements of SECTION 19 and all other Officials Controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the County. If the construction or development is already completed, then the Zoning Administrator may either (1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls, or (2) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30 days.

4. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of SECTION 19 and shall be prosecuted accordingly. The Zoning Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this Ordinance.

Subdivision 12. Travel Trailers and Travel Vehicles.

1. Exemption - Travel trailers and travel vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in Subdivision 12.2 below and further they meet the following criteria.

(a) Have current licenses required for highway use.

(b) Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campground and trailer parks and the travel trailer/ travel vehicle has no permanent structural type additions attached to it.

(c) The travel trailer or travel vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.

2. Areas Exempted for Placement of Travel/Recreational Vehicles:

(a) Individual lots or parcels of record.

(b) Existing commercial recreational vehicle parks or campgrounds.

(c) Existing condominium type associations.

3. Travel trailers and travel vehicles exempted in Subdivision 12.1 lose this exemption when development occurs on the parcel exceeding 500 dollars for a structural addition to the travel trailer/travel vehicle or an accessory structure such as a garage or storage building. The travel trailer/travel vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation requirements and the use of land restrictions specified in Subdivision 5 of SECTION 19.

4. New commercial travel trailer or travel vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:

(a) Any new or replacement travel trailer or travel vehicle will be allowed in the Floodway or Flood Fringe Districts provided said trailer or vehicle and its contents are placed on fill above the Regulatory Flood Protection Elevation determined in accordance with the provisions of Subdivision 5.3 of SECTION 19 and proper elevated road access to the site exists in accordance with Subdivision 5 of SECTION 19. No fill placed in the floodway to meet the requirements of this Section shall increase flood stages of the 100-year or regional flood.

(b) All new or replacement travel trailers or travel vehicles not meeting the criteria of (a) above may, as an alternative, be allowed if in accordance with the following provisions. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100 year flood. Said plan shall be prepared by a registered engineer or other qualified individual and shall demonstrate that adequate time and personnel exist to carry out the evacuation. All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Subdivision 5.2G of SECTION 19.

SECTION 20. B-1 HIGHWAY SERVICE BUSINESS DISTRICT.

Subdivision 1. Purpose. The intent of the B-1 HIGHWAY SERVICE BUSINESS DISTRICT is to provide a district, that will: (1) allow compact and convenient limited highway oriented business, closely related to existing urban areas in the County, and (2) provide development standards that will not impair the traffic carrying capabilities of abutting roads and highways.

Subdivision 2. Permitted Uses. The following uses shall be permitted within the B-1 BUSINESS DISTRICT:

1. Agriculture.
2. Automobile laundries, car wash.
3. Automobile service stations, and garage for automobile repair for the sale of gasoline, oil and accessories.
4. Bowling alleys.
5. Drive-in retail stores or service uses.
6. Drive-in restaurants or similar uses that provide goods and services to patrons in automobiles.
7. Drive-in theater.
8. Landscape nursery, garden store.
9. Marine and boat sales.
10. Miniature golf course or archery or golf driving range.
11. Motel, motor hotel or tourist camp.
12. Professional office.
13. Restaurant, tea room, café or tavern.
14. Signs and billboards, as regulated in SECTION 23..
15. Essential services and transmission lines.

Subdivision 3. Conditional Uses. The following uses may be allowed in the B-1 BUSINESS DISTRICT, subject to the "General Regulations" provisions of this Ordinance.

1. Other highway oriented business activities of the same general character as listed in Subdivision 1 of this SECTION.
2. Two-family and multi-family dwellings.
3. Trailer parks.
4. The use, as a place of residence of a part of the principal building in which a business activity is conducted.
5. One-family dwellings.

Subdivision 4. Accessory Uses. The following uses shall be Permitted Accessory Uses within a B-1 HIGHWAY SERVICE BUSINESS DISTRICT:

1. Accessory uses customarily incident to the uses permitted in Subdivisions 2 and 3 of this SECTION.

Subdivision 5. Height, Yard and Lot Width and Coverage Regulations.

1. Height Regulations.
 - (a) No building shall hereafter be erected or structurally altered to exceed two (2) stories or thirty (30) feet in height.
2. Front Yard Regulations
 - (a) There shall be front yard setback of not less than one hundred thirty (130) feet from the center line of all highways.
 - (b) There shall be a front yard setback of not less than sixty-five (65) feet from the center line of all other public rights of way.
 - (c) Where a lot is located at the intersection of two (2) or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard setback of either road.
3. Side Yard Regulations
 - (a) There shall be a side yard having a width of not less than fifteen (15) feet on each side of a building,

(b) except that no building shall be located within thirty (30) feet of any side lot line abutting a lot in any of the CLASSES OF RESIDENCE DISTRICTS.

4. Rear Yard Regulations.

(a) There shall be a rear yard having a depth of not less than fifteen (15) feet

(b) except that no building shall be located within thirty (30) feet of any rear lot line abutting a lot in any of the CLASSES OF RESIDENCE DISTRICTS

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

6. Lot Coverage Regulations. Not more than fifty (50) percent of the lot or plot area shall be occupied by buildings.

Subdivision 6. General Regulations. Additional requirements for signs, parking and other regulations in the B-1 BUSINESS DISTRICT are set forth in the "General Regulations" provisions and made a part of SECTION 20 by this reference.

SECTION 21. B-2 GENERAL BUSINESS DISTRICT.

Subdivision 1. Purpose. The intent of the B-2 GENERAL BUSINESS DISTRICT is to provide a district that will retain and allow general commercial uses in the small, unincorporated urban communities in the County.

Subdivision 2. Permitted Uses. The following uses shall be permitted within the B-2 BUSINESS DISTRICT.

1. Agriculture.
2. Automobile laundries, car wash.
3. Automobile service stations and garage for automobile repair, for the sale of gasoline, oil, and accessories.
4. Bowling alleys.
5. Drive-in retail stores or service uses.
6. Drive-in restaurants or similar uses that provide goods and services to patrons in automobiles.
7. Drive-in theater.
8. Landscape nursery, garden store.
9. Marine and boat sales.
10. Miniature golf course or archery or golf driving range.
11. Motel, motor hotel or tourist camp.
12. Professional office.
13. Restaurant, tea room, café or tavern.
14. Signs and billboards as regulated in SECTION 23.
15. .Appliance store.
16. Bank, savings institution.

17. Barber or beauty shop.
18. Bicycle sales and repair shop.
19. One-family dwellings.
20. Book or stationery store, antique or gift shop, art and school supply.
21. Candy, ice cream, soft drinks or confectionery stores.
22. Cabinet or carpenter shop.
23. Clothing or ready-to-wear stores, dry goods or notion stores.
24. Delicatessen.
25. Drug store.
26. Dry cleaning or laundry collection station.
27. Frozen food lockers for industrial or family use.
28. Furniture store.
29. Garages, and automobile service stations for the sale of gasoline, oil and accessories.
30. Grocery, fruit, vegetable or meat store, bakery or pastry shop.
31. General store, department store.
32. Hardware store.
33. Launderettes or self-service laundries.
34. Municipal or government buildings.
35. News stand.
36. Offices, business or professional.
37. Postal sub-station.
38. Shoe store or shoe repair shop.

39. Telephone booth (outside).
40. Variety store.
41. Vending machines.
42. Billboards and signs, as regulated in SECTION 23.
43. Essential services and transmission lines.

Subdivision 3. Conditional Uses. The following uses may be allowed in the B-2 BUSINESS DISTRICT, subject to the "General Regulations" provisions of this Ordinance.

1. Other business activities of the same general character as listed in Subdivision 2 of this SECTION.
2. The use, as a place of residence, of a part of the principal building in which a business activity is conducted.
3. Two-family dwellings.

Subdivision 4. Accessory Uses. The following uses shall be Permitted Accessory Uses within the B-2 BUSINESS DISTRICT:

1. Accessory uses customarily incidental to the uses permitted in Subdivisions 2 and 3 of this SECTION.

Subdivision 5. Height and Yard Regulations.

1. Height Regulations: No building shall hereafter be erected or structurally altered to exceed three (3) stories or forty (40) feet in height.
2. Front Yard Regulations:
 - (a) There shall be a front yard setback of not less than one hundred thirty (130) feet from the center line of all highways.
 - (b) No front yard shall be required on other public rights of way.
3. Side Yard Regulations:
 - (a) No side yard shall be required,

(b) except that no building shall be located within ten (10) feet of any side lot line abutting a lot in any of the CLASSES OF RESIDENCE DISTRICTS.

4. Rear Yard Regulations:

(a) No rear yard shall be required,

(b) except that no building shall be located within fifteen (15) feet of any rear lot line abutting a lot in any of the CLASSES OF RESIDENCE DISTRICTS.

Subdivision 6. General Regulations. Additional requirements for signs, parking and other regulations in the B-2 BUSINESS DISTRICT are set forth in the "General Regulations" provisions and incorporated into SECTION 21 by this reference.

SECTION 22. I-1 GENERAL INDUSTRY DISTRICT.

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

Subdivision 2. Permitted Uses. The following uses shall be permitted within the I-1 GENERAL INDUSTRY DISTRICT:

1. Industrial activities of the same general character as permitted in this section.
2. Billboards, signs, as regulated in SECTION 23.
3. Bottling establishments.
4. Building material sales and storage, lumber yards.
5. Broadcasting antennae, television and radio.
6. Camera and photographic supplies manufacturing.
7. Cartage and express facilities.
8. Cartography and bookbinding.
9. Contractors' offices; shops and yards for plumbing, hearing, glazing, painting, paper hanging, roofing, ventilating, air conditioning, masonry, electrical and refrigeration.
10. Dry cleaning plants.
11. Electric light or power-generating stations.
12. Electrical and electronic projects manufacture.
13. Electrical service shops.
14. Engraving, printing and publishing.
15. Freight terminal.
16. Fuel and ice sales and storage.

17. Garages for storage, repair and servicing of motor vehicles.
18. Highway maintenance shops and yards.
19. Jewelry manufacturer.
20. Laundries.
21. Medical, dental and optical laboratories.
22. Monument works.
23. Public service structures, including power substations, gas regulator stations, sewage disposal plant, telephone exchange, police or fire station, elevated tanks and water works.
24. Essential services and transmission lines.
25. Printing.
26. Railroad right-of-ways, railroad yards.
27. Storage or warehousing.
28. Wholesale business and office establishments.

Subdivision 3. Conditional Uses. The following uses may be allowed in the I-1 GENERAL INDUSTRY DISTRICT, subject to the "General Regulations" provisions of this Ordinance.

1. Any manufacturing, production, processing, cleaning, storage, servicing, repair and testing of materials, goods or products which conform with the performance standards set forth for this DISTRICT.
2. Junk yards, salvage yards, dumping grounds.
3. Extraction, processing or storage of sand, gravel, stone or other minerals.
4. Existing agriculture.
5. Automobile laundries, car wash.
6. Automobile service stations and garage for automobile repair, for the sale of gasoline, oil, and accessories.

7. Bowling alleys.
8. Drive-in retail stores or service uses.
9. Drive-in restaurants or similar uses that provide goods and services to patrons in automobiles.
10. Drive-in theater.
11. Landscape nursery, garden store.
12. Marine and boat sales.
13. Miniature golf course or archery or golf driving range.
14. Motel, motor hotel or tourist camp.
15. Professional office.
16. Restaurant, tea room, café or tavern.
17. Signs and billboards as regulated in SECTION 23.
18. Appliance store.
19. Bank, savings institution.
20. Barber or beauty shop.
21. Bicycle sales and repair shop.
22. Book or stationery store, antique or gift shop, art and school supply.
23. Candy, ice cream, soft drinks or confectionery stores.
24. Cabinet or carpenter shop.
25. Clothing or ready-to-wear stores, dry goods or notion stores.
26. Delicatessen.
27. Drug store.

28. Dry cleaning or laundry collection station.
29. Frozen food lockers for industrial or family use.
30. Furniture store.
31. Garages, and automobile service stations for the sale of gasoline, oil and accessories.
32. Grocery, fruit, vegetable or meat store, bakery or pastry shop.
33. General store, department store.
34. Hardware store.
35. Laundrettes or self-service laundries.
36. Municipal or government buildings.
37. News stand.
38. Offices, business or professional.
39. Postal sub-station.
40. Shoe store or shoe repair shop.
41. Telephone booth (outside).
42. Variety store.
43. Vending machines.
44. The use, as a place or residence, of a part of the principal building in which the industrial activity is conducted.

Subdivision 4. Accessory Uses. The following uses shall be Permitted Accessory Uses within an I-1 GENERAL INDUSTRY DISTRICT:

1. Accessory uses customarily incidental to the uses permitted in Subdivisions 2 and 3 of this SECTION.

Subdivision 5. Height, Yard and Lot Width and Building Coverage Regulations.

1. Height Regulations: No building shall hereafter be erected or structurally altered to exceed four (4) stories or forty-five (45) feet in height.

2. Front Yard Regulations:

(a) There shall be a front yard setback of not less than one hundred thirty (130) feet from the center line of all highways.

(b) There shall be a front yard setback of not less than sixty-five (65) feet from the center line of all public rights of way.

(c) Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard setback of either road.

3. Side Yard Regulations:

(a) No side yard shall be required,

(b) except that no building shall be located within fifty (50) feet of any side lot line abutting a lot in any of the CLASSES OF RESIDENCE OR AGRICULTURE DISTRICTS.

4. Rear Yard Regulations:

(a) No rear yard shall be required,

(b) except that no building shall be located within fifty (50) feet of any rear lot line abutting a lot in any of the CLASSES OF RESIDENCE OR AGRICULTURE DISTRICTS.

5. Lot Width Regulations: Every lot or tract shall have a width of not less than one hundred (100) feet abutting a public right of way.

6. Lot Coverage Regulations: Not more than fifty (50) percent of the total area of a lot shall be covered by buildings.

Subdivision 6. General Regulations. Additional requirements for signs, parking and other regulations in the I-1 GENERAL INDUSTRY DISTRICT are set forth in the "General Regulations" provisions of this Ordinance and made a part of SECTION 22 by this reference.

GENERAL REGULATIONS

The following General Regulations are in addition to the district regulations and shall regulate all applicable situations irregardless of the zoning district.

SECTION 23. SIGN REGULATIONS.

All signs hereafter erected or maintained, except official, public, traffic and street signs, and warning signs shall conform with the provisions of this Subdivision and any other ordinances or regulations of Rock County.

Subdivision 1. General Provisions. The following regulations shall apply to all signs hereinafter in all DISTRICTS:

1. From and after the effective date of this Ordinance, no sign shall be constructed unless, prior to construction, the owner makes application for, and thereafter obtains, a permit. Application for such permits shall be made to the Zoning Administrator and shall be accompanied by detailed plans and such other necessary information to determine the location and compliance with all applicable regulations. Said permit may be issued upon payment of the required permit fee.
2. Signs shall not be permitted within the public right-of-way or easements except warning signs for utilities or essential services.
3. Flashing or rotating signs resembling emergency vehicles shall not be permitted in any district.
4. Signs painted on a building shall be governed by the square footage limitations specified in the appropriate zoning districts. These shall be repainted when required, to be kept in good condition, and shall be repainted, removed or painted upon 30 days' notice when, in the opinion of the Board of County Commissioners, they are not so maintained.
5. No sign shall be placed that resembles any official marker erected by a governmental agency or shall display such words as "stop" or "danger".
6. No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, aid, ingress or egress for any building or structure.
7. The owner, lessee or manager of any ground sign and the owner of the land on which the same is located shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which a sign is located.

8. Advertising signs, business signs and name plate signs which may be or may hereafter become rotted, unsafe or unsightly shall be repaired or removed by the owner or lessee of the property upon which the sign stands upon 30 days' notice of the Board of County Commissioners.

9. Where a sign is illuminated, the source of light shall not shine upon any part of a residence or into any RESIDENCE DISTRICT.

Subdivision 2. Signs in A-1 LIMITED AGRICULTURE DISTRICTS and R-1 RESIDENCE DISTRICTS. In A-1 and R-1 DISTRICTS, no sign, advertising sign or business sign shall be erected, except for the following:

1. A name plate sign or professional name plate sign identifying the owner or occupant of a building or dwelling unit, provided the surface area does not exceed two (2) square feet. (This sign may be placed in any front yard, but in no case may it be placed in any side yard.) Such sign may be illuminated.

2. A sign pertaining to the lease or sale of a building or property, provided such sign shall not exceed twelve (12) square feet in surface area and shall not be illuminated.

3. Temporary signs advertising a new subdivision development; each subdivision or development shall be allowed the following signs:

(a) One sign not to exceed ninety-six (96) square feet in surface area, no more than fifteen (15) feet in height.

(b) Directional signs not to exceed two (2) square feet in surface area, provided that each subdivision shall be limited to one such sign per major thoroughfare approach to the subdivision or development. No such sign shall be allowed on minor residential streets.

4. Temporary unilluminated signs identifying an engineer, architect, contractor or product engaged in or used in the construction of a building, provided such signs shall not exceed twelve (12) square feet each in surface area and are no more than fifteen (15) feet in height.

5. One identification sign, not to exceed thirty (30) square feet in area, for the following uses: churches, school, hospital, parks, recreation areas, and business signs advertising goods and products raised and sold on the premises or similar uses. Such signs shall be solely for the purpose of displaying the name of the use and its activities and services. It may be illuminated, but not flashing.

6. Seasonal signs shall not exceed 8 square feet in surface area and are no more than 8 feet in height.

7. Signs for allowed Conditional Uses, subject to the following provisions:

(a) No more than one (1) freestanding pylon sign of not more than thirty-five (35) square feet in surface area and not more than fifteen (15) feet in height above the average grade.

(b) No more than one (1) flat wall sign, which shall not exceed thirty-five (35) square feet in surface area.

Subdivision 3. Signs in A-2 GENERAL AGRICULTURE DISTRICTS. In A-2 DISTRICTS, no sign, advertising sign or business sign shall be erected, except for the following:

1. Signs as permitted and regulated in A-1 and R-1 DISTRICTS.

2. Advertising signs and billboards, subject to the following provisions:

(a) Advertising structures shall be limited to no more than two (2) signs per facing, a total of not more than four (4) signs per structure.

(b) Advertising structures shall be limited to not more than fifty-five (55) feet in total length.

(c) No advertising sign shall project higher than twenty (20) feet above average grade.

(d) No advertising sign structure shall be permitted within six hundred sixty (660) feet of any existing advertising sign or advertising structure on the same side of the road or highway.

(e) No advertising sign structure shall be permitted within three hundred thirty (330) feet of a dwelling, at-grade-intersection of two (2) or more roads or at-grade-intersection of any road and a railroad.

3. Business signs for allowed Conditional Uses, subject to the following provisions:

(a) No more than one (1) freestanding pylon sign of not more than thirty-five (35) square feet in surface area and no more than twenty (20) feet in height above the average grade.

Subdivision 4. Signs in B-1 HIGHWAY SERVICE and B-2 GENERAL BUSINESS DISTRICTS. In B-1 and B-2 BUSINESS DISTRICTS, no sign, advertising sign or business sign shall be erected, except for the following:

1. Signs as permitted in A-1, A-2 and R-1 DISTRICTS.
2. Advertising signs, subject to the following provisions:
 - (a) Advertising sign structures shall be limited to not more than one (1) for a lot of one hundred (100) feet of lot frontage.
 - (b) Such advertising structure may not contain more than two (2) signs per facing nor exceed fifty-five (55) feet in total length.
 - (c) Advertising structures shall not exceed twenty (20) feet in height above the average grade.
 - (d) No advertising sign shall be erected within fifty (50) feet of any adjoining RESIDENCE DISTRICT.
3. Business signs, subject to the following provisions:
 - (a) No more than one (1) freestanding pylon sign of not more than thirty-five (35) square feet in surface area.
 - (b) The total surface area of all business signs on a lot shall not exceed the sum of two (2) square feet per lineal foot of lot frontage or ten (10) percent of the front building face area or seventy-five (75) square feet in area, whichever is greater.
 - (c) No business sign shall project above the permitted building height.

Subdivision 5. Signs in I-1 GENERAL INDUSTRY DISTRICTS. In I-1 INDUSTRY DISTRICTS, no sign advertising sign or business sign shall be erected, except for the following:

1. Signs as permitted in A-1, A-2, and R-1 DISTRICTS.
 - (a) Advertising signs structures shall be limited to not more than one (1) for a lot of one hundred (100) foot frontage or less and to only one (1) per each additional one hundred (100) feet of lot frontage.
 - (b) Such advertising structure may not contain more than two (2) signs per facing nor exceed fifty-five (55) feet in total length.
 - (c) Advertising structures shall not exceed twenty (20) feet in height above the average grade.

(d) No advertising sign shall be erected within fifty (50) feet of any adjoining RESIDENCE DISTRICT.

2. Business signs, subject to the following:

(a) No more than one (1) freestanding pylon sign of not more than one hundred (100) square feet in surface area.

(b) The total surface area of all business signs on a lot shall not exceed three (3) square feet for each lineal foot of lot frontage or twenty (20) percent of the front building face area or three hundred (300) square feet in area, whichever is greater.

(c) No business sign shall project above the permitted building height.

APR 03 2001

SECTION 24. MINERAL EXTRACTIONS.

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

Subdivision 1. Definition. Extraction pit, as used in this Subdivision, shall mean any artificial excavation of the earth, within the County, dug, excavated, or made by the removal from the natural surface of the earth of sod, soil, sand, gravel, stone or other matter or made by tunneling or breaking or undermining the surface of the earth. Excavations ancillary to other construction of any installation erected or to be erected, built, or placed thereon contemporaneously with or immediately following such excavation and covering or to cover such excavation when completed are excepted, if a permit has been issued for such construction or installation. Excavations not exceeding fifty (50) square-feet of surface area to two (2) feet in depth and excavations including impounding of water for agricultural purposes are exempted. Excavations for borrow material related to a road construction project, taken from a borrow site adjacent to the project, are exempted.

Subdivision 2. Conditional Use Permit Required. No person shall hereafter dig, excavate, enlarge, make, maintain or allow to be maintained, upon property owned or used by him, any open pit or excavation or any impounded water, without first making an application for and obtaining from the Board of County Commissioners and the County Planning Commission a conditional use permit therefore. Section 9, Subdivision 7 notwithstanding, a conditional use permit granted under this Section shall remain in effect for a period of five (5) years so long as the conditions agreed upon are observed and there occurs no change of ownership. Application for a renewal of the conditional use permit shall be made no later than thirty (30) days prior to the expiration of the five (5) year term. Additionally, application shall be made annually for a gravel extraction renewal permit in such form as the Rock County Zoning Administrator may direct. The Rock County Zoning Administrator shall be vested with the authority to grant gravel extraction renewal permits but shall advise the Planning and Zoning Board annually of the status of all permits so granted. If the conditional use permit application is denied, no application may be made for the same extraction site within five (5) years from the date of denial, unless the application is accompanied by the written consent to the project by all of the landowners within one thousand (1,000) feet of the proposed extraction operation.

Subdivision 3. Application. Application for a permit for the extraction of minerals, open pits and impounding of waters shall be made in such form, and the applicant shall furnish such information, as shall be required by the Board of County Commissioners, and among other things shall include:

1. The applicant's true name and address.
2. A full description of the location and acreage of the area where the pit or excavation is or is to be or where the impounded waters are or are to be maintained and also a full

description of the location on such land of the pit, excavation or impounded waters.

3. The following maps of the entire site and to include all areas within five hundred (500) feet of the site. All maps shall be drawn at a scale of one (1) inch to one hundred (100) feet unless otherwise stated below or as otherwise approved by the county.

Map A - Existing conditions to include:

Contour lines at ten (10) foot intervals.

Existing vegetation.

Existing drainage and permanent water areas.

Existing structures.

Existing wells.

Map B - Proposed operations to include:

Structures to be erected.

Location of sites to be extracted showing depth of proposed excavation.

Location of tailings deposits showing maximum height of deposits.

Location of machinery to be used in the extraction operation.

Location of storage of extracted materials, showing height of storage deposits.

Location of vehicle parking.

Location of storage of explosives

Erosion and sediment control structures.

Map C - End use plan to include:

Location and species of vegetation to be replanted.

Location and nature of any structures to be erected in relation to the end use plan.

4. A soil erosion and sediment control plan.

5. A plan for dust and noise control.
6. When required by the State of Minnesota, an approval by the State to impound such waters or to make such excavation as described in the application.
7. The purpose of the pit or excavation or the quantity of water impounded.
8. A plan shall be submitted identifying the highways, roads or other public ways in the County upon which any material for removal is to be hauled or carried and the repair and maintenance responsibilities shall be identified through a haul road agreement with the Township and/or the Rock County Engineer's Office.
9. A full and adequate description of all phases of the proposed operation to include an estimate of duration of the extracting operation.
10. Any other information requested by the Planning Commission or governing body.

Subdivision 4. Renewal of Extraction Permits. All property owners and residents within one thousand (1,000) feet of the extracting operation shall be notified of an extraction permit renewal request.

Subdivision 5. Use Restrictions. The crushing, washing, refining or processing other than the initial removal of material shall be considered a separate Conditional Use.

Subdivision 6. Performance Standards. The governing body may impose additional performance standards as part of the Conditional Use Permit.

1. Properly fence any pit or excavation; including the following standards when any extracting operation is adjacent to a residential zone or within three hundred (300) feet of two (2) or more residential structures:

(a) Where collections of water occur that are one and one-half (1½) feet or more in depth existing for any period of at least one (1) month, and occupy an area of seven hundred (700) square feet or more, all access to such collections of water shall be barred by a fence or some similarly effective barrier such as a snow fence of at least four (4) feet in height.

(b) In locations where slopes occur that are steeper than one (1) foot vertical to three (3) feet horizontal existing for a period of one (1) month or more, access to such slopes shall be barred by a fence or some similarly effective barrier such as a snow fence at least four (4) feet in height.

2. Slope the banks and otherwise properly guard and keep any pit or excavation in such condition as not to be dangerous from caving or sliding banks.

3. Properly drain, fill or level any pit or excavation, after created, so as to make the same safe and healthful, as the Board shall determine.

4. Keep any pit, excavation or impounded waters within the limits for which the particular permit is granted; including the following standards:

(a) The extracting operation shall not be allowed to interfere with surface water drainage beyond the boundaries of the extracting operation.

(b) The extracting operation shall not adversely affect the quality of surface or subsurface water resources.

(c) Surface water originating outside and passing through the operation site shall, at its point of departure from the site, be of equal quality to the water at the point where it enters the site. The extracting operator shall perform any water treatment necessary to comply with this provision.

5. Provide, for the purpose of retaining impounded waters, a container of sufficient strength and durability and maintain such container in safe and proper condition.

6. Remove excavated material from any pit or excavation away from the premises, upon and along such highways, streets or other public ways as the Board shall order and direct; including the following standard:

(a) The location of the intersection of extracting operation access roads with any public roads shall be selected such that traffic on the access roads will have a sufficient distance of the public roads in view so that any turns onto the public roads can be completed with a margin of safety.

7. To minimize problems of dust and noise and to shield operations from public view, a screening barrier may be maintained between the extracting site and adjacent residential and commercial properties. A screening barrier shall also be maintained between the extracting site and any public road within five hundred (500) feet of any extracting or processing operations. The screening barrier shall be planted with a species of fast growing trees such as green ash.

Existing trees and ground cover along public road frontage shall be preserved, maintained (and supplemented), for the depth of the roadside setback except where traffic safety requires cutting and trimming.

8. Extracting activities shall not be conducted closer than one hundred (100) feet to the property line nor closer than five hundred (500) feet to any residential structure or any commercial structure located prior to commencement of extracting operations without the written consent of all owners and residents of said structures. Processing activities

shall not be conducted closer than one hundred (100) feet to the property line nor closer than one thousand (1000) feet to any residential structure nor closer than five hundred (500) feet any commercial structure located prior to commencement of extracting operations without the written consent of all owners and residents of said structures.

Extracting operations shall not be conducted closer than thirty (30) feet to the boundary of any zone where such operations are not permitted, nor shall such production or processing be conducted closer than thirty (30) feet to the boundary of an adjoining property line, unless the written consent of the owner in fee of such adjoining property is first secured in writing.

Extracting operations shall not be conducted closer than ten (10) feet to the right-of-way line of an existing or platted street, road or highway with no less than a six (6) foot to one (1) foot (6 - 1) slope.

9. All buildings, structures and plants used for the production or processing of sand and gravel shall be maintained in such a manner as is practicable and according to acceptable industrial practice as to assure that such buildings, structures and plants will not become dangerously dilapidated.

10. All extracting operations shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. Any operations not conducted between the hours of 7:00 a.m. and 7:00 p.m. shall require a Conditional Use Permit. Such permits shall be granted for public or private emergency or whenever any reasonable or necessary repairs to equipment are required to be made.

11. General Provisions. Weeds and any other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance and to prevent seeding on adjoining property.

No sand and gravel operation shall be conducted on parcels of less than twenty (20) acres in size. This limitation shall not apply when the tract of land is contiguous to an active operation, provided that both tracts are being operated by the same sand and gravel producer.

All equipment used for extracting operations shall be constructed, maintained and operated in such a manner as to minimize, as far as is practicable, noises and vibrations, which are injurious, or substantially annoying to persons living in the vicinity.

All equipment used for extracting operations shall be constructed, maintained and operated in such a manner as to minimize, as far as is practicable, dust conditions which are injurious or substantially annoying to persons living within six hundred (600) feet of the extracting operating lot line.

All access roads from extracting operations to public highways, roads or streets or to

adjoining property shall be paved or surfaced with gravel to minimize dust conditions.

These limitations above shall not apply to any extracting operation in any industrial zone, unless such operations are closer than one hundred fifty (150) yards to another zone other than an industrial zone.

Subdivision 7. Waiver of Setback Requirement. The governing body may provide, in the permit, for the waiver of the requirements for setbacks from the centerline of highways and other public rights-of-way in appropriate circumstances where such waiver shall not constitute a safety or health hazard; provided, that such modified setback shall not conflict with applicable state or federal laws and regulations.

Subdivision 8. Land Rehabilitation. All extracting sites shall be rehabilitated immediately after extracting operations cease. Rehabilitation shall be complete within one (1) year. The following standards shall apply:

1. Within a period of three (3) months after the termination of an extracting operation, or within three (3) months after abandonment of such operation for a period of six (6) months; or within three (3) months after expiration of an extraction permit, all buildings, structures and plants incidental to such operation shall be dismantled and removed by, and at the expense of, the extracting operator last operating such buildings, structures and plants. A temporary variance may be granted for those buildings, structures, machinery and plants required to process previously extracted materials stored on the site. Such variance may apply for only one (1) year, after which said buildings, structures, machinery and plants shall be removed.
2. The peaks and depressions of the area shall be graded and backfilled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No finished slope shall exceed eighteen (18) percent in grade.
3. Reclaimed areas shall be sodded or surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding, and to a depth of at least three (3) inches. Such required topsoil shall be planted with legumes and grasses. Trees and shrubs may also be planted but not as a substitute for legumes and grasses. Such planting shall adequately retard soil erosion.

Excavations completed to a water producing depth need not be back-filled if the water depth is at least ten (10) feet and if banks shall be sloped to the water line at a slope no less than six (6) feet horizontal to one (1) foot vertical.

The finished grade shall be such that it will not adversely affect the surrounding land or future development to the site upon which extracting operations have been conducted. The finished plan shall restore the extraction site to a condition whereby it can be utilized for the type of land use proposed to occupy the site after extracting operations cease.

Subdivision 9. Yardage Reports. All operators shall file yearly reports with the Rock County Planning and Zoning Administrator. The reports shall detail the name of the operator holding the permit, the extraction site, and the amount in cubic yards of gravel or other aggregate material removed from the extraction site during the reporting period and shall be filed on or before the 14th day following each calendar year.

SECTION 25. ROAD MATERIAL CRUSHING.

All road material crushing operations hereafter established shall conform with the provisions of this Subdivision and any other ordinances or regulation of the County.

Subdivision 1. Definition:

1. Road material crushing operation shall mean any operation upon land or in buildings where road material is brought, stored, handled and/or crushed.
2. Road material shall mean any bituminous or concrete paving material used as roadway material.

Subdivision 2. Permit Requirement. No person shall hereafter conduct a road material crushing operation upon property owned or used by him without first making application for obtaining a conditional use permit or over the counter permit as hereinafter provided.

1. An over the counter permit may be granted by the County Planning and Zoning Administrator for a road material crushing operation upon the following conditions.

(a) The site must be located adjacent to a road project of either the State of Minnesota or County of Rock.

(b) The applicant must provide a performance bond to assure proper cleanup of an amount equal to the greater of 5 percent of the gross construction contract or \$10,000.00.

(c) The permit shall last for one (1) year and may be renewed, but the permit shall expire one (1) year after the completion of the road project at which time all materials shall be removed and the property returned to its original condition.

2. All other road material crushing operations shall require a conditional use permit.

Subdivision 3. Application. Application for a permit shall be made in such form and shall furnish such information as shall be required by the Rock County Board of Commissioners.

SECTION 26. FEEDLOT ORDINANCE.

APR 22 2003

Subdivision 1. Feedlot General Provisions.

1. The use of any land for the establishment, expansion, or management of an animal feedlot shall comply with the provisions and minimum standards of the Rock County Zoning Ordinance, and the MPCA Chapter 7020 Rules, as may from time to time be amended.
2. The County shall forward to the Commissioner of MPCA with comments and recommendations, all animal feedlot permit applications which fall within the following categories:
 - (a) Animal feedlots of 1,000 animal units or more.
 - (b) Animal feedlots of more than 300 animal units where a potential pollution hazard has been mitigated through corrective or protective measures.
 - (c) Animal feedlots with a potential pollution hazard which has not been mitigated by corrective or protective measures.
 - (d) Animal feedlots where manure is not used as domestic fertilizer.
 - (e) Animal feedlots for which further technical review is desired by the County Feedlot Officer.

Subdivision 2. Definitions.

1. All terms employed in this ordinance, unless specifically defined otherwise, shall have the meaning ascribed to them by Minnesota Rules 7020.0300, as amended.
2. New Animal Feedlot. "New animal feedlot" means an animal feedlot constructed and operated at a site where no animal feedlot existed previously, the expansion of an existing feedlot to a location in excess of 500 feet from the existing feedlot as measured from the expansion's nearest point, and the continuation in use of an existing animal feedlot which has been abandoned or unused for a period of five years or more.
 - (a) For purposes of determining the prior existence of a feedlot, the following factors may be considered:
 - (1) Whether there existed buildings intended for the confined feeding, breeding, raising, or holding of animals.
 - (2) Whether manure was allowed to accumulate.
 - (3) Whether the concentration of animals was such that a vegetative cover could not be maintained within the enclosure.
 - (4) Whether there were permanent fences on site.
 - (5) Whether there existed permanent watering structures.
 - (6) Whether there existed feeding bunks or feeding structures.
 - (7) The number and type of livestock on site
 - (8) Whether or not the owner/operator, prior to discontinuation of use, notified the Land Management Office as required at Subdivision 7, paragraph 2 of this Ordinance..

The above is not meant to be an exclusive list of factors to be considered when assessing whether or not a feedlot existed at a particular site. Land Management may also utilize such assessment tools as it deems necessary and useful in making individualized determinations of the prior existence of animal feedlots. Said tools shall be subject to review and approval by the Rock County Planning and Zoning Board.

3. Residence. "Residence" means any dwelling occupied or to be occupied by persons as a place of abode and shall include residences located in counties and states adjacent to Rock County.

Subdivision 3. Penalty Provision.

1. Violation - a Misdemeanor. Every person violates this ordinance when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful and upon conviction thereof shall be guilty of a misdemeanor punishable by a fine of up to \$1,000.00, 90 days in jail, or both. A violation of this ordinance shall be deemed continuing in nature such that each 24-hour period during which the violation exists shall constitute a new and separate offense.

Subdivision 4. Variance.

1. Any person may apply for a variance from any requirements or provisions of this ordinance. Such variance shall be applied for and acted upon in accordance with the provisions of the Rock County Zoning Ordinance, as amended.

Subdivision 5. Feedlot Application Requirements.

1. The owner of a proposed or existing animal feedlot for greater than 10 animal units shall make application to Rock County and/or the Minnesota Pollution Control Agency for a feedlot registration, and permit if required under MPCA Chapter 7020 Rules when any of the following conditions exist:

- (a) A new feedlot is proposed where a feedlot did not previously exist.
- (b) An existing feedlot which does not have a feedlot permit or is not registered.
- (c) A change in operation of an existing animal feedlot is proposed. A change in operation shall include a physical expansion of the facility, a change in the type of animal units, or an increase in the number of animal units over that number permitted by the existing permit.
- (d) A change in ownership of an existing feedlot.
- (e) An existing feedlot is to be restocked after being abandoned for 5 or more years.
- (f) An inspection by Minnesota Pollution Control Agency (MPCA) staff or County Feedlot Officer reveals that the feedlot is creating a potential pollution hazard.

2. ANIMAL UNITS: Unless otherwise specified in Minnesota Rules 7020 as amended, animal units shall be calculated as follows:

- A. Dairy cattle:
 - (1) one mature cow (whether milked or dry);
 - (a) over 1,000 pounds, 1.4 animal unit; or

- (b) under 1,000 pounds, 1.0 animal unit;
- (2) one heifer, 0.7 animal unit; and
- (3) one calf, 0.2 animal unit;
- B. Beef cattle:
 - (1) one slaughter steer or stock cow, 1.0 animal unit;
 - (2) one feeder cattle (stocker or backgrounding) or heifer, 0.7 animal unit;
 - (3) one cow and calf pair, 1.2 animal unit; and
 - (4) one calf, 0.2 animal unit;
- C. One head of swine:
 - (1) over 300 pounds, 0.4 animal unit
 - (2) between 55 pounds and 300 pounds, 0.3 animal unit; and
 - (3) under 55 pounds, 0.05 animal unit;
- D. One horse, 1.0 animal unit;
- E. One sheep or lamb, 0.1 animal unit
- F. Chickens:
 - (1) one laying hen or broiler, if the facility has a liquid manure system, 0.033 animal unit; or
 - (2) one chicken if the facility has a dry manure system:
 - (a) over five pounds, 0.005 animal unit; or
 - (b) under five pounds, 0.003 animal unit;
- G. One turkey:
 - (1) over five pounds, 0.018 animal unit; or
 - (2) under five pounds, 0.005 animal unit;
- H. One duck, 0.01 animal unit; and
- I. For animals not listed in items A to H, the number of animal units is the average weight of the animal in pounds divided by 1,000 pounds.

Subdivision 6. Feedlot Setback Requirements.

1. All new animal feedlots of less than 1,000 Animal Units shall be located no closer than one-half (1/2) mile from a neighboring residence (other than residences owned by the operators). A notarized waiver on forms provided by the Land Management Office signed by affected owners of residences located within one-fourth (1/4) to one-half (1/2) mile of the proposed feedlot and signed by the applicant will be accepted to allow a permitted setback no closer than one-fourth (1/4) mile from a neighboring residence.
2. All new animal feedlots of 1,000 Animal Units or greater, shall be located no closer than three-fourths (3/4) of a mile from a neighboring residence (other than residences owned by the operators). A notarized waiver on forms provided by the Land Management Office, signed by all affected owners of residences located within one-fourth (1/4) to three-fourths (3/4) mile of the proposed feedlot and signed by the applicant, will be accepted to allow a permitted setback no closer than one-fourth mile from a neighboring residence.
3. Paragraphs 1 and 2 notwithstanding, a conditional use permit shall be required prior to the construction or operation of an animal feedlot (new or existing) of 1,000 animal units or greater. Applications for conditional use permits shall be made as provided in Section 9 of the Rock County Zoning Ordinance.
4. All new animal feedlots shall be located no closer than 300 feet from the center of any public right-of-way.

Subdivision 7. Additional Requirements.

1. **Expansions.** A conditional use permit shall be required prior to the expansion of an existing animal feedlot located within one-quarter mile of the following:

- A. A residence (excluding residences owned by the operator and/or owner of the feedlot)
- B. An incorporated city.
- C. Any church, or cemetery.
- D. Blue Mound State Park or Schoeneman Park.

For purposes of this Subdivision the term "expansion" shall be defined as any construction or activity that will increase the number of animal units by more than 250 units over the registered units on said site as of January 1, 2003.

2. Abandoned/Unused Feedlots.

(a) **Notice by Owner.** Prior to the abandonment or discontinuation in use of an animal feedlot the owner shall notify the Rock County Land Management Office, in writing, of an intent to abandon or discontinue use.

(b) **Site Inspection.** Within ten (10) days of receipt of notice by the owner/operator there shall occur a site inspection during which the Land Management Office shall document the number of animal units under registration, type of animal units, and the effective date of abandonment/discontinuation.

Subdivision 8. Earthen Basins & Open Top Pits.

1. All earthen basins and open top concrete pits constructed in connection with a new animal feedlot shall be located no closer than one (1) mile from a neighboring residence (other than residences owned by the operators). A notarized waiver on forms provided by the Zoning Administrator's Office, signed by all affected owners of residences located within one-half (½) mile to one (1) mile of proposed earthen basins or open top concrete pits, and signed by the applicant, will allow a permitted setback no closer than one-half (½) mile from a neighboring residence.

2. All earthen basins and open top concrete pits constructed in connection with existing animal feedlots (as opposed to a "new animal feedlot" as the term is defined at Subdivision 2) and constructed for the purpose of accommodating additional animal units, shall require conditional use permits as provided for in Section 9 of the Rock County Zoning Ordinance.

3. No conditional use permit shall be required prior to the construction and use of earthen basins and open top concrete pits to be used in connection with existing animal feedlots if no greater number of animal units is to be accommodated.

4. Earthen basins and open top concrete pits having a capacity exceeding 20,000 gallons shall be designed by a licensed engineer.

5. Earthen basins and open top concrete pits shall be secured by a well maintained fence, as approved by the County Feedlot Officer. Slurry Storage (A.O. Smith, or similar type structures) greater than 8 feet above grade shall be exempt from fencing requirements.

Subdivision 9. Manure Management Requirements.

1. A manure management plan shall be developed as required by MPCA Chapter 7020 Rules, as amended.
2. Where easements for additional acres for manure application are required, the landowner(s) or designated agent(s) of these parcels shall also be required to take part in the manure management plan development. Signatures of all producers and landowners and/or agents will be required on the manure management plan when submitted with the feedlot application.
3. The manure management plan shall include aerial photos showing where manure application(s) will be located, a nitrogen-phosphorus-potassium allocation per acre based on current crop rotations, soil fertility, manure nutrient values, storage, handling and incorporation method. The plan shall include a total acreage requirement for the proposed feedlot application.
4. Surface applied manure within three hundred (300) feet of tile intakes, open ditches, wetlands, intermittent streams, and unbermed ditches shall be incorporated within 24 hours of application in the absence of a vegetative buffer strip of at least 50 feet in width. Surface applied manure within three hundred (300) feet of lakes and streams shall be incorporated within 24 hours of application in the absence of a vegetative buffer strip of at least 100 feet in width.

Subdivision 10. Prohibited Uses.

1. No new feedlots shall be allowed within 1 mile of the boundary lines of an incorporated city.
2. No new feedlots shall be allowed within one-half mile of any public park, church, or cemetery.
3. No new feedlots shall be allowed within 1 mile of tier one wells as identified by the Minnesota Department of Health.
4. Spillage or spreading of manure on roads or in ditches shall not be allowed.
5. The use of manure irrigation guns (new and existing) shall not be allowed. For the purpose of this ordinance, irrigation of effluent from the top of earthen basins will be allowed if the nitrogen value in the effluent being irrigated does not exceed 5# per 1,000 gallons. Tests shall be taken at any time as requested by the Environmental Office.
6. No manure shall be stored or spread within 100 feet of any well.
7. No new feedlots shall be allowed within the 100 year flood plain areas.
8. No new feedlots shall be allowed within 1,000 feet of the ordinary high water mark of a lake or within 300 feet of the ordinary high water mark of a stream or river.
9. No new feedlots shall be allowed within 200 feet of any public well or within 100 feet of any private well.

SECTION 27. WINDPOWER DEVELOPMENT PARKS.

Subdivision 1. Windpower Development.

PURPOSE: The purpose of this ordinance is to set forth a process for permitting wind energy facilities with a rated capacity of more than 500 kilowatts, but not more than 5,000 kilowatts (or five megawatts).

FACILITY LOCATION: Wind Energy facilities with a rated capacity of more than 500 kilowatts, but not more than 5,000 kilowatts (or five megawatts) may be allowed as "conditional uses" within the A-2 (General Agricultural) District only.

PERMIT APPLICATION: A conditional use permit shall be required. An application for a conditional use and permit shall be filed with the Zoning Administrator on a form prescribed by the planning and zoning department. Desired information shall address the following categories.

1. **Compliance With Codes and Standards.** Any wind turbine shall be in compliance with all applicable state and federal regulatory standards including:

- Uniform Building Code as adopted by the State of Minnesota
- The national Electrical Code as adopted by the State of Minnesota
- FAA requirements
- MPCA/EPA regulation (hazardous waste, construction storm water, etc.)

2. **Certifications.** Equipment shall conform to applicable industry standards including the American Wind Energy Association standard for wind turbine design and related standards adopted by the American National Standards Institute (ANSI). It would be appropriate to require that the equipment manufacturer certifies that the equipment is manufactured in compliance with industry standards.

Special attention shall be paid to all turbines that are experimental, used, or prototype devices. Maintenance record, inspection by qualified wind energy professional, or some other documentation of units integrity may be requested.

A professional engineer registered in the State of Minnesota shall certify that the tower and foundation are compatible with and appropriate for the turbine to be installed and the specific soils at the site.

The County Highway Engineer shall certify placement of all under or above ground power lines, cables and other appurtenance in the public right-of-way and that such placement shall not interfere with prospective road maintenance, repair or other improvements of such right-of-way.

3. **Overspeed Controls.** All turbines to be installed shall be equipped with redundant braking systems. This includes both aerodynamic (including variable pitch) overspeed controls, and mechanical brakes. Mechanical brakes shall be operated in fail safe mode, whereby they are engaged in the case of loss of load on the generator. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

4. **Setback Guidelines.**

Object	Setback
Residence	750 feet
Project Boundary Property Line	5 x Rotor's Diameter
Public Roads (from right of way)	300 feet
Boundary line of State and County Parks	1 mile
Boundary line of Cities	1 mile
Other Structures	Needs to be considered

5. **Noise Standards.** Noise is regulated by the Minnesota Pollution Control Agency under Chapter 7030. These rules establish the maximum night time and day time noise levels that effectively limit wind turbine noise to 50 dB(A) at farm residences. However, these standards may not be sufficient for the "preservation of public health and welfare" in relation to impulsive noises. Additional local limits relative to impulsive and pure tone noises may be appropriate.

6. **Decommissioning.** Provisions shall ensure that facilities are properly decommissioned upon end of project life or facility abandonment. Decommissioning shall include: removal of all structures and debris to a depth of 4 feet restoration of the soil; and restoration of vegetation (consistent and compatible with surrounding vegetation) shall also be required.

Provisions shall include a decommissioning plan. This plan will identify:

- (a) When and how a facility is to be decommissioned.
- (b) Estimated cost of decommissioning.
- (c) Financial resources to be used to accomplish decommissioning.

It may also be prudent to include provisions that ensure financial resources will be available for decommissioning. This may include establishing an escrow account into which the project developer/owner will deposit funds on a regular basis over the life of the project. The unit of government shall then have access to the escrow

account for the explicit purpose of decommissioning. Financial provisions shall not be so onerous as to make windpower projects unfeasible.

7. Waste Management.

Solid Waste

Construction of windpower facilities, as with other facilities, will lead to the generation of various types of waste: packaging, equipment parts, litter, debris generated by site clearing. Removal of such material shall be accomplished in a timely manner. Similarly, ongoing operation and maintenance of these machines results in the generation of various waste products. This may include worn parts, and packaging for new parts. All such material shall be removed from the project site in a timely manner, and managed in an appropriate manner.

Hazardous Waste

Operation and maintenance of windpower facilities will result in the generation of some hazardous materials. This will primarily be used lubricating materials. All such material shall be removed from the site immediately and managed in a manner consistent with all appropriate rules and regulations.

8. Tower Type. All commercial installed wind turbines must utilize self-supporting, tubular towers. Such towers provide several benefits:

- (a) Improved aesthetics, including intra and inter project visual consistency.
- (b) Minimized impact on farming activities.
- (c) Reduced potential for unauthorized climbing.
- (d) Improved maintenance access increasing the total turbine operating availability.
- (e) Reduced need for ancillary structures to house control equipment.

9. Signage. It is important that signage be properly controlled. Signage regulations are to be consistent with Rock County's Zoning Ordinance. It is also recommended that signs to warn of high voltage be posted at least at the entrances of facilities.

10. Aesthetics. The following items are recommended standards to mitigate visual impacts:

- (a) Coatings and Coloring: Non-reflective unobtrusive color. Black blades are acceptable for mitigation of icing.

(b) Signage: including anything on the tower or nacelle, shall be consistent with other county ordinance pertaining to signage.

(c) Turbine consistency: To the extent feasible, the project shall consist of turbines of similar design and size, including tower height. Further, all turbines shall rotate in the same direction. Turbines shall also be consistent in design, color and rotational direction with nearby facilities.

(d) Lighting: Projects shall utilize minimal lighting. No tower lighting other than normal security lighting shall be permitted except as may be required by the FAA. It may be appropriate for permits to allow for some infrared lights or heat lamps to prevent icing of sensors.

(e) Intra-project Power and Communication Lines: All power lines used to collect power from individual turbines, and all communications lines shall be buried underground. Allowances shall be provided where shallow bedrock interferes with the ability to bury underground lines.

(f) Screening: There may be critical vistas or views from public roads to scenic locations which are negatively impacted by wind turbines. It may be appropriate to require landscaping materials at a scenic overlook which screen the view of or distracts attention from the turbines in order to minimize the visual impact.

11. Public Services.

Roads

If the construction is large enough or during spring restrictions, roads can sustain sever damage, therefore, Spring driving restrictions shall be strictly enforced. The local unit of government may choose to require either remediation or road repair upon completion of the project. Local units are authorized to collect fees for oversized load permits.

Fire

The following permit standards shall be followed to reduce risk of fire.

(a) Adherence to electrical codes and standards.

(b) Removal of fuel sources, like vegetation, from immediate vicinity of electrical gear and connections.

(c) Utilization of twistable cables on turbines.

Sewer and Water

There shall be little issue with sewer and water facilities. Any facility shall simply comply with existing septic ordinances, and state well regulations. There may not be need for on-site staff, therefore, there may not be any need for water or sewer services.

12. **Orderly and Efficient Use of the Resource.** The Rock County Zoning Ordinances call for the orderly and efficient use of the wind resource. Applications shall be reviewed to ensure that the project area does not adversely impact wind development potential on adjacent lands.

Further, ordinances to keep non-compatible development from encroaching upon windpower facilities would be appropriate. New structures shall maintain the same setbacks from wind turbines as are implemented for wind turbines.

13. **Other Pertinent Information.**

(a) A description of the project including number and capacity of turbines, height and diameter of turbine rotors, turbine color, and rotor direction.

(b) A site plan, detailing the location of the project area boundaries, turbines, roads, transformers, power lines, communications lines, interconnection point with transmission lines, and other ancillary facilities or structures.

(c) Topographic map of the project site and surrounding area.

(d) Current land use on the site and of the surrounding area.

(e) Distance to impacted properties.

(f) Decommissioning plan.

(g) Engineering certification of tower and foundation design suitability for turbine and soils.

(h) Evidence of power purchase contracts and power transmission contracts, or documentation that the power will be utilized on-site.

(i) Evidence of control of wind easement in the entire project area.

(j) Identification and description of neighboring windpower facilities.

14. **Effective Date.** This ordinance shall be in full force and effect upon adoption and publication pursuant to law.

SECTION 28. WIRELESS TELECOMMUNICATIONS EQUIPMENT AND SERVICES

Subdivision 1. Definitions.

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

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES - Licensed commercial wireless telecommunication services including cellular, personal communications services, specialized mobilized radio, enhanced specialized mobilized radio, paging, and similar services that are marketed to the general public.

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

TOWER - Any ground or roof mounted pole, spire, structure, or combination thereof taller than thirty-five (35) feet in height if free standing or 15 feet in height if roof mounted, including supporting lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

COMMUNICATION TOWER; FREESTANDING - A ground mounted tower consisting of a pole, spire, structure, or combination thereof constructed with or without guy wires and anchors.

COMMUNICATION TOWER; GUYED - A tower that is supported in whole or part by wires and ground anchors.

COMMUNICATION TOWER; MONOPOLE - A ground mounted tower consisting of a single pole constructed without guy wires and anchors

Subdivision 2. General Regulations.

Commercial Wireless Telecommunication Towers and Antennas:

1. Purpose. In order to accommodate the communication needs of residents and businesses while protecting the public health, safety and general welfare of the community, Rock County finds that these regulations are necessary in order to:

- (a) facilitate provision of wireless communication services to the residents and businesses of Rock County;
- (b) minimize adverse visual effects of towers through careful design and siting standards;
- (c) avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and
- (d) maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.

2. **Conditional Use Permit Required.** It shall be unlawful for any person, firm, or corporation to erect, construct in place, place or re-erect, or replace any tower without first making application to Rock County and securing a conditional use permit therefor as hereinafter provided. Routine maintenance of towers and related structures shall not require the issuance of a conditional use permit.

3. **Additional Submittal Requirements.** All commercial wireless telecommunication towers erected, constructed, or located within Rock County shall comply with the following requirements:

- (a) Provide documentation of the area to be served including maps demonstrating size of communication cells and search radius for the antenna location. A narrative describing a search radius of not less than 1 mile for the requested site, clearly explaining why the site was selected, locating all existing towers, and identifying all other structures that may be potential co-location sites.
- (b) For all proposed commercial wireless telecommunication service towers, a letter of intent committing the tower owner and his or her successor(s) to allow the shared use of the tower if an additional user agrees in writing to meet reasonable industry terms and conditions for shared use.
- (c) The applicant(s) must submit a copy of the Federal Aviation Administration report.
- (d) The applicant(s) must obtain the Federal Communications Commission's licensure and approval as required for various communication applications.
- (e) The applicant(s) must submit proof of liability and Worker's Compensation Insurance.

(f) The applicant(s) must submit proof that towers and their antennae have been designed by and, following completion of construction, were inspected, at the applicant's expense, by a qualified and licensed engineer to conform to applicable State structural building standards and accepted electrical engineering methods and practices as specified in applicable provisions of the National Electrical Code.

4. Co-location Required.

(a) If a new tower or antenna support structure over 99 feet in height is to be constructed, it shall be designed to accommodate a minimum of two other users of similar antenna configurations including but not limited to other cellular communication companies, police, fire and ambulance companies; if the proposed tower or antenna support structure is between 35 and 99 feet in height it shall be designed so as to accommodate at least one (1) additional user.

(b) Proposals for new commercial wireless telecommunication service towers shall not be approved unless it can be reasonably documented by the applicant(s) that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing tower or building within a one-mile search radius of the proposed tower due to one or more of the following reasons:

1. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a competent structural engineer;
2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a competent radio frequency engineer;
3. Existing or approved towers and buildings cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a competent radio frequency and/or structural engineer;
4. The applicants shall submit proof of best efforts to negotiate reasonable industry terms regarding the lease or purchase of space on an existing tower;
or
5. Other reasons considered reasonable by the industry as documented by a competent radio frequency engineer affecting technical performance, system coverage, and system capacity that make it impractical to place or locate the planned telecommunications equipment upon an existing tower.

5. Tower and Antenna Design Requirements. Proposed construction or modification of towers shall meet the following design requirements:

(a) Towers and antennae, including support cables and structures, and fencing shall be designed to blend into the surrounding environment to the maximum extent possible through the use of color. Communication towers not requiring FAA or FCC painting/markings shall have either a galvanized finish or be painted a non-contrasting color consistent with the surrounding area.

(b) Commercial wireless telecommunication service towers shall be of a monopole, guyed wire, or freestanding design unless the County Board determines that an alternative design would better blend into the surroundings.

(c) All utility buildings and utility structures accessory to a tower, if not screened in accordance with this ordinance, shall be aesthetically designed to conform with current industry standards.

(d) All towers shall be protected by a county-approved barrier at least 6 feet in height to discourage climbing by unauthorized persons.

(e) No advertising or identification of any kind intended to be visible from the ground or other structures is permitted, except applicable warning and equipment information signage required by the manufacturer or by Federal, State, or local authorities.

(f) Towers and antennae shall not be illuminated by artificial means except if the illumination is specifically required by the Federal Aviation Administrator or other authority.

(g) No part of any antenna or tower, nor any lines, cable, equipment, wires, or braces shall at any time extend across or over any part of the right-of-way, public street, highway, or sidewalk.

(h) No interference with local television and radio reception will be allowed.

6. Screening and Landscaping. A screening and landscaping plan designed to screen the base of the tower, accessory utility buildings, utility structures, and security fencing shall be submitted. The plan shall show the location, size, quantity, and type of landscape materials. The County Planning Commission may require that landscape materials shall be capable of screening all year and must form a continuous mass, 6 feet in height by the end of the second growing season. Gravel or other durable surface or other weed prevention measures shall be applied within the fenced area to prevent the growth of weeds.

The County Planning Commission may consider the substitution of other screening plans, such as decorative fencing or walls, or the use of vines on fencing, where the installation of other types of landscape materials may not be feasible.

7. Tower Location and Setbacks.

(a) Proposals for new commercial wireless telecommunication service towers shall not be approved in a Limited Agricultural, Suburban Residence, General Business or Highway Business Service District unless it can be reasonable documented by the applicant(s) that the telecommunications equipment planned for the proposed tower cannot be accommodated in other zoning districts or jurisdictions.

(b) Towers and accessory buildings located on any lot of record shall be subject to the appropriate side and rear setbacks established for structures in the underlying zoning districts in addition to the setbacks established in d - k below.

(c) The setback shall be measured from the center point of the base of the tower.

(d) The minimum distance from the center point of the base of any free standing tower to the nearest existing residential structure or any vacant parcel boundary currently platted for residential development in the Suburban Residence District shall be equal to four times the height of the tower.

(e) The minimum distance from the center point of the base of a monopole or guyed wire designed tower to the nearest existing residential structure or any vacant parcel boundary currently platted for residential development in the Agriculture District shall be equal to two times the height of the tower. The minimum distance from the center point of the base of all other free standing tower types shall be four times the height of the tower.

(f) Except for a guyed wire designed monopole designed towers, the minimum distance from the center point of the base of any free standing tower to state Highways 23 & 75 and Interstate 90 rights-of-way shall be four times the height of the tower.

(g) The minimum distance from the center point of the base of any guyed wire or monopole designed tower to Highways 23 & 75 and Interstate 90 rights-of-way shall be twice height of the tower.

(h) Except for a guyed wire designed towers, the minimum distance from the center point of the base of a free standing tower to all other County Rights-of-way shall be four times the height of the tower and may be reduced to two times the height of the tower if the tower is a monopole design.

(i) The minimum distance from the center point of the base of a guyed wire tower to all other County Rights-of-way shall be equal to the height of the tower and may be increased to two times the height of the tower if the tower is a monopole design.

(j) A setback may be reduced or its location in relation to a public right-of-way may be varied at the sole discretion of the County Planning Commission to allow the integration of a tower into an existing or proposed structure such as a light standard, power line support device, building, steeple, elevator, or similar structure.

(k) Towers shall not be located between a principal structure and a public right-of-way.

(l) Towers shall not encroach upon any easements.

(m) The minimum distance from the center point of the base of any tower to all designated Shoreland Districts, the Rural Service District, Blue Mound State Park, any city or county park and all DNR protected waters, or other protected environmental features shall be four times the height of the tower, if the tower is a freestanding or monopole design and two times the height of the tower if it is a guyed wire design.

(n) The minimum distance from the center point of the base of a free standing tower to the end of an airport clear zone shall be ½ mile.

(o) The minimum distance from the center point of the base of a guyed wire tower to the end of an airport clear zone shall be 1 mile.

8. Tower Height.

(a) Tower height shall be determined by measuring the vertical distance from the point of contact with the ground to the highest point of the tower including all antennae or other attachments.

(b) Restrictions on the height of the tower and antennae shall be as follows:

1. In a Limited Agricultural, Suburban Residence, General Business or a Highway Business Service District; the height of the antenna shall be the minimum necessary to function satisfactorily as verified by a competent radio frequency engineer.

9. **Antennae Mounted on Roofs, Walls and Existing Towers.** The placement of antennae on roofs, walls, and existing towers may be administratively approved by Rock County provided that the antenna meets the appropriate requirements of this code.

(a) Roof mounted antennae shall not exceed 15 feet above the highest point of the roof and shall be setback at least 10 feet from the edge of the roof.

(b) Wall or facade mounted antennae may not extend beyond 5 feet above the cornice line.

10. **Multiple Principal Uses and Structures on a Single Lot.** For the purpose of this subdivision one tower with one or more antennae and attachments shall be permitted on the same lot as another principal use or structure subject to the requirements of this ordinance.

11. **Time Limit on Tower Construction.** Construction of an approved tower, including all accessory structures, including footings and foundations, must be completed within one year following the date of the permit. Landscaping must be installed within the first growing season immediately following construction.

12. **Obsolete or Unused Towers.** All obsolete or unused towers and accompanying accessory facilities shall be removed within six (6) months of the cessation of operations at the site unless a time extension is approved by the Rock County Board. After the facilities are removed, the site shall be restored to its original or an improved state. Electronic equipment shall not be removed in advance of removal of obsolete or unused towers.

The owner of the tower shall provide Rock County with an acceptable financial guarantee in an amount equal to 1 and ½ times the cost to remove the tower and related infrastructure, including footings and other underground improvements, and to restore the site. Failure to remove the structure shall be cause for Rock County to remove the tower and associated equipment and be reimbursed by the property owner.

13. **Effect of the Ordinance on Existing Towers and Antennae.** Antennae and towers in existence as of October 5, 1999 which do not conform to or comply with this Subdivision are subject to the following provisions:

(a) Towers may continue in use and maintenance for the purpose now used and as now existing but may not be replaced or structurally altered without complying in all respects with this Subdivision. At the sole discretion of the Planning Commission, towers in existence as of October 5, 1999 which do not conform to or comply with this subdivision may be considered for the co-location of other users' antennae.

(b) If such towers are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former use, location, and

physical dimensions if the cost of repairing the tower to the former use, physical dimensions, and location would be less than fifty (50) percent of its value, as determined by the Rock County Assessor.

SECTION 29. PARKING AND LOADING REGULATIONS.

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

Subdivision 1. Minimum Size Regulations. Each 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 (8½) feet and a depth of not less than twenty (20) feet. Each space shall be adequately served by access drives. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicles they are designed to serve.

Subdivision 2. Reduction and Use of Parking and Loading Space. On-site parking facilities existing at the effective date of this Ordinance shall not subsequently be reduced to an amount less than that required under this Ordinance for a similar new building or use. On-site parking facilities provided to comply with the provisions of this Ordinance shall not subsequently be reduced below the requirements of this Ordinance. Such required parking or loading space shall not be used for storage or goods or for storage of vehicles that are inoperable or for sale or rent.

Subdivision 3. Computing Requirements. In computing the number of such parking spaces required, the following rules shall govern:

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

Subdivision 4. Yards. On-site parking and loading facilities shall be subject to the front yard, side yard and rear yard regulations for the use District in which parking is located, except that:

- (a) In a B-1 HIGHWAY SERVICE BUSINESS DISTRICT, no parking or loading space shall be located within ten (10) feet of any property line that abuts a road or highway right of way, or any of the CLASSES OF RESIDENCE DISTRICTS.
- (b) In a B-2 GENERAL BUSINESS DISTRICT, no parking or loading space shall be located within ten (10) feet of any highway right of way.
- (c) In I-1 GENERAL INDUSTRY DISTRICTS, no parking or loading space shall be located within ten (10) feet of any property line that abuts a highway right of way line, or any of the CLASSES OF RESIDENCE DISTRICTS, except for railroad loading areas.

Subdivision 5. Buffer Fences and Planting Screens. Off-street parking and loading areas near or abutting RESIDENCE DISTRICTS shall be screened by a buffer fence of adequate design or a planting buffer screen; plans of such screen or fence shall be submitted for approval as a part of the required site or plot plan, and such fence or landscaping shall be installed as a part of the initial construction.

Subdivision 6. Access.

- (a) Parking and loading space shall have proper access from a public right of way.
- (b) The number and width of access drives shall be so located as to minimize traffic congestion and abnormal traffic hazard.
- (c) Vehicular access to business or industrial uses across property in an R-1 RESIDENCE DISTRICT shall be prohibited.

Subdivision 7. Location of Parking Facilities. Required off-street parking space shall be provided on the same lot as the principal building or use, except as follows in Paragraph 8.

Subdivision 8. Combined Facilities. Combined or joint parking facilities may be provided for one (1) or more buildings or uses in B-1 and B-2 BUSINESS DISTRICTS and in I-1 INDUSTRY DISTRICTS, provided that the total number of spaces shall equal the sum of the requirements for each building or use.

Subdivision 9. Construction and Maintenance.

- (a) In B-1 and B-2 BUSINESS DISTRICTS and in I-1 INDUSTRY DISTRICTS, parking areas and access drives shall be covered with a dust-free, all weather surface with proper surface drainage, as required by the County Engineer.
- (b) The operator of the principal building or use shall maintain parking and loading areas, access drives and yard areas in a neat and adequate manner.

Subdivision 10. Lighting. Lighting shall be reflected away from the public right of way and nearby or adjacent RESIDENCE DISTRICTS.

Subdivision 11. Required Site Plan. Any application for a land use/building permit shall include a site plan or plot plan drawn to scale and dimensioned, showing on-site parking and loading space to be provided in compliance with this Ordinance.

Subdivision 12. Application of Parking and Loading Regulations. Parking and loading regulations shall apply to all buildings and uses of land established after the effective date of this Ordinance.

Subdivision 13. Required Number of On-Site Parking Spaces. On-site parking areas of sufficient size to provide parking for patrons, customers, suppliers, visitors and employees shall be provided on the premises of each use. The minimum number of required on-site parking spaces for the following uses shall be as follows:

- (a) One family dwelling - one (1) parking space. No garage shall be converted into living space unless other acceptable on-site parking space is provided.
- (b) Multiple dwelling or mobile home park - one (1) parking space per dwelling unit, apartment unit or mobile home berth.
- (c) Hospital, convalescent or nursing home - one (1) parking space for each four (4) beds for which accommodations are offered, plus one (1) parking space for each employee on the major shift.
- (d) Churches - one (1) parking space for each four (4) seats, based on the design capacity of the main seating area.
- (e) Public senior high school or private high school - one (1) parking space for each classroom plus one (1) parking space for each ten (10) students, based upon design capacity.
- (f) Public elementary, junior high school or similar private school - two (2) parking spaces for each classroom.
- (g) Municipal administration buildings, community center, public library, museum, art galleries, post office and other public service buildings - ten (10) parking spaces plus one (1) parking space for each five hundred (500) square feet of floor area in the principal structure.
- (h) Golf course, golf club house, swimming club, tennis club, public swimming pool, country club - twenty (20) spaces, plus one (1) space for each five hundred (500) square feet of floor area in the principal structure.
- (i) Professional offices, medical and dental clinics and animal hospital - four (4) parking spaces, plus one (1) parking space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet of floor area.
- (j) Office buildings - ten (10) parking spaces, plus one (1) parking space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet of floor area.
- (k) Automobile service station - four (4) parking spaces, plus two (2) parking spaces for each service stall; such parking spaces shall be in addition to parking space required for gas pump area.

(l) Auto sales, trailer sales, marine and boat sales, implement sales, garden supply store, building materials sale, auto repair - six (6) parking spaces, plus one (1) parking space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet.

(m) Bowling alley - five (5) parking spaces for each bowling lane.

(n) Drive-in restaurant - twenty (20) parking spaces or one (1) space for each twenty (20) square feet of floor area, whichever is greater.

(o) Motel or motor hotel - one (1) parking space for each rental room or suite.

(p) Miniature golf course, archery range or golf driving range - ten (10) parking spaces.

(q) Assembly or exhibition hall, auditorium, theater or sports arena - one (1) parking space for each four (4) seats, based upon design capacity.

(r) Restaurant, café, nightclub, tavern or bar - one (1) parking space for each seventy-five (75) square feet of customer floor area.

(s) Retail stores and service establishments - one (1) parking space for each one hundred (100) square feet of floor area, plus one (1) space for each employee on the major shift or one (1) off-street parking space for each three hundred and fifty (350) square feet of gross floor area within the building, whichever is greater.

(t) Research, experimental or testing stations - one (1) parking space for each employee on the major shift or one (1) off-street parking space for each five hundred (500) square feet of gross floor area within the building, whichever is greater.

(u) Storage, wholesale or warehouse establishments – one (1) parking space for each two (2) employees on the major shift or one (1) space for each two thousand (2,000) square feet of floor area, whichever is larger, plus one (1) space for each company motor vehicle when customarily kept on the premises.

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

Subdivision 14. Required Loading Areas. Loading and unloading areas for goods, supplies and services shall be sufficient to meet the requirements of each use.

Section 30. SEWAGE AND WASTEWATER TREATMENT.

The Septic Ordinance has been updated.

Please refer to the January 2014 Subsurface Treatment System Ordinance (SSTS).

SECTION 31. COMPOSTING FACILITIES FOR YARD WASTES.

Subdivision 1. Regulations for Composting Facilities for Yard Wastes.

1. Individual composting operations (non-commercial) are exempt from these regulations and Conditional Use requirements.
2. Soil type - The area must have a clay base as required by MPCA.
3. Surface runoff - Runoff must meet feedlot guidelines established by Soil Conservation Service.
4. Annual renewal on Conditional Use Permit.
5. Setbacks:
 - a. 100 feet from compost pad to property line.
 - b. 1000 feet from compost pad to nearest dwelling if compost contains only yard waste (i.e., no livestock waste).
 - c. 500 feet from compost pad to nearest dwelling if compost contains only yard waste (i.e., no livestock waste).
6. Capacity - Only 300 cubic yards of compost per acre of compost pad.
7. Access - Operator must have a maintenance agreement with local units of government regarding road maintenance costs.
8. Type of compost allowed - Only Class I compost, as determined by MPCA, may be produced in allowed composting facility.
9. Performance bonds - A performance bond of a minimum of \$1,000.00 per acre of compost pad.
10. For purposes of this subdivision, the definition of "individual composting operation (non-commercial)" shall mean that the compost product is not for sale, is distributed at no cost, and no charges of any kind, including transportation charges, are assessed for the product.

**SECTION 32. ADDITIONAL REQUIREMENTS,
EXCEPTIONS, AND MODIFICATIONS.**

Subdivision 1. Height Regulations.

1. Any structure that exceeds 150 feet in height shall obtain a letter of clearance from the Federal Aeronautics Administration and the Airport Commission for any airport located within ten (10) miles of the structure proposed to exceed the height limitation.
2. Height limitations set forth in other Sections of this Ordinance may be increased by one hundred (100) percent when applied to the following:
 - a.. Monuments
 - b. Flag poles
 - c. Cooling towers
 - d. Grain elevators
3. Height limitations set forth in other Sections of this Ordinance may be increased with no limitation except as noted in paragraph (a) of this Subdivision when applied to the following:
 - a. Church spires, belfries or domes which do not contain usable space.
 - b. Water towers
 - c. Chimneys or smokestacks
 - d. Radio or television transmitting towers.

Subdivision 2. Yard Regulations and Bluff and Ditch Setbacks and Yard Exceptions.
Measurements shall be taken from the nearest point of the wall of a building to the lot line in questions, subject to the following qualifications:

1. Cornices, canopies or eaves may extend into the required front yard a distance not exceeding four (4) feet six (6) inches.
2. Fire escapes may extend into the required front yard a distance not exceeding four (4) feet, six (6) inches.
3. A landing place or uncovered porch may extend into the required front yard to a distance not exceeding six (6) feet, if the landing place or porch has its floor no higher than the entrance floor of the building. An open railing no higher than three (3) feet, six (6) inches may be placed around such place.
4. The above enumerated architectural features may also extend into any side or rear yard to the same extent, except that no porch, terrace or outside stairway shall project into the required side yard distance.

5. A wall, fence or hedge may occupy part of the required front, side or rear yard.
6. On double frontage lots, the required front yard shall be provided on both streets.
7. The required front yard of a corner lot shall not contain any wall, fence or other structure, tree, shrub, or other growth which may cause danger to traffic on a road or public road by obscuring the view.
8. The required front yard of a corner lot shall be unobstructed above the height of three (3) feet in a triangular area, two sides of which are the lines running along the shoulder road lines between the road intersection and a point fifty (50) feet from the intersection, and the third side of which is the line between the latter two points.
9. There shall be a setback of a minimum of 50 feet from all bluffs.
10. There shall be a setback of a minimum of one hundred fifty (150) feet from the edge of all public drainage ditches.
11. There shall be a side and rear setback of not less than thirty (30) feet for all trees planted on land placed in the conservation reserve program (CRP) so as not to interfere with the production and harvesting of crops on adjacent agricultural land.

Subdivision 3. Yard Landscaping. In the B-1 HIGHWAY SERVICE BUSINESS DISTRICT and in the I-1 GENERAL INDUSTRIAL DISTRICT, all required yards shall be either open landscaped and green areas or be left in a natural state. If any yards are to be landscaped, they shall be landscaped attractively with lawn, trees, shrubs, etc. Any areas left in a natural state shall be properly maintained in a sightly and well-kept condition. Yards adjoining any RESIDENCE DISTRICT shall be landscaped with planting buffer screens. Plans for such screens shall be submitted as part of the application for land use/building permits and installed as a part of the initial construction.

Subdivision 4. Public Nuisance Prohibited. The following shall be prohibited: Accumulations in the open of parked, stored, discarded, or disused machinery; unlicensed, unregistered, or inoperable vehicles; household appliances; automobile or other vehicle bodies, parts, or components thereof; or any material parked, stored, discarded, or disused in a manner conducive to the harboring of rats, mice, snakes, or vermin, or to fire, health, or safety hazards from such accumulations of other material or from the rank growth of vegetation among the items so accumulated. In all districts, the County may require a Conditional Use Permit for any exterior storage if it is demonstrated that such storage is a hazard to the public health and safety or has a depreciating effect on nearby property values or impairs scenic views.

Subdivision 5. Yard Exceptions.

1. Where buildings exist in violation of front yard or shoreland setback requirements, the yard or setback on the unbuilt lots shall be the average of those existing non-conforming yards or setbacks on adjacent lots. If there is just one, then average that with the minimum regulation.

SECTION 33. ACCESSIBILITY CODE.

An ordinance adopting **THE MINNESOTA ACCESSIBILITY CODE**. This Section provides for the application, administration, and enforcement of the Minnesota Accessibility Code by regulating the erection, construction, enlargement, alteration, repair, conversion, occupancy, equipment, use, and maintenance of all buildings and structures in the county. This Section further provides for the issuance of permits and collection of fees therefor, the provision of penalties for violation thereof, and repeals all ordinances and parts of ordinances that conflict with this Section.

Subdivision 1. Application, Administration and Enforcement. The application, administration and enforcement of the this Section shall be in accordance with Minnesota rule part 1300.21000 as modified by chapter 1305. The enforcement of this ordinance shall be the responsibility of the Rock County Land Management Office. A Minnesota certified building official shall be appointed by the County to administer this code.

Subdivision 2. Permits and Fees. The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes 16B.62, Subd. 1 and as provided by the Uniform Building Code and Minnesota rules.

Permit fees shall be assessed for work governed by this Ordinance in accordance with a schedule of fees prepared by the Rock County Land Management Office as approved by the Rock County Board of Commissioners. In addition, surcharge fees may be collected on all permits issued for work governed by this code in accordance with Minnesota Statutes 16B.70.

Subdivision 3. Violations and Penalties. A violation of the provisions of Section 33 shall be deemed a misdemeanor offense, punishable by a fine of up to \$700.00, 90 days in jail, or both.

Subdivision 4. Building Code for Accessibility. The Minnesota Accessibility Code, established pursuant to Minnesota Statutes 16B.59 to 16B.75 is hereby adopted as the building code for accessibility in all areas under the jurisdiction of the Rock County Zoning Ordinance.

SECTION 34. DATE EFFECT.

Subdivision 1. Date of Effect. This ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

Passed and approved this 22nd day of August, 2000

Board of County Commissioners

Robert Jaichow
By

Attest: John Burgess

Recommended by: THE COUNTY PLANNING COMMISSION

August 7, 2000
Date

Elmer Ebbel
Chairman

SUBDIVISION REGULATIONS

SECTION 1. RULES AND DEFINITIONS.

Subdivision 1. Application. These regulations shall apply to all land lying within the jurisdiction of this Ordinance. Any plat filed after enactment of this Ordinance for each subdivision or each part thereof lying within the jurisdiction of this Ordinance shall be prepared, presented for approval, and recorded as prescribed by this Ordinance.

These regulations shall apply to the subdivision of any lot, tract, or parcel of land into two or more lots if any resultant lot or parcel is less than two (2) acres in area, or less than 150 feet in width and the subdividing is done for the purpose of transfer of ownership to effectuate building development or if a new street or road is involved, regardless of the size of the parcel or its width, subsequent parcels, in addition to the first lot, must be platted.

The following subdivisions shall be exempt from subdivision requirements:

- a. A division of any parcel of land in two or more parts wherein all parts are at least two acres and at least 150 feet in width and where no new road is involved.
- b. The conveyance of one lot per parcel provided that the resulting lot shall conform in size to the lot size specified for that district.
- c. The subdivision of a lot for the purpose of attachment to contiguous lots where no residual lot is left unaffected.
- d. Conveyances to a governmental unit or public utility for the purpose of roads, streets, substations, poles, towers, telephone booths, etc.

Subdivision 2. Rules.

1. Words used in the present tense include the past and future tense; the singular number includes the plural and the plural includes the singular; the word "shall" is mandatory, and the words "should" and "may" are permissive.
2. In the event of conflicting provisions in the text of this regulation, the more restrictive shall apply.

Subdivision 3. Definitions.

For the purpose of these regulations, certain terms and words are hereby defined as follows:

1. Attorney - the attorney employed by the county unless otherwise stated.
2. Block - the enclosed area within the perimeter of roads, property lines or boundaries of the subdivision.
3. Boulevard - the portion of the street right-of-way between the curb line and the property line.
4. Butt Lot - a lot at the end of a block located between two corner lots.
5. Cluster Development - a subdivision development planned and constructed so as to group housing units into relatively tight patterns while providing a unified network of open space and wooded areas, and meeting the overall density regulations of this Ordinance and the Zoning Ordinance.
6. Community - Rock County.
7. Comprehensive Policies Plan - a comprehensive policies plan prepared by the county including a compilation of policy statements, goals, standards and maps indicating the general locations recommended for the various functional classes of land use and for the general physical development of the county and includes any plan or parts thereof.
8. Contour Map - a map on which irregularities of land surfaces are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.
9. Copy - a print or reproduction made from a tracing.
10. Corner Lot - a lot bordered on at least two (2) sides by streets.
11. County - Rock County, Minnesota.
12. County Board - the Rock County Board of Commissioners.
13. Development - the act of building structures and installing site improvements.
14. Double Frontage Lots - lots which have a front line abutting on one street and a back or rear line abutting on another street.
15. Drainage Course - a water course or indenture for the drainage of surface water.
16. Easement - a grant by an Owner of land for a specific use by persons other than the Owner.

17. Engineer - the registered engineer employed by the community unless otherwise stated.
18. Final Plat - the final map, drawing or chart on which the subdivider's plan of subdivision is presented to the County Board for approval and which, if approved, will be submitted to the County Recorder.
19. Governing Body - Rock County.
20. Key Map - a map drawn to comparatively small scale which definitely shows the area proposed to be platted and the areas surrounding it to a given distance.
21. Lot - a parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map, for the purpose of sale or lease or separate use thereof.
22. Metes and Bounds Description - a description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by described lines or portions thereof.
23. Minimum Subdivisions Design Standards - the guides, principles and specifications for the preparation of subdivision plans indicating among other things, the minimum and maximum dimensions of the various elements set forth in the plan.
24. Natural Waterway - a natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area.
25. Owner - an individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.
26. Pedestrian Way - a public right-of-way across or within a block, to be used by pedestrians.
27. Person - any individual firm, association, syndicate or partnership, corporation, trust, or any other legal entity.
28. Plat - a map or drawing which graphically delineates the boundary of land parcels for the purpose of identification and record of title. The plat is a recorded legal document and must conform to all Minnesota state laws.

29. Preliminary Plat - the preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and County Board for their consideration.

30. Private Street - a street serving as vehicular access to two (2) or more parcels of land which is not dedicated to the public but is owned by one or more private parties.

31. Protective Covenants - Contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

32. Right-of-Way - the land covered by a public road or other land dedicated for public use or for certain private use such as land over which a power line passes.

33. Sketch Plan - a drawing showing the proposed subdivision of property. This plan is not necessarily drawn to scale and exact accuracy is not a requirement.

34. Streets and Alleys -

a. Street - a public way for vehicular traffic, whether designated as a street, highway, thoroughfare, arterial parkway, throughway road, avenue, lane, place or however otherwise designated.

b. Collector Street - a street which carries traffic from local streets to arterials.

c. Cul-de-sac - a minor street with only one outlet and having a turn-around.

d. Service Street - marginal access street, or otherwise designated, is a minor street, which is parallel and adjacent to a thoroughfare and which provided access to abutting properties and protection from through traffic.

e. Local Street - a street of limited continuity used primarily for access to the abutting properties and the local need of a neighborhood.

f. Alley - a minor way which is used primarily for secondary vehicular service access to the back or the side of properties abutting on a street.

g. Arterial Street - a street or highway with access restrictions designed to carry large volumes of traffic between various sectors of the county and beyond.

35. Street Width - the shortest distance between the lines delineating the right-of-way of a street.

36. **Subdivider** - any person commencing proceedings under the Ordinance to effect a subdivision of land hereunder for himself or for another.

37. **Subdivision** - a subdivision is the dividing of any parcel of land into two or more parcels.

a. **Platted Subdivision** - if any resultant parcel is less than two (2) acres in area and less than one hundred fifty (150) feet in width and the subdividing was done for the purpose of transfer of ownership to effectuate building development or if a new street or road is involved, regardless of the size of the parcel and/or its width, subsequent parcels, in addition to the first lot must be platted in accordance with the terms and procedure of the Rock County Subdivision Regulations.

b. **Unplatted Subdivision** -

1) A division of any parcel of land into two or more parts wherein all parts are at least 2 acres and at least one hundred fifty (150) feet in width and where no new road is involved. These do not require platting.

2) For the division of parcels less than 2 acres, the conveyance of one lot per parcel is allowed without platting. If more than one lot is divided from the original parcel the area must be platted including the original lot. The lot size shall never be smaller than the lot size specified for that district.

38. **Surveyor** - the County Engineer.

39. **Tracing** - a plat or map drawn on transparent paper or cloth which can be reproduced by using regular reproduction procedure.

40. **Zoning Ordinance** - a zoning ordinance or resolution controlling the use of land as adopted by the Community or County.

Subdivision 4. Land Suitability in Shoreland or Floodplain District.

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

Subdivision 5. Consistency With Other Controls.

Subdivisions must conform to all other official controls of the Rock County Zoning Ordinance. Local governments must not approve subdivisions that are designed so variances from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, subdivisions must not be approved by local governments unless domestic water supply is available and soil absorption sewage treatment can be provided for every lot. A lot shall meet the minimum lot size specified in the Rock County Zoning Ordinance including at least a minimum contiguous lawn area, that is free of limiting factors (location and type of water supply, soil type, depth to groundwater or impervious layer, slope, flooding potential, and other limiting factors), sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.

SECTION 2. ADMINISTRATION.

Before dividing any tract of land into two or more lots or parcels with Rock County, the following procedures should be followed:

Subdivision 1. Pre-Application Meeting.

Prior to the preparation of a preliminary plat, the subdividers or owners may meet with the Rock County Planning Commission, the Rock County Zoning Administrator, and other appropriate officials in order to be made fully aware of all applicable ordinances, regulations and plans in the area to be subdivided. At this time or at subsequent informal meetings, the subdivider may submit a general sketch plan of the proposed subdivision and preliminary proposals for the provisions of water supply and waste disposal. The sketch plan can be presented in simple form but should show that consideration has been given to the relationship of the proposed subdivision to existing county facilities that would serve it, to neighboring subdivision and developments, and to the topography of the site.

The subdivider is urged to avail himself of the advice and assistance of the local planning commission and county planning staff at this point in order to save time and effort, and to facilitate the approval of the preliminary plat.

Subdivision 2. Preliminary Plat.

1. After pre-application meeting, the subdividers or owners shall file with the Zoning Administrator five (5) copies of a preliminary plat at a cash fee of Fifty Dollars (\$50.00) plus \$2.00 for each lot. This fee will be used for the expenses of the County in connection with the review of said plat.
2. The Zoning Administrator shall refer two copies to the County Planning Commission for their review and report.
3. Within forty-five (45) days after the plat was filed and after reports and certifications have been received as requested, the County Planning Commission shall hold a public hearing on the preliminary plat after notice of the time and place thereof has been published once in the official newspaper at least ten (10) days before the day of the hearing. This shall constitute the public hearing on the plat as required by state law. Within thirty (30) days of the date of the public hearing, the Planning Commission shall make its report to the Jackson County Board.

Written notice of public hearings on the proposed subdivision shall be sent to the governing bodies of all towns and municipalities located within the county. In unincorporated areas, property owners of record within one-half ($\frac{1}{2}$) mile of the property in question shall be notified in writing of the proposed subdivision. In incorporated areas, property owners

within 500 feet of the property in question shall be notified in writing of the proposed subdivision.

Copies of all notices of public hearings in Shoreland or Floodplain Districts shall be sent to the DNR Commissioner or his designated representative and postmarked at least ten (10) days prior to the hearing. This notice shall include a copy of the proposed subdivision/plat.

4. The County Planning Commission and the County Zoning Administrator may forward to the County Board a favorable, conditional or unfavorable report and said report shall contain a statement or findings and recommendations.

5. The Rock County Board shall act to approve or disapprove. If the County Board disapproves the preliminary plat, the grounds for any such disapproval shall be set forth in the Minutes of the Board meeting and reported to the owners or subdividers.

6. The approval of a preliminary plat is an acceptance of the general layout as submitted, and indicates to the subdivider that he may proceed toward final plat in accordance with the terms of approval and provisions of the ordinance.

7. During the intervening time between approval of the preliminary plat and the signing of the final plat, the subdivider must submit acceptable engineering plans for all required improvements.

8. In the case of all subdivision, the Planning Commission shall recommend denial of, and the County Board shall deny, approval of a preliminary or final plat if it makes any of the following findings:

- a. That the proposed subdivision is in conflict with adopted applicable general and specific plans of Rock County.
- b. That the design or improvement of the proposed subdivision is in conflict with any adopted component of the comprehensive plan of Rock County.
- c. That the physical characteristics of this site, including but not limited to topography, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site is not suitable for the type of development or use contemplated;
- d. That the site is not physically suitable for the proposed density of development;
- e. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage;

f. That the design of the subdivision or the type of improvements is likely to cause serious public health problems;

g. That the design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgment of a court.

Subdivision 3. Final Plat.

1. The owners or subdividers shall file five (5) copies of the final plat with the Zoning Administrator. If this is not done within ninety (90) days, the preliminary plat will be considered void unless for good cause an extension is requested in writing by the subdivider and granted by the Board. The owners or subdividers shall also submit at this time an up-to-date certified abstract of title or registered property report.

2. The final plat shall have incorporated all changes recommended by the County Zoning Administrator, the County Board and the County Engineer regarding county roads as conditions to approval of the preliminary plat, but in all other respects it shall conform to the preliminary plat as approved. It may constitute only that portion of the approved preliminary plat which the subdivider proposed to record and develop at that time, provided that such a portion conforms with all requirements of this Ordinance.

3. The Zoning Administrator shall refer two copies of the final plat to the Planning Commission for its review and report. The report of these agencies and persons shall be submitted to the County Board within thirty (30) days of the date of submission of the plat and County Board shall act on the final plat within sixty (60) days of submission of the plat.

4. Upon approval of the final plat by the Rock County Board the subdivider shall record such final plat with the County Recorder, as provided for by that office, within sixty (60) days after the approval. Otherwise the approval of the final plat shall be considered void. The subdivider shall, within thirty (30) days of recording, furnish the Zoning Administrator with three black line prints and a reproducible print of the final plat showing evidence of the recording.

5. A copy of the approved plats in the Shoreland or Floodplain district must be sent to the Commissioner or the Commissioner's designated representative and postmarked within ten (10) days of the final action.

6. All plats which are larger than ten (10) lots need to be registered with the State Department of Commerce.

SECTION 3. DATA FOR PRELIMINARY AND FINAL PLATS.

Subdivision 1. Data for Preliminary Plat.

1. Identification and Description.

- a. Proposed name of subdivision, which shall not duplicate or be similar in pronunciation or spelling to the name of any plat heretofore in the County.
- b. Location by section, township, range, and by legal description.
- c. Name of municipality or township.
- d. Names and addresses of the record owner and any agent having control of the land, subdivider, land surveyor, engineer, and designer of the plan.
- e. Graphic scale not less than one (1) inch to one hundred (100) feet.
- f. North point.
- g. Key map including area within one (1) mile radius of plat.
- h. Date of preparation.
- i. A current Abstract of Title or a Registered Property Certificate along with any unrecorded documents and an Opinion of Title by the subdivider's attorney.
- j. Surface water features required in Minnesota Statutes, Section 505.02, Subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources.

2. Existing Conditions.

- a. Boundary line of proposed subdivision, clearly indicated and to a close degree of accuracy.
- b. Existing zoning classifications for land within and abutting the subdivision.
- c. A general statement on the approximate acreage and dimensions of the lots.
- d. Location, right-of-way width, and names of existing or platted streets, or other public ways, parks, and other public lands, permanent buildings and structures,

easements, and section and corporate lines within the plan and to a distance one hundred fifty (150) feet beyond shall also be indicated.

e. Boundary lines of adjoining unsubdivided or subdivided land, within one hundred fifty (150) feet, identified by name and ownership, including all contiguous land owned or controlled by the subdivider.

f. Topographic data, including contours at vertical intervals of ten (10) feet, water courses, marshes, rock outcrops, power transmission poles and lines, and other significant features shall also be shown. USGS datum shall be used for all topographic mapping where feasible. The County Board may require two foot contours if conditions warrant it.

g. An accurate soil survey of the subdivision prepared by a qualified person. Soil percolation tests may also be required if conditions warrant it.

h. A central water and sewer system feasibility study to be completed by a qualified engineer, if a central water and sewer system is determined to be feasible. Where a central sewer system is found to be unfeasible, a qualified soil scientist shall report on the feasibility of individual home sewer systems according to MPCA standards and shall include soils borings and percolation tests as needed to verify conclusions. All lots created after the effective date of this Ordinance shall show a primary and secondary site where a standard soil treatment area can be constructed. Lots that would require use of holding tanks must not be approved.

i. The surface water features required in Minnesota Statutes, Section 505.02, Subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources.

j. Information regarding adequacy of domestic water supply, extent of anticipated vegetation and topographic alterations; near shore aquatic conditions, including depth, type of bottom sediments, and aquatic vegetation; and proposed methods for controlling storm water runoff and erosion, both during and after construction activities.

k. Location of the 100 year flood plain areas from existing regional flood maps.

3. Subdivision Design Features.

a. Layout of proposed streets showing the right-of-way widths, centerline gradients, typical cross sections, and proposed names of streets. The name of any street heretofore used in the county or its environs shall not be used unless the proposed

street is a logical extension of an already named street, in which even the same name shall be used.

- b. Locations and widths of proposed alleys and pedestrian ways.
- c. Layout, numbers and preliminary dimensions of lots and blocks.
- d. Minimum front and side street buildings setback lines.
- e. When lots are located on a curve, the width of the lot at the building setback line.
- f. Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public uses, including the size of such areas in acres.

4. Other Information.

- a. Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units and type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population.
- b. Provision of surface water and sanitary sewage disposal, drainage and flood control.
- c. If any zoning changes are contemplated, the proposed zoning plan for the area.
- d. Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Planning Commission shall require that the subdivider submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be shown to relate well with existing or potential adjacent subdivisions.
- e. Potential resubdivision and use of excessively deep or wide (over 200 feet) lots shall be indicated in a satisfactory manner.
- f. A plan for soil erosion and sediment control both during construction and after development has been completed. The plan shall include gradients of waterways, designs of velocity and erosion control measures, and landscaping of the erosion and sediment control system.
- g. A vegetation preservation and protection plan that shows those trees proposed to be removed, those to remain, the types and locations of trees and other vegetation that are to be planted.

h. A water feasibility study shall also be required to determine if water is readily available.

i. Such other information as may be requested by the County Zoning Administrator or County Planning Commission.

Subdivision 2. Data for Final Plat.

1. General - the plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall comply with the provisions of Minnesota State Statutes and of this regulation.

2. Surveying requirements of the final plat shall be under the regulation of the County Surveyor.

3. The subdivider or owner shall provide a map showing location and sizes of existing sewers, water mains, culverts or other underground facilities within the preliminary plan area and to a distance of one hundred fifty (150) feet beyond. Such data as grade, invert elevations, and locations of catch basins, manholes, hydrants and street pavement width and type, shall also be shown.

4. The subdivider or owner shall prepare a map showing all existing and proposed private restrictions.

5. Title opinion by a practicing attorney-at-law based upon an examination of an abstract of the records of the Rock County Recorder for the lands included within the plat and showing the title to be in the name of the owner or subdivider. The date of continuation of the abstract examined or the date of the examination of the records shall be within thirty (30) days prior to the date the final plat is filed with the County Auditor. The owner or subdivider shown in the title opinion shall be the owner of record of the platted lands on the date of recording of the plat with the County Recorder.

6. Execution by all owners of any interest in the land and any holders of a mortgage therein of the certificate required by Minnesota Statutes and which certificate shall include an accurate legal description of any area to be dedicated for public use and shall include a dedication to the County of sufficient easements to accommodate utility services in such form as shall be approved by the County Attorney.

Subdivision 3. Certifications.

1. Form for approval by signature of county officials concerned with the recording of the plat.

- a. Checked and approved as to compliance with Chapter 505, Minnesota Statutes.

Dated this _____ day of _____, _____.

Rock County Engineer

- b. No delinquent taxes and transfer entered this ___ day of _____, _____.

Rock County Auditor

- c. Document Number _____

I hereby certify this instrument was filed in the office of the County Recorder for record on this ___ day of _____, _____, at _____ o'clock _____ M., and was duly recorded in Book ___ of _____ on page _____.

County Recorder, Rock County

- d. Checked and approved as in compliance with the Rock County Zoning Ordinance and Subdivision Regulations.

Planning Commission, Rock County

County Board, Rock County

Township Board Chairman

2. Form for approval by the County Attorney:

I hereby certify that proper evidence of title has been presented to an examined by me, and I hereby approve this plat as to form and execution.

Dated this ___ day of _____, _____.

Rock County Attorney

SECTION 4. SUBDIVISION DESIGN STANDARDS.

Subdivision 1. General Requirements.

1. The Planning Commission, in its review of the preliminary plat, will take into consideration the requirements of the community and the best use of the land being subdivided.
2. The arrangement, character, extent, width and location of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to runoff of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Wherever possible and necessary, the arrangement of streets in new subdivisions shall provide for the continuation of existing streets in adjoining areas. Where adjoining unsubdivided areas may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations.

Subdivision 2. Streets.

1. Widths - Street right-of-way widths shall be as determined in the policies plan and official map and, where applicable, shall conform to county and state standards for trunk highways. If there is no such plan or standard, right-of-way widths shall conform to the following minimum dimensions:

<u>Street</u>	<u>Right-of-Way Width</u>
Major Arterial.....	250 feet
Minor Arterial.....	150 feet
Collectors.....	60-80 feet
Local.....	50 feet
Marginal Access Roads.....	30 feet
Cul-de-sac Streets.....	60 feet
Cul-de-sac Turnaround Radius.....	60 feet

2. Street Intersections - Insofar as practical, streets shall intersect at right angles. In no case shall the angle formed by the intersection of two streets be less than 60 degrees. Intersections having more than four corners shall be prohibited. Adequate land for future intersection and interchange construction needs shall be dedicated.
3. Tangents - A tangent of at least three hundred (300) feet shall be introduced between reverse curves on arterial and collector streets.

4. Deflections - When connecting street lines deflect from each other at one point by more than ten (10) degrees they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than five hundred (500) feet for arterial, three hundred (300) feet for collectors, one hundred (100) feet for all other streets.
5. Street Jogs - Street jogs with centerline offsets of less than one hundred fifty (150) feet shall be avoided for local streets.
6. Local Streets - Minor streets shall be laid out so that their use by through traffic is discouraged.
7. Cul-de-sac - The maximum length of a street terminating in a cul-de-sac shall be five hundred (500) feet, measured from the centerline of the street of origin to the end of the right-of-way.
8. Centerline Gradients - All centerline gradients shall be at least 0.5 percent and shall not exceed the following: arterial and collector streets - 5 percent, minor streets and marginal access streets - 8 percent.
9. Access to Arterial Streets - In the case where a proposed plat is adjacent to a limited access highway (arterial), there shall be no direct vehicular or pedestrian access from individual lots to such highways. As a general requirement, access to arterials shall be at intervals of not less than ¼ mile and through existing and established cross roads where possible.
10. Platting of small tracts - In the platting of small tracts of land fronting on arterial streets where there is no convenient access to existing entrances and where access from such plat would be closer than ¼ mile from an existing access point, a temporary entrance permit may be granted. Provision shall be made in such plats for the connection of roads to neighboring land. As the neighboring land is platted and developed, and access becomes possible at a preferred location, such temporary entrance permits shall become void.
11. Half Streets - Half streets shall be prohibited except where it will be practical to require the dedication of the other half when the adjoining property is subdivided, in which case the dedication of a half street may be permitted. The probable length of time elapsing before dedication of the remainder shall be considered in this decision.
12. Private Streets - Private streets may be permitted, however, they must conform to the same standards as public streets.
13. Hardship to Owners of Adjoining Property - The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

Subdivision 3. Blocks.

The length, width and acreage of blocks shall be sufficient to provide for convenient access, circulation, control and safety of street design. Blocks may be longer than 1300 feet or shorter than 300 feet only if the County Zoning Administrator and Highway Engineer agree that exceptions are warranted. Exceptions may be warranted in order to foster design originality provided that such exceptions do not violate sound planning principles. Pedestrian ways may be required on blocks longer than 900 feet or in other areas to provide access to schools, parks, and other destinations. Pedestrian ways shall be at least ten (10) feet wide and shall be located so as to minimize intersections with streets.

Subdivision 4. Lots.

1. Size - The lot dimensions shall be such as to comply with the minimum lot areas specified in the Zoning Ordinance.
2. Side Lot Lines - Side lines of lots shall be substantially at right angles to straight street lines or radial to curved street lines.
3. Lots - Lots shall be graded so as to provide drainage away from building locations.
4. Natural Features - In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, wetlands, steep slopes, water courses, historic spots, or similar conditions, and plans adjusted to preserve those which will add attractiveness, safety and stability to the proposed development.
5. Lot Remnants - All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels.
6. Double Frontage Lots - Double frontage (lots with frontage on two parallel streets) or reverse frontage shall not be permitted except where lots back on an arterial or collector street. Such lots shall have an additional depth of at least ten (10) feet in order to allow for screen planting along the back lot line.
7. On large lots (1 acre or more) septic tanks and drain fields shall be located in such a way as to allow future subdivision of the land.

Subdivision 5. Sewage Disposal.

1. This ordinance adopts Minnesota Pollution Control Agency Chapter 7080.

2. Publicly owned sewer systems must be used where available. Refer to chapter 716 for additional details.

Subdivision 6. Tree Removal and Conservation of Vegetation.

All subdivisions shall be planned, designed, constructed and maintained so that:

1. Existing healthy trees and native vegetation on the site are preserved to the maximum extent feasible and are protected by adequate means during construction.
2. Existing native vegetation is not disturbed, injured or removed prior to site development, except to the extent necessary for the preparation of a tentative map.
3. Following construction, vegetation suitable to the site is planted. The type or species of tree planted shall be approved by the county. Trees with root structures that are less likely to interfere with utility lines, break up sidewalks, and cause other nuisance damage are desirable. Trees shall have a trunk diameter (measured 12 inches above ground level) of not less than 1 ¾ inches and shall be planted in not less than one cubic yard of good growing soil with a suitable amount of fertilizer. Approved multiple varieties shall be used alternately. Trees shall be planted at intervals of at least one every sixteen feet and at a distance of at least six feet outside of the road right-of-way. No tree shall be planted within the road right-of-way. Hedges shall be set back at least 100 feet from the centerline of any highway in order to prevent snow build up.
4. Existing trees shall be preserved within any right-of-way when such trees are suitably located, healthy, and when approved grading allows.
5. No slash, dead trees, or uprooted stumps shall remain after development.

Subdivision 7. Erosion and Sediment Control.

The following guidelines shall be applied in the subdivision and construction of land areas:

1. The Development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.
2. Erosion and siltation control measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.
3. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.

4. When soil is exposed, the exposure shall be for the shortest feasible period of time.
5. Where the topsoil is removed, sufficient arable 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.

Subdivision 8. Drainage.

The natural drainage system shall be used as far as is feasible for the storage and flow of runoff. The following requirements shall also apply:

1. Storm water drainage shall be discharged to marshlands, swamps, retention basins or other treatment facilities. Diversion of storm water to marshlands or swamps shall be considered for existing or planned surface drainage. Marshlands and swamps used for storm water shall provide for natural or artificial water level control.
2. No existing ditch, stream, drain or drainage canal shall be deepened, widened, filled, rerouted or filled without written permission from the Rock County Board.
3. Where artificial channels must be constructed to augment the natural drainage system, such channels as well as the natural drainage ways may be planned as part of a recreation trail system. Channels shall be designed to be aesthetically compatible for recreational trail use.
4. The drainage system shall be constructed and operational as quickly as possible during construction.

Subdivision 9. Easements.

All easements shall be dedicated by appropriate language on the plat as required by M.S.A. Section 505.02, Subd. 2.

1. Provided for Utilities - Easements at least twelve (12) feet wide, centered on rear and other lot lines, shall be provided for utilities where necessary. They shall have continuity of alignment for block to block.
2. Drainage - Easements shall be provided along each side of the centerline of any water course or drainage channel, whether or not shown in the comprehensive plan, to a width sufficient to provide proper maintenance and protection and to provide for storm water runoff from a ten year storm of one hour duration. Where necessary, drainage easements corresponding with lot line shall be provided. Such easements for drainage purposes shall not be less than twenty (20) feet in width.

Subdivision 10. Steep Slopes.

Subdivision design shall be consistent with limitations presented by steep slopes. Subdivision shall be designed so that no construction or grading will be conducted on slopes steeper than 18% in grade.

Subdivision 11. Flood Plain Subdivisions.

No land shall be subdivided which is held unsuitable by the Rock County Planning Commission for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall contain a building site at or above the Regulatory Flood Protection Elevation. All subdivisions shall have water and sewage disposal facilities that comply with the provisions of this Ordinance and have road access both to the subdivisions and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation.

SECTION 5. IMPROVEMENTS REQUIRED.

Subdivision 1. Improvements Listed and Described.

Prior to the approval of a final plat, the subdivider shall have agreed in the manner set forth below to install in conformity with construction plans approved by the County Engineer and in conformity with all applicable standards and ordinances, the following improvements on site:

1. Monuments - Monuments of a permanent character, as required by M.S.A. Section 505.02, shall be placed at each corner or angle on the outside boundary of the subdivision; and pipes or steel rods shall be placed at each corner of each lot and each intersection of street center lines.
2. Streets - The full width of the right-of-way of each street and alley dedicated in the plat shall be graded. All streets and alleys shall have an adequate sub-base and shall be improved with an all-weather permanent surface in accordance with the design standards specified by the County. Except in areas where lot widths exceed one hundred (100) feet or topography or tree cover dictates otherwise, grading shall provide for easy installation of sidewalks at some future date.
3. Paving - The County Board may require that all streets and alleys be improved with a concrete or bituminous surface. Paving shall be required if central sewer and water services are provided. If central sewer and water services will not be provided for at least ten (10) years, paving may be required. If central sewer and water services are to be provided within ten (10) years, paving should not be required until after the central sewer and water services are installed. The County may require a cash deposit to be used for paving streets after central sewer and water services are provided. Streets to be paved shall be surfaces for five-ton axle weight capacity.
4. Concrete Curb and Gutter - Concrete curb and gutter may be required for all paved streets.
5. Sidewalks - Sidewalks may be required along both sides of all streets in areas where residential density equals or exceeds three (3) dwelling units per net acre of residentially used land or in commercial areas.
6. Water Supply - Where a municipal water supply is available within a reasonable distance, the subdivider may be required to provide a connection to the municipal system. The feasibility of this requirement shall be evaluated based on the cost of constructing the connection weighed against the cost of installing individual wells and the likelihood of an eventual municipal connection in the future.

Where a municipal connection is determined to be unfeasible, the following standards shall apply:

In all subdivision the subdivider shall either:

- a. Install a system providing each lot with an adequate supply of potable water or,
- b. State on his final plat that purchasers of individual lots will be required to install their own approved wells.

7. Street Lighting - Street lighting of a type approved by the community may be required at all intersections within the subdivision.

8. Sewage Disposal - Sanitary sewer mains and service connections shall be installed to serve all the lots in the subdivision and shall be connected to the public system. When a subdivision cannot be connected immediately to a trunk line of the community system, but in the option of the County and County Engineer, a trunk line will be extended to serve the area within five years through the community disposal system, the County may require that sewer mains and service connections be installed within the subdivision and the entire system connected to a temporary package sewage treatment plant.

In areas being platted for rural estate development with large lots, as specified in the Zoning Ordinance, individual on-site sewage disposal facilities shall be provided for each lot. On-site sewage disposal systems shall be so located as to permit easy and the least expensive connection to the sewer when it becomes available and useable. Where such on-site units are installed, the subdivider shall provide underground plumbing to extend three (3) feet beyond the footing which plumbing shall be plugged. The area around the stack shall be scored so that the septic tank line can be disconnected and connection can be made with the public sanitary sewer system.

When an individual sewage system is used and the septic tank is placed on a side other than that from which the public sewer would connect, it shall be required that a capped sewage disposal line shall be extended from the point of ground entrance of basement or house to a point five (5) feet beyond and to the side from which the future sewer connection will be made. Inside the basement the elbow shall be set up to be easily reversed for connection to the capped line.

There shall be no overflow outlets from septic tanks or seepage pits allowing effluent to flow to any waterway, drainage way or roadside ditch.

The subdivider or owner shall be required to provide appropriate soils borings and percolation tests in order to determine proper sewage system design.

9. Drainage - A system that will adequately take care of the surface water runoff within the subdivision shall be provided. Storm sewers and culverts shall be installed where necessary in conjunction with the grading of streets. Cross drains shall be provided to accommodate

all natural water flow and shall be of sufficient length to permit full-width roadways and required side slopes. Drainage ditches shall be sodded to prevent erosion.

10. Street Signs - Street signs of standard design approved by the County Board shall be installed at each street intersection.

11. Public Utilities - All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles.

SECTION 6. PAYMENT FOR INSTALLATION OF IMPROVEMENTS.

Subdivision 1. General.

The required improvements to be furnished and installed by the subdivider, which are listed and described above, are to be furnished and installed at the sole expense of the subdivider and at no expense to the public, provided, however, that in the case of an improvement, the cost of which would be general policy of the governing body be assessed only in part to the improved property and the remaining cost paid out of general tax levy, the County Board may make provision for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the subdivider. If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, the County Board may make provision for causing a portion of the cost of the improvement representing the benefit to such lands to be assessed against the same; an din such case the subdivider will be required only to pay for such portions of the whole cost of said improvements as will represent the benefit to the property within the subdivision.

Subdivision 2. Required Agreement Providing for Proper Installment of Improvements.

Prior to installation of any required improvements and prior to approval of the final plat, the subdivider shall enter into a contract in writing with the County requiring the subdivider to furnish and construct said improvements at his sole cost in accordance with the plans and specifications and usual contract conditions all approved by the County Board which shall include provisions for supervision of details of construction by the County Zoning Administrator and grant to the Administrator the authority to correlate the work to be done under said contract by any subcontractor authorized to proceed thereunder and with any other work being done or contracted by the County in the vicinity. The agreement shall require the subdivider to make an escrow deposit or in lieu thereof to furnish the performance bond as specified in Subdivision 3, which follows.

The amount of the deposit and the penal amount of the bond shall equal the Administrator's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection by the County. The time for completion of work and the several parts thereof shall be determined by the County Board upon recommendation of the County Zoning Administrator after consultation with the subdivider and shall be reasonable in relation to the work to be done, the season of the year, and the proper correlation with construction activity in the subdivision.

Subdivision 3. Financial Guarantee.

The contract, provided by Subdivision 2, above, shall require the subdivider to make an escrow deposit or in lieu thereof furnish the performance bond as follows:

1. Escrow Deposit - An escrow deposit shall be made with the County, including cost of inspection by the County of all improvements to be furnished and installed by the subdivider pursuant to the contract, and which have not been completed prior to the approval of the final

plat; but the County shall be entitled to reimburse itself out of said deposit for any cost and expense incurred by the County for completion of the work in case of default of the subdivider under said contract and for any damages sustained by the County on account of any breach thereof. Upon completion of the work and termination of any liabilities to the County or the subdivider under said contract, the balance remaining of said deposit shall be refunded to the subdivider.

2. Performance Bond - In lieu of making an escrow deposit above described, the subdivider may furnish the County with a public contract of performance bond, in the form prescribed by statute, with corporate surety in a penal sum equal to the total cost as estimated by the Zoning Administrator including cost of inspection of all improvements to be furnished and installed by the subdivider pursuant to the contract and which have not been completed prior to the approval of the final plat. The Bond shall be approved by the County Attorney and filed with the County Recorder.

Subdivision 4. Construction Plans.

Construction plans for the required improvements, conforming in all respect to the standards of the county and the applicable ordinances, shall be prepared at the subdivider's expense by a Professional Engineer who is registered in the State of Minnesota; and said plans shall contain his seal. Such plans, together with the quantity of construction items, shall be submitted to the Zoning Administrator for his approval and for his estimate of total cost of the required improvements; upon approval they shall become a part of the contract required in Subdivision 2. The tracings of the plans approved by the county, plus two prints, shall be furnished to the County to be filed by the County.

SECTION 7. MODIFICATIONS, EXCEPTIONS AND VARIANCES.

Subdivision 1. Hardship.

The County Board may grant a variance upon receiving a report from the planning Commission in any particular case where the subdivider can show by reason of exceptional topography or any other physical conditions that strict compliance with these regulations would cause exceptional and undue hardship provided such relief may be granted without detriment to the public welfare and without impairing the intent and purpose of these regulations. The Planning Commission may recommend variations from the requirements of this Ordinance in specific which, in its opinion, do not affect the comprehensive plan or the intent of this Ordinance. Any modifications thus recommended shall be entered in the minutes of the Planning Commission in setting forth the reasons which justify the modifications. The County Board may approve variances from these requirements in specific cases which in its opinion meets the above requirements and do not adversely affect the purposes of this Ordinance.

Subdivision 2. Applicability.

Nothing herein shall be so construed as to direct or imply that these regulations apply only to residential subdivisions. All subdivisions, be they commercial, industrial, public land use, or otherwise, shall be a subdivision regardless of the proposed land use if falling within the definition of a subdivision as defined herein.

Subdivision 3. Easements.

All easements required for public purposes shall be provided at locations approved by the governing body. Said easements may be for utilities, drainage, floodplain protection, lakeshore access, walking trails, etc. However, all easements other than utility and drainage easements must be conveyed and recorded at the County Recorder's office prior to plat approval. No plat shall be approved that may for any reason be detrimental to local, county or regional utility plan.

Over sizing of utilities to provide future service for more intense development of the land or to provide future service to other areas may be required.

SECTION 8. LAND DIVISION.

Subdivision 1. General - Conveyance by Metes and Bounds..

In any case where the division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development does not come within the definition of subdivision as defined by this Ordinance, a description of such land division shall be filed with the County Zoning Administrator and reviewed by the County Engineer.

Land parcels not subject to the subdivision regulations may be conveyed by metes and bounds property description, however, no use/building permit for the construction of a new home shall be issued for any parcel that has not been surveyed by a registered land surveyor. The requirement of a certified land survey shall not apply in instances in which the building permit relates to a residence being built to replace a home which was in existence on or before the passage of this Ordinance.

Subdivision 2. Small Subdivisions.

Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of these regulations, the County Board, following consideration of the Planning Commission, shall have the power to vary the requirements established in harmony with the general purpose and intent thereof, so that the public health, safety, and general welfare may be secured and substantial justice done.

In particular, for small subdivisions of a minor nature in size or complexity, certain requirements of these regulations may be waived if the County Board, following consideration by the Planning Commission, so determines, and following compliance with procedures as follows:

1. Simple Lot Split - When one parcel or lot of record is divided to result in two lots or parcels, the submission of topographic maps, soil tests and other data may be waived if approved by the Planning Commission. Transfer of title or the process of subdividing may be by filing of a final plat, certificate of survey or registered land survey.
2. Creation of 3 to 5 Lots - When any parcel of land is divided to result in three (3) to not more than five (5) lots, submission requirements such as soil tests and topography information shall be as required by the County Planning Commission. Transfer of title or the process of subdivision may be by filing of a final plat or registered land survey. Additional information may, however, be required by the Planning Commission, or County Board following review of the preliminary plan. The County Board may require the filing of a final plat in lieu of a registered land survey.

SECTION 9. ENFORCEMENT.

Subdivision 1. The County Recorder shall submit to the office of Zoning Administration copies of any documents presented for filing which appear to be in violation of this Ordinance. The Zoning Administrator shall examine each such instrument to determine whether the proposed conveyance complies with this Ordinance. If the conveyance does not comply with this Ordinance, the Zoning Administrator shall give notice by mail of the potential violation to the parties to the conveyance.

Subdivision 2. Sale of Lots from Unrecorded Plats. It shall be unlawful to sell, trade, or otherwise convey any lot or parcel of land in violation of this Ordinance.

Subdivision 3. Misrepresentations as to Construction, Supervision, or Inspection of Improvement. It shall be unlawful for any subdivider, person, firm, or corporation owning an addition or subdivision of land within the County to represent that any improvement upon any of the highways, roads, streets, or alleys of said addition or subdivision or any sewer in said addition or subdivision has been constructed according to the plans and specifications approved by the Board, or has been supervised or inspected by the County, when such improvements have not been so constructed, supervised, or inspected.

Subdivision 4. Penalty. Anyone violating any of the provisions of this Ordinance shall be guilty of a misdemeanor. Refusal to comply with the Ordinance after notice from the County that a violation exists shall constitute a separate offense. Any permit or governmental approval may be revoked or denied for said violation.

Subdivision 5. Civil Enforcement. The County, in addition to other remedies, may institute other appropriate actions or proceedings to prevent, restrain, correct, or abate any violations or threatened violations, and it shall be the duty of the County Attorney to institute such action.

Subdivision 6. Validity. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 10. DATE EFFECT.

Subdivision 1. Date of Effect. This ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

Passed and approved this 22nd day of August, 2000

Board of County Commissioners

Robert Jaichow
By

Attest: John Berger

Recommended by: THE COUNTY PLANNING COMMISSION

August 7, 2000
Date

Elmer Ehde
Chairman