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SECTION 1 - PREAMBLE, TITLE, SHORT TITLE AND PURPOSE

0110.0101 PREAMBLE

Pursuant to Minnesota Statutes, Sections 394.21 to 394.37 inclusive, the County Board of Houston County ordains this Ordinance regulating the use of land in Houston County by districts, including the regulation of the location, size, use and height of buildings, the arrangement of buildings on lots and the density of population for the purpose of promoting the public health, safety, order, convenience, and general welfare of Houston County. All federal, state and local standards are applicable.

0110.0102 TITLE

This Ordinance shall be known, cited and referred to as the Houston County Zoning Ordinance.

0110.0103 SHORT TITLE

The "Houston County Zoning Ordinance;" when referred to herein, it shall be known as "this Ordinance."

0110.0104 PURPOSE

The purpose of this Ordinance is to promote the health, safety, and general welfare of the citizens in the unincorporated areas of Houston County and to conserve the resources of the County by adopting the following policies:

Subdivision 1. To Promote And Protect The Health Safety And General Welfare. To implement policy and standards that protect the public health, safety, comfort, convenience and general welfare.

Subdivision 2. To Preserve Agricultural Land. To implement policy and standards that protect and conserve agricultural land.

Subdivision 3. To Provide For The Orderly Development Of The County. To implement policy and standards that protect and conserve the social and economic stability of the County by providing for agricultural, residential, commercial, and industrial land use districts that allow compatible uses and promote their orderly development.

Subdivision 4. To Assure Adequate Utilities And Transportation. To facilitate adequate and economical provision of transportation, water supply, and sewage disposal.

Subdivision 5. To Assure Adequate Public Facilities. To provide for general location of schools, recreation facilities and other public requirements.

Subdivision 6. To Conserve The Scenic Beauty Of The County. To implement policy and standards that conserve the natural and scenic beauty and attractiveness of the County.

Subdivision 7. To Conserve Natural Resources. To implement policy and standards that conserve the natural resources in the County including bluff-land, wetland, shoreland, and woodland.

Subdivision 8. To Prevent Pollution. To implement policy and standards that minimize environmental pollution.

Subdivision 9. To Encourage Solar And Earth-Sheltered Dwellings. To implement policy and standards that conserve energy by allowing solar and earth-sheltered housing.

SECTION 2 - IMPLEMENTATION

0110.0201 JURISDICTION

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

0110.0202 STATUTORY AUTHORIZATION

The standards in this Ordinance are adopted pursuant to Minnesota Statutes Chapter 394, planning and zoning enabling legislation, and the authorization and policies contained therein, and such other statutory authorization as cited in this Ordinance.

0110.0203 SCOPE

From and after the effective date of this Ordinance and subsequent amendments, the use of all land and every building or portion of a building erected, altered in respect to height and area, added to or relocated, and every use within a building or use accessory thereto in Houston 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 nonconforming, but may be continued, extended or changed, subject to Section 8 of this Ordinance regulating nonconforming uses.

0110.0204 APPLICATION

Subdivision 1. Interpretation and Application. In the interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and welfare.

Subdivision 2. Abrogation of Greater Restrictions. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

0110.0205 SEPARABILITY

It is hereby declared to be the intention that the several provisions of this Ordinance are separable in accordance with the following:

Subdivision 1. Shall Not Affect Any Other Provisions Of This Ordinance. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in the judgment.

0110.0206 RELATION TO LAND USE PLAN

It is the policy of the County Board that the enactment, amendment and administration of this Ordinance be accomplished with due consideration of the purposes and objectives of the County Land Use Plan as adopted or approved and amended from time to time by the Board.

SECTION 3 - RULES AND DEFINITIONS

0110.0301 PERMITTED USES

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

Subdivision 1. Exceptions

(1) Uses lawfully established prior to the effective date of this Ordinance in accordance with Sections 9 and 29 of this Ordinance.

(2) Conditional uses established accordance with Section 6 of this Ordinance.

0110.0302 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 6. Whenever a conditional use is named as a major category, it shall be deemed to include all and only those itemized uses listed.

0110.0303 INTERIM USES

Interim uses of land or buildings, as hereinafter listed, may be allowed in the districts indicated, subject to the issuance of Interim Use Permits, in accordance with the provisions of Section 7. Whenever an interim use is named as a major category, it shall be deemed to include all and only those itemized uses listed.

0110.0304 MEASUREMENT OF DISTANCES

All stated and measured distances shall be taken to the nearest integral foot. If a fraction is one-half (1/2) foot or less, the integral foot next below shall be taken. All distances, unless otherwise specified, shall be measured horizontally.

0110.0305 WORD USAGE

Subdivision 1. Interpretation of Certain Words. For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

(1) The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
(2) The words 'shall" or “will” are mandatory, and not discretionary, the words "may" and “should” are permissive.
(3) Words used in the present tense shall include the future; and words used in the singular shall include the plural, and the plural the singular.
(4) The word "parcel" shall include the words "piece", "lot", and "plot". The word 'building" shall include "structures" of every kind, regardless of similarity to buildings.
(5) The masculine gender shall include the feminine and neuter.

0110.0306 DEFINITIONS

Subdivision 1. Interpretation of Definitions. It shall be the responsibility of the County Zoning Administrator to apply and interpret the definitions in this section for development proposals and permit applications and to other proposals and permit applications and to other zoning administrative and enforcement matters. In fulfilling this function, the Zoning Administrator shall consult with the County Board of Adjustment for the clarification of definitions, as needed. The Zoning Administrator and the board of Adjustment may consult other authorities and references in making decisions concerning the clarification and use of definitions in the administration and enforcement of the zoning ordinance.

Subdivision 2. Definitions

Above Ground Manure Storage Area. "Above Ground Manure Storage Area" means a manure storage area for which all portions of the liner are located at or above the elevation of the natural ground level.

Access. The term includes all public and private ingress and egress from private property to a public right-of-way. This definition includes, but is not limited to, access to building sites, accessory uses, fields and wood lots.

Access Approval. Any new access, or improvement of an existing access onto a public road or highway right-of-way shall be reviewed by, and comply with the design standards provided by the local government unit that has jurisdiction over the right-of-way.

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

Agricultural Building. Buildings located on operating farms within which may be located the following: farm implements and machinery; tools; building materials; crop supplements; machinery fuel and related additives; harvested field, orchard and woodland crops and products and any processing related thereto; the housing and growing of farm animals and related processing facilities and supplies; the temporary location and/or treatment of animal manure. Agricultural buildings also include workshops, garages and accessory structures within which farm operators and their employees perform work related to the farm operations of the farm

owner or tenant. Agricultural buildings shall not be constructed or used as the permanent, temporary or rental residence for any person or group of persons. Any agricultural building may contain a single restroom not to exceed eighty (80) square feet in floor area, with such space to include no use other than toilet and bathing facilities.

Agricultural Use. The use of land and buildings for the growing or production of field crops or other cash crops, orchards, the raising of livestock, and livestock products for the production of income. For purpose of this definition the following terms are defined as:

(1) Field crops shall include but not be limited to corn, soybeans, hay, oats rye, wheat, fruit, vegetable, or other products suitable for human or animal consumption;

(2) Livestock shall include but not be limited to dairy and beef cattle, hogs, poultry, horses, sheep, game birds, goats or other animals as determined by the Planning Commission;

(3) Livestock products shall include but not be limited to milk, cheese, butter, eggs, meat, fur and honey.

(4) The necessary accessory uses and buildings for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses and buildings shall be secondary to that of primary agricultural activities.

Airport or Heliport. Any land or structure which is used or intended for use, for the landing and take-off of aircraft, and any appurtenant land or structure used or intended for use as port buildings or other port structures or right-of-ways.

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

Animal Manure or Manure. "Animal manure" or "manure" means poultry, livestock, or other animal excreta or a mixture of excreta with feed, bedding, precipitation, or other materials.

Animal Unit. "Animal unit" means a unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer for an animal feedlot or a manure storage area, calculated by multiplying the number of animals of each type in items 1 to 8 by the respective multiplication factor and summing the resulting values for the total number of animal units. For purposes of this chapter, the following multiplication factors shall apply:

1. DAIRY CATTLE:

a. One mature cow (whether milked or dry);

(1) over 1,000 pounds, 1.4 animal unit; or
(2) under 1,000 pounds, 1.0 animal unit;

b. One heifer, 0.7 animal unit; and
c. One calf, 0.2 animal unit;

2. BEEF CATTLE:

a. One slaughter steer or stock cow, 1.0 animal unit;
b. One feeder cattle (stocker or backgrounding) or heifer, 0.7 animal unit;
c. One cow and calf pair, 1.2 animal unit; and
d. One calf, 0.2 animal unit;

3. SWINE:

a. 55 pounds and over, 0.4 animal unit;
b. Under 55 pounds, 0.05 animal unit;

4. HORSE:

a. One horse, 1.0 animal unit;

5. SHEEP OR LAMB:

a. One sheep or lamb, 0.1 animal unit;

6. CHICKEN:

a. One laying hen or broiler, and a liquid manure system, 0.033 animal unit; or
b. One chicken and a dry manure system:
(1) Over five pounds, 0.005 animal unit; or
(2) Under five pounds, 0.003 animal unit;

7. TURKEY:

a. One turkey over five pounds, 0.018 animal unit; or
b. One turkey under five pounds, 0.005 animal unit;

8. DUCK:

a. One duck, 0.01 animal unit; and

For animals not listed in items 1 to 8, the number of animal units is the average weight of the animal in pounds divided by 1,000 pounds.

Apartment. A room or suite of rooms with cooking facilities available which is occupied as a residence by a single family, or a group of individuals living together as a single family unit. This includes any unit in buildings with more than two dwelling units.

Basement. A portion of a building located partly underground but having half or more of its floor-to-ceiling height below the average grade of the adjoining ground.

Bed and Breakfast. A home or other establishment which provides lodging, breakfast, and hospitality. The Bed and Breakfast establishment is highly individualized and offers unique facilities and services to the guests. Bed and Breakfasts can be found in cities and towns of all sizes and in rural areas. The term "Bed and Breakfast" excludes franchise operations, hotels, motels, resorts, and boarding houses. Bed and Breakfasts generally fall into two categories:

(1) Bed & Breakfast Inn
- Up to 15 rooms available for guests
- Breakfast included in price of room
- Owner/innkeeper occupied or residing on contiguous property.

(2) Bed & Breakfast Home
- 1 to 5 rooms available for guests
- Breakfast included in price of room
- May operate with domestic kitchen equipment
- Meals provided to guests only
- Owner occupied

Bluff. Within Shoreland: A topographic feature such as a hill, cliff, or embankment having all of the following characteristics:

(1) The slope rises at least 25 feet above the ordinary high water level of the waterbody; and

(2) The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 24 percent or greater.

Outside Shoreland: A topographic feature such as a hill, cliff, or embankment having all of the following characteristics:

(1) The total vertical rise between the toe and top of the topographic feature is 50 feet or more; and

(2) The grade of the slope from the toe to the top of the topographic feature averages 24 percent or greater.

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 the 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, as 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 the 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.

Bluff Impact Zone. A bluff and land located within 20 feet from the top of a bluff.

Board. The Houston County Board of Commissioners.

Boarding House, Rooming, or Lodging House. A building other than a motel or hotel where, for compensation and by pre-arrangement for definite periods, meals or lodgings are provided for three (3) or more persons, but not to exceed twenty (20) persons.

Buildable Lot. A lot of record, or other lot, tract, or parcel legally recorded with the County Recorder that meets the requirements of this Ordinance. Buildings or structures shall not be permitted on land which has a slope of twenty-four (24) percent or greater. The buildable lot shall have the minimum lot area required for the district in which it is located, and which not more than ten (10) percent of the required lot area is collectively comprised of:

(1) Area of a slope of twenty-four (24) percent or greater.

(2) A shoreland impact zone as defined by this Ordinance.

(3) Protected waters as defined in this Ordinance.

(4) Wetlands as classified in the U.S. Fish and Wildlife Service. Circular No. 39.

All access roads that service a new building site or dwelling shall be constructed with a final slope of less than 12%. All finished driveways shall be constructed in conformity with section 0110.2919.

Building. Any structure having a roof which may provide shelter or enclosure of persons, animals, chattel, or property of any kind and when the structures are divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.

Building Height. The vertical distance to be measured from the lowest grade of a building line to the highest point of the roof structure.

Building Line. A line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way line.

Building Line, Shoreland. A line measured across the width of the lot where the main structure is placed in accordance with setback provisions from the ordinary high-water mark.

Zoning Permit. A permit issued by the Zoning Administrator, pursuant to procedures specified in this Ordinance for the purpose of moving, altering, or constructing a structure.

Building Setback. The minimum horizontal distance between the building and a lot line.

Business. Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.

Cabin. A shelter designed and constructed as short term living quarters for one or more persons.

Campground. Means any area, whether privately or publicly owned, used on a daily, nightly, or longer basis for the accommodation of five (5) or more tents or recreational camping vehicles free of charge or for compensation. "Campgrounds" do not include youth camps, industrial camps, U.S. Forest Service Camps, state forest service camps, state wildlife management areas or state owned public access areas which are restricted in use to picnicking and boat landing, and temporary holding areas for self-contained recreational vehicles created adjacent to motor sports facilities.

Carport. An automobile shelter having one or more sides open.

Certificate of Compliance. "Certificate of compliance" means a letter from the commissioner or the county feedlot pollution control officer to the owner of an animal feedlot or manure storage area stating that the feedlot or manure storage area meets agency requirements.

Church. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worships and which, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Commencement of Construction. "Commencement of construction" means to begin or cause to begin, as part of a continuous program, the placement, assembly, or installation of facilities or equipment; or to conduct significant site preparation work, including clearing, excavation, or removal of existing buildings, structures, or facilities, necessary for the placement, assembly, or installation of facilities or equipment at:

(1) A new or expanded animal feedlot; or

(2) A new, modified, or expanded manure storage area.

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

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

Composite Liner. "Composite liner" means a manure storage area liner which is designed to achieve a theoretical seepage rate of 1/560 inch per day or less and consists of a geomembrane liner, geosynthetic clay liner, or other comparable material, laid over a constructed cohesive soil liner having a thickness of two feet or greater.

Comprehensive Plan or Policies Plan. "Comprehensive Plan" means the policies, statements, goals, and interrelated plans for private and public land and water use, transportation, and community facilities including recommendations for plan execution, documented in texts, ordinances and maps which constitutes the guide for the future development of the County.

Compost. "Compost" means a humus-like product derived from the controlled microbial degradation of organic material. Only manure that has completed the composting processes described in MR part

7020.2150, subpart 2, is compost.

Construction Short-form Permit. "Construction short-form permit" means a permit issued for an animal feedlot or manure storage area according to MR parts 7020.0505 and 7020.0535.

Conditional Use. A land use or development as defined by Code that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that:

(1) Certain conditions as detailed in the Zoning Ordinance exist.

(2) The use or development conforms to the comprehensive land use plan of the County.

(3) The use or development is compatible with the existing neighborhood.

Condominium. A form of individual ownership within a multi-family building with joint responsibility for maintenance and repairs. In a condominium, each apartment or townhouse is owned outright by its occupant, and each occupant owns a share of the land and other common property of the building.

Corrective or protective measure. "Corrective or protective measure" means a practice, structure, condition, or combination thereof which prevents or reduces the discharge of pollutants from an animal feedlot or manure storage area to a level in conformity with MPCA rules.

County Board. Houston County Board of Commissioners.

County feedlot pollution control officer. "County feedlot pollution control officer" means an employee or officer of a delegated county who is knowledgeable in agriculture and who is designated by the county board to perform the duties under MR part 7020.1600.

Curb Level. The grade elevation established by the governing body of the curb in front of the center of the building. Where no curb level has been established, the engineering staff shall determine a curb level or its equivalent for the purpose of this Ordinance.

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 1 foot above ground.

Design engineer. "Design engineer" means a professional engineer licensed in the state of Minnesota or a Natural Resources Conservation Service (NRCS) staff person having NRCS approval authority for the project.

Discharge. "Discharge" means the addition of a pollutant to waters of the state, including a release of animal manure, manure-contaminated runoff or process wastewater from an animal feedlot, a manure storage area, or an animal manure land application site by leaking, pumping, pouring, emitting, emptying, dumping, escaping, seeping, leaching, or any other means. Discharge includes both point source and nonpoint source discharges.

Domestic fertilizer. "Domestic fertilizer" means:

(1) Animal manure that is put on or injected into the soil to improve the quality or quantity of plant growth; or

(2) Animal manure that is used as compost, soil conditioners, or specialized plant beds.

DNR. The Department of Natural Resources of the State of Minnesota.

Duplex, Triplex, and Quad. A dwelling structure on a single lot, having two, three, and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

Dwelling. A building or portion thereof designed exclusively for residential occupancy; the term does not include hotels, motels, boarding or rooming houses, bed and breakfast, tourist homes, tents, tent trailers, travel trailers or recreational vehicles. For buildings ten years old or older, to be considered a dwelling, a building must have been residentially occupied for eight of the last ten years.

Dwelling Attached. A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

Dwelling, Non-Farm. A dwelling on a separately described parcel of land in the same quarter/quarter section.

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

Easement. A grant by a property owner for the use of a strip of land by the public or any person for any specific purpose or purposes.

Equal Degree of Encroachment. A method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Erosion Control and Wildlife Developments. Structures, water control developments, and ponds which are installed to control soil erosion or increase the habitat for wildlife. Including but not limited to: erosion control structures, dams, diversions, terraces, waterways, culverts, pits and ponds.

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

Expansion or Expanded. "Expansion" or "expanded" means construction or any activity that has

resulted or may result in an increase in the number of animal units that an animal feedlot is capable of holding or an increase in storage capacity of a manure storage area.

Exploration. The act of searching for or investigating a mineral deposit. It includes, but is not limited to, sinking shafts, tunneling, drilling core and bore holes and digging pits or cuts and other works for the purpose of extracting samples prior to commencement of development of extraction operations, and the building of roads, access ways, and other facilities related to such work. Any and all shafts, tunnels, or holes shall not exceed 18 inches in diameter unless the conditional use for exploration provides for a larger diameter. The term does not include those activities which cause no or very little surface disturbance, such as airborne surveys and photographs, use of instruments or devices which are hand-carried or otherwise transported over the surface to make magnetic, radioactive, or other tests and measurements, boundary or claim surveying, location work, or other work which causes no greater land disturbance than is caused by ordinary lawful use of the land by persons not involved in exploration.

Exterior Storage/Open Storage. The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

Extraction Area. Any non-agricultural artificial excavation of earth exceeding fifty square feet of surface area of two feet in depth, excavated or made by the removal from the natural surface of the earth, of sod, soils, sand, gravel, stone or other natural matter, or made by turning, or breaking or undermining the surface of the earth.

Family. An individual, or two or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit, exclusive of usual service.

Farm. A farm is a real property of 40 contiguous acres or more all contained in the same parcel and is devoted only to Agricultural Use as defined above.

Feedlot Advisory Committee. A committee of citizens knowledgeable in agriculture, the environment and feedlot management issues. The committee is appointed by the board of commissioners to serve a three (3) year term, and provide such advice as required by the Board or the planning commission. Rotation of committee members shall be consistent with the rotation of planning commissioners.

Feedlot/ Manure Storage Permit. "Feedlot/Manure Storage Permit" means a document issued by the agency or county animal feedlot pollution control officer which may contain requirements, conditions, or schedules for achieving compliance with the discharge standards and requirements for management of animal manure construction or operation of animal holding areas or manure storage areas. Permits issued under Minnesota Rules, Chapter 7020 are NPDES, state disposal system, interim, and construction short-form permits.

Fence. A fence is defined for purpose of this Ordinance as any partition, structure, wall or gate erected as a dividing marker, barrier or enclosure and located along the boundary, or within the required yard.

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

Flood Frequency. The average frequency, statistically determined, 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 Houston County. On the Flood Insurance Rate Map Panels dated June 6, 2001, the flood fringe shall include those areas shown as Zone AE that are located outside of the floodway

Flood Plain. DNR. The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

Floodplain. MPCA "Floodplain" means the areas adjoining a watercourse which have been or hereafter may be covered by a large flood 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.

Flood Proofing. A combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages. For the purposes of this Ordinance, the classifications of buildings and structures (FP-1 through FP-4) shall be defined in Section 210.1 of the 1972 Edition of "Flood-Proofing Regulations," as developed by the Office of the Chief of Engineers, U.S. Army, Washington, D.C.

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 areas of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space and including any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, the floor area shall not include: basement floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices.

Floor Plan. A graphic representation of the anticipated utilization of the floor area within a building or structure but not necessarily as detailed as construction plans.

Flow distance. "Flow distance" means the distance runoff travels from the source of the runoff to waters of the state.

Forest Land Conversion. The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

Frontage. That boundary of a lot which abuts an existing or dedicated public street.

Garage, Private. An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or family's resident upon the premises.

Good Neighbor Plan. A Good Neighbor Plan consists of a plan that the feedlot applicant is required to complete at the time of application for a feedlot permit. This plan addresses odor control, manure application, and weight restrictions that are site and operation specific, and is subject to review and approval by the Feedlot Officer.

Governing Body. Houston County Board.

Hardship. The term "Hardship", (M.S. Chapter 394.27, Subdivision 7.), as used in connection with the granting of a variance means:

(1) The property in question cannot be put to reasonable use if used under the conditions allowed by the official controls.

(2) The plight of the landowner is due to the circumstances unique to the property and not created by the landowner.

(3) The variance, if granted, will not alter the essential character of the locality.

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

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 Houston County numerical route designation.

Home Occupation. Any occupation or profession which is clearly secondary to the main use of the premises as the owner's dwelling place and which meets the standards set forth in Part 2803**.**

Horticulture. Horticulture uses and structures designed for the storage of products and machinery pertaining and necessary thereto.

Hotel. A building which provides a common entrance, lobby, halls and stairway and in which twenty or more people are for compensation, lodged with or without meals.

Hunting Preserve. An acreage of land that is enclosed by a perimeter fence where domesticated animals are kept for the purpose of "fee for hunting". In the case of cervidae, the fence shall be at least 8 ft. in height.

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

Immediate Incorporation. "Immediate Incorporation" means the mechanical incorporation of manure into the soil within 48 hours.

Interim Permit. "Interim permit" means a permit issued by the commissioner or the county feedlot pollution control officer in accordance with MR parts 7020.0505 and 7020.0535.

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

Intermittent Streams. "Intermittent streams" means all water courses identified as intermittent streams on United States Geological Survey quadrangle maps.

Junk Yard. An open area where waste, used, or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to: scrap iron and other metals, paper, rags, rubber, tires, and bottles. A junk yard includes an auto wrecking yard but does not include uses established entirely within enclosed buildings. This definition does not include sanitary landfills.

Kennel. Any structure or premises on which six (6) or more dogs over three (3) months of age are kept for sale, breeding, profit, etc.

Landscaping. Plantings such as trees, grass, and shrubs.

Lodging Room. A room rented as sleeping and living quarters, but without cooking facilities. In a suite of rooms, without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodging room.

Logging. The cutting of timber on any public or private land of one acre or more for the major purpose of selling the timber for profit. This shall not include the selective cutting of trees by the property owner for the purpose of removing deadly or diseased trees.

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.

Lot of Record. Any lot which is one unit of a plat heretofore duly approved and filed, or one unit of an Auditor's Subdivision or a Registered Land Survey that has been recorded in the office of the County Recorder for Houston County, Minnesota, prior to August 30, 1967.

Lot Area. The area of a lot in a horizontal plane bounded by the lot lines.

Lot, Corner. A lot situated at the junction of, and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred thirty-five degrees.

Lot Depth. The mean horizontal distance between the front lot line and the rear lot line of a lot.

Lot Line. The property line bounding a lot except that where any portion of a lot extends into the public right-of-way, the right of way line shall be the lot line for applying this Ordinance.

Lot Line, Front. That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front line shall be designated by the owner and filed with the County Board.

Lot Line, Rear. That boundary of a lot which is opposite the front lot line. If the rear line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

Lot Line, Side. Any boundary of a lot which is not the front lot line or a rear lot line.

Lot, Substandard. A lot or parcel of land for which a deed has been recorded in the office of the Houston County Recorder upon or prior to the effective date of this Ordinance which does not meet the minimum lot area.

Lot, Through. A lot which as a pair of opposite lot lines abutting two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lines for applying this Ordinance.

Lot Width. The maximum horizontal distance between the side lot lines of a lot measured within the first thirty feet of the lot depth. In shoreland areas, lot width means the shortest distance between lot lines measured at the midpoint of the building line.

Manufactured Home. A structure, transportable in one or more sections, which in the traveling mode, is eight 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 with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that the term includes any structure which meets all tile requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under this chapter.

Manufactured Home Park. Any site, lot, field, or tract of land under single ownership, designed, maintained or intended for the placement of two (I) or more occupied manufactured homes. “Manufactured home park" shall include any building, structure, vehicle, or enclosure intended for use as part of the equipment of such manufactured home park.

Manufactured Home Stand. The part of an individual mobile home lot which has been reserved for placement of the manufactured home, appurtenant structure or additions.

Manure-Contaminated Runoff. "Manure-contaminated runoff" means a liquid that has come into contact with animal manure and drains over land from any animal feedlot, manure storage area, or animal manure land application site.

Manure Storage Area. "Manure storage area" means an area where animal manure or process wastewaters are stored or processed. Short-term and permanent stockpile sites and composting sites are manure storage areas. Animal manure packs or mounding within the animal holding area of an animal feedlot that are managed according to MR part 7020.2000, subpart 3, are not manure storage areas.

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 bearing 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.

Milling. The processing or enhancing of a mineral.

Mining. The extraction of sand, gravel, rock, soil or other material from the land in the amount of one thousand cub), yards or more and the removing thereof from the site without processing shall be mining. The only exclusion from this definition shall be removal of materials associated with construction of a building, provided such removal is an approved item in the building permit.
Mobile Home. A mobile home is living quarters designed for transportation after fabrication on streets and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and the like. A mobile home will be defined by reference to the latest publication of the United States of America Standards Institute Standard for Mobile Homes. This definition is hereby included in Manufactured Home.

Modular Home. A non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where final installations are made, permanently affixing the module to the site.

Motel/Tourist Court. A building or group of detached, semi-detached, or attached buildings containing guest rooms or dwellings, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of automobile transients.

MPCA. The Minnesota Pollution Control Agency.

MR. Minnesota Rules.

MS. Minnesota Statutes.

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

National Pollutant Discharge Elimination System permit or NPDES permit. "National Pollutant Discharge Elimination System permit" or "NPDES permit" means a permit issued by the agency for the purpose of regulating the discharge of pollutants from point sources including concentrated animal feeding operations (CAFOs).

New animal feedlot. "New animal feedlot" means an animal feedlot or manure storage area:

(1) Constructed, established, or operated at a site where no animal feedlot or manure storage area existed previously; or

(2) That existed previously and has been unused for five years or more.

New technology. "New technology" means an alternative construction or operating method to those provided in MR parts 7020.2000 to 7020.2225. New technology construction or operating methods must achieve equivalent environmental results to the requirements in MR parts 7020.2000 to 7020.2225.

Nursery, Landscape. A business growing and selling trees, flowering and decorative plants and shrubs and which may be conducted within a building or without, for the purpose of landscape construction.

Nursing Home. A building with facilities for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder. Said nursing homes shall be licensed by the State Board of Health as provided for in Minnesota Statute, Section 144.50.

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.

Official Map. The map established by the governing body, in accordance with the Minnesota Planning Act, Minnesota Statutes 394.361, showing streets, highways, parks, both existing and proposed.

Off-Street Loading Space. A space accessible from a street, alley, or driveway for the use of trucks or other vehicles while loading or unloading merchandise or materials. Such space shall be of size as to accommodate one vehicle of the type typically used in the particular business.
Open Sales Lot/Exterior Storage. Any land used or occupied for the purpose of buying and selling any goods, materials, or merchandise and for the storing of same under the open sky prior to sale.

Open Space. Land areas which are undeveloped.

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

Outlot. Open space included in a plat and labeled “Outlot”. Outlots are not intended for use as a buildable lot and shall be set aside solely for non-building purposes. A Zoning Permit shall not be issued for structures on outlots. Outlots may be eliminated through a re-subdivision approved by the County.

Owner. Feedlot/Manure Storage Area. "Owner Feedlot/Manure Storage Area" means all persons having possession, control, or title to an animal feedlot or manure storage area.

Parking Space. A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one standard automobile.

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

Pedestrian Way. A public or private right-of-way across or within a block, to be used by pedestrians.

Permanent Stockpiling Site. "Permanent stockpiling site" means a manure storage area where manure is stored or processed that does not meet the requirements of MR part 7020.2125, subpart 2.

Permit. The granting of authority by governmental body to conduct certain activities and which are compliant with applicable rules and ordinances.

Planning Commission. The Planning Commission of Houston County except when otherwise designated.

Pollution hazard. "Pollution hazard" means an animal feedlot or manure storage area that:

(1) That does not comply with the requirements of MR parts 7020.2000 to 7020.2225 and has not been issued an SDS or NPDES permit establishing an alternative construction or operating method; or

(2) That presents a potential or immediate source of pollution to waters of the state as determined by inspection by a county feedlot pollution control officer or agency staff taking into consideration the following:

(a) The size of the animal feedlot or manure storage area;

(b) The amount of pollutants reaching or that may reach waters of the state;

(c) The location of the animal feedlot or manure storage area relative to waters of the state;

(d) The means of conveyance of animal manure or process wastewater into waters of the state; and

(e) The slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of animal manure or process wastewater into waters of the state.

Prefabricated Home. A non-mobile housing unit, the walls, floors and ceilings of which are constructed at a central factory and transported to a building site where final construction is completed, permanently affixing the unit to the site.

Principal Structure or Use. One which determines the predominant use as contrasted to accessory use of structure.

Process Wastewaters. "Process wastewaters" means waters and/or precipitation, including rain or snow, which comes into contact with manure, litter, bedding, or other raw material or intermediate or final material or product used in or resulting from the production of animals, poultry, or direct products, such as milk or eggs.

Property Line. The legal boundaries of a parcel of property which may also coincide with a right-of-way line of a road, cartway, and the like.

Protected Waters. All water basins, wetlands, and watercourses determined to be protected waters by the Commissioner of Natural Resources pursuant to Minnesota Statutes, Chapter 103G.005, Subd. 14 and 15. An official list and map of protected waters shall be on file in the Office of the County Auditor and the Zoning Administrator.

Public Waters. Any waters as defined in Minnesota Statutes, Section 103G.005, Subdivision 15.

Protective Covenant. A contract entered into between private parties which constitutes a restriction of the use of a particular parcel of property.

Public Land. Land owned or operated by municipal, school district, county, state or other governmental units.

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.

Recreation, Public. Includes all uses such as tennis courts, ball fields, picnic areas, and the like that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.

Recreation, Commercial. Includes all uses such as bowling alleys, driving ranges, and movie theaters that are privately owned and operated with the intention of earning a profit by providing entertainment for the public.

Recreation Equipment. Play apparatus such as swing sets and slides, sandboxes, poles for nets, unoccupied boats and trailers not exceeding twenty feet in length, picnic tables, lawn chairs, barbecue stands, and similar equipment or structures but not including tree houses, swimming pools, play houses exceeding twenty-five square feet of floor area, or sheds utilized for storage of equipment.

Registered Land Survey. A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts of a Registered Land Survey Number. (See Minnesota Statutes 508.47)

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

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. Ingress and egress easements shall not be considered roads.

Selective Cutting. The removal of single scattered trees.

Semipublic Use. The use of land by a private, nonprofit organization to provide a public service that is, ordinarily open to some persons outside the regular constituency of the organization.

Separation distance to bedrock. "Separation distance to bedrock" means the distance between stored manure and fractured bedrock.

Sewage Treatment System. A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Parts 2822 and 2824 of this Ordinance.

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 ordinary high water level of a lake, pond or flowage;

(2) 300 feet from a river or stream, or

(3) The landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater.

The practical limits of shoreland may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the water for lesser distances and when approved by the Commissioner of the Department of Natural Resources.

Shoreland Setback. The minimum horizontal distance between a structure and the ordinary high water level.

Short-term Stockpiling Site. "Short-term stockpiling site" means a manure storage area where manure is stored or processed according to MR part 7020.2125, subparts 1 to 3.

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

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 a 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 a sign is in use.

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

Sign, Name Plate. Any sign which states the name or address or both of the business or occupant of the lot where the sign is placed.

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

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

Sign Surface Area. 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 the total surface area.

Sinkhole. "Sinkhole" means a surface depression caused by a collapse of soil or overlying formation above fractured or cavernous bedrock.

Solar Energy System. A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy (to the extent they cannot be used jointly with a conventional energy system).

Special Protection Area. "Special protection area" means land within 300 feet of all:

(1) Protected waters and protected wetlands as identified on Department of Natural Resources protected waters and wetlands maps; and

(2) Intermittent streams and ditches identified on United States Geological Survey quadrangle maps, excluding drainage ditches with berms and segments of intermittent streams which are grassed waterways.

State Disposal System Permit or SDS Permit. "State disposal system permit" or "SDS permit" means a state permit that may be processed in accordance with MR parts 7001.0040; 7001.0050; 7001.0100, subparts 4 and 5; and 7001.0110.

Steep Slope. Land having an average slope over 12 percent, as measured over distances of 50 feet or more, that is not a bluff.

Street. A public right-of-way which affords primary means of access to abutting property, and shall also include avenue, highway, road, or way.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above. A basement shall be counted as a story.

Structure. Anything constructed, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground.

Structural Alteration. Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as tearing walls, columns, beams, girders or foundations.

Subdivision. As used in this Ordinance, the term “Subdivision” means any division, conveyance, re-subdivision, platting, or other transaction affecting any tract of land, the description of which was on file and of record in the office of the County Recorder in and for Houston County, Minnesota, as of August 30, 1967; except one parcel of land may be conveyed from a tract or parcel of land, which is on file and of record in the office of the County Recorder August 30, 1967.

Any additional parcels to be sold, regardless of the original recording date will require that the parcel be platted, except the conveyance of a parcel to be used as a farm, as defined by this ordinance, or to expand a presently existing farming unit.

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.

Temporary Use. The use of a property in any district for a use customarily incidental to the construction of roads, buildings, utilities, or public projects such as asphalt plants or others.

Townhouse. A single family building attached by party walls with other single family buildings, and oriented so that all exits open to the outside.

Tree Removal. See Logging.

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

Unpermitted or Noncertified Liquid Manure Storage Area. "Unpermitted or noncertified liquid manure storage area" means a liquid manure storage area that is in operation and:

(1) The owner does not have an agency or delegated county permit or certificate of compliance for the manure storage area and was required to apply for and obtain a permit or certificate of compliance prior to the construction or operation of the manure storage area; or

(2) The owner has not complied with the preoperational requirements of MR part 7020.2100 or permit requirements, if applicable.

Use. The purpose or activity for which the land or building thereon is designated, arranged or oriented.

Use, Accessory. A use subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.

Use, Non-Conforming. Use of land, buildings or structures legally existing at the time of adoption of this Ordinance but which does not comply with all the regulations of this Ordinance or any amendments hereto governing the zoning district in which such use is located.

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

Use, Principal. The main use of land or buildings as distinguished from subordinate or accessory use. A "principal use" may be either permitted or conditional.

Variance: Land Use. Variance means any modification or variation of the strict provisions of this Ordinance, as applied to a specific piece of property in order to provide relief for a property owner because of undue hardship or particular difficulty imposed upon him by this Ordinance. Economic considerations alone shall not constitute a hardship. A variance shall normally be limited to height, bulk, density and yard requirements.

Variance: Animal Feedlot. Any person may apply for a variance from any requirements of MR Part 7020.2000 to 7020.2225. Such variances shall be applied for and acted upon by the MPCA in accordance to MN Statutes, Section 116.07, Subdivision 5, and other applicable statutes and rules.

Water Contamination. A concentration of any toxic material in Waters of the State which is a product, byproduct, or otherwise associated with any land use activity and which exceeds the

maximum contaminate levels established by the Federal Safe Drinking Water Act and regulations promulgated thereunder.

Waters of the State. "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portions of the state.

Wetland. "Wetland" means a surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition).

Yard. A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted in this Ordinance. The yard extends along the lot line at right angles to where such lot is located.

Yard, Rear. The portion of the yard on the same lot with the principal building located between the rear line of the building and the rear lot line and extending for the full width of the lot.

Yard, Side. The yard extending along the side lot line between the front and rear yards to a depth or width required by setback regulations for the zoning district in which such lot is located.

Yard, Front. A yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way line to depth required in the setback regulations for the zoning district in which such lot is located.

Zoning Administrator. The duly appointed person charged with enforcement of this Ordinance.

Zoning Amendment. A change authorized by the County either in the allowed use within a district or in the boundaries of a district.

Zoning District. An area or areas within the limits of the County for which the regulations and requirements governing use are uniform.

Zoning Permit Application. The term includes, but not limited to, applications for the following: Zoning Permits, vegetative alteration permits, topographic alterations permits, conditional use permits, amendments to this Ordinance, variances from the provisions of Ordinance, and the subdivision of real estate.

The application is not be complete and will not be accepted by the Zoning Administrator unless all fees are paid, preliminary reviews and approvals completed, submitted with associated supporting information and documents as set forth in Part 0501, and such other information as required by the Zoning Administrator.

SECTION 4 - ZONING ADMINISTRATION

0110.0401 OFFICE OF ZONING ADMINISTRATOR

The Houston County Board of Commissioners hereby establishes the Office of Zoning Administration, for which the Board may appoint an Administrator and other employees together with sufficient office personnel to discharge the duties of this department. The term of office of Zoning Administrator shall be indefinite and shall terminate at the pleasure of the County Board.

0110.0402 DUTIES AND POWERS OF THE ZONING ADMINISTRATOR

Subdivision 1. Administration and Enforcement. The Zoning Administrator shall enforce and administer this Ordinance.

Subdivision 2. Zoning Permits. The Zoning Administrator shall issue Zoning Permits and maintain records thereof.

Subdivision 3. Ordinance Amendments and Conditional Use Permits. The Zoning Administrator shall receive and forward to the Board of County Commissioners and the County Planning Commission all applications for Conditional Use Permits and Zoning Amendments.

Subdivision 4. Variances. The Zoning Administrator shall receive and forward all applications for variances and petitions for other matters to come before the Board of Adjustment.

Subdivision 5. County Board Report. The Zoning Administrator shall report on a regular basis to the Houston County Board, the recommendations, findings and decisions of the commission, boards and committees for final action.

Subdivision 6. Inspections. The Zoning Administrator shall inspect all construction and development to assure compliance with the standards of this Ordinance.

Subdivision 7. Public Information. The Zoning Administrator shall provide and maintain a public information bureau relative to matters arising out of this Ordinance.

Subdivision 8. Zoning Map. The Zoning Administrator shall maintain the County Zoning Map.

Subdivision 9. Flood Plain Administration. The Zoning Administrator shall administer and enforce Section 20 of this Ordinance in the Flood Plain Districts. Prior to granting a Zoning Permit, Conditional Use Permit or Variance, the Zoning Administrator shall determine that the applicant has obtained all necessary State and Federal permits.

Subdivision 10. Zoning Permit Applications. The Zoning Administrator shall review and accept Zoning Permit Applications when it has been determined that they are complete.

0110.0403 FEES

The Board of County Commissioners shall establish fees by resolution as necessary for the administration of this Ordinance. The fees shall be collected by the Zoning Administrator and deposited with the County.

SECTION 5 - PERMITS

0110.0501 ZONING PERMIT APPLICATION

Subdivision 1. Zoning Permit Application Required. A Zoning Permit Application must be completed when applying for any permit. The term zoning permit includes the following: Zoning Permits, sign permits, vegetative alteration permits, topographic alterations permits, conditional use permits, and amendments and variances of the provisions of this Ordinance.

Subdivision 2. Zoning Permit Application Procedure. A Zoning Permit application is not complete and will not be accepted by the Zoning Administrator unless all fees are paid, preliminary reviews and approvals completed, and submitted with associated supporting information and documents as set forth below:

(1) A pre-application meeting with County planning staff during which the application procedures, requirements and applicable Ordinance provisions are reviewed and explained.

(2) When a zoning permit requires a public hearing, or includes a new Zoning Permit, the person proposing the development shall have a pre-application meeting with the Township Board of the township in which the action is proposed.

(3) Submittal of a completed Zoning Permit Application and all supporting information required by Ordinance, or as a part of the application procedures. Documents that are included with the Zoning Permit Application.

(4) Submittal of all fees associated with the Zoning Permit Application.

Subdivision 3. Certificate of Compliance. No vacant land shall be occupied or used, and no building or structure hereafter erected, moved, occupied or used until a "Certificate of Compliance" is issued by the Zoning Administrator after inspection of the work proposed in the Zoning Permit application for such work. A certificate of compliance shall be applied for coincidentally with the application for the Zoning Permit and shall be issued within 10 days after the establishment of a proposed land use or the erection, alteration, repair or moving of a building upon a determination by the Zoning Administrator that the proposed work identified in the Zoning Permit shall have been completed in conformity with the provisions of this ordinance and in conformity with the applicant's statement and plans constituting the application of the Zoning Permit. In addition to the above determination by the Zoning Administrator, no Certificate of Compliance shall be issued for construction in the flood plain until the applicant submits a certificate from a registered professional engineer or land surveyor that the flood protection measures were accomplished in compliance with the appropriate flood plain regulations. A temporary Certificate of Compliance may be issued for part of a building or site under rules and regulations established by the Board of Adjustment.

0110.0502 ZONING PERMITS

Zoning Permits include permits to erect, alter, or move structures.

Subdivision 1. Zoning Permits Required. Hereinafter, no person, firm, or corporation shall install, repair, add to, or move any building or part thereof, including the following: decks, homes, cabins, accessory structures and ag-use structures (machine sheds, livestock housing, grain bins, up-right silos, etc.) without first securing a Zoning Permit. Interior and exterior maintenance and minor repairs of existing structures shall be exempt.

(1) A Zoning Permit shall not be issued until a Zoning Permit Application has been accepted by the Zoning Administrator.

Subdivision 2. Zoning Permit Application. A Zoning Permit Application for a Zoning Permit shall be made by the owner, except if a General Contractor is employed, who shall make the application to the Zoning Administrator on forms furnished by the County. Each application for a permit to construct or alter a building shall be accompanied by a plan showing the following:

(1) Dimension and legal description of lot to be built upon and proof of ownership or legal interest.

(2) Location, dimensions and setback of all structures.

(3) Location of access and road jurisdiction.

(4) Location of well and ISTS and drainfield.

(5) A plan of any topographic and vegetative alteration that requires a permit.

Subdivision 3. Zoning Permits in the Flood Plain District. In the Flood Plain Districts, a Zoning Permit must be secured prior to the erection, addition or alteration of any building, structure or land; prior to the change of a non-conforming use; and prior to the placement of fill or excavation of materials , or the storage of materials or equipment.

Subdivision 4. Issuance of Zoning Permit. The Zoning Administrator shall issue the Zoning Permit only after determining that the Zoning Permit Application is complete, the lot is buildable and that the plan complies with the provisions of this Ordinance.

Subdivision 5. Permit Valid for One Year. A Zoning Permit issued under the terms of this Ordinance shall be valid for one (1) year from the date of issuance and shall be non-transferable.

Subdivision 6. Extensions of Zoning Permits. If construction has not been started within one year after a permit has been issued, the permit may be extended by one

year for a total of two (2) years from the original application date in instances where reasonably diligent construction could not start the project. A fee of $50 shall be collected by the Zoning Office to cover administrative costs for a one-year extension.

Subdivision 7. Loss by Disaster. In cases of involuntary loss through catastrophe such as fire, wind, etc., no fee shall be charged for a permit to rebuild.

Subdivision 8. Penalty for Beginning without a Zoning Permit. Any person, firm, or corporation and/or both landowners and contractors who shall violate any of the provisions hereof or who shall make any false statements in any document required to be submitted under the provisions hereof shall be subject to a penalty under this ordinance. The contractor, owner, person, firm or corporation that begins an activity or project requiring a zoning permit without first securing said zoning permit shall be subject to triple the normal application fees. This includes all applicable zoning applications required for the project or activity. A denial of said application shall require the owner, firm, corporation and/or contractor to restore the project or activity to its original and/or compliant use, tear down any non-compliant structures, excavate earth to original ground elevations, move structure to compliant location, or construct a compliant septic system as the case may be. After-the-fact zoning permit applications shall be subject to a fee of triple the original application fee. Projects of less than $1000 in value may be exempt in tripling application fee. This includes any and all permits issued through the zoning office. Any activities in violation of this ordinance shall be subject to the legal remedies available.

0110.0503 TEMPORARY USE PERMIT

Subdivision 1. Incidental Temporary Use Permit. The temporary use of a property in any district for a use customarily incidental to the construction of roads, buildings, utilities or public projects may be allowed upon approval by the Zoning Administrator of a temporary or revocable permit subject to the following:

(1) The Temporary use shall not exceed ninety (90) days in length.

(2) The Zoning Administrator may attach any conditions to the permit to protect the public health, safety and welfare.

Subdivision 2. Renewal of a Temporary Use Permit. The renewal of such a temporary permit or a request for a permit to exceed ninety (90) days in length shall require the submission of an Interim Use Permit following the procedures in Section 7 of this Ordinance.

(1) In no event shall the permit exceed twelve (12) months in duration.

0110.0504 SIGN AND BILLBOARD PERMITS

Subdivision 1. Permit Required. A permit shall be required in all cases where a sign or billboard is erected, altered or relocated within the area of jurisdiction of this Ordinance. Specific requirements are set forth in Parts 0010.0905 and 0010.2907.

0110.0505 SEWAGE AND WATER SYSTEMS LICENSE AND PERMITS

Subdivision 1. Permit Required. A permit shall be required to install, alter, repair or extend any individual treatment system. Specific requirements are set forth in Part 0110.2922.

(1) A license shall be required of any person, firm, or corporation engaging in the business of installing, constructing, servicing, or cleaning sewage treatment systems.

(2) A license shall be required of any person, firm, or corporation engaging in the business of servicing and cleaning septic tanks.

0110.0506 TOPOGRAPHIC ALTERATION PERMITS

Subdivision 1. Permit Required. In all cases where grading and/or filling of any land within the County would result in substantial alteration of existing ground contour, a permit shall be required. NRCS projects shall be exempted from this section. Specific requirements are set forth in Sections 21, 23 and 24.

Subdivision 2. Substantial Alterations. Substantial alteration shall include the following:

(1) The movement of earth or materials in excess of fifty (50) cubic yards in Shoreland.

(2) The movement of earth or materials in excess of five hundred (500) cubic yards in all other Districts, except agricultural to be (5,000) cubic yards.

Subdivision 3. Agricultural Exemption. Tilling, terracing, or cultivation of land for purposes of raising crops shall not be considered substantial alteration.

0110.0507 EXCAVATION PERMITS

Subdivision 1. Permit Required. The use of land for the removal of topsoil, sand, or gravel, or any other material is permitted only by the issuance of an excavation permit. Specific requirements are set forth in Sections 21, 22, 24 and 25.

0110.0508 MANUFACTURED HOME PARK PERMITS

Subdivision 1. Permit Required. Before any manufactured home park or travel trailer park shall be constructed, altered or extended in any manner, a permit shall be required. Specific requirements are set forth in Sections 21 and 31.

0110.0509 MOVING PERMITS

Subdivision 1. Permit Required. No building may be moved onto property without first securing a moving permit and approval from the Zoning Administrator. When requested, a photograph of a building may be required.

SECTION 6 - CONDITIONAL USE PERMITS

0110.0601 APPLICATION

Applications for Conditional Use Permits shall be made to the Zoning Administrator together with the required fees.

Subdivision 1. Site Plan Required. The application shall be accompanied by a site plan and operation plan and such additional information as determined by the Zoning Administrator as necessary to show compliance with this Ordinance.

0110.0602 NOTIFICATION AND PUBLIC HEARING

Subdivision 1. Publication. At least ten (10) days in advance of each public hearing, the Zoning Administrator shall cause a notice of the time and place of such hearing shall be published in the official newspaper of the County.

Subdivision 2. Notification. All property owners of record within five hundred (500) feet of the incorporated areas and/or one-quarter (1/4) mile of the affected property or to the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners of unincorporated areas where the Conditional Use is proposed shall be notified by depositing a written notice in the U.S. Mail, postage prepaid, as to the time and place of the public hearing. All municipalities within two (2) miles of the proposed Conditional Use shall be given proper notice.

Subdivision 3. Omission in Notification. The Zoning Administrator shall be responsible for proper publication of notices and notification to adjacent property owners. However, an error in the published Notice of Public Hearing or failure to notify a specific property owner of the application for a Conditional Use Permit shall not be considered cause to declare the public hearing invalid.

Subdivision 4. Public Hearing. Upon receipt in proper form of the application and other requested material, the Houston County Planning Commission shall hold at least one (1) public hearing at location to be prescribed by the Planning Commission.

0110.0603 COUNTY BOARD APPROVAL REQUIRED

For each application for a Conditional Use, the County Planning Commission shall report to the County Board of Commissioners findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. Upon receipt of the report of the Planning Commission, the County Board of Commissioners shall hold whatever public hearings it deems advisable and shall make a decision upon the proposal for Conditional Use Permit.

0110.0604 INVALIDATION OF PERMIT

An approved Conditional Use Permit shall expire if the use approved has not commenced within 9 months.

0110.0605 STANDARDS FOR GRANTING A CONDITIONAL USE PERMIT

Subdivision 1. Findings Required.

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS
(0110.0605)

NAME OF APPLICANT _____ DATE _____
C.U.P. REQUESTED_____

The Planning Commission shall not recommend a conditional use permit unless they find the following:

FINDINGS OF FACT	**YES**	**NO**
1. Does the proposed use conform to the County Land Use Plan?	___	___
2. Does the applicant demonstrate a need for the proposed use?	___	___
3. Will the proposed use degrade the water quality of the County?	___	___
4. Will the proposed use adversely increase the quantity of water runoff?	___	___
5. Are the soil conditions adequate to accommodate the proposed use?	___	___
6. Have potential pollution hazards been addressed and have standards been met?	___	___
7. Are adequate utilities, access roads, drainage and other necessary facilities being provided?	___	___
8. Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use?	___	___
9. Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use?	___	___
10. Will the Conditional Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?	___	___
11. Does the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area?	___	___
12. Are adequate measures being 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? ___ ___

13. Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District? ___ ___

14. Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District. ___ ___

15. Are site specific conditions and such other conditions established as required for the protection of the public's health, safety, morals, and general welfare? ___ ___

Subdivision 2. Authority to Impose Conditions. The County Board in order to achieve the standards set forth in Part 0605, Subd. 1. of this Section may require reasonable conditions.

0110.0606 ADVERSE ENVIRONMENTAL EFFECT

The applicant for a Conditional Use Permit which, in the opinion of the Planning Commission, may result in a material adverse effect on the environmental may be requested to demonstrate the nature and extent of the effect.

0110.0607 RECORDING

The Zoning Administrator shall file a certified copy of any Conditional Use Permit with the Land Records Department for record. The Conditional Use Permit shall include the legal description of the property involved.

0110.0608 COMPLIANCE

Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith. If the permit holder violates the conditions set forth in the permit, the County has the right to hold a hearing to investigate, set additional conditions, and/or revoke the permit, in conformance with the procedures set forth in Section 10, Violations, Penalties, and Enforcement

0110.0609 TIME LIMIT ON AMENDMENT APPLICATION AFTER DENIAL

No application for a conditional use permit shall be resubmitted for a period of one year from the date the request is denied except that the Planning Commission may allow a new application if in the opinion of the Commission, new evidence or a change in circumstances warrant it.

SECTION 7 - INTERIM USE PERMITS

0110.0701 INTERIM USE PERMIT APPLICATION

Subdivision 1. Review of Applications. Complete applications shall be reviewed by the Houston County Planning and Zoning Department in accordance with MN Statue 15.99 as amended. The procedure for review and approval of an Interim Use Permit is presented in Section 7 of this Ordinance.

Subdivision 2. Conditions. This section presents the conditions that must be met for each possible Interim Use listed in the various Zoning Districts.

0110.0702 NOTIFICATION AND PUBLIC HEARING

Subdivision 1. Public Hearing. Complete applications shall be scheduled for a Public Hearing by the Planning Commission, and publicized according to Minnesota Statutes.

Subdivision 2. County Board Approval/Denial. After a public hearing has been held, the County Board shall approve, deny, or continue an IUP request, with written findings in support of their decision.

0110.0703 AUTHORITY

No person or entity shall allow the existence of the following uses on lands that are partially or entirely owned, leased, or occupied by them without an Interim Use Permit (IUP), as listed is Subdivision 4 issued by the Houston County Board of Commissioners. Interim Uses must be consistent with the terms of the Interim Use Permit and any applicable local, state or federal law, rule or other statutory provision.

Under Minnesota Statutes, Houston County may approve an Interim Use Permit for a property if:

(1) The use conforms to the zoning regulations;

(2) The date or event that will terminate the use can be identified with certainty;

(3) Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and

(4) The user agrees to any conditions that Houston County deems appropriate for permission of the use. Any interim use may be terminated by a change in zoning regulations.

0110.0704 PERMIT EXPIRATION AND TRANSFERABILITY

Any IUP issued under this Ordinance is granted solely to the application and/or the business entity named in the application, and for the premises named in the IUP application. No IUP of

any sort granted pursuant to this Ordinance is transferable to any other person or premises. If a change of ownership, control, or location of any licensed premises occurs, whether pursuant to move, sale, transfer, assignment, or otherwise, the owner or proposed new owner must complete a new application subject to approval pursuant to this Ordinance. A change of ownership or control includes, but is not limited to:

(1) Execution of a management agreement.

The IUP shall expire with a change of ownership, or unless otherwise required by the IUP's conditions as determined by the County Board. The IUP shall expire if the approved use is inactive for one (1) year or longer as determined by the Zoning Administrator and/or tax records indicating the use was inactive.

0110.0705 COMPLIANCE

Any use permitted under the terms of any Interim Use Permit shall be established and conducted in conformity with the terms of such permit and of any conditions designated in connection therewith. If the permit holder violates the conditions set forth in the permit, the County has the right to hold a hearing to investigate, set additional conditions, and/or revoke the permit, in conformance with the procedures set forth in Section 10, Violations, Penalties, and Enforcement.

0110.0706 FEES

The applicant shall pay all IUP and recording fees as determined by the County Board in the Fee Ordinance. All fees are considered the minimum amounts necessary to reimburse the County for costs incurred in processing the application and investigating the application and the proposed premises and are, therefore, nonrefundable.

0110.0707 STANDARDS FOR GRANTING INTERIM USE PERMITS

CRITERIA FOR GRANTING INTERIM USE PERMITS
(0110.0707)

NAME OF APPLICANT _____ DATE _____
I.U.P. REQUESTED_____

The Planning Commission shall not recommend an interim use permit unless they find the following:

FINDINGS OF FACT	**YES**	**NO**
1. Does the proposed use conform to the County Land Use Plan?	___	___
2. Does the applicant demonstrate a need for the proposed use?	___	___
3. Will the proposed use degrade the water quality of the County?	___	___
4. Will the proposed use adversely increase the quantity of water runoff?	___	___
5. Are the soil conditions adequate to accommodate the proposed use?	___	___

6. Have potential pollution hazards been addressed and have standards been met? ___ ___

7. Are adequate utilities, access roads, drainage and other necessary facilities being provided? ___ ___

8. Are adequate measures being taken to provide sufficient off-street parking and loading space to serve the proposed use? ___ ___

9. Are facilities being provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use? ___ ___

10. Will the Interim Use be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted? ___ ___

11. Does the establishment of the Interim Use impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area? ___ ___

12. Are adequate measures being 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? ___ ___

13. Is the density of the proposed residential development greater than the density of the surrounding neighborhood or greater than the density indicated by the applicable Zoning District? ___ ___

14. Is the intensity of the proposed commercial or industrial development greater than the intensity of the surrounding uses or greater than the intensity characteristic of the applicable Zoning District. ___ ___

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

SECTION 8 - AMENDMENTS

0110.0801 CRITERIA FOR GRANTING ZONING AMENDMENTS

The County Board 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.

0110.0802 REQUIRED INFORMATION AND EXHIBITS

Subdivision 1. Applications to Change the Text of This Ordinance. All applications for a text amendment to an official control shall include the following:

(1) Stated reason for requested change.

(2) Statement on compatibility with the County Policy Plan.

(3) Text or portion of the existing ordinance to be amended.

(4) Proposed amended text and statements outlining any other effects that the amendment may have on other areas of this Ordinance.

(5) Additional information as may be requested by the Planning Agency.

Subdivision 2. Applications to Change District Boundaries or Land Use.

(1) The names and addresses of the petitioners, and their signatures to the petition.

(2) A specific description of the area proposed to be rezoned or amended and the names and addresses of all owners of property lying within one quarter (1/4) mile of such area, and a description of the property owned by each.

(3) The present district classification of the area and the proposed district classification.

(4) Proposed use of the land (a statement of the type, extent, area, etc.).

(5) Compatibility with the Land Use Plan of Houston County a statement of conditions warranting the change in zoning district or uses.

(6) A legal description of the property to be rezoned or amended.

(7) Map, plot plan, or survey plot of property to be rezoned or amended showing location, dimensions, zoning of adjacent properties within five hundred (500) feet in incorporated areas, and one-half (1/2) mile in unincorporated areas drawn to scale.

0110.0803 JURISDICTIONAL COORDINATION AMENDING DISTRICT BOUNDARIES

Any zoning district change on land adjacent to or across a public right-of-way from an adjoining county or community shall be referred to the Planning Commission, and the adjacent community for review and comment prior to action by the County Board granting or denying the zoning district classification change. A period of at least thirty (30) days shall be provided for receipt of comments; such comments shall be considered as advisory only.

0110.0804 AMENDMENT PROCEDURE

Subdivision 1. Initiation of an Amendment. This Ordinance may be amended whenever the public necessity and the general welfare require such amendment by following the procedure specified in this Section. Proceedings for amendment of this Ordinance shall be initiated by a Zoning Permit Application to amend this Ordinance and:

(1) A petition of the affected property owners. For purposes of this subdivision, affected property owners shall refer to owners of the property specified on the application.

(2) A recommendation of the County Planning Commission.

(3) By action of the Board of County Commissioners.

Subdivision 2. Application. An application for an amendment shall be filed with the Zoning Administrator on such forms as shall be provided by the Zoning Administrator.

0110.0805 NOTIFICATION AND PUBLIC HEARING

Subdivision 1. Publication. At least ten (10) days in advance of each public hearing, the Zoning Administrator shall cause a notice of the time and place of such hearing shall be published in the official newspaper of the County.

Subdivision 2. Notification. Notice of public hearing, containing date, time and location of hearing as well as a description of the requested amendment, shall be mailed to property owners or record within five hundred (500) feet of incorporated areas and/or one-half (1/2) mile of unincorporated areas. This notification shall be accomplished by a written notice in the U.S. Mail, postage prepaid, 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 shall be given proper notice.

Subdivision 3. Omission in Notification. The Zoning Administrator shall be responsible for proper publication of notices and notification to adjacent property owners. However, an error in the published Notice of Public Hearing or failure to notify a specific property owner of the application for a Conditional Use Permit shall not be considered cause to declare the public hearing invalid.

Subdivision 4. Public Hearing. Upon receipt in proper form of the application and other requested material, the Houston County Planning Commission shall hold at least one (1) public hearing at location to be prescribed by the Planning Commission.

0110.0806 FINDINGS AND RECOMMENDATION REQUIRED

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.

0110.0807 COUNTY BOARD ACTION

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. Action for approval by the County Board shall be not less than a four-fifths (4/5) vote of its members. The person making application for the amendment shall be notified in writing of the Board's action.

0110.0808 RECORDING

Upon the adoption of any other official control including any maps or charts supplemented to or as a part thereof, the County Auditor shall file a certified copy thereof with the Land Records Department for record. Ordinances, resolutions, maps or regulations filed with the Land Records Department pursuant to this Ordinance do not constitute encumbrances on real property.

0110.0809 TIME LIMIT ON AMENDMENT APPLICATION AFTER DENIAL

No application of a property owner for an amendment to the text of the Ordinance or the Zoning Map shall be considered by the Planning Commission within the one (1) year period following a denial of such request, except the Commission may permit a new application, if in its opinion, new evidence or a change of circumstances warrant it.

SECTION 9 - NON-CONFORMING USES

0110.0901 INTENT AND GENERAL APPLICATION

Subdivision 1. Establishment of Nonconforming Uses. Within the districts established by this Ordinance or amendments that may later be adopted, there may exist lots, structures and uses of land, water and structures which were lawful before August 30, 1967, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendment.

Subdivision 2. Nonconforming Uses May Be Continued. It is the intent of this Ordinance to permit these nonconforming uses or structures to continue until they are removed, but not to encourage their survival. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Subdivision 3. Nonconforming Uses May Not Be Extended Or Enlarged. A non-conforming use of a structure, a non-conforming use of land and water, or a non-conforming structure, shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

Subdivision 4. Discontinued Nonconforming Uses. If a non-conforming use of a structure or building, <u>other than a residential-use structure</u>, is discontinued for a period of six (6) months, further use of the structure or property shall conform to this Ordinance. The County Assessor shall notify the Zoning Administrator or Planning Commission in writing of all instances of non-conforming uses which have been discontinued for a period of twelve (12) consecutive months.

Subdivision 5. Destruction Of Nonconforming Uses. If a non-conforming structure, <u>other than a residential-use structure</u>, is destroyed by any cause, to an extent exceeding fifty (50) percent of its market value as indicated by the records of the County Assessor, a future structure on the site shall conform to this Ordinance.

Subdivision 6. Non-Conformities; Certain Classes of Property. This subdivision applies to homestead and non-homestead residential real estate and seasonal residential real estate occupied for recreational purposes. A non-conformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an official control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion. If the nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming building or structure is destroyed by fire or other peril to the extent of 50% of its market value, and no building permit has been applied for within 180 days of when the property is damaged, any subsequent

use or occupancy of the land or premises must be a conforming use or occupancy. If a nonconforming building or structure is destroyed by fire or other peril to the extent of 50% of its market value, the board may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.

0110.0902 ALTERATIONS

Subdivision 1. Change of a Nonconforming Use to a Different Nonconforming Use. The lawful use of a building existing as of August 30, 1967, may be continued, although such use does not conform with the provisions hereof. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restrictive classification. The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed.

Subdivision 2. Nonconforming Use Alteration for the Health, Safety or Welfare of Occupants. Alterations may be made to a residential building containing non-conforming residential units when they will improve the health, safety or welfare of the occupants of such units' provided, however, that they do not increase the number of dwelling units in the building.

0110.0903 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 safe condition when said structure is declared unsafe by the County Zoning Administrator.

0110.0904 CHANGES AND SUBSTITUTIONS

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

0110.0905 NON-CONFORMING SIGNS

Subdivision 1. Amortization of Nonconforming Signs. Signs existing on the effective date of the 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 shall not exceed five (5) years.

Subdivision 2. Business Signs On A Nonconforming Building. Business signs on the premises of a non-conforming building or use may be continued, but such signs shall not be increased in number, area, height, or illumination. New signs not to exceed thirty-five (35) square feet in aggregate sign area may be erected only upon the complete removal of all other signs existing at the time of the adoption of this Ordinance. Such signs may be illuminated, but no flashing, rotating or moving signs shall be permitted.

Subdivision 3. Nonconforming Signs Shall Not Be Rebuilt, Altered Or Moved. Signs erected before the passage of this Ordinance shall not be rebuilt, altered or moved to a new location without being brought into compliance with the requirements of this Ordinance.

Subdivision 4. Discontinuance of Nonconforming Signs. In the event that the use of a non-conforming sign is discontinued or its normal operation stopped for a period of six (6) months, the sign or structure shall be removed by the owner.

0110.0906 NON-CONFORMING USES IN THE FLOOD PLAIN DISTRICTS

Subdivision 1. Nonconforming Uses May Not Adversely Effect Flows, Velocities Or Stages. Non-conforming uses within the flood plain may be continued, subject to the terms of this section of the Ordinance, provided such uses will not have an unduly adverse effect on flood flows, velocities or stages associated with the regional flood. Any addition or modification to a lawful non-conforming use within the flood plain shall be in conformance with the provisions of the flood plain districts and shall not increase the degree of obstruction to flood flows. Where applicable, provisions shall be made to allow the proposed modifications and additions to be protected to the flood protection elevation by an approved use of flood-proofing measures.

Subdivision 2. Alteration of a Flood Plain Nonconforming Structure or Nonconforming Use. Any alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 through FP-4 flood proofing classifications) allowable in the State Building Code, except as further restricted in Subd. 3 below.

Subdivision 3. Alteration Shall Not Exceed 50 Percent Of The Market Value. 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 Section 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 current cost of all previous and proposed alterations and additions exceeds fifty (50) percent of the current market value of the structure, then the structure must meet the standards of Section 20 for new structures depending upon whether the structure is in the Floodway or Flood Fringe, respectively.

0110.0907 NON-CONFORMING SEWAGE TREATMENT SYSTEMS

Sewage treatment systems inconsistent with the size, construction, use, maintenance, or depth to ground water or bedrock requirements referenced in Part 0110.2922**,** or sewage treatment systems that are a nuisance, that endanger the safety of any domestic water supply, or that pollute any waters of the state are non-conforming systems.

Subdivision 1. Required Compliance of Non-conforming Sewage Treatment Systems. Non-conforming sewage treatment systems shall be brought into conformity when a permit or variance of any type is required for any improvement on, or use of, the property. Sewage systems installed according to Houston County shoreland management standards in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with insufficient separation from groundwater shall be considered nonconforming.

SECTION 10 - VIOLATIONS, PENALTIES AND ENFORCEMENT

0110.1001 VIOLATIONS, PENALTIES AND ENFORCEMENT

Any person, firm, or corporation and/or both landowners and contractors who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be subject to misdemeanor punishment. Each day that a violation continues shall constitute a separate offense.

Subdivision 1. Enforcement. This Ordinance shall be administered and enforced by the Zoning Administrator, who is hereby designated the enforcing officer.

Subdivision 2. Suspected Ordinance Violation. When an Ordinance violation is either discovered by, or brought to the attention of the Zoning Administrator, the Zoning Administrator shall investigate the situation and document the nature and extent of the violation of the official control.

Subdivision 3. Notification of Suspected Violation. 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.

Subdivision 4. Stop Work Order. When a Stop Work Order is instituted by the Zoning Administrator for any reason whatsoever, the work shall not again be resumed until the reason for the work stoppage has been completely removed.

Subdivision 5. Violation or a Threatened Violation of this Ordinance. In the event of a violation of this Ordinance, the County Board or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations.

Subdivision 6. County Sheriff Duties. It shall be the duty of the Sheriff of Houston County, when called upon by the Board of County Commissioners, to perform such duties as may be necessary to enforce the provisions of this Ordinance.

Subdivision 7. County Attorney Duties. It shall be the duty of the County Attorney, when called upon by the County Board, to perform such duties as may be necessary to enforce the provisions of this Ordinance.

Subdivision 8. The County Attorney's Office may at their discretion institute such action in a lesser court than the District Court.

Subdivision 9. Writ of Mandamus. 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.

0110.1002 ENFORCEMENT IN FLOOD PLAIN DISTRICTS

Subdivision 1. Notification of DNR and FEMA. 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.

Subdivision 2. Enforcement Actions Available. In responding to a suspected Ordinance violation in a flood plain district, the Zoning Administrator and County may utilize the full array of enforcement actions available, 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.

Subdivision 3. After-the-Fact Enforcement. If the construction or development is already completed, then the Zoning Administrator may either 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 official controls, or 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.

0110.1003 APPLICATION TO COUNTY PERSONNEL

The failure of any officer or employee of the County to perform any official duty imposed by this Ordinance shall not subject the officer or employee to a penalty imposed for violation unless a penalty is specifically provided for such failure.

SECTION 11 - PLANNING COMMISSION

0110.1101 ESTABLISHMENT

A Planning Commission 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

0110.1102 ORGANIZATION AND MEMBERSHIP

The Planning Commission shall consist of five (5) to seven (7) members appointed by the Board of Commissioners. Members shall represent different geographical areas of the county and, if possible, represent at least 4 commissioner districts. If townships administer their own Zoning Ordinance, those townships are free to set their own term limits. At least two (2) members shall be residents of the portion of the County outside the corporate limits of municipalities. No more than one (1) voting member of the commission shall be an officer or employee of the County.

Subdivision 1. Potential Conflict of Interest. No voting member of the 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.

Subdivision 2. Term of Office, the Filling of Vacancies and Removal from Office. Members of the Planning Commission shall serve at the pleasure of the Board.

(1) The term of office is three (3) years and may be continued in three (3) year terms for a maximum of three (3) consecutive terms equaling nine (9) years. Past members are required to sit out one full term before being reappointed for a position. These limits are at the discretion of the Board.

(2) The Board shall make appointments to fill vacancies on the Planning Commission. Appointment~~s~~ to fill an unexpired term of office shall be for the remaining term of the office. All other appointments shall be at the completion of a three (3) year term.

(3) Members may be removed from office, prior to the completion of the term of office, by a majority vote of the Board.

0110.1103 PROCEDURE

Subdivision 1. Officers. The Planning Commission shall elect a Chairperson and Vice Chairperson from among its members.

Subdivision 2. Meetings. The meetings of the Planning Commission shall be held at the call of the chairperson and at such other times as it's' rules of procedure may specify.

Subdivision 3. Rules and Public Record. The Planning Commission shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings, and determinations.

Subdivision 4. Secretary. The Zoning Administrator shall act as Secretary to the Planning Commission.

0110.1104 DUTIES AND POWERS

Subdivision 1. Duties. The Planning Commission shall 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 the execution of the plan.

Subdivision 2. Review Authority. The Planning Commission shall conduct public hearings, review all applications and prepare a report and recommendation to the board on the following:

(1) Conditional use permits

(2) Plans for subdivisions of land.

(3) Comprehensive plans, official controls and amendments thereto.

(4) Plans for public land acquisition and development.

(5) Additional duties and responsibilities assigned by the Board by ordinance.

0110.1105 FINDINGS REQUIRED

Subdivision 1. Findings. The Planning Commission shall not recommend a conditional use permit unless they find the following:

(1) That the proposed use conforms to the County Land Use Plan.

(2) That the applicant demonstrates a need for the proposed use.

(3) That the proposed use will not degrade the water quality of the County.

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

(5) That soil conditions are adequate to accommodate the proposed use.

(6) That potential pollution hazards been addressed and that standards have been met.

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

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

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

(10) That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

(11) That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

(12) That adequate measures have been or will be taken to prevent or control offensive 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.

(13) That the density of any proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.

(14) That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

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

Subdivision 2. Shall Recommend Conditions. In recommending any conditional use permit to the Board, under the provisions of this Ordinance, the Planning Commission shall assign such conditions in connection therewith as will, in its opinion, secure substantially the objectives of this Ordinance.

SECTION 12 - BOARD OF ADJUSTMENT

0110.1201 ESTABLISHMENT OF THE BOARD OF ADJUSTMENT

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.

0110.1202 MEMBERSHIP

The Board of Adjustment shall consist of not less than three (3) nor more than seven (7) members of which at least one (1) shall be a member of the County Planning Commission and one (1) shall be from the unincorporated area of the County. Any elected officer of the County or employee of the Board of County Commissioners shall be excluded from membership. The Board of Adjustment members shall be appointed by the County Board of Commissioners for terms coinciding with terms on the County Planning Commission.

0110.1203 RULES AND RECORDS

The Board of Adjustment shall elect a Chairperson and Vice Chairperson from among its members. It shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings, and determinations. The Zoning Administrator shall act as Secretary to the Board.

The meetings of the Board of Adjustment shall be held at the call of the chairperson and at such other times as it's' rules of procedure may specify.

0110.1204 POWERS AND APPEALS

Subdivision 1. Powers. The Board of Adjustment shall have power to grant a variance to any of the provisions of this Ordinance to the extent of the following and no further:

(1) To vary or modify the strict application of any of the regulations or provisions contained in this Ordinance in cases in which there are practical difficulties or unnecessary hardships in the way of such strict applications; no variance or modification of the uses permitted within a district shall be allowed, except as otherwise provided in this Ordinance.

(2) To hear and determine appeals as to the exact boundaries of Land Use Districts.

(3) To permit the extension of a district where the boundary line thereof divides a lot in one (1) ownership at the time of the passage of this Ordinance, but such extension of any district shall not exceed one hundred (100) feet.

Subdivision 2. Appeals. The Board of Adjustment shall act upon all questions as they may arise in the administration of any ordinance or official control, and it shall hear and decide appeals from and review any order, requirement, decision or

determination made by an administrative official charged with enforcing any ordinance adopted pursuant to the provisions of Section 394.21 to 394.37, Minnesota Statutes, Chapter 559, Laws of 1959, as amended.

(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 Section 394.21 to 394.3, 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 any officer, department, board or bureau of a town, municipality, county or state.

(3) The decision of the Board of Adjustment shall not be final, and any person having an interest affected by such Ordinance shall have the right to appeal to the District Court within thirty (30) days on a point of fact or law.

0110.1205 CRITERIA FOR GRANTING VARIANCES

A variance to a provision of the Zoning Ordinance may be issued to provide relief to the land owner in those cases where the ordinance imposes undue hardship or practical difficulties to the property owner in the use of his/her land. To hear requests for variances from the requirements of the Zoning Ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the Ordinance and when the variances are consistent with the "Comprehensive Plan". Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance. "Practical difficulties," as used in connection with the granting of a variance means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the Ordinance. The Board of Appeals and Adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the Zoning Ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance. No use variances may be issued.

Subdivision 1. Area Variance Standards – Practical Difficulties

(1) Is there a substantial variation in relation to the requirement?

(2) Will the variance have a negative effect on governmental services?

(3) Will the variance effect a substantial change in the character of the neighborhood or will there be a substantial detriment to neighboring properties?

(4) Can the practical difficulty be alleviated by a feasible method other than a variance?

(5) How did the practical difficulty occur? Did the landowner create a need for the variance?

(6) In light of all of the above factors, will allowing the variance serve the interests of justice?

0110.1206 PROHIBITED ACTIONS

Subdivision 1. Use Variances Prohibited. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.

Subdivision 2. Lesser Degree of Flood Protection Prohibited. No variance may be granted which would allow for a lesser degree of flood protection than required by this Ordinance.

0110.1207 FINDINGS REQUIRED

Subdivision 1. Findings. The Board of Adjustment shall not grant an appeal unless they find 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 other property.

(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.

0110.1208 PROCEDURE

Subdivision 1. Application. Application for any appeal permissible under the provisions of this Part shall be made to the Board of Adjustment in the form of a written Zoning Permit Application for a permit or approval to use the property or premises as set forth in the application.

Subdivision 2. Public Notice. Upon receipt of any application, the Board of Adjustment shall set a time and place for a public hearing before the Board of Adjustment on such application. At least ten (10) days before the date of the

hearing, a notice of the hearing shall be published once in the official newspaper of the County.

0110.1209 NOTIFICATION AND PUBLIC HEARING

Subdivision 1. Notification. All property owners of record within five hundred (500) feet of the incorporated areas and/or one-quarter (1/4) mile of the affected property or to the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners of unincorporated areas where the variance or appeal is proposed shall be notified by depositing a written notice in the U.S. Mail, postage prepaid, as to the time and place of the public hearing. All municipalities within two (2) miles of the proposed Variance or Appeal shall be given proper notice.

Subdivision 2. Omission in Notification. The Zoning Administrator shall be responsible for proper publication of notices and notification to adjacent property owners. However, an error in the published Notice of Public Hearing or failure to notify a specific property owner of the application for a Variance or Appeal shall not be considered cause to declare the public hearing invalid.

Subdivision 3. Public Hearing. Upon receipt in proper form of the application and other requested material, the Houston County Board of Adjustment shall hold at least one (1) public hearing at location to be prescribed by the Board of Adjustment.

0110.1210 ADVERSE ENVIRONMENTAL EFFECT

The applicant for a variance which, is the opinion of the Board of Adjustment, may result in a material adverse effect on the environment, may be required to demonstrate the nature and extent of the effect.

0110.1211 MAY IMPOSE CONDITIONS

In granting any adjustment or variance under the provisions of this Section, the Board of Adjustment shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the Ordinance, regulation or provision to which the adjustment or variance is granted.

0110.1212 IF DENIED, ONE YEAR WAIT TO RESUBMIT VARIANCE APPLICATION

No application for a variance shall be resubmitted for a period of one year from the date the request is denied, except the Board of Adjustment may allow a new application, if in the opinion of the Board, new evidence or a change in circumstances warrant it.

0110.1213 RECORDING

The Zoning Administrator shall file a certified copy of any order issued by the Board of Adjustment acting upon an appeal from an order, requirement, decision or determination by an administrative official, or a request for a variance, with the Land Records Department for record. The order issued

by the Board of Adjustment shall include the legal description of the property involved.

SECTION 13 - CLASSIFICATION OF ZONING DISTRICTS

0110.1301 ZONING DISTRICTS

The zoning districts in this Ordinance are designed to carry out the Policies Plan for Houston County and protect the public health, safety, and welfare. For purposes of this Ordinance, Houston County is hereby divided into the following Zoning Districts:

SYMBOL	DISTRICT
AP	**Agricultural Protection**. Symbols shown on the Map as A-1 shall now constitute AP.
R	**Residential** Symbols shown on the Map as R-1 shall now constitute R.
HB	**Highway Business** Symbols shown on the Map as B-1 shall now constitute HB.
GB	**General Business** Symbols shown on the Map as B-2 shall now constitute GB.
LI	**Limited Industry** Symbols shown on the Map as I-1 shall now constitute LI.
GI	**General Industry** Symbols shown on the Map as I-2 shall now constitute GI.
SR	**Salvage and Recycling Yard** Symbols shown on the Map as I-3 shall now constitute SR.
FW	**Floodway** Symbols shown on the Map as F-W shall now constitute FW.
FF	**Flood Fringe** Symbols shown on the Map as F-F shall now constitute FF.
GFP	**General Flood Plain** Symbols shown on the Map as G-F-P shall now constitute GFP.
SL	**Shoreland** Symbols shown on the Map as S shall now constitute SL.
ST	**Scenic Trail** Symbols shown on the Map as S-T shall now constitute ST.

0110.1302 OFFICIAL ZONING DISTRICT MAP

Subdivision 1. Establishment of Official Zoning District Map. The location and boundaries of the districts, except Shoreland and Scenic Trail, established by this Ordinance are set forth on the Official Zoning District Map, herein referred to as the Map. The Map, and shall be as much as part of this Ordinance as if all were fully described herein. The Map and all notations, references and data shown thereon are hereby incorporated by reference into this Ordinance.

References shall include the Flood Insurance Study, Houston County Minnesota (Unincorporated Areas), prepared by the Federal Emergency Management Agency, and dated June 6, 2001; the Flood Insurance Rate Map Panels dated June 1, 2001, and numbered 270190 0065 C, 270190 0070 C, 270190 0105 C, and 270190 0110 C; the Flood Boundary and Floodway Map Panels dated January 6, 1982, and numbered 270190 0005, 270190 0015, 270190 0020, 270190 0040, 270190 0055, and 270190 0060; and the Flood Insurance Rate Map Panels dated January 6, 1982 and numbered 270190 0005 B, 27019O 0010 B. 270190 0015 B, 270190 0020 B. 270190 0030 B. 270190 0035 B. 270190 0040 B. 270190 0045 B. 270190 0055 B, 270190 0060 B. 270190 0100 B. 270190 0115 B. 270190 0120 B. and 270190 0150 B.

Subdivision 2. Map Custodian and Amendments. The Map shall be kept in the Zoning Administrator's Office. It is the responsibility of the Zoning Administrator to continually maintain and update this map. Any amendments to the Map shall be recorded on the Map within thirty (30) days after the official adoption of the zoning amendment by the County Board.

Subdivision 3. Flood Plain Overlay District. The Flood Plain Overlay Districts shall include all lands designated as Floodway, Flood Fringe, or General Flood Plain in the Flood Insurance Study, Flood Insurance Rate Maps, and Flood Boundary and Floodway Maps adopted in Section 0110.1202, Subdivision 1, above

Subdivision 4. Shoreland Overlay District. The Shoreland Overlay District shall include all land located within three hundred (300) feet of a protected stream, or one-thousand (1,000) feet from the Ordinary High Water Level of any protected lake. A list of protected streams and lakes is found in Section 22 of this Ordinance.

Subdivision 5. Scenic Trail Overlay District. The Scenic Trail District includes the right-of-way of all publicly owned recreational trails and a five (5) feet strip of land beyond and parallel to the right-of-way line.

Subdivision 6. District Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

(1) Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.

(2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(3) Boundaries indicated as approximately following established municipal limits and county borders shall be construed as following such lines.

(4) Boundaries indicated as following railroad lines shall be construed to be midway between main tracks.

(5) Boundaries indicated as approximately following sections, half sections, quarter sections, eighth sections and government lots shall be construed to follow such lines. Where physical or cultural features, such as flood plains, are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections 1 through 5 above, the Board of Adjustment shall interpret the district with the assistance of the Zoning Administrator and County Engineer. Where a conflict exists between the flood plain limits illustrated on the Official Zoning Map and actual field conditions, the 100 year flood elevations shall be the governing factor in locating the regulatory flood plain limits.

0110.1303 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 AP, Agricultural Protection District until placed in another district.

0110.1304 VACATION OF ROADS

When any road, highway, street or other public right-of-way is vacated, the land use classification of land abutting the center line of the public right-of-way shall not be affected by such proceedings, nor shall the district boundary be affected thereby.

0110.1305 RELOCATION OF ROADS

When any road, highway, street or other public right-of-way is relocated, the land use classification and district boundary abutting the center line of the public right-of-way shall be relocated to abut with the center line of said road, highway, street or other public right-of-way.

0110.1306 USES NOT PROVIDED FOR IN ZONING DISTRICT

Whenever a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such case, the County Board or the Planning Commission, on their own initiative, or upon request of the property owner, may conduct a study to determine if the use is acceptable and, if so, what Zoning District, conditions and standards relating to development of the use would be appropriate.

The County Board, or Planning Commission, upon receipt of the staff study shall, if appropriate, initiate an amendment to this Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the County.

0110.1307 APPEALS RELATING TO DISTRICT BOUNDARIES

Appeals from the Commissioners or any administrative officer's determination of the exact location of district boundary lines shall be heard by the Board of Adjustment.

0110.1308 GENERAL REGULATIONS FOR ALL DISTRICTS

Additional requirements and standards in all Zoning Districts are set forth in Section 29.

SECTION 14 - AGRICULTURAL PROTECTION DISTRICT

0110.1401 PURPOSE AND PUBLIC NOTICE

Subdivision 1. Purpose. The purpose of the Agricultural Protection District is to provide a district that will:

(1) Retain, conserve, and enhance agricultural land in the County for agricultural uses.

(2) Protect and preserve natural resources and environmentally sensitive areas.

(3) Restrict scattered non-farm residential development in order to minimize incompatibility between agricultural uses and residential use, and to conserve the expenditure of public funds for new roads, road maintenance, schools, police and fire protection necessary to service scattered residential development.

Subdivision 2. Public Notice. Persons choosing to reside in the Agricultural Protection District are hereby notified that the agricultural district is a zoning district in which land is used principally and foremost for agricultural production.

Subdivision 3. Discomfort Resulting From Agricultural Uses. Owners, residents, and other uses of property in the Agricultural Protection District or neighboring properties may be subjected to inconvenience or discomfort arising from normal and accepted agricultural practices and operation, including but not limited to the following:

(1) Noise, odors, dust, and hours of operation.

(2) The operation of machinery, including aircraft.

(3) The production, storage and land application of animal manure.

(4) The application of fertilizers, soil amendments, herbicides, and pesticides.

Owners, residents, and users of property in the Agricultural Protection District, or neighboring property should be prepared to accept such inconveniences or discomfort as they occur from agricultural uses and are hereby notified that this declaration may prevent them from obtaining a legal judgment against such agricultural uses.

0110.1402 PERMITTED USES

Subdivision 1. Permitted Uses. In the Agricultural Protection District no building structure or part thereof shall be erected, altered, used or moved upon any premises nor shall any land be used in whole or part for other than one or more of the following permitted uses:

(1) Agricultural Uses. Agricultural Uses**,** but excluding greenhouses and animal feedlots producing three hundred (300) animal units or more of manure.

(2) Flood Control, Watershed and Erosion Control Structures. Flood control watershed and erosion control structures provided they conform to standards established by the Natural Resources Conservation Service.

(3) Parks and Recreational Areas. Parks, recreational areas, wildlife management areas, game refuges, forest preserves, hiking and/or biking trails, boat liveries and boat repair owned and operated by governmental agencies.

(4) Single Family Dwellings. Single family dwellings located on 40 or more contiguous acres subject to one dwelling per quarter-quarter section and having ownership of at least 33 feet of road frontage on a public roadway or a legally recorded perpetual access at least 33 feet wide from an existing public roadway, on sites considered Buildable Lots as defined by this Ordinance. An erosion control plan, as set forth by Section 24, shall be submitted with all applications for new single family dwellings.

(5) Single family dwellings that were built on 40 or more contiguous acres, but are now located on less than 40 acres due to a property split. Single family dwellings that were built on 40 or more contiguous acres, but are now located on less than 40 acres due to a property split can continue as a permitted use if they meet the following criteria:

(a) The dwelling was in existence at least 10 years prior to the date of the property split; or, if the dwelling is less than 10 years old, it must have replaced a dwelling that was in existence at least 10 years prior to the property split that was inhabited as a permanent residence in 8 of the last 10 years prior to the time the new dwelling was built.

(b) The dwelling was inhabited in 8 of the last 10 years.

(c) The dwelling site meets all applicable lot area and lot width and depth standards.

(d) The dwelling and all accessory buildings meet all applicable setback standards.

(e) The dwelling site has ownership of at least 33 feet of frontage on an existing public roadway extending the entire distance between the public road and the dwelling, or has a legally recorded perpetual access at least 33 feet wide from an existing public roadway.

Single family dwellings located on less than 40 acres that were not issued Conditional Use Permits and do not meet the above criteria are considered non-conforming.

0110.1403 CONDITIONAL USES

Subdivision 1. Conditional Uses. In the Agricultural Protection District, the following uses may be allowed only after obtaining a Conditional Use Permit in accordance with the provision of this Ordinance.

(1) Agriculture Oriented Business, including but not limited to commercial storage or blending of liquid and dry fertilizers; grain and feed sales; general repair and installation services for agricultural equipment; custom meat processing; agricultural supplies and product sales or warehousing; livestock sales pavilion.

(2) Aircraft Landing Fields. Aircraft landing fields and associated facilities.

(3) Animal Feedlots. New or the expansion of existing animal feedlots that generate 300 or more animal units of manure.

(4) Bed and Breakfast Home. Bed and Breakfast Home, but not Bed and Breakfast Inn.

(5) Cabins. Cabins, subject to the following:

(a) Not more than one (1) cabin per quarter of a quarter section shall be allowed.

(b) A cabin shall not have a permanent foundation or basement, or otherwise be permanently attached to the ground.

(c) A cabin shall be for transient use only and shall not be used as a permanent, year-around dwelling.

(d) No cabin shall have a gross floor area exceeding 400 square feet**.**

(e) Cabins shall not be connected to modern utilities, including electricity, telephone service, and septic.

(6) Campgrounds.

(7) Cemeteries. Cemeteries and memorial gardens.

(8) Churches.

(9) Communication Services. Commercial radio and television towers and transmitters.

(10) Dwellings. Single-family non-farm dwellings subject to the following:

(a) No more than one (1) dwelling per quarter-quarter section.

(b) Non-farm dwellings built after the adoption of this Ordinance shall be setback at least one-fourth, (1/4), mile from all feedlots, except as otherwise provided in this Ordinance.

(c) Non-farm dwelling units shall not be permitted on land which is of soil classifications of Class I-III soils rated in the Soil Survey - Houston County by the U. S. D. A. Natural Resource Conservation Service, except in cases where the land has not been used for the production of field crops or enrolled in a government program whereby compensation is received in exchange for the removal of an area from production, for a period of ten years or more.

(d) Non-farm dwelling units shall only be permitted on sites considered Buildable Lots as defined by this Ordinance**,** and shall not be permitted in areas classified wetlands, flood plain, peat and muck areas and other areas of poor drainage. Non-farm dwelling units shall not be permitted on land which has a slope of twenty-four (24) percent or greater. All non-farm dwellings must have an erosion control plan as required by Section 24.

(e) Non-farm dwelling units shall be required to be located on lots having ownership of at least thirty-three (33) feet of road frontage on a public roadway or a legally recorded perpetual access at least thirty – three (33) feet wide from an existing public roadway and a minimum lot area of one (1) acre.

(11) **Essential Services.** Essential Services, including, regional pipelines, transmission cables, micro-wave and communication towers.

(12) **Exploratory Boring.** Exploratory boring and drilling, including oil, natural gas and metallic minerals.

(13) **Greenhouses.** Commercial greenhouses and nurseries.

(14) **Gun Clubs.** Gun clubs and their accessory structures.

(15) **Horse Stables**. Horse stables, riding academies

(16) **Kennels.** Kennels, keeping six (6) or more dogs.

(17) **Landfills.** County owned or operated solid waste landfills and privately owned demolition landfills

(18) **Manure Storage.** New, or the expansion of existing manure storage structures with a capacity over 20,000 gallons.

(19) **Mineral Extraction.** Quarrying operations, sand and gravel extraction, other mineral or material excavation activities as regulated in Section 27 of this Ordinance.

(20) **Municipal Service.** Local municipal administration and service buildings.

(21) **Schools.** Schools, public or private.

(22) **Solar Energy Systems.** Solar energy systems and solar structures.

(23) **Water Supply.** Water supply buildings, reservoirs, wells, elevated tanks, public sewage treatment facilities, sanitary landfill operations subject to County and Minnesota Pollution Control Agency requirements, and similar essential public utility and service structures.

(24) **Wind Powered Generators.** All wind powered generators with a capacity of greater than 40 kilowatts as defined in section 34 of this ordinance.

(25) **Other Uses.** Other uses as determined by the Planning Commission and the Houston County Board of Commissioners that are similar to those uses listed above and are found to be compatible to with other use already permitted in the district.

0110.1404 INTERIM USES.

Subdivision 1. Interim Uses. In the Agricultural Protection District, the following uses may be allowed only after obtaining an Interim Use Permit in accordance with the provisions of this Ordinance.

(1) Manufactured home (temporary) for family members based on medical hardship provided:

(a) The manufactured home is to be located on a parcel of at least 2 acres with one permanent dwelling. The occupant(s) of either the manufactured home or the permanent dwelling must be: 1) the parent(s) or grandparents of the occupant of the other residence or, 2) a child, sister or brother who suffers from a full or total disability as classified by Social Security, Worker's Compensation or a Doctor, and who resides in or will reside in one of the residences.

(b) The manufactured home shall be removed from the site within 120 days of such time as it or the permanent residence ceases to be occupied by a parent, grandparent, child, sister or brother.

(c) The manufactured home shall not be made a permanent structure.

(d) The manufactured home shall not require the creation of a separate well.

(e) An on-site sewage system to serve the manufactured home can be installed in accordance with Section 29 of this Ordinance.

(2) Activities Requiring Rural Isolation, provided:

(a) The site must have frontage on a hard surface public road unless access via a gravel road is approved by the Township.

(b) A certificate of insurance may be required by the County.

(c) The facility shall provide adequate restroom facilities as determined by the IUP.

(d) The IUP may restrict the number of people who may use the property at any given time.

(3) Auto Mechanic and/or Body Repair Shops Home Occupations.

(4) Level I and Level II Home Occupations as regulated in Section 29.

(5) Temporary Ag Employee Housing.

(a) Housing shall meet department of health rules and regulations regarding boarding houses.

(b) Housing shall be used for temporary farm employees only at the time that they are employed at the farm site.

(c) Applicant shall draw up a site location plan that entails the following:

(d) Expected duration of annual use on a monthly basis.

(e) Additional screening if applicable.

(f) Soil boring for ISTS.

(g) Soil erosion plan.

(h) Housing shall be located on same parcel of land as existing building that is used in daily operations.

(i) Housing shall not include a basement of any type.

(j) Conditional Use Permit shall be reviewed annually by the Zoning Administrator. The Houston County Planning Commission shall review any changes to existing permitted plan.

(6) Temporary Farm Dwelling – Manufactured Home.

(a) Manufactured homes meeting standards set forth in this Ordinance, if determined by the zoning administrator to meet the requirements of a "Temporary Farm Dwelling" as defined in section 29 of this Ordinance.

(7) Occasional Special Use - under the following conditions:

(a) An application is submitted with a drawing that includes the following:

(b) Location of any grading, excavation, or filling sites, and location of any areas for obtaining fill or for disposing of excavated materials.

(c) Location of any temporary building, stockpiled materials, and/or industrial equipment.

(d) Location of storage area for equipment.

(e) A letter giving an in-depth description of the proposed operation. Said letter should contain at a minimum:

(f) The number of employees reporting to the site.

(g) Plans for traffic control.

(h) A discussion of parts of the special event that may have an adverse impact on the environment or may impact neighboring property owners and methods for mitigation of any adverse factors.

(i) Plans for provision of sanitary facilities such as portable toilets for workers and attendees.

(8) Recreational and Lodging Activities – conducted on a permanent, seasonal or scheduled basis subject to the following criteria:

(a) A certificate of insurance and/or a performance surety may be required.

(b) Sanitary facilities shall be installed as judged necessary by County Staff.

(c) An operational plan approved by the County Staff is established and all activities are conducted in accordance with the operational plan.

(d) A stipulation is made in the permit as to the number of persons to be using the facility at any one time.

(e) Any type of special event that will attract or involve more than the number of people stipulated in "D" above shall require approval by the County Board.

(f) The permit shall be subject to annual administrative renewal

(g) Approval required by MN Department of Health and state fire marshal.

(9) Temporary Solid Waste Collection and/or Recycling Operations, provided:

(a) Adequate parking and restroom facilities shall be provided.

(b) A mitigation plan is submitted, controlling water pollution, air pollution, traffic, litter, odors and noise.

(c) Events held by governmental entities are exempt from obtaining an IUP.

(10) **Start-up Business**, provided:

(a) The business must be located on the homesteaded property of the business owner.

(b) The business shall be compatible with the neighborhood, and not create a nuisance.

(c) The business may be permitted through an IUP and shall be renewable for a period of five (5) years upon written application to the Zoning Administrator and with the concurrence of the Planning Commission and County Board of Commissioners. However, upon determination by the Zoning Administrator, or the County Board, that the operation is in violation of the provisions of the IUP or other County Ordinances, a hearing may be held to review the existence of any alleged violations.

(d) At the time of expiration of permit, all business activities must end, and business related vehicles, equipment, and materials must have been removed from the property.

(e) The permit is not transferable.

(f) The business is located on a minimum of 1 acre.

(g) Days and hours of operation shall be determined by the County Board.

(h) The maximum number of employees (FTE) working on-site shall be determined by the County Board.

(i) There may be no more than one non-illuminated business sign totaling not more than 12 square feet on the premises.

(j) Excessive noise, glare, odors, traffic or other nuisances may be justification for the County Board to revoke or modify the terms of the Interim Use Permit.

(k) The applicant and/or property owner shall permit the County to inspect the property at any time.

(11) **Bituminous Plants** – Bituminous Plants and processing and storage of sand, gravel, stone or other mineral as a temporary use not to exceed 12 months.

(12) **Exhibitions.** Exhibitions, which shall be construed to mean any of the functions described in M.S. 375.40 and occasionally updated, and in addition thereto music festivals or so called "rock" festivals, but shall not include functions which may otherwise fall within the definition of exhibitions but are staged at and sponsored by any regularly established place of worship, stadium, athletic field, arena, auditorium, coliseum or similar permanently established place of assembly for exhibition which do not exceed by more than two hundred fifty (250) people, the maximum seating, capacity of structures proposed to be staged by and at such place of worship, stadium, etc., and excluding also so called fairs, agricultural in nature, and sponsored by governmental units held on regularly established fairgrounds.

(13) **Commercial Outdoor Recreational Area.** Any commercial outdoor business that would not conflict with surrounding uses or residences and that would not deter from the surrounding landscape. These uses will include, but are not limited to the following: paint ball ranges, canoe and inner tube rentals, corn mazes, pick-your-own vegetables and fruits, hunting preserves, motor sports activities: including motocross, mud racing, hill climbing, stock car racing, demolition derby, trail riding, tractor pulls, drag racing, etc. A certificate of insurance may be required by the County.

(14) **Mineral Extraction.** Short-term quarrying operations, sand and gravel extraction, and other mineral or material excavation activities as regulated in Section 27 of this Ordinance.

(15) **Other Uses.** Other uses as determined by the Planning Commission and the Houston County Board of Commissioners that are similar to those uses listed above and are found to be compatible with other uses already permitted in the district.

0110.1405 ACCESSORY USES

Subdivision 1. Incidental to Principal Use. Structures and uses customarily incidental to any of the permitted, interim, or conditional uses listed above and when located on the same property.

0110.1406 HEIGHT STANDARDS

Subdivision 1. Maximum Height. The maximum height of all buildings shall not exceed two (2) stories or thirty (30) feet.

Subdivision 2. Exceptions. This height limitation shall not apply to grain elevators, silos, windmills, elevator lags, cooling towers, water towers, chimneys and smokestacks, church spires, public utility and communication towers.

0110.1407 FRONT YARD SETBACK STANDARDS

Subdivision 1. Federal and State Highways. There shall be a front yard setback of one hundred thirty (130) feet from the center line of all Federal and State, except for divided highways which shall be one hundred (100) feet from the highway right-of-way line.

Subdivision 2. County Highways. There shall be a front yard setback of not less than one hundred (100) feet from the centerline of all County roads.

Subdivision 3. Other Public and Private Roads. 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 and private roads.

Subdivision 4. Exceptions.

(1) Right-of-Way Encroachment Prohibited. If the setback standards cited in Subdivisions 1-3 above would result in a structural encroachment into the road right-of-way, then the setback distance shall be increased to at least twenty (20) feet beyond the right-of-way line.

(2) Corner Lots. 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 of either road.

(3) Existing Developed Areas. Within existing developed areas, the front yard setback requirements may be adjusted to coincide with average setbacks occurring on either side of the proposed building within three hundred (300) feet except that no building shall be located less than twenty (20) feet from right-of-way line.

(4) Hedges and Shrubs. Hedges and shrubs shall have a minimum setback of twenty (20) feet from the right-of-way.

0110.1408 SIDE YARD SETBACK STANDARDS

Subdivision 1. Minimum Side Yard Setback. There shall be a side yard width of not less than fifty (50) feet on each side of the building.

0110.1409 REAR YARD STANDARDS

Subdivision 1. Minimum Rear Yard Setback. The minimum rear yard for all buildings shall be fifty (50) feet.

0110.1410 LOT AREA STANDARDS

Subdivision 1. Minimum Lot Area.

(1) All new farm dwellings, and the division of farmsteads having two (2) or more dwellings, shall have a Buildable Lot, as defined in this Ordinance, with a minimum lot area of one (1) acre for each dwelling.

(2) All non-farm dwellings shall be located on a Buildable Lot as defined in this Ordinance and have a minimum lot area of one (1) acre.

0110.1411 LOT WIDTH AND DEPTH STANDARDS

Subdivision 1. Minimum Lot Width and Depth Standards. Every lot or plat of land on which a one family dwelling is constructed shall have a minimum width of one hundred and fifty (150) feet and depth of one hundred fifty (150) feet.

0110.1412 GENERAL STANDARDS

Additional requirements for parking, signs, sewage systems, and other regulations are set forth in Section 29.

SECTION 15 - RESIDENTIAL DISTRICT

0110.1501 PURPOSE

The purpose of the Residential District is to allow a continuation and limited expansion of existing residential development in the small unincorporated urban communities of the County as well as areas adjacent to existing cities where services can be easily extended in the future.

0110.1502 PERMITTED USES

Subdivision 1. Permitted Uses. In the Residential District no building structure or part thereof shall be erected, altered, used or moved upon any premises nor shall any land be used in whole or part for other than one or more of the following permitted uses:

(1) Limited Agriculture Uses. Limited agriculture uses including farming and truck gardening, except kennels operated for commercial purposes, provided that no agricultural buildings shall be located within one hundred (100) feet of any lot line adjoining residential property and also provided that no livestock or poultry be kept on lots of less than two (2) acres.

(2) Churches. Churches, provided that no building shall be located within fifty (50) feet of any lot line of an abutting lot in any residence district.

(3) Golf Courses. Golf courses, except clubhouses, miniature courses and driving tees operated for commercial purposes.

(4) Hospitals. Hospital, convalescent or nursing home.

(5) Manufactured homes. Manufactured homes meeting standards of this Ordinance.

(6) Nurseries. Nurseries, excluding greenhouses

(7) Public Parks. Public parks and recreational areas

(8) Schools. 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 an, lot line of an abutting lot in any residence district.

(9) Single Family Dwellings. Single family detached dwellings.

(10) Solar Energy Systems. Solar energy systems and solar structures

0110.1503 CONDITIONAL USES

Subdivision 1. Conditional Uses. In the Residential District, the following uses may be allowed only after obtaining a Conditional Use Permit in accordance with the provision of this Ordinance.

(1) Bed and Breakfast Facilities. Bed and Breakfast Inns and Bed and Breakfast Homes.

(2) Boarding House. Facilities for not more than four (4) individuals by a resident family.

(3) Cemeteries. Cemeteries and memorial gardens.

(4) Golf Clubhouse. Golf clubhouse, 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 residence district.

(5) Home Occupations. Level I as regulated in Section 29.

(6) Manufactured Home Parks. Manufactured home parks with approved central sewer and water systems.

(7) Multi-Family Dwelling Units. Multi-family dwelling units including townhouses, apartments, condominiums with a maximum density of four (4), dwelling units per acre and a maximum of four (4), dwelling units per building subject to the standards in Section 28.

(8) Municipal Buildings. Municipal administration buildings, police, and fire stations, community center buildings, public libraries, museums, art galleries, post office and other municipal 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 residence district.

(9) Offices. Offices of professional persons and home occupations.

(10) Water Supply. Water supply buildings, reservoirs, wells, elevated tanks and similar essential service structures, except that no building shall be located within fifty (50) feet of any lot line of an abutting lot in any residence district.

(11) Other Uses. Other uses as determined by the Planning Commission and the Houston County Board of Commissioners that are similar to those uses listed above, and are found to be compatible to with other uses already permitted in the district.

0110.1504 ACCESSORY USES

Subdivision 1. Incidental to Principal Use. Structures and uses customarily incidental to any of the permitted or conditional uses listed above and when located on the same property.

0110.1505 HEIGHT STANDARDS

Subdivision 1. Maximum Height. The maximum height of all buildings shall not exceed two (2) stories or thirty (30) feet.

Subdivision 2. Exceptions. This height limitation shall not apply to church spires, public utility and communication towers.

0110.1506 FRONT YARD SETBACK STANDARDS

Subdivision 1. Federal and State Highways. There shall be a front yard setback of one hundred thirty (130) feet from the center line of all Federal and State, except for divided highways which shall be one hundred (100) feet from the highway right-of-way line.

Subdivision 2. County Highways. There shall be a front yard setback of not less than one hundred (100) feet from the center line of all County roads.

Subdivision 3. Other Public and Private Roads. 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 and private roads.

Subdivision 4. Exceptions.

(1) Right-of-Way Encroachment Prohibited. If the setback standards cited in Subdivisions 1-3 above would result in a structural encroachment into the road right-of-way, then the setback distance shall be increased to at least twenty (20) feet beyond the right-of-way line.

(2) Corner Lots. 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. Accessory buildings shall not project beyond the front yard of either road.

(3) Existing Developed Areas. Within existing developed areas, the front yard setback requirements may be adjusted to coincide with average setbacks occurring on either side of the proposed building within three hundred (300) feet except that no building shall be located less than twenty (20) feet from right-of-way line.

(4) Hedges and Shrubs. Hedges and shrubs shall have a minimum setback of twenty (20) feet from the right-of-way.

0110.1507 SIDE YARD SETBACK STANDARDS

Subdivision 1. Minimum Side Yard Setback. There shall be a side yard width of not less than fifteen (15) feet on each side of the building.

0110.1508 REAR YARD STANDARDS

Subdivision 1. Minimum Rear Yard Setback. The minimum rear yard shall be fifty (50) feet.

0110.1509 LOT AREA STANDARDS

Subdivision 1. Minimum Lot Area. All new dwellings shall be located on a Buildable Lot as defined in this Ordinance and have a minimum lot area as set forth below:

(1) Lots with Individual Sewage Treatment Systems and Water Wells. Dwelling units with individual sewage treatment systems and water wells shall have a minimum lot area of forty-three thousand five hundred sixty (43,560) square feet. Individual sewage treatment systems and water wells must conform to the standards in this Ordinance.

(2) Lots with Central Sewage Treatment and Water Systems. Dwelling units with central sewage treatment and water systems shall have a minimum lot area of twenty-two thousand (22,000) square feet.

(3) Manufactured Home Park Lots. Lots in mobile home parks shall have a minimum lot area of five thousand (5,000) square feet.

0110.1510 LOT WIDTH AND DEPTH STANDARDS

Subdivision 1. Minimum Lot Width and Depth Standards. Every lot or plat of land on which a single family dwelling is constructed shall have the minimum standards as set forth below:

(1) Lots with Individual Sewage Treatment Systems and Water Wells. Lots with individual sewage treatment systems and water wells shall have a lot width of not less than one hundred (100) feet and lot depth of not less than one hundred fifty (150) feet.

(2) Lots with Central Sewage Treatment and Water Systems. Lots with central sewage treatment and water systems shall have a minimum lot width of not less than seventy-five (75) feet and a lot depth of not less than one hundred and twenty-five (125) feet.

0110.1511 LOT OF RECORD EXCEPTION

The foregoing lot size, width, and depth requirements shall not apply to lots of record in the office of the County Recorder prior to the enactment of this Ordinance. However, a lot of less than twenty-two thousand (22,000) square feet shall not be allowed as a building site unless the owner can prove that

adequate sanitary sewer facilities can be provided on a smaller lot. If conditions warrant it, the County Board may require a larger lot size.

0110.1512 GENERAL STANDARDS

Additional requirements for parking, signs, sewage systems, and are set forth in Section 29 and 30.

SECTION 16 - HIGHWAY BUSINESS DISTRICT

0110.1601 PURPOSE

The Highway Business District is district is intended to provide areas that will allow compact and convenient highway-oriented business, located near existing urban areas and major highways in the County and at standards that will not impair the traffic-carrying capabilities of adjacent roads and highways.

0110.1602 PERMITTED USES

Subdivision 1. Permitted Uses. In the Highway Business District no building structure or part thereof shall be erected, altered, used or moved upon any premises nor shall any land be used in whole or part for other than one or more of the following permitted uses:

(1) Agricultural Uses. Limited agriculture uses including farming and truck gardening, provided that no agricultural buildings shall be located within one hundred (100) feet of any lot line adjoining residential property and also provided that no livestock or poultry be kept on lots of less than two (2) acres.

(2) Clubs and Lodges.

(3) Commercial Recreation. Commercial recreation, including bowling alleys, archery, golf driving range, miniature golf courses

(4) Food and Beverage Stands.

(5) Motels and Tourist Camps.

(6) Professional Offices.

(7) Recreational Equipment Sales. Recreational equipment including marine boats and sales.

(8) Restaurants. Cafes, restaurants, including drive in restaurants, and supper clubs

(9) Retail Uses. Retail uses, including drive-in uses that do not generate hazardous by-products.

(10) Produce Stands. Seasonal produce stands

(11) Solar Energy Systems. Solar energy systems and solar structures

0110.1603 CONDITIONAL USES

Subdivision 1. Conditional Uses. In the Highway Business District, the following uses may be allowed after obtaining a Conditional Use Permit in accordance with the provisions of Section 6.

(1) Agricultural-Oriented Business.

(2) Auto Service Stations.

(3) Auto Sales Establishments.

(4) Drive-In Theater.

(5) Garden and Nursery Supplies.

(6) Grain Elevators and Feed Mixing and Supplies.

(7) Other Uses. Other uses as determined by the Planning Commission and the Houston County Board of Commissioners that are similar to those uses listed above, and are found to be compatible to with other uses already permitted in the district.

0110.1604 ACCESSORY USES

Subdivision 1. Incidental to Principal Use. Structures and uses customarily incidental to any of the permitted or conditional uses listed above and when located on the same property.

0110.1605 HEIGHT STANDARDS

Subdivision 1. Maximum Height. The maximum height of all buildings shall not exceed two (2) stories or thirty-five (35) feet.

Subdivision 2. Exceptions. This height limitation shall not apply to church spires, grain elevators, public utility and communication towers.

0110.1606 FRONT YARD SETBACK STANDARDS

Subdivision 1. Federal and State Highways. There shall be a front yard setback of one hundred thirty (130) feet from the center line of all Federal and State, except for divided highways which shall be one hundred (100) feet from the highway right-of-way line.

Subdivision 2. County Highways. There shall be a front yard setback of not less than one hundred (100) feet from the center line of all County roads.

Subdivision 3. Other Public and Private Roads. 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 and private roads.

Subdivision 4. Exceptions.

(1) Right-of-Way Encroachment Prohibited. If the setback standards cited in Subdivisions 1-3 above would result in a structural encroachment into the road right-of-way, then the setback distance shall be increased to at least twenty (20) feet beyond the right-of-way line.

(2) Corner Lots. 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 of either road.

0110.1607 SIDE YARD SETBACK STANDARDS

Subdivision 1. Minimum Side Yard Setback. There shall be a side yard width of not less than fifteen (15) feet on each side of the building.

Subdivision 2. Additional Side Yard Setback. No building shall be located within thirty (30) feet of any side lot line abutting a lot line in any Residential or Agricultural District.

0110.1608 REAR YARD STANDARDS

Subdivision 1. Minimum Rear Yard Setback. The minimum rear yard for all buildings shall be twenty-five (25) feet.

Subdivision 2. Additional Rear Yard Setback. No building shall be located within fifty (50) feet of any rear lot line abutting a lot in any Residential or Agricultural District.

0110.1609 LOT AREA STANDARDS

Subdivision 1. Minimum Lot Area. All new commercial uses with individual sewage treatment systems and water wells shall be located on a Buildable Lot as defined in this Ordinance and have a minimum lot area as set forth below:

(1) Lots with Individual Sewage Treatment Systems and Water Wells. Commercial uses with individual sewage treatment systems and water wells shall have a minimum lot area of one (1) acre.

0110.1610 LOT WIDTH STANDARDS

Subdivision 1. Minimum Lot Width Standards. Every lot shall have a width of not less than one-hundred (100) feet abutting a public right-of-way.

0110.1611 LOT COVERAGE

Subdivision 1. Maximum Lot Coverage. No more than fifty (50) percent of the lot shall be occupied by buildings.

0110.1612 SERVICE ROAD STANDARDS

To the extent possible, commercial use adjacent to highways shall be provided with a service road between thoroughfare and the business establishment. No service roads shall have access to local residential streets nor shall highway business oriented traffic be routed in or directed to local residential streets.

Subdivision 1. Service or Frontage Roads. Frontage roads shall be subject to the following standards:

(1) Each service road shall have a minimum of thirty (30) feet of right-of-way exclusive of adjoining thoroughfare right-of-way.

(2) Each service road shall be at least twenty-four (24) feet wide.

(3) Two-way traffic shall be allowed on service roads.

(4) Access from service roads shall be no more frequent than one (1) access for each five hundred (500) feet of thoroughfare frontage.

0110.1613 GENERAL STANDARDS

Additional requirements for parking, signs and other regulations are set forth in Section 29.

SECTION 17 - GENERAL BUSINESS DISTRICT

0110.1701 PURPOSE

This General Business District is intended to provide areas that will allow retail and general commercial uses in the small, unincorporated urban communities in the County and adjacent to other incorporated urban communities where such use is in keeping with their long range plans for growth and expansion.

0110.1702 PERMITTED USES

Subdivision 1. Permitted Uses. In the General Business District no building structure or part thereof shall be erected, altered, used or moved upon any premises nor shall any land be used in whole or part for other than one (1) or more of the following permitted uses:

(1) Banks and Financial Institutions.

(2) Clubs, Lodges.

(3) Commercial Recreation.

(4) Government Buildings.

(5) Hotel and Motel.

(6) Indoor Recreation, including Movie Theaters.

(7) Medical Buildings.

(8) Offices.

(9) Restaurants, Cafes and Supper Clubs.

(10) Retail Trade Establishments.

(11) Solar Energy Systems and Solar Structures.

(12) Wholesale Buildings.

0110.1703 CONDITIONAL USES

Subdivision 1. Conditional Uses. In the General Business District, the following uses may be allowed only after obtaining a Conditional Use Permit in accordance with the provision of this Ordinance.

(1) Auto Service Stations.

(2) Drive-in Business.

(3) Passenger and Freight Transportation Terminals.

(4) Single and Multi-Family Dwelling Units.

(5) Other Uses. Other uses as determined by the Planning Commission and the Houston County Board of Commissioners that are similar to those uses listed above, and are found to be compatible to with other uses already permitted in the district.

0110.1704 ACCESSORY USES

Subdivision 1. Incidental to Principal Use. Structures and uses customarily incidental to any of the permitted or conditional uses listed above and when located on the same property.

0110.1705 HEIGHT STANDARDS

Subdivision 1. Maximum Height. The maximum height of all buildings shall not exceed two (2) stories or thirty (30) feet.

Subdivision 2. Exceptions. This height limitation shall not apply to church spires, public utility and communication towers.

0110.1706 FRONT YARD SETBACK STANDARDS

Subdivision 1. Minimum Front Yard Setback. The front yard setback shall be ten (10) feet, except where adjacent structures have different setbacks from those required; the front yard setback shall be the average setback of such structures.

Subdivision 2. Exceptions.

(1) Corner Lots. 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. Accessory buildings shall not project beyond the front yard of either road.

0110.1707 SIDE YARD SETBACK STANDARDS

Subdivision 1. Minimum Side Yard Setback. None required.

Subdivision 2. Additional Side Yard Setback. No building shall be located within fifty (50) feet of any side lot line abutting a lot line in any Residential or Agricultural District.

0110.1708 REAR YARD STANDARDS

Subdivision 1. Minimum Rear Yard Setback. The minimum rear yard for all buildings shall be twenty-five (25) feet.

Subdivision 2. Additional Rear Yard Setback. No building shall be located within fifty (50) feet of any rear lot line abutting a lot in any residential or Agricultural District.

0110.1709 GENERAL STANDARDS

Additional requirements for parking, signs, sewage systems, and other regulations are set forth in Sections 29 and 30.

SECTION 18 - LIMITED INDUSTRY DISTRICT

0110.1801 PURPOSE

The Limited Industrial District is intended to provide for compact, limited and highway oriented industries and industrial uses that may suitably be located in areas of relatively close proximity to non-industrial development. As such, industries that pose problems of air pollution, noise, vibrations and etc. will be restricted from this district.

0110.1802 PERMITTED USES

Subdivision 1. Permitted Uses. In the Limited Industrial District no building structure or part thereof shall be erected, altered, used or moved upon any premises nor shall any land be used in whole or part for other than one (1) or more of the following permitted uses:

(1) Auto Repair Garage.

(2) Building Materials and Lumber Yards.

(3) Public Utility Buildings.

(4) Public Vehicle Garage.

(5) Security Personnel Dwelling Units. Dwelling units for security persons and their families located on the premises where they are employed.

(6) Solar Energy Systems.

(7) Terminals. Transportation or freight terminal.

(8) Wholesale Business.

(9) Warehouse or Storage.

0110.1803 CONDITIONAL USES

Subdivision 1. Conditional Uses. In the Limited Industrial District, the following uses may be allowed only after obtaining a Conditional Use Permit in accordance with the provision of this Ordinance.

(1) Mining and Extraction.

(2) Restaurants.

(3) Retail Trade Establishments.

(4) Other Production Processes. Any production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products which is not stated as a conditional or prohibited use provided the industry can conform to prescribed performance standards and is not injurious or offensive to the occupants of adjacent premises.

0110.1804 INTERIM USES.

Subdivision 1. In the Limited Industry District, the following uses may be allowed only after obtaining an Interim Use Permit in accordance with the provisions of this Ordinance.

(1) Adult Uses as defined in section 35 of this Ordinance.

0110.1805 PROHIBITED USES

Subdivision 1. Prohibited Uses. The following uses are prohibited in the Limited Industrial District.

(1) Distillation. Distillation of bone, coal, tar, petroleum, grain or wood

(2) Explosives. Manufacturing or bulk storage of explosives

(3) Noxious Odors. Fertilizer manufacturing, compost or storage processing of garbage, offal, dead animals, refuse, or rancid fats

(4) Livestock Processing Plant. Including livestock feeding yards or slaughter houses.

(5) Chemicals. Manufacturing, refining or processing of chemicals

(6) Junk yards.

(7) Potential Pollution. Any industry that creates an excessive odor, noise, or air environmental pollution problem.

0110.1806 ACCESSORY USES

Subdivision 1. Incidental to Principal Use. Structures and uses customarily incidental to any of the permitted or conditional uses listed above and when located on the same property.

0110.1807 HEIGHT STANDARDS

Subdivision 1. Maximum Height. The maximum height of all buildings shall not exceed three (3) stories or forty (40) feet.

Subdivision 2. Exceptions. This height limitation shall not apply to smoke stacks, grain elevators, public utility and communication towers.

0110.1808 FRONT YARD SETBACK STANDARDS

Subdivision 1. Federal and State Highways. There shall be a front yard setback of one hundred thirty (130) feet from the center line of all Federal and State, except for divided highways which shall be one hundred (100) feet from the highway right-of-way line.

Subdivision 2. County Highways. There shall be a front yard setback of not less than one hundred (100) feet from the center line of all County roads.

Subdivision 3. Other Public and Private Roads. 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 and private roads.

Subdivision 4. Exceptions.

(1) Right-of-Way Encroachment Prohibited. If the setback standards cited in Subdivisions 1-3 above would result in a structural encroachment into the road right-of-way, then the setback distance shall be increased to at least twenty (20) feet beyond the right-of-way line.

(2) Corner Lots. 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. Accessory buildings shall not project beyond the front yard of either road.

0110.1809 SIDE YARD SETBACK STANDARDS

Subdivision 1. Minimum Side Yard Setback. There shall be a side yard width of not less than fifteen (15) feet on each side of the building.

Subdivision 2. Additional Side Yard Setback. No building shall be located within fifty (50) feet of any side lot line abutting a lot line in any Residential or Agricultural District.

0110.1810 REAR YARD STANDARDS

Subdivision 1. Minimum Rear Yard Setback. The rear yard for all buildings is forty (40) feet.

Subdivision 2. Additional Rear Yard Setback. No building shall be located within fifty (50) feet of any rear lot line abutting a lot in any Residential or Agricultural District.

0110.1811 LOT WIDTH STANDARDS

Subdivision 1. Minimum Lot Width Standards. Every lot shall have a width of not less than one-hundred (100) feet abutting a public right-of-way.

0110.1812 LOT COVERAGE

Subdivision 1. Maximum Lot Coverage. No more than fifty (50) percent of the lot shall be occupied by buildings.

0110.1813 SCREENING AND FENCING

The County may require the screening or fencing of industrial uses, to prevent visual blight, especially on side yards which face Residential or Agricultural Districts.

0110.1814 GENERAL STANDARDS

Additional requirements for parking, signs, sewage systems, and other regulations are set forth in Sections 29 and 30.

SECTION 19 - GENERAL INDUSTRIAL DISTRICT

0110.1901 PURPOSE

The General Industrial District is created to allow industry which, due to its nature and size, will not conform to Limited Industry District.

0110.1902 PERMITTED USES

Subdivision 1. Permitted Uses. In the General Industrial District no building structure or part thereof shall be erected, altered, used or moved upon any premises nor shall any land be used in whole or part for other than one (1) or more of the following permitted uses:

(1) **Limited Industry District Permitted Uses.** Any use permitted in Limited Industrial District that can conform to the performance standards set forth in this section.

(2) **Other Production Processes.** Any production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products subject to the performance standards set forth in this section.

(3) Highway Maintenance Shops and Yards.

(4) Motor Freight Terminals.

(5) Public Service Buildings.

(6) Solar Energy Systems and Solar Structures.

0110.1903 CONDITIONAL USES

Subdivision 1. Conditional Uses. In the General Industrial District, the following uses may be allowed only after obtaining a Conditional Use Permit in accordance with the provision of this Ordinance.

(1) Chemicals. Manufacturing, refining and processing of chemicals.

(2) Distillation. Distillation of bone, coal, tar, petroleum' grain or wood.

(3) Extraction and Processing. Extracting, processing and storage of sand, gravel, stone or other raw materials.

(4) Noxious Odors. Fertilizer manufacturing, compact or storage processing of garbage.

(5) Livestock Processing Plant. Livestock slaughter houses as processing plants.

0110.1904 INTERIM USES.

Subdivision 1. In the Limited Industry District. The following uses may be allowed only after obtaining an Interim Use Permit in accordance with the provisions of this Ordinance.

(1) Adult Uses as defined in section 35 of this Ordinance.

0110.1905 ACCESSORY USES

Subdivision 1. Incidental to Principal Use. Structures and uses customarily incidental to any of the permitted or conditional uses listed above and when located on the same property.

0110.1906 HEIGHT STANDARDS

Subdivision 1. Maximum Height. The maximum height of all buildings shall not exceed three (3) stories or forty (40) feet.

Subdivision 2. Exceptions. This height limitation shall not apply to smoke stacks, grain elevators, public utility and communication towers.

0110.1907 FRONT YARD SETBACK STANDARDS

Subdivision 1. Federal and State Highways. There shall be a front yard setback of one hundred thirty (130) feet from the center line of all Federal and State, except for divided highways which shall be one hundred (100) feet from the highway right-of-way line.

Subdivision 2. County Highways. There shall be a front yard setback of not less than one hundred (100) feet from the center line of all County roads.

Subdivision 3. Other Public and Private Roads. 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 and private roads.

Subdivision 4. Exceptions.

(1) Right-of-Way Encroachment Prohibited. If the setback standards cited in Subdivisions 1-3 above would result in a structural encroachment into the road right-of-way, then the setback distance shall be increased to at least twenty (20) feet beyond the right-of-way line.

(2) Corner Lots. 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. Accessory buildings shall not project beyond the front yard of either road.

0110.1908 SIDE YARD SETBACK STANDARDS

Subdivision 1. Minimum Side Yard Setback. There shall be a side yard width of not less than thirty (30) feet on each side of the building.

Subdivision 2. Additional Side Yard Setback. No building shall be located within fifty (50) feet of any side lot line abutting a lot line in any Residential or Agricultural District.

0110.1909 REAR YARD STANDARDS

Subdivision 1. Minimum Rear Yard Setback. The minimum rear yard setback for all buildings shall be forty (40) feet.

Subdivision 2. Additional Rear Yard Setback. No building shall be located within fifty (50) feet of any rear lot line abutting a lot in any Residential or Agricultural District.

0110.1910 LOT WIDTH STANDARDS

Subdivision 1. Minimum Lot Width Standards. Every lot shall have a width of not less than one-hundred (100) feet abutting a public right-of-way.

0110.1911 LOT COVERAGE

Subdivision 1. Maximum Lot Coverage. No more than fifty (50) percent of the lot shall be occupied by buildings.

0110.1912 SCREENING AND FENCING

The County may require the screening or fencing of industrial uses, to prevent visual blight, especially on side yards which face residential or agricultural districts.

0110.1913 GENERAL STANDARDS

Additional requirements for parking, signs, sewage systems, and other regulations are set forth in

Sections 29 and 30.

SECTION 20 - SALVAGE AND RECYCLING YARD DISTRICT

0110.2001 PURPOSE

The purpose of the Salvage and Recycling Yard District is to provide areas which will:

Subdivision 1. Salvage Yard. To allow the collection, disassembly and disposition of junk motor and other vehicles, accumulation of machinery, equipment and other such materials derived from salvage of material of some utility.

Subdivision 2. Recycling Process. To encourage the utilization of junk and salvageable materials of all kinds to conserve resources and enhance the appearance of the communities and County by preventing the haphazard accumulation of such junk and salvageable material.

0110.2002 ESTABLISHMENT OF SALVAGE AND RECYCLING YARD DISTRICT

The County Board shall not establish a Salvage and Recycling Yard District unless it makes the following findings:

Subdivision 1. Not Injurious. That the rezoning to Salvage and Recycling Yard District 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.

Subdivision 2. Not Impede Development. That the establishment of the rezoning to Salvage and Recycling Yard District will not impede the normal and orderly development and improvement of the surrounding vacant property for uses predominant in the area.

Subdivision 3. Adequate Utilities Provided. That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided;

Subdivision 4. Off-Street Parking. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the Salvage and Recycling Yard District.

Subdivision 5. Nuisance Control. 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.

Subdivision 6. Precautionary Measures. That embanking, diking or other such precautionary measures shall be taken as may be directed by the County Board.

0110.2003 PERMITTED USES

Subdivision 1. Permitted Uses. In the Salvage and Recycling Yard District no building structure or part thereof shall be erected, altered, used or moved upon any premises nor shall any land be used in whole or part for other than one or more of the following permitted uses:

(1) Accessory Buildings. Temporary accessory buildings necessary to accomplish the purposes for which Salvage and Recycling Yard District is intended.

(2) Agricultural Uses. Any uses permitted in the Agricultural Protection District.

(3) Employee Dwellings. Temporary dwelling facilities in a number adequate to accommodate the personnel required to operate the business permitted in this district.

(4) Processing Buildings. Temporary buildings for the collection, classification and disassembly of junk and salvageable vehicles of all kinds, machines, equipment and other materials of whatever kind which have a salvageable value and emanate from sources within the County.

(5) Service Installations. Service installations of all kinds necessary to provide utilities for the accomplishment of the permitted uses in this district.

0110.2004 SCREENING STANDARD

All lands zoned Salvage and Recycling Yard District shall be effectively screened as follows:

Subdivision 1. Visibility of Facility. The facility shall not be visible from any public road or any dwelling existing prior to the establishment of the Salvage and Recycling Yard District.

Subdivision 2. Screening Material. The Planning Commission/County Board may designate plantings, fencing or such other such material as necessary to effectively screen the facility.

Subdivision 3. Natural Screening. Nothing in this section shall prohibit the zoning authorities from approving adequate natural screening.

0110.2005 SALVAGE AND RECYCLING YARD DISTRICT SETBACK

Subdivision 1. Community Setback. A Salvage and Recycling Yard District shall be located not less than one (1) mile of the city limits of any city, or platted area of an unincorporated town in the county.

Subdivision 2. Other Setbacks. No Salvage and Recycling Yard District shall be located within 200 feet from any lake, creek, dry run, cemetery, church or school.

0110.2006 TERMINATION OF THE SALVAGE AND RECYCLING YARD DISTRICT

Subdivision 1. Five Year Limit. All districts classified Salvage and Recycling Yard District shall be so designated for no greater period of time than five (5) years upon recommendation of the Planning Commission and ratification of the Board of Commissioners. Salvage and Recycling Yard District designations may be assigned to areas for lesser periods of time when by findings properly made it is determined in the public interest and welfare of the community.

Subdivision 2. Revert To Original Zoning District. Upon expiration of the period of time specified in zoning any area Salvage and Recycling Yard District, the area shall automatically revert to the zoning district designation, prior to being a Salvage and Recycling Yard District.

Subdivision 3. Removal of Material and Structures. All materials stored, collected or otherwise accumulated, and all temporary structures and housing facilities, shall be removed upon the expiration of the Salvage and Recycling Yard District zoning designation.

Subdivision 4. Restoration of Land. When a Salvage and Recycling Yard District designation terminates, the land shall be restored to a condition compatible with the district to which it reverts.

0110.2007 GENERAL STANDARDS

Additional requirements for parking, signs, sewage systems, and other regulations are set forth in Sections 29 and 30.

SECTION 21 - FLOOD PLAIN DISTRICT

0110.2101 STATUTORY AUTHORIZATION

The Legislature of the State of Minnesota has, in Minnesota Statutes Chapter 104 and 394.21 to 394.37 and 375.51, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the Houston County Board of Commissioners of Houston County, Minnesota does ordain as follows:

0110.2102 PURPOSE

The flood hazard areas of Houston County are subject to periodic inundation which results in potential 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. The purpose of these controls is to promote the public health safety and general welfare by minimizing these losses.

0110.2103 METHODS USED TO ANALYZE FLOOD HAZARDS

These controls are based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.

0110.2104 WARNING AND DISCLAIMER OF LIABILITY

These controls do not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. The controls shall not create liability on the part of Houston County or any officer or employee thereof for any flood damages that result from reliance on the controls or any administrative decision lawfully made thereunder.

0110.2105 FLOOD PLAIN DISTRICTS

Subdivision 1. Floodway District. The Floodway District shall include those areas designated as floodway on Flood Insurance Rate Map Panels numbered 270190 0065 C, 270190 0070 C, 270190 0105 C, 270190 0110 C, and those areas designated as floodway fringe on the Flood Boundary and Floodway Map Panels all as adopted is Part 0110.1202.

Subdivision 2. Flood Fringe District. The Flood Fringe District shall include those areas shown as Zone AE located outside the floodway on Flood Insurance Rate Map Panels numbered 270190 0065 C, 270190 0070 C, 270190 0105 C, 270190 0110 C, and those areas designated as floodway fringe on the Flood Boundary and Floodway Map Panels all as adopted in Part 0110.1202.

Subdivision 3. General Flood Plain District. The General Flood Plain District shall include those areas designated as unnumbered A Zones on the Flood Insurance Rate Maps Panels adopted in Part 0110.1202.

0110.2106 COMPLIANCE

Within the Floodway, Flood Fringe and General Flood Plain Districts, all uses not listed as permitted uses or conditional uses in Parts 0110.2108, 0110.2110, 0110.2113, 0110.2115 and 0110.2119 that follow shall be prohibited. In addition, a caution is provided here that:

Subdivision 1. Manufactured Homes and Travel Trailers. New manufactured homes, replacement manufactured homes and certain travel trailers and vehicles are subject to Part 0110.2123.

Subdivision 2. Modification or Repair of a Nonconformity. Modifications, additions, structural alterations or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by Part 0110.0906.

Subdivision 3. Certificate of Elevation and Flood Proofing. As-built elevations for elevated or flood proofed structures must be certified by ground surveys, and flood proofing techniques must be designed and certified by a registered professional engineer or architect as specified in Part 0110.2124.

0110.2107 FLOODWAY DISTRICT

0110.2108 PERMITTED USES

Subdivision 1. Permitted Uses. In the Floodway District no building structure or part thereof shall be erected, altered, used or moved upon any premises nor shall any land be used in whole or part for other than one or more of the following permitted uses:

(1) General Farming. General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.

(2) Loading and Parking Areas. Industrial-commercial loading areas, parking areas, and airport landing strips.

(3) Outdoor Recreation Areas. Private and public golf courses, tennis courts, driving ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.

(4) Lawns and Gardens. Residential lawns, gardens, parking areas, and play areas.

0110.2109 STANDARDS FOR FLOODWAY PERMITTED USES

Subdivision 1. Low Flood Damage Potential. The use shall have a low flood damage potential.

Subdivision 2. Zoning Consistency Required. The use shall be permissible in the underlying zoning district.

Subdivision 3. Not Obstruct Flood Flows. The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

0110.2110 CONDITIONAL USES

Subdivision 1. Conditional Uses. In the Floodway District no building structure or part thereof shall be erected, altered, used or moved upon any premises nor shall any land be used in whole or part for other than one or more of the following conditional uses:

(1) Accessory Structures. Structures accessory to the uses listed Parts 0110.2108 and 0110.2110.

(2) Mineral Extraction. Extraction and storage of sand, gravel and other materials.

(3) Water Oriented Uses. Marinas, boat rentals, docks, piers, wharves, and water control structures.

(4) Utilities. Railroads, streets, bridges, utility transmission lines and pipelines.

(5) Storage Yards. Storage yards for equipment, machinery, or materials.

(6) Placement of Fill.

(7) Travel Trailers. Travel trailers and travel vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of Part 0110.2123, Subd. 4.

(8) Flood Control Structures. Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event to or less than the 10-year frequency flood event.

0110.2111 STANDARDS FOR FLOODWAY CONDITIONAL USES

Subdivision 1. No Stage Increase. All uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a Conditional Use that will cause any

increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.

Subdivision 2. Procedures and Standards. All floodway Conditional Uses shall be subject to the procedures and standards contained in Part 0110.2124, Subd. 6.

Subdivision 3. Zoning Consistency Required. The Conditional Use shall be permissible in the underlying zoning district.

Subdivision 4. Standards for Placement of Fill.

(1) Fill, dredge spoil and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.

(2) Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion, sedimentation prevention element to the plan.

(3) As an alternative, and consistent with (2), above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the l00-year or regional flood but only after the County Board has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The Conditional Use Permit must be title registered with the property in the Office of the County Recorder.

Subdivision 5. Standards for Accessory Structures:

(1) Accessory structures shall not be designed for human habitation.

(2) Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and, so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

(3) Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size, and for a detached garage, the structure must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards, as appropriate:

(a) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls; and

(b) Any mechanical and utility equipment in a structure must be elevated to or above the Regulatory Flood Protection Elevation or be properly flood proofed.

Subdivision 6. 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 and in accordance with a plan approved by the County Board.

Subdivision 7. Change the Course, Current, or Cross Section. Structural works for flood control that will change the course, current, or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute 103G. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

Subdivision 8. No Stage Increase. A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

0110.2112 FLOOD FRINGE DISTRICT

0110.2113 PERMITTED USES

Permitted Uses shall be those uses of land or structures listed as Permitted Uses in the underlying zoning districts. All Permitted Uses shall comply with the standards for Flood Fringe "Permitted Uses" listed in Part 0110.2114 below**,** and the standards for all Flood Fringe " Conditional Uses" listed in Part 0110.2116.

0110.2114 STANDARDS FOR FLOOD FRINGE PERMITTED USES

Subdivision 1. Elevated on Fill to RFPE. All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the Regulatory Flood Protection Elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the Regulatory Flood Protection Elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure.

Subdivision 2. Accessory Structure Flood Proofing. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed

500 square feet for the outside dimensions at ground level may be internally flood proofed in accordance with Part 0110.2111, Subd. 5.

Subdivision 3. Cumulative Placement of Fill. The cumulative placement of fill where at any one time in excess of one-thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a Conditional Use unless the fill is specifically intended to elevate a structure in accordance with Subdivision 1 above.

Subdivision 4. Storage of Material. The storage of any materials or equipment shall be elevated on fill to the Regulatory Flood Protection Elevation.

Subdivision 5. Standards For Flood Fringe Use Apply. The provisions of Part 0110.2117 shall apply.

0110.2115 CONDITIONAL USES

Any structure that is not elevated on fill or flood proofed in accordance with Part 0110.2114 or any use of land that does not comply with the standards in Part 0110.2114, shall only be allowable as a Conditional Use. An application for a Conditional Use shall be subject to the standards and criteria and evaluation procedures specified in Part 0110.2116 and Part 0110.2124, Subd. 6.

0110.2116 STANDARDS FOR FLOOD FRINGE CONDITIONAL USES

Subdivision 1. Alternative Elevation Methods. Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the Regulatory Flood Protection Elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: the enclosed area is above-grade on at least one side of the structure; is designed to internally flood and is constructed with flood resistant materials; and is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

(1) Design and certification. The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the Regulators Flood Protection Elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

(2) Specific standards for Above-Grade, Enclosed Areas. Above grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

(a) The minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. When openings are placed

in a structure's walls to provide for entry of flood waters to equalize pressures, the bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(b) That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage. Basements shall be subject to the following:

(3) Residential basement construction shall not be allowed below the Regulatory Flood Protection Elevation.

(4) Non-residential basements may be allowed below the Regulatory Flood Protection Elevation provided the basement is structurally dry flood proofed in accordance with Subd. 3 below.

Subdivision 2. Structurally Dry Flood Proofing Required. All areas of non-residential structures including basements to be placed below the Regulatory Flood Protection Elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the State Building Code. Structurally dry flood proofing must meet the FP'-1 or FP-2 flood proofing classifications in the State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. Structures flood proofed to the FP-3 or FP-4 classifications shall not be permitted.

Subdivision 3. 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 and in accordance with a plan approved by the County Board.

Subdivision 4. Standards For Flood Fringe Use Apply. The provisions of Part 0110.2117 apply.

0110.2117 STANDARDS FOR ALL FLOOD FRINGE USES

Subdivision 1. Vehicular Access Required. All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the Regulatory Flood Protection Elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy

of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

Subdivision 2. Commercial Uses and Accessory Land Uses. Commercial Uses - accessory land uses, such as bards, 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.

Subdivision 3. Manufacturing and Industrial Uses. Manufacturing and industrial use measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood duration. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Subd. 2 above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in the flood plain areas.

Subdivision 4. Placement and Protection of Fill. 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.

Subdivision 5. Adversely Affect the Hydraulic Capacity of the Channel. Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit is not specified.

Subdivision 6. Standards for Travel Trailers. Standards for travel trailers and travel vehicles are contained in Part 2023, Subd. 4.

Subdivision 7. Anchoring Manufactured Homes. 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 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.

Subdivision 8. Compliance with Easements in Flood Water Ponding Areas Behind Levees. This Subdivision specifies that any development in Zone AE areas landward of the Houston Flood Control Levee subject to restrictive easements must: (1) be developed consistent with these easements and must maintain the existing flood water storage and conveyance capacity on the property; and (2) have a copy of the

permit application submitted to the U.S. Army Corps of Engineers, St. Paul District Office for review and comment at least 30 days prior to issuance.

Subdivision 9. Maintenance of Flood Water Storage and Conveyance Capacity in Zone AE Ponding Areas Behind Levees and Subject to Easements. There must be compensating flood water storage volume and conveyance capacity for any development below the 100-year flood elevation. Certification by a registered professional engineer that this requirement has been met shall be submitted by the applicant to the zoning administrator.

0110.2118 GENERAL FLOOD PLAIN DISTRICT

0110.2119 PERMITTED USES

Subdivision 1. Permitted Uses. In the General Flood Plain District no building structure or part thereof shall be erected, altered, used or moved upon any premises nor shall any land be used in whole or part for other than one or more of the following permitted uses:

(1) General Farming. General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.

(2) Loading and Parking Areas. Industrial and commercial loading areas, parking areas and airport landing strips.

(3) Outdoor Recreation Areas. Private and public golf courses, tennis courts, driving ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.

(4) Lawns and Gardens. Residential lawns, gardens, parking areas and play areas.

(5) All Other Uses. All other uses shall be subject to the floodway, flood fringe evaluation criteria pursuant Part 2120 below. Parts 2107-2111 shall apply if the proposed use is in the Floodway District and Parts 2112-2117 shall apply if the proposed use is in the Flood Fringe District.

0110.2120 FLOODWAY AND FLOOD FRINGE DETERMINATION

The following procedures for floodway and flood fringe determination shall be applied within the general flood plain district:

Subdivision 1. Information Required. 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 Zoning Administrator for the determination of the Regulatory Flood

Protection Elevation and whether the proposed use is within the Floodway or Flood Fringe District.

(1) 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.

(2) 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.

(3) 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.

Subdivision 2. Technical Evaluation. The applicant shall be responsible to submit one copy of the above information 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 District and to determine the Regulatory Flood Protection Elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:

(1) Estimate the peak discharge of the regional flood.

(2) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and over bank area.

(3) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than .5 foot. A lesser stage increase than .5 foot shall be required if as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.

Subdivision 3. County Board Action. The Zoning Administrator shall present the technical evaluation and findings of the designated engineer or expert to the County Board. The County Board must formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe District Boundary or deny the permit application. The County Board, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources or the Planning Commission for review and comment. Once the Floodway and Flood Fringe boundaries have been determined, the County Board shall refer the matter back to the Zoning Administrator, who shall process the permit application consistent with the applicable provisions of Parts 0110.2107-0110.2117.

0110.2121 SUBDIVISIONS

Subdivision 1. Review Criteria. No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment capabilities. 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 treatment facilities which comply with the provisions of this Ordinance and have road access both to the subdivision and to the individual building sites no lower than two (2) feet below the Regulatory Flood Protection Elevation. 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 drawing and platting documents.

Subdivision 2. Floodway/Flood Fringe Determination in the General Flood Plain District. Applicants shall provide the information required in Part 0110.2120 to determine the 100-year flood elevation, the Floodway and Flood Fringe District boundaries and the Regulatory Flood Protection Elevation.

Subdivision 3. Removal of Special Flood Hazard 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 sought.

0110.2122 PUBLIC UTILITIES, RAILROADS, ROADS, AND BRIDGES

Subdivision 1. Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood proofed in accordance with the State Building Code or elevated to above the Regulatory Flood Protection Elevation.

Subdivision 2. Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the flood plain shall comply with Parts 0110.2107-0110.2117. Elevation to the Regulatory Flood Protection Elevation shall be provided where

failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

Subdivision 3. On-site Sewage Treatment and Water Supply Systems. Where public utilities are not provided, on-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems. New or replacement on-site sewage 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 Subdivision.

0110.2123 MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND PLACEMENT OF TRAVEL TRAILERS AND TRAVEL VEHICLES

Subdivision 1. Manufactured Home Parks. New manufactured home parks and expansions to existing parks shall be subject to the provisions placed on subdivisions by Part 0010.2121.

Subdivision 2. Placement of Manufactured Homes. The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with Part 0110.2114. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with Part 0110.2117, Subdivision 1, then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the County Board.

Subdivision 3. Manufactured Home Must be Anchored. 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 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.

Subdivision 4. Travel Trailers and Vehicles. Travel trailers and travel vehicles that do not meet the exemption criteria specified in paragraph 1 below, shall be subject to the provisions in paragraphs 3 and 4 below:

(1) Exemption. Travel trailers and travel vehicles are exempt from flood plain provisions if they are placed in any of the areas listed paragraph 2 below, and 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 campgrounds 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 the underlying zoning district.

(2) Areas Exempted for Placement of Travel/Recreational Vehicles:

(a) Individual lots or parcels of record.

(b) Existing commercial recreation vehicle parks or campgrounds.

(c) Existing condominium type campgrounds.

(3) Travel trailers and travel vehicles exempted in a., above, lose this exemption when development occurs on the parcel exceeding $1,000 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/flood proofing requirements and the use of land restrictions specified in Parts 0110.2107-0110.2117.

(4) New commercial travel trailer or travel vehicle-parks or campgrounds and new residential type subdivisions and condominium associations and the expansions 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 it and its contents are placed on fill above the Regulatory Flood Protection Elevation and proper elevated road access to the site exists in accordance with Part 0110.2117, Subdivision 1. No fill placed in the floodway to meet 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 (1), above, may, as an alternative, be allowed as a Conditional Use if in accordance with the following provisions and the provisions of Part 0110.2124, Subd. 6. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100-year flood. The 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 not to be impaired or contaminated during times of flooding in accordance with Part 0110.2122, Subd. 3.

0110.2124 ADMINISTRATION OF FLOOD PLAIN CONTROLS

Subdivision 1. Amendments. The flood plain designation on the Official Zoning Map shall not be removed from flood plain areas until 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 is contiguous to lands outside the flood plain. Special exceptions to this 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. All amendments to this Section, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner 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.

Subdivision 2. Certification of First Floor Elevations and Flood proofing. The applicant shall submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations or flood proofing were accomplished in compliance with the provisions of this ordinance. The Zoning Administrator shall maintain a record of these elevations or flood proofing certifications for all new structures or additions to existing structures in the flood plain districts.

Subdivision 3. Variances. In the granting of a variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed which justifies the granting of the variance. No variance shall 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.

Subdivision 4. Flood Insurance Notice and Record Keeping. The Zoning Administrator shall notify the applicant for a variance that the issuance of a variance to construct a structure below the base flood level would result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and that 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. The Zoning Administrator shall maintain a record of all variance actions in flood plain districts, including justification for their issuance, and report such variances issued in its annual or biennial report submitted the Administrator of the National flood Insurance Program.

Subdivision 5. Procedures to be Followed by the Planning Commission in Passing on Conditional Use Permit Applications Within All Flood Plain Districts.

(1) Require the applicant to furnish such of the following information as deemed necessary by the Planning Commission for determining the suitability of the particular site for the proposed use:

(a) 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.

(b) Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

(2) Transmit one copy of the information described in 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.

(3) Based upon the technical evaluation of the designated engineer or expert, the Planning Commission shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

Subdivision 6. Factors Upon Which the Decision of the Planning Commission Shall be Based. In passing upon Conditional Use applications, the Planning Commission shall consider all relevant factors specified in other sections of this Ordinance and:

(1) The danger to life and property due to increased flood heights or velocities caused by encroachments.

(2) 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.

(3) The proposed water supply and sanitation systems; and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

(4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner,

(5) The importance of the services provided by the proposed facility to the community.

(6) The requirement of the facility for a waterfront location.

(7) The availability of alternative locations not subject to flooding for the proposed use.

(8) The compatibility of the proposed use with existing development and development anticipated in the fore seeable future.

(9) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

(10) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(11) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

(12) Such other factors which are relevant to the purposes of these flood plain controls.

Subdivision 7. Time for Acting on Application. The Planning Commission shall act on an application in the manner described above within 60 days of receiving the application, except that where additional information is required pursuant Subd. 5 above. The Planning Commission shall render a written decision within 60 days from receipt of such additional information.

Subdivision 8. Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above, the Planning Commission shall attach such conditions to the granting of Conditional Use Permits as it deems necessary to fulfill the purposes of these controls. Such conditions may include, but are not limited to, the following:

(1) Modification of waste treatment and water supply facilities.

(2) Limitations on period of use, occupancy, and operation.

(3) Imposition of operational controls, sureties, and deed restrictions.

(4) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.

(5) Flood proofing measures, in accordance with the State Building Code and these controls.

Subdivision 9. Planning Commission Report. The report of the Planning Commission shall be placed on the agenda of the County Board at its next regular meeting following referral from the Planning Commission, but not later than 60 days after the applicant has submitted the application.

Subdivision 10. County Board Action. The County Board shall take action on the Conditional Use Permit application within 60 days following receipt of the findings and recommendations by the Planning Commission.

(1) The County Board may hold additional public hearings on the matter. Action for approval by the County Board shall be not less than a four-fifths (4/5) vote of its members.

(2) If it grants the Conditional Use Permit, the County Board 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.

(3) The person making application for the Conditional Use Permit shall be notified in writing of the Board's action.

SECTION 22 - SHORELAND ZONING DISTRICT

0110.2201 PURPOSE

The major purpose of this District is to control the density and location of developments in the shoreland of the public waters of the County to preserve the water quality and natural characteristics of the shoreland and public waters.

0110.2202 WATER BODIES INCLUDED IN THE SHORELAND DISTRICT

The regulations in the Shoreland Zoning District of Houston County will apply to public waters classified by the Department of Natural Resources. The public waters of Houston County have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for Houston County, Minnesota.

Subdivision 1. Lakes Included Under the Shoreland Zoning District

Protected Waters Inventory I.D. No.	Lake Name	Classification
28-0001 00	U.S. Lock and Dam No. 9 Pool	GD
28-0001 08	Zabolio Lake	NE
28-0005 00	U.S. Lock and Dam No. 8 Pool	GD
23-0005 01	Lawrence	NE
28-0005 02	Target	NE
28-0005 03	Blue	NE
28-0015 00	Buel1	NE
28-0020 00	Unnamed	NE

Subdivision 2. Rivers and Streams Included Under the Shoreland Zoning District:

Agricultural Rivers	From	To
Root River	West section line Sec.l9, Tl04N, R7W Sec.31, T104N, R3W	Confluence with Mississippi River
South Fork, Root River	West section line Sec.31, T103N, R7W Sec.34, T104N, R6W	Confluence with Root River,

Tributary Streams. All protected watercourses in Houston County shown on the Protected Waters Inventory Map for Houston County, a copy of which is hereby adopted by reference, not given a classification in Subd.2 above shall be considered "Tributary.

0110.2203 PLACEMENT, DESIGN, AND HEIGHT OF STRUCTURES

Subdivision 1. Setback Rules. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Setbacks are measured from the ordinary high water level.

Subdivision 2. Alignment with Adjacent Structures. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.

Subdivision 3. Uses Without Water Oriented Needs. Uses without water oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water surface by vegetation or topography, assuming summer, leaf-on conditions.

0110.2204 MINIMUM LOT SIZE STANDARDS FOR LAKES

On General Development Lakes with lots requiring Individual Sewage Treatment Systems, ISTS, the minimum lot sizes apply only where soils percolation tests indicate that the lot will be sufficiently large enough to provide the ISTS setbacks required by this Ordinance. All lot areas below are in square feet, and all lot widths and setbacks are in feet.

Subdivision 1. General Development Lakes Lots Requiring ISTS

Riparian	**Single**	**Duplex**
Area	22,000	40,000
Width	100	180

Non-Riparian	**Single**	**Duplex**
Area	40,000	80,000
Width	150	265

Subdivision 2. Natural Environment Lakes Lots Requiring ISTS

Riparian	**Single**	**Duplex**
Area	80,000	120,000
Width	200	300

Non-Riparian	**Single**	**Duplex**
Area	80,000	160,000
Width	200	400

Subdivision 3. General Development Lakes Lots with Community Sewage Treatment Systems.

Riparian	**Single**	**Duplex**

Area	15,000	26,000
Width	75	135

Non-Riparian	**Single**	**Duplex**
Area	10.000	17,500
Width	75	135

0110.2205 MINIMUM LOT WIDTH STANDARDS FOR RIVERS AND STREAMS

	Agricultural Rivers	**Natural Environment Rivers**	**Tributary Streams**	
			ISTS	**CSTS**
Single	150	200	100	75
Duplex	NA	400	150	115

0110.2206 MINIMUM SETBACKS FROM THE ORDINARY HIGH WATER LEVEL

		Sewage System	
Water body	**Structure**	**ISTS**	**CSTS**
General Development Lake	75	50	50
Natural Environment Lake	150	150	150
Agricultural River	100	NA	75
Tributary Stream	100	50	75

0110.2207 ADDITIONAL DIMENSIONAL STANDARDS

Feature	**Standard**
Top of Bluff Structure Setback	40 ft.
Toe of Bluff Structure Setback	25 ft.
Unplatted Cemetery Structure Setback	50 ft.
Maximum Impervious Surface	25%
Side Yard Setback	20 ft.
Maximum Height	35 ft.

0110.2208 LOWEST FLOOR ELEVATION

Subdivision 1. High Water Elevations. Structures must be placed in accordance with any flood plain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:

(1) Lakes: by placing the lowest floor at a level at least 3 feet above the highest known water level, or 3 feet above the ordinary high water level, whichever is higher.

(2) Rivers and Streams: by placing the lowest floor at least 3 feet above the flood of record, if data are available. If data are not available by placing the lowest floor at

least 3 feet above the ordinary high water level or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with parts 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and

0110.2209 ADDITIONAL SPECIAL PROVISIONS

Subdivision 1. Residential Subdivisions. Residential subdivisions with dwelling unit densities exceeding those in the Part 0110.2204 above will not be allowed. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line.

Subdivision 2. Bluff Impact Zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

Subdivision 3. Stairways, Lifts, and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:

(1) Stairways and lifts must not exceed 4 feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;

(2) Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open-space recreational properties, and planned unit developments;

(3) Canopies or roofs are not allowed on stairways, lifts, or landings;

(4) Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;

(5) Stairways, lifts. and landings must be located, whenever practicable, in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and

(6) Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of Paragraphs 1-5 above are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.

Subdivision 4. Significant Historic Sites. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

Subdivision 5. Subdivisions of duplexes on Natural Environment Lakes must also meet the following standards:

(1) Each building must be set back at least 200 feet from the ordinary high water level;

(2) Each building must have common sewage treatment and water systems serving all dwelling units in the building;

(3) Watercraft docking facilities for each lot oust be centralized in one location and serve all dwelling units in the building; and

(4) No more than 25 percent of a lake's shoreline can be in duplex development.

0110.2210 SEWAGE TREATMENT, SOIL EROSION CONTROL, AND RUNOFF DISPOSAL

Developments in the Shoreland Areas in Houston County shall also conform to the standards and guidelines in the Sewage Treatment, Soil Erosion Control, Water Runoff Disposal and other pertinent sections of this Zoning Ordinance.

0110.2211 VEGETATION ALTERATIONS

The removal of natural vegetation shall be restricted to prevent erosion into protected waters, to consume nutrients in the soil, and to preserve Shoreland aesthetics. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Parts 0110.2203, and 0110.2216 of this Ordinance are exempt from the vegetation alteration standards that follow.

Subdivision 1. Removal or Alteration of Vegetation. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Parts 0110.2213 and 0110.2214 respectively, is allowed subject to the following standards:

(1) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas; is allowable as a conditional use if an erosion control and sedimentation plan is developed and approver by the soil and water conservation district.

(2) In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water oriented accessory structures or facilities, provided:

(a) That the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced.

(b) That along rivers, existing shading of water surfaces is preserved.

(c) That the above provisions are not applicable to the removal of trees, limbs or branches that are dead, diseased, or pose safety hazards.

Subdivision 2. Fertilizers and Pesticides. Use of fertilizers and pesticides in all districts must; minimize runoff into shore impact zones and public waters by use of earth, vegetation, or both.

0110.2212 COMMERCIAL, INDUSTRIAL, PUBLIC, AND SEMIPUBLIC USES STANDARDS

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

Subdivision 1. Screening. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;

Subdivision 2. Short Term Watercraft Mooring. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and

Subdivision 3. Signs. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:

(1) No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff;

(2) Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general

types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than l0 feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and

Subdivision 4. Outside Lighting. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

0110.2213 AGRICULTURAL USE STANDARDS

General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation district or the United States Soil Conservation Service, as provided by a qualified individual or agency. Shore impact zones where approved conservation plans do not exist shall use a setback of 10 feet and shall be maintained in permanent vegetation.

0110.2214 FOREST MANAGEMENT STANDARDS

The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota."

0110.2215 EXTRACTIVE USE STANDARDS

Subdivision 1. Site Development and Restoration Plan. An extractive use site development and restoration plan must lie developed, approved, and followed over the course of operation of the site. The plan must address dust' noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.

Subdivision 2. Setbacks for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

0110.2216 PLACEMENT AND DESIGN OF ROADS, DRIVEWAYS, AND PARKING AREAS

Subdivision 1. Public and Private Roads. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and

constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.

Subdivision 2. Public and Private Roads and Parking Areas. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.

Subdivision 3. Public and Private Watercraft Access. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this Subdivision are met. For private facilities, the grading and filling provisions of Section 24 of this Ordinance must be met.

SECTION 23 - SCENIC TRAIL DISTRICT

0110.2301 PURPOSE

This section is intended to allow for the orderly development and use of the land along public recreational trails.

0110.2302 DISTRICT BOUNDARY

The Scenic Trail District includes the right-of-way of all publicly owned recreational trails and a five (5) feet strip of land beyond and parallel to the right-of-way line.

0110.2303 STANDARDS

The following requirements shall be in addition to those associated with the underlying zoning district.

Subdivision 1. Uses. There shall be no commercial uses conducted within the Scenic Trail District. with the exception of those facilities permitted and established before the effective date of this provision.

Subdivision 2. Buildings. There shall be no new buildings or additions to existing buildings within the Scenic Trail District, except those proposed by the managing public agency.

Subdivision 3. Signs and Other Advertising. There shall be no advertising signs or advertisements of any other nature within the Scenic Trail District, unless such signs or advertisements are of a type which conforms to the natural appearance of the surroundings. No colors other than white, green and brown may be used. No sign shall have an area greater than 200 square inches. No sign shall be placed within 80 rods of another sign on the same side of the trail.

SECTION 24 - LAND ALTERATION

0110.2401 SUBSTANTIAL LAND ALTERATION

Subdivision 1. Substantial Land Alteration Defined. Substantial land alteration shall be defined as the extraction, grading or filling of land involving movement of earth and materials in excess of:

(1) Fifty (50) cubic yards in the Shoreland District outside of steep slopes and shore and bluff impact zones.

(2) The movement of more than 10 cubic yards of material en steep slopes or within shore or bluff impact zones; and

(3) In excess of five hundred (500) cubic yards in all other districts, except Agricultural which is 5,000 cubic yards.

0110.2402 PERMIT REQUIRED FOR SUBSTANTIAL LAND ALTERATION

Subdivision 1. Conditional Use Permit Required. A Conditional Use Permit shall be required in all cases where excavation, grading and/or filling of any land within the county would result in any of the following:

(1) The excavation, grading and/or filling would result in substantial alteration of existing ground contours.

(2) The excavation, grading and/or filling would change existing drainage.

(3) The excavation, grading and/or filling would cause flooding or erosion.

(4) The excavation, grading and/or filling would deprive an adjoining property owner of lateral support.

(5) The excavation, grading and/or filling would remove or destroy the present ground cover, resulting in less beneficial cover for present and proposed development.

(6) The excavation, grading and/or filling would adversely affect the use and enjoyment of any property for purposes already permitted.

Subdivision 2. Grading and Filling Under Existing Permits. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.

0110.2403 PROCEDURE

Subdivision 1. Information Required for a Land Alteration Conditional Use Permit. Application for a land alteration conditional use permit shall be subject to the requirements of Section 6 of this Ordinance and shall contain the following additional information:

(1) Map or plat of the proposed area of land alteration.

(2) Legal description of land to be altered.

(3) Nature of proposed alteration, rough grade estimates and future use of the property.

(4) Starting date and approximate completion date of the operation.

(5) The name of all owners of the land to be altered.

(6) The names and addresses of all owners and occupants of' the adjoining land that may be affected by the land alterations.

0110.2404 STANDARDS

The following standards relating to land alteration shall be implemented to the maximum extent possible on each land alteration project.

Subdivision 1. Minimize Bare Ground. The smallest amount of bare ground shall be exposed for as short a time as feasible.

Subdivision 2. Prevent Erosion and Trap Sediment. Methods to prevent erosion and trap sediment before it reaches any surface water feature shall be employed.

Subdivision 3. Stabilize Fill. Fill shall be stabilized to accepted engineering standards and to accepted erosion control standards consistent with the field office technical guide of the Houston Soil and Water Conservation District and the United States Soil Conservation Service.

Subdivision 4. Maintain Ground Cover. The person responsible for the proposed land alteration shall agree to use mulches or similar materials for temporary bare soil coverage and to replace cover that has been removed, with seed or sod, such cover to be replaced within thirty (30) days after completion of grading, Where construction

of homes or buildings is being done over an extended period of time, the Zoning Administrator or Board of County Commissioners may require replacement of ground cover on a portion of the area before the entire project is completed.

Subdivision 5. Placement of Fill on Steep Slopes Limited. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of thirty (30) percent or greater.

Subdivision 6. Placement of Fill in Bluff Impact Zone Prohibited. Fill or excavated material must not be placed in bluff impact zones.

Subdivision 7. May Not Adversely Affect Adjacent Property. Alterations of topography shall only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.

Subdivision 8. Placement of Riprap. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket. is permitted if the finished slope does not exceed 3 feet horizontal to one (1) foot vertical, the inland extent of the riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three (3) feet.

Subdivision 9. Preserve Health and Safety. If, during the land alteration work, it becomes necessary for the person altering the land to create a condition of grade or drainage not in the interest of health or safety, it shall become that person's duty to immediately correct the dangerous situation created, and fence the area from the general public during the period of danger.

Subdivision 10. Wetland Alteration. Prior to commencing any land alteration activity that will reasonably result in, partially or wholly, draining, filling, or degrading the water quality of any wetland, Types 1 through 8, the property owner shall contact the Local Government Unit representative responsible for administering the Wetland Conservation Act of 1991 and complete a *NA-02620-01, Local-State-Federal Water Resource Project Application Form*. Authorization to proceed must be received before beginning the wetland alteration activity.

Subdivision 11. Shoreland Excavations. Excavations on shoreland, where the intended purpose is connection to a public water, shall not be allowed unless approved by the Department of Natural Resources. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 103G.245.

Subdivision 12. Premises a Public Nuisance. The Board of County Commissioners may, in addition to any or all other remedies available for violation of this Ordinance, declare the premises a public nuisance and after a public hearing held after a ten (10) day notice by registered mail to the last known address of the owner or owners of the property, proceed to have the necessary work done to bring the land

to reasonable standards of health and safety and assess all of the costs, and expenses thereof against the property.

0110.2405 PERFORMANCE BOND

The County may require from the person securing a land alteration conditional use permit, adequate proof of bonding in the form of a performance bond, sufficient in value to cover the expense of the completion of the development plan or to bring such portion of the completed project to a safe grade and elevation so as to be healthful and safe to the general public and to provide safe and adequate drainage of the site.

SECTION 25 - SOIL EROSION AND SEDIMENTATION CONTROL

0110.2501 GENERAL STANDARDS

Subdivision 1. Design Standards. All erosion control measures required to comply with this Ordinance shall meet the design criteria, standards and specifications contained within the Minnesota Construction Site Erosion and Sediment Control Planning Handbook, or the Urban Runoff, Erosion and Sediment Control Handbook. Other control measures are allowed if they will accomplish the objectives of this Ordinance and are approved by the Houston County Zoning Department.

Subdivision 2. Must Conform to Natural Limitations of Landscape. All development shall conform to the natural limitations presented by the topography and soil as to create the best potential for preventing soil erosion.

Subdivision 3. Development in Increments to Minimize Erosion. Land shall be developed in increments of workable size so adequate erosion and silt deposition controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one time.

Subdivision 4. Drainage Systems Required. The drainage system shall be constructed and operational as quickly as possible during construction.

Subdivision 5. Natural Vegetation Retained. Whenever possible, natural vegetation shall be retained and protected.

Subdivision 6. Overburden Reserved. Where the topsoil is removed, sufficient soil shall be set aside for re-spreading over the developed area. After re-spreading, the soil will be supplemented with fertilizer as needed to establish rapid growth of a protective vegetative cover.

Subdivision 7. Exposed Soil Limited. When soil is exposed, the exposure shall be for the shortest feasible period of time. No exposure shall be planned to exceed twenty-one (21) days. The time period may be extended if the Planning Commission is satisfied that adequate measures have been established and will remain in place.

Subdivision 8. Natural Drainage System Shall be Used. The natural drainage system shall be used as far as feasible for storage and flow of runoff. Storm water drainage shall be discharged to adequate detention basins or other natural or constructed 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 and artificial water level control. Temporary storage areas or retention basins scattered throughout developed areas shall be encouraged to reduce peak flow, erosion damage and construction cost.

0110.2502 SLOPES

Development on slopes may not proceed until an Erosion Control Plan has been prepared and any applicable permits have been issued. Plans must meet all requirements specified by the Planning and Zoning Department.

Subdivision 1. Type I Slope Standard Erosion Control Plan. Development (including structures, roads and driveways) on slopes less than twelve (12) percent shall require a Type I Slopes, Standard Erosion Control Plan.

Subdivision 2. Type II Slope Site-Specific Erosion Control Plan. Development on slopes with an average grade between thirteen (13) and nineteen (19) percent, shall require a Type II Slopes, Site-Specific Erosion Control Plan.

Subdivision 3. Type III Slope Site-Specific Erosion Control Plan. Development on slopes with an average grade between twenty (20) and twenty-four (24) percent shall require a Type III Slopes, Site Specific Erosion Control Plan.

Subdivision 4. Type IV Slope Site-Specific Erosion Control Plan. The County has determined that land development activities on slopes 25 percent or greater, Type IV Slopes, create an erosion hazard and that the potential for offsite damage to public and private property warrants protection of these environmentally sensitive areas.

(1) Land development activities on Type IV Slopes, slopes twenty-five (25) percent or greater, shall be limited to access roads for residential and nonresidential developments and shall require a "Site-Specific Erosion Control Plan." Final access road grades shall be no greater than twelve percent slope, unless the design plan is approved by the County Planning Commission, in which case, the road grade shall not exceed fourteen (14) percent slope.

(2) An access road on a Type IV Slope, twenty-five (25) percent or greater, which serves a development on land flat enough to not require an Erosion Control Plan for the development shall require a Site Specific Erosion Control Plan for the access road.

Subdivision 5. Access Erosion Control. All access roads and driveways for development of building sites shall an erosion control plan for both the construction phase of the road and subsequent storm water management.

0110.2503 EROSION CONTROL PERMITS

Permits shall be applied for at the Planning and Zoning Department on forms provided for the purpose. Permits shall be issued by the Zoning Administrator upon acceptance of the Control Plan by the Department and payment of any applicable fees.

Subdivision 1. Permit Valid For One Year. Permits shall be valid for one (1) year.

Subdivision 2. Bond Required. As a condition of approval and issuance of the permit, the Zoning Administrator shall require the applicant to deposit a minimum

$500 bond or irrevocable letter of credit to guarantee a good faith execution of the approved Erosion Control Plan and permit conditions. For any bond required in excess of $500 the Zoning Administrator shall state reason justifying the increased amount. The applicant shall have the right to appeal the decision.

0110.2504 INSPECTIONS

Subdivision 1. On-Site Inspection. The Planning and Zoning Department, SWCD or designee of either are authorized to inspect the site at any time prior to, or after the issue of the permit.

Subdivision 2. Failure to Obtain a Permit. If the land development is being carried out without a permit and Erosion Control Plan, the Zoning Administrator shall enter the land to implement enforcement provisions.

0110.2505 ENFORCEMENT ACTIONS

Subdivision 1. Stop-Work Order. The Zoning Administrator-or designee may post a stop-work order if any of the following conditions exist:

(1) Any land development regulated under this ordinance is being undertaken without a permit and approved Erosion control Plan;

(2) The Erosion Control Plan is not being implemented as approved.

Subdivision 2. Revocation of Permit. If the applicant does not cease the land development activity and comply with the Erosion Control Plan within 48 hours after posting of the stop-work order, the Zoning Administrator may revoke the permit.

Subdivision 3. May Institute Cease and Desist Order. Where no permit has been issued and a stop-work order has been posted, the Zoning Administrator may request the County Attorney to obtain a cease and desist order, or any other form of injunctive relief as needed.

Subdivision 4. May Issue A Notice Of Intent. After posting a stop-work order, the Zoning Administrator may issue a notice of intent to the landowner and land user, if applicable, of the County's intent to perform work necessary to comply with this Ordinance.

The County may go on the site and commence the work no sooner than 5 days after issuing the notice of intent. Exceptions may be granted in emergency situations where the potential for severe off site damage warrants immediate attention. The cost of the work performed by the County, plus interest, at the rate authorized by the County Board shall be billed to the landowner pursuant to Minnesota Statute Section. 334.01, Subdivision 1. In the event the landowner fails to pay the amount due, the Auditor shall enter the amount due on the tax rolls and collect as a special assessment against the property.

Subdivision 5. Injunctive Relief. Compliance with this Ordinance may also be enforced by injunction.

0110.2506 FEES

An Erosion Control Plan, along with the required fee, shall be submitted to the Zoning Administrator who will review, and issue the permit upon approval of the plan.

0110.2507 CATEGORIES OF PLANS

(1) Type I Standard Erosion Control Plan - Development on a slope less than 12%.

(2) Type II Site-Specific Erosion Control Plan - Development on a slope of 12% - 19%.

(3) Type III Site-Specific Erosion Control Plan - Development on a slope of 20% - 24%.

(4) Type IV Site-Specific Erosion Control Plan - Access road on a slope of 25% or greater.

SECTION 26 - PRESERVATION OF NATURAL DRAINAGE WAYS

0110.2601 GENERAL WATERWAY PROVISIONS

Subdivision 1. Use of Natural Drainage Systems. The use of natural drainage systems should be utilized to dispose of storm water runoff. Storm sewers may only be used where it can be demonstrated that the use of the above-ground natural drainage system will not adequately dispose of runoff.

Subdivision 2. Natural Drainage Systems Augmentation. Above ground runoff disposal waterways may be constructed to augment the natural drainage system of the Houston Soil and Water Conservation District.

Subdivision 3. Restriction of Flow Prohibited. No fences or structures shall be constructed across the waterway that will reduce or restrict the flow of water.

0110.2602 WATERWAY CONSTRUCTION STANDARDS

Subdivision 1. Construction Consistent With NRCS Technical Guide. When constructed facilities are used for storm water management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide

Subdivision 2. Constructed Waterway Capacity. The widths of a constructed waterway shall be sufficiently large to adequately channel runoff from a ten (10) year storm. Adequacy shall be determined by the expected runoff when full development of the drainage area is reached.

Subdivision 3. Waterway Bank Gradient. The banks of the waterway should not exceed five (5) feet horizontal to one (1) foot vertical gradient.

Subdivision 4. Waterway Bed Gradient. The gradient of the waterway bed should not exceed a grade that will result in a velocity that will cause erosion of the banks of the waterway.

Subdivision 5. Waterway Bend Protection. The bend of the waterway should be protected with turf, sod, asphalt, concrete, or riprap. Riprap may be hand-placed, dumped or gabions and shall consist of quarried limestone or fieldstone. Rock sizes should be well mixed no smaller than two (2) inches diameter or larger than two (2) feet.

Subdivision 6. Waterway Bank Protection. Banks of the waterway shall be protected with a permanent turf vegetation.

Subdivision 7. Waterway Erosion Control Measures. If the flow velocity in the waterway is such that erosion of the turf side wall will occur and the velocity cannot

be decreased via velocity control structures, then other materials may replace turf on the side walls. Either gravel or riprap would be allowed to prevent erosion at these points.

Subdivision 8. Sediment Basins Required for Outfalls to Public Waters. Newly constructed storm water outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

0110.2603 WATERWAY VELOCITY

The flow velocity of runoff in waterways shall be controlled to a velocity that will not cause erosion of the waterway.

0110.2604 SEDIMENT CONTROL

Subdivision 1. Sediment Control Structures Required. To prevent sedimentation of waterways, pervious and impervious sediment traps and other sediment control structures shall be incorporated throughout the contributing watershed.

Subdivision 2. Temporary Pervious Sediment Control Structures. Temporary pervious sediment traps may consist of a construction of bales of hay with a low spillway embankment section of sand and gravel that permits a slow movement of water while filtering sediment. Such structures would serve as temporary sediment control features during the construction state of development. Development of housing and other structures shall be restricted from the area on either side of the waterway required to channel a twenty-five (25) year storm.

Subdivision 3. Permanent Impervious Sediment Control Structures. Permanent impervious sediment control structures shall consist of sediment basins (debris basins, silt basins, or silt traps) and shall be utilized to remove sediment from runoff prior to its disposal in any permanent body of waters.

0110.2605 MAINTENANCE OF EROSION CONTROL SYSTEMS

Subdivision 1. Erosion and Velocity Control Structures. The erosion and velocity control structures shall be maintained in a condition that will insure continuous functioning according to the provisions of this Ordinance.

Subdivision 2. Sediment Basins. Sediment basins shall be maintained as the need occurs to insure continuous de-silting action.

Subdivision 3. Unsightly Conditions. The areas utilized for runoff waterways and sediment basins shall not be allowed to exist in an unsightly condition.

Subdivision 4. Maintenance of The Erosion and Sediment Control System Required. Prior to the approval of any plat for development, the developer shall make provisions for continued maintenance of the erosion and sediment control system.

SECTION 27 - MINERAL EXTRACTION

0110.2701 PURPOSE

The purpose of this Section is to ensure extraction of minerals is done in accordance with the Houston County Comprehensive Land Use Plan, to minimize land use conflicts and potential nuisance caused by mining operations, and to provide for the reclamation of land disturbed by mining in order to encourage productive use thereof, including, but not limited to the following:

Subdivision 1. Agricultural Purposes. The seeding of grasses and legumes for grazing purposes, and the planting of crops for harvest.

Subdivision 2. Commercial and Industrial Purposes. The establishment of commercial and industrial development sites in commercial and industrial zoning districts.

Subdivision 3. Natural Resources Purposes. The planting of forests, the enhancement of wildlife and aquatic resources, and the conservation of natural resources.

Subdivision 4. Health, Safety and General Welfare. The preservation of the natural beauty and aesthetic values of the County; the establishment of recreational sites, and to provide for the health, safety and general welfare of the Citizens of the County.

0110.2702 JURISDICTION

Any excavation, quarrying or removal of surface material for the purpose of extracting minerals, stone, gravel, sand, soil, clay or other material as the function of such excavation shall be conducted subject to the requirements of this Section.

Subdivision 1. Exceptions. Excavations for purposes of residential, commercial, or industrial development or land alterations for agricultural purposes shall be exempt from the provisions of this Section.

0110.2703 DEFINITIONS

For the purpose of this Section certain terms and words are defined as follows:

Subdivision 1. Excavation. Any artificial alteration of the earth excavated or made by the removal from the natural surface of the earth of soil, sand, gravel, stone or other matter.

Subdivision 2. Operator. Any owner or lessee of mineral rights engaged in or preparing to engage in mining operations.

Subdivision 3. Reclamation Plan. A document that details the activity which is to be taken during and following a mining operation to return the area to a natural state as much as possible or take actions that would substantially reduce adverse environmental effects from occurring.

Subdivision 4. Quarry. Any pit or excavation made for the purpose of searching for or removal of any soil, earth, clay, sand, gravel, limestone, or other non-metallic minerals.

0110.2704 NON-CONFORMING MINES

From the date of the adoption of this Ordinance legal non-conforming status will not be recognized on mine sites exceeding the following area thresholds:

(1) Sites excavating or mining gravel, stone, or other nonmetallic minerals on 40 acres or more.

(2) Sites excavating or mining sand on 20 acres or more.

0110.2705 INTERIM USE PERMIT REQUIRED

Interim Use Permits. Except as allowed under 0110.2704 or 0110.2706, no person, firm, or corporation shall hereafter engage in the mining and processing of sand, gravel, limestone or other minerals on any land within the County of Houston as a short-term mining operation without first applying for and obtaining from the County an Interim Use Permit-pursuant to Section 7 of the Houston County Zoning-Ordinance.

Subdivision 1. Limited to Public Works. Interim Use Permits shall be limited to the temporary use of a property for a use customarily incidental to the construction of public roads, buildings, utilities or projects. In addition to the standards required under 0110.2708, Interim Use Permits shall be limited by the following performance standards:

(1) The maximum duration of Interim Use Permit shall not exceed 3 years.

(2) The maximum volume of material mined shall be set by the Planning Commission at a public hearing when the application is being considered.

(3) The County may adjust performance standards as necessary when issuing Interim Use Permits

Subdivision 2. Application for Permit. A complete application for an Interim Use Permit shall include the following:

(1) An “existing conditions map” that shows conditions 200 ft. beyond the mine boundary.

(2) A reclamation plan and map as described in Part 0110.27010 below.

(3) A description of mining activities and estimated volumes.

(4) A land description of the area to be mined.

(5) Any other information requested by the Planning Commission or governing body.

0110.2706 CONDITIONAL USE PERMIT REQUIRED

Except as allowed under 0110.2704 or 0110.2705, no person, firm, or corporation shall hereafter engage in the mining and processing of sand, gravel, limestone or other minerals on any land within the County of Houston, located outside the boundaries of any city, village or incorporated town without first obtaining from the County a Conditional Use Permit as regulated by Section 6 of this Ordinance.

Subdivision 1. Application for Permit. Any person, firm, or corporation desiring to commence or expand the mining and processing of sand, gravel, limestone or other minerals shall make written application for a Conditional Use Permit to the Zoning Administrator. Application for such permit shall be made upon a form furnished by the Zoning Administrator. The form shall contain the following items:

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

(2) An exact legal description of the tract, or tracts of land, and the number of acres to be mined by the applicant.

(3) An existing conditions map as described in Part 0110.2707 below.

(4) An operation plan and map, as described in Parts 0110.2708-0110.2709 below.

(5) .A Reclamation plan and map as described in Part 0110.27010 below.

(6) A full and adequate description of all phases of the proposed operation to include an estimate of duration of the mining operation.

(7) An estimate of the depth of overburden to be removed from the ground surface to the material to be extracted.

(8) Any other information requested by the Planning Commission or governing body.

0110.2707 EXISTING CONDITIONS MAP

Subdivision 1. Information Required on the Existing Conditions Map. The existing conditions map shall be drawn at a scale of one (1) inch to one hundred (100) feet and shall show an outline of the tract to be mined and the adjacent area within five

hundred, (500), feet to the proposed excavation. The map shall include the following:

(1) Existing topographical features at ten (10) foot contour intervals.

(2) Location of wetlands, water courses, drainage systems and impounded waters.

(3) Location of existing wooded areas and cultivated fields.

(4) Location of existing structures and water wells.

(5) Location and names of existing roads, trails, railroads, utility rights-of-way, and any other cultural features.

0110.2708 OPERATIONAL PERFORMANCE STANDARDS

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

Subdivision 1. General Requirements.

(1) Compliance. The mining operations shall be conducted in compliance with the laws of the State of Minnesota and the Federal Government, especially as related to safety standards, and ordinances and resolutions of Houston County, as amended from time to time, and in compliance with and furtherance of the approved reclamation plan for the affected land.

(2) Operation of Equipment. All equipment used for mining 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.

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

(4) Mine Area Standards. The maximum cumulative total excavation and stockpiling area permitted by a single permit shall be as follows:

(a) Permits for the excavation or mining of gravel, stone, or other nonmetallic minerals shall be on sites of less than forty (40) acres.

(b) Permits for the excavation or mining of sand shall be on sites of less than 20 acres.

(5) Mine density standards. New sand mining permits shall be limited to sites located no closer than ½ mile from all existing permitted or legal non-conforming sand mines. Measurements shall be taken from the proposed boundary of the new site to the approved boundary of the existing site.

Subdivision 2. Vegetation.

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

(2) Weeds and Noxious Vegetation. Weeds and 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.

(3) Preservation of Existing Trees and Ground Cover. 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.

Subdivision 3. Access.

(1) Jurisdiction. All access points must be approved by the local government agency having road jurisdiction, and shall preferably be located along a secondary road.

(2) Avoid Residential Streets. All access points shall be located so as to avoid the routing of vehicles to and from the mining operation over streets that primarily serve abutting residential development.

(3) Access Signage. Ingress and egress access points from or onto any road or highway shall be clearly signed, and only those signed access points shall be utilized.

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

(5) Dust. All access roads from mining operations to public highways, road, or streets or to adjoining property shall be paved or surfaced with gravel to minimize dust conditions.

Subdivision 4. Water Resources.

(1) Drainage Interference Prohibited. The mining operation shall not be allowed to interfere with surface water drainage beyond the boundaries of the mining operation.

(2) Surface and Subsurface Water Quality. The mining operation shall not adversely affect the quality of surface or subsurface water resources.

(3) Non-degradation of Surface Water. Surface water originating outside and passing through the mining district shall, at its point of departure from the mining site, be of equal quality to the water at the point where it enters the mining site. The mining operator shall perform any water treatment necessary to comply with this provision.

Subdivision 5. Safety Fencing. Any mining operation adjacent to a residential zone or within three hundred (300) feet of two (2) or more residential structures shall comply with the following standards:

(1) Ponded Water. Where collections of water occur that are one and one-half (1 ½) 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.

(2) Steep Slopes. 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.

Subdivision 6. Screening. To minimize problems of dust and noise and to shield mining operations from public view, a natural topographic feature shall be maintained or a screening barrier shall be planted with species of fast-growing trees or shrubs. The screening shall be maintained between the following:

(1) Residential and Commercial Properties. The mining site and adjacent residentially and commercially zoned properties.

(2) Dwellings in Agricultural Protection Districts. For all mining sites permitted after the adoption of this ordinance a screening barrier or natural topographic feature shall be maintained between the mining site and existing dwellings located within one thousand (1000) feet.

(3) Public Roads. For all mining sites permitted after the adoption of this ordinance a screening barrier or natural topographic feature shall be maintained between the mining site and any public road within five hundred (500) feet of mining or processing operations.

Subdivision 7. Setback Requirements. When more than one (1) setback standard applies, the most restrictive standard shall apply. Setback requirements in Subp. 1 & 2 are reciprocal. Mining operations shall not be conducted closer than:

(1) Prohibited in District. One hundred (100) feet to the boundary of any district where mining operations are not permitted.

(2) Residentially Zoned. Not closer than one thousand (1000) feet to the boundary of an adjoining property residentially zoned.

(3) Adjoining Property Line. Not closer than fifty (50) feet to the boundary of an adjoining property line, unless the written consent of the owner of such adjoining property is first secured and recorded with the County Recorder.

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

(5) Public Waters. Not closer than one-hundred (100) feet from the ordinary high water level of any public water.

(6) Dust and Noise. Dust and noise producing processing or loading shall not be conducted closer than one thousand (1000) feet to any dwelling existing prior to the issuance of the mineral extraction permit. Mining operations in existence at the time of this ordinance where a permit is sought for expansion shall not be subject to this requirement, but shall not expand closer to any existing dwelling within 1000 feet.

(7) Dwellings. New dwellings shall not be constructed within 1,000 feet of an existing mine boundary, unless the new dwelling replaces an existing dwelling that has been occupied for eight of the last ten years, or if the new dwelling replaces a dwelling destroyed by natural disaster.

Subdivision 8. Appearance. 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.

Subdivision 9. Days of Operation. Mining operations may be conducted Monday through Saturday, except for legal holidays. The Zoning Administrator may temporarily approve operations beyond these days to respond to public or private emergencies or whenever any reasonable or necessary repairs to equipment need to be made.

Subdivision 10. Dust. All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize dust conditions as far as practicable

(1) Exception. These limitations above shall not apply to any mining operation in any industrial zone, unless such operations are closer than one hundred fifty (150) yard to a zone other than an industrial zone.

0110.2709 OPERATION PLAN

Subdivision 1. Operation Plan Requirements. The Operation Plan shall include a narrative discussing the following topics, and providing such other information as may be required by the Zoning Administrator, the Planning Commission, or the County Board of Commissioners.

(1) A statement containing an estimate of the life expectancy of the proposed operation. The estimate shall include a starting date and if within five (5) years, the completion date.

(2) Material to be mined.

(3) On site processing including crushing and washing operations.

(4) Days and hours of operations.

(5) Haul routes.

(6) Soil erosion and sediment control plan.

(7) A dust and noise control plan.

Subdivision 2. Operations Map. The operations map shall be drawn at a scale of one (1) inch to one hundred (100) feet and shall show the tract to be mined and the adjacent area within five hundred, (500), feet to the proposed excavation. The map shall include the following:

(1) Outline of the maximum area to be excavated.

(2) Vertical profile of area to be excavated indicating over-burden and other geological layers to the extent known.

(3) Location of any structures to be erected.

(4) Location of tailings deposits showing maximum height of deposits.

(5) Location of machinery to be used in the mining operation.

(6) Location of storage of mined materials, showing height of storage deposits.

(7) Location of vehicle parking.

(8) Location of explosive storage.

(9) Erosion and sediment control structures.

(10) Egress and ingress points and proposed turning lanes.

(11) Machinery, excavation and stock pile setbacks.

0110.2710 RECLAMATION PLAN

Subdivision 1. Reclamation Plan Required. Any mining operation legally commenced prior to the enactment of this Ordinance that does not have an approved reclamation plan, shall submit a reclamation plan to the Planning Agency for review and approval within five (5) years of the date of the enactment of this Ordinance.

Subdivision 2. Reclamation Plan Commencement Requirement. All mining sites shall be reclaimed after mining operations cease. Reclamation shall be complete within one calendar year after operation ceases. Reclamation must commence when any of the following conditions occur:

(1) Within a period of three (3) months after the termination of a mining operation.

(2) Within three (3) months after abandonment of such operation for a period of six (6) months.

(3) Within three (3) months after expiration of a mining permit.

Subdivision 3. Reclamation Plan Standards. The following standards apply:

(1) Removal of Buildings and Structures. All buildings, structures and plants incidental to such operation shall be dismantled and removed by, and at the expense of the mining operator last operating such buildings, structures and plants.

(a) A temporary variance may be granted for those buildings, structures, machinery and plants required to process previously mined 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) Grading and Filling. The peaks and depressions of the area shall be graded and back filled to a surface which will result in a gently rolling topography in substantial conformity to the surrounding landscape, and which will minimize erosion due to rainfall. No finished slope shall exceed eighteen (18) percent in grade.

(3) Soil Quality. Reclaimed areas shall be laid with sod 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.

(4) Ground Cover. The 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. The planting shall adequately retard soil erosion.

(5) Ponds. 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 greater than three (3) feet horizontal to one (1) foot vertical.

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

Subdivision 4. Reclamation Plan. The Reclamation Plan shall include a narrative discussing how the above standards will be met and shall also include any additional information required by the Zoning Administrator, the Planning Commission, or the County Board of Commissioners.

Subdivision 5. Reclamation Plan Map. The reclamation plan map shall be drawn at a scale of one (1) inch to one hundred (100) feet and shall show the adjacent area within five hundred, (500), feet to the proposed excavation. The map shall include the following:

(1) Final grade of proposed site showing elevations and contour lines at five (5) foot intervals.

(2) Location and species of vegetation to be replanted.

(3) Location and nature of any structures to be erected as part of the Reclamation Plan.

Subdivision 6. Changes in the Reclamation Plan. In the event the operator finds the characteristics of the mining area to be different than what was previously determined, changes may be made in the original reclamation plan by mutual consent of the operator and the County Planning Agency. Such change shall preserve, as substantially as possible, the original reclamation plan, and shall also provide for the previously unknown variables.

0110.2711 PERFORMANCE BOND REQUIRED

A performance bond for mining operations shall be filed with the Zoning Administrator in such a form as the County Board shall prescribe, and payable to the County. The amount of the bond

amount shall be set by the County Board by resolution. The bond shall guarantee that either upon termination of the permit or of the operations, the ground surface of the land used shall be restored in conformity with the reclamation plan filed with the mining permit application. When and if the portions of the bonded property are completely rehabilitated in accord with the reclamation plan, and such restoration is certified by the Zoning Administrator, the performance bond protecting the restored acreage shall be returned.

0110.2712 REVIEW

Each Permit shall be periodically reviewed by the Zoning Administrator. Upon determination by the Zoning Administrator, or the County Board, that the operation is in violation of the provisions of the applicable Permit or other County Ordinances, a hearing may be held to review the existence of any alleged violations in conformance with the procedures set forth in Section 10, Violations, Penalties, and Enforcement. An examination of the premises can be made by the Zoning Administrator at any time.

0110.2713 REVOCATION OF PERMIT

Upon failure by the holder of a mining permit to fully comply with the provisions contained herein, the Zoning Administrator shall certify the non-compliance to the County Board of Commissioners.

Subdivision 1. Notice of Violation. The Board of Commissioners shall give notice to said permit holder and owner of the land setting forth the provisions of this Section being violated.

Subdivision 2. Hearing. The Board shall set a time and place of a hearing to be held by the Board to consider such violation of provisions of this Section.

Subdivision 3. Suspension or Termination of Permit. If said Board of Commissioners shall find that provisions of this Section have not be complied with by the permit holder then the mining operations permit may be suspended or terminated by said Board of Commissioners.

SECTION 28 - OIL AND URANIUM EXPLORATION

0110.2801 PURPOSE

Subdivision 1. Protection of Ground Water Supplies. To protect ground water supplies from contamination as the result of oil and uranium exploration.

Subdivision 2. Health, Safety and Welfare. To provide controls and standards that will protect the health, safety and welfare of the Citizens of the County.

Subdivision 3. Exploration. To provide controls and standards that will allow safe and accountable oil and uranium exploration.

0110.2802 CONDITIONAL USE PERMIT REQUIRED

All exploratory borings shall require a Conditional Use Permit in all zoning districts.

0110.2803 CONDITIONAL USE PERMIT APPLICATION

In addition to the requirements of Section 6 of this Ordinance, the following information shall be required to be submitted by the applicant as part of the Conditional Use Permit application for exploratory borings.

Subdivision 1. Purpose of Exploration. A description of the materials which are the subject of the exploration.

Subdivision 2. Legal Description and Lease. A complete legal description of the property to be explored, and a copy of the lease arrangement with the landowner shall be provided. This lease shall be recorded in the County Recorder's Office prior to granting the permit. The time limit and location of the Conditional Use Permit shall be identical to that of the lease arrangement.

Subdivision 3. Map of Proposed Exploration. A map indicating the location of the proposed exploratory boring in the nearest 40 acre parcel.

Subdivision 4. Minnesota State Health Department License. A copy of the license provided by the Minnesota State Health Department for Exploratory Boring.

Subdivision 5. Technical Description of the Exploration Process. The exact technical description of the exploration process, types of equipment to be used and an estimated timetable for each phase of work and for final completion of the program.

Subdivision 6. Description of Regional Environmental Conditions. A general description of the regional environmental conditions to include surface land use and

vegetation as well as a general description of the area's geologic formations and hydrology.

Subdivision 7. Description of Environmental Impacts and Proposed Mitigation. A description of the major environmental impacts that exploration will create as well as a proposed plan to mitigate those impacts including such items as soil erosion, air and water contamination as well as related hazards to public safety.

Subdivision 8. Reclamation Plan. A plan shall be provided for the reclamation of the land after exploration is completed. Surface reclamation shall take into account the impact on adjacent land uses, natural resources and the proposed future use of the lands explored. The plan shall include the following:

(1) A reclamation schedule.

(2) The method used to plug drill holes.

(3) The method of grading, back filling and contouring of exploration sites and access road

(4) The methods of waste management and disposal, including liquid and solid wastes such as tailings.

(5) The method of re-vegetation.

0110.2804 EXPLORATORY BORING MAP

At least ten (10) days prior to commencement of exploratory boring, the explorer shall submit to the Minnesota Department of Natural Resources a map indicating the location of the proposed exploratory boring to the nearest estimated forty (40) acre parcel. A copy of this map shall be submitted to the Houston County Zoning Office and the Minnesota Department of Health. The explorer shall notify the Zoning Office on the day that drilling begins and allow State and County Officials access to the drill site.

0110.2805 BORE HOLE CONSTRUCTION AND RELATED REQUIREMENTS

All test borings shall be constructed in accordance with Minnesota Department of Health Rules and Regulations and shall be constructed in a manner as to prevent all known sources of contamination from entering the boring at any time.

Subdivision 1. Drilling Mud Additives. Drilling mud additives shall be stored in clean containers and shall be free of material that may adversely affect the aquifer.

Subdivision 2. Cooling Water. Water used for cooling parts of engines, air compressors, or other equipment may not be returned into the boring.

Subdivision 3. Drilling, Mud. Cuttings and Discharge Water. Drilling, mud, cuttings and discharge water shall not be disposed in a manner so as to create damage to public or private property.

Subdivision 4. Artesian Conditions. Exploratory Borings encountering flowing artesian conditions should be constructed to prevent erection of the aquifer or the overlying confining layer.

Subdivision 5. Cavernous Limestone Formations. Any boring encountering a cavernous limestone formation shall be cased and grouted to prevent the movement of surface water into the ground water and to prevent the passage of water from one aquifer to another.

Subdivision 6. Emergencies Affecting the Health, Safety or Welfare of Area Residents. In the case of an unexpected emergency, including but not limited to any act or condition that would affect the health, welfare and property of area residents, the explorer shall have the ability to-cap the boring at any time. In this instance the explorer shall immediately notify the Houston County Zoning Office and proper State Agencies of such an emergency. In case of such an emergency, all costs shall be borne by the explorer.

Subdivision 7. Use as Water Well. No test hole shall be used as a water well unless a water sample is taken by the County Pollution Control Officer, tested for radiation and approved by the Minnesota State Health Department. Expenses for all related tests shall be paid for by the explorer.

0110.2806 EXPLORATORY BORING SETBACKS

The following setbacks shall be applied to the location of exploratory drilling sites from the following uses.

Subdivision 1. Public Road Setbacks.

State Highway	130 feet from the centerline of the road
County and State Aid Road	100 feet from the centerline of the road
Township Road	65 feet from the centerline of the road

Subdivision 2. Residences and Property Line Setbacks.

Adjoining Property Line	200 feet
Nearest Occupied Residence	500 feet

Subdivision 3. Essential Service Setbacks.

Overhead or Underground Electric Line	100 feet
Any Gas Line	15 feet

Subdivision 4. Certain Storage Areas. Preparation or storage area of spray materials, commercial fertilizers or chemicals that may result in pollution of the soil or ground water shall be setback fifty (50) feet.

Subdivision 5. Below Grade Manure Storage. Below grade manure storage area if in conformance with the Minnesota Pollution Control Regulations shall be setback one hundred (100) feet.

Subdivision 6. Sewage Treatment Systems. Buried sewer, septic tank, subsurface disposal field, or privy shall set back one hundred (100) feet

Subdivision 7. Water Wells. Existing water wells shall setback 100 feet.

Subdivision 8. Lakes Streams Wetlands and Drainage Ditches. Lakes streams wetlands and drainage ditches shall setback two hundred (200) feet from exploratory borings.

0110.2807 ABANDONMENT OF EXPLORATORY BORINGS

Subdivision 1. Abandonment of Exploratory Borings. Abandonment of all Exploratory Borings shall be carried out in accordance with the following provisions.

(1) Abandonment. Abandonment, whether temporary or permanent, shall be undertaken immediately upon completion of drilling activities. When the test hole is to be abandoned, the Houston County Zoning Office shall be notified so that the abandonment process may be inspected.

(2) Abandonment Report. Within thirty (30) days of the completion of drilling or the drilling equipment leaving the site, whichever occurs first, an abandonment report shall be completed by the explorer, and filed with the Houston County Zoning Office on forms provided by that Office, The report shall include but not be limited to such things as water bearing formations encountered, method of construction used and method of abandonment. The abandonment report shall specify whether the boring is being temporarily or permanently abandoned.

(a) When a temporarily abandoned boring is permanently abandoned a separate abandonment report shall be filed.

(3) Site Restoration. The site of the exploratory boring shall be returned as near possible to its original condition.

Subdivision 2. Temporary Abandonment. A boring which is temporarily abandoned shall be constructed to prevent the introduction of surface contaminants into the boring and to prevent passage of water from one aquifer to another.

(1) Casing Requirement. At the minimum a temporary abandoned boring shall be cased from bedrock or from the bottom of the boring if the boring terminates in unconsolidated materials, to a point one (1) foot above the ground surface, or if in

a flood plain, at least two feet above the level of the highest flood of record. The casing shall be protected with an overlapping can which will prevent an, surface contamination from entering the boring.

(2) Marked and Protected. Any boring which is temporarily abandoned shall be marked and protected with four steel posts (schedule 40 pipe) of at least four (4) diameter at equal distance from each other, two (2) feet from the center of the casing. Such posts shall be installed to a minimum depth of three (3) feet into solid ground.

(3) Temporary Abandonment Limitation. A boring shall not be temporarily abandoned for more than two (2) years.

Subdivision 3. Permanent Abandonment. Whenever the explorer determines that a boring need not remain open any longer, or whenever he is about to lose the right to explore, the explorer shall permanently abandon the boring.

(1) Grouting Required. The boring shall be filled with grout to prevent contaminating materials from entering the water bearing ground formations.

(2) Removal of Debris and Obstructions. All materials, debris and obstructions that may interfere with sealing operations shall be remolded from the boring,

(3) Salvage of Casing and Screens. All casing and screen may be salvaged except casing that has been cemented in place.

(4) Grouting Procedure. When concrete, cement or heavy drilling fluid is used as a grout material; it shall be inserted in the boring through a grout pipe from the bottom of the boring upward to the surface under pressure.

(5) Top of Casing Seal. The top of the hole shall be filled with ten (10) feet of cement or concrete grout to within two (2) feet of the land surface. Casing remaining in the hole shall be cut off at least six (6) feet below land surface. The remaining top two (2) feet of the hole shall be filled with native topsoil.

Subdivision 4. Permanently Abandoned Borings Fill Material. A permanently abandoned boring shall be filled and sealed using one or more of the following substances in accordance with geological materials penetrated.

(1) Unconsolidated Geologic Deposits. The section of a boring in unconsolidated deposits shall be filled with neat cement, concrete or heavy drilling fluid to provide a permeability no greater than the natural condition.

(2) Intact Rock Formations. The section of a boring in a rock formation shall be filled with neat cement or concrete.

(3) Cavernous or Creviced Rock Formations. The section of a boring in a cavernous or creviced rock such as cavernous limestone or creviced granite shall be filled

with concrete or neat cement or alternate layers of concrete or neat cement and gravel or stone aggregate. At the top of the cavernous or creviced formation, the filling shall be completed by a layer of neat cement or concrete extending at least ten (10) feet into the above overlying formation and finished as provided in these rules.

0110.2808 SURETY PERFORMANCE BOND REQUIRED

The applicant shall post a surety performance bond in an amount of twenty-five thousand (25,000) dollars plus five thousand (5,000) dollars per hole to assure that sufficient funds will be available to carry out required reclamation and, if necessary, decontamination of affected ground and surface waters. The bond shall be released two (2) years after exploration has ceased unless the Commissioners find, for good cause shown, that the water quality of the affected area has not been restored or the reclamation plan has not been completed.

SECTION 29 - GENERAL PROVISIONS

0110.2901 LOTS OF RECORD

All lots which are a part of a subdivision legally recorded with the County Recorder, and lot or lots described by metes and bounds, the deed to which has been recorded in the office of the County Recorder prior to August 30, 1967, shall be considered to be Lots of Record. A Lot of Record shall be considered a legally buildable lot even though such lot or lots may not conform to the minimum requirements of this Ordinance, providing further that the lot is in separate ownership from abutting lands, and complies with all sanitary sewer standards and setback requirements of the County.

0110.2902 LAND SUITABILITY

Subdivision 1. Land To Be Subdivided Must Be Suitable In Its Natural State. Except for minimal alteration, no land shall be subdivided which is held unsuitable for the proposed use in its natural state for reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, inadequate water supply or sewage treatment 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 County.

Any new lot, except an Outlot, resulting from the subdivision of land for the purpose of development, must be a Buildable Lot as defined in this Ordinance. Any new access entering onto a public right of way from private property must be an Access as defined in this Ordinance.

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. Thereafter the Board of Commissioners may affirm, modify or withdraw its determination of unsuitability.

0110.2903 HOME OCCUPATIONS

Subdivision 1. Purpose. The purpose of this classification is to prevent competition with business districts, protect the natural resources of the County, and provide a means through the establishment of specific standards and procedures by which home occupations can be conducted without jeopardizing the health, safety and general welfare of surrounding uses. The establishment and continuance of home occupations as accessory uses shall be interim permitted if the following requirements and conditions are satisfied.

Subdivision 2. Level I Home Occupations. Level I home occupations shall comply with the following:

(1) Level I home occupations shall be conducted entirely within the dwelling, carried on by the inhabitants thereof with no more than one (1) outside employee.

(2) Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the residential character thereof.

(3) The Level I home occupations shall not exceed five hundred (500) square feet of floor space.

(4) Accessory buildings and/or attached garages can be used as part of the home occupation as long as the structure is not specifically dedicated for the occupation and occupies less than thirty (30) per cent of the total structure and is incidental and secondary to the use of the principal residential structure on the property.

(5) Such home occupation shall not require internal or external alterations or involve construction features not customarily found in dwellings.

(6) There shall be no exterior display storage of equipment and materials.

(7) Allowable signage shall be limited to one sign, one and one-half (1 ½) square foot, non-illuminated, and attached to the dwelling.

(8) There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line.

(9) The hours of operation may be determined by the Planning Commission.

(10) A Level I home occupation shall not include the repair of internal combustion engines (other than small engine repair), body shops, machine shops, welding, ammunition, manufacturing, or any other objectionable uses as determined by the Zoning Administrator. Machine shops are defined as places where raw metal is fabricated, using machines that require more than one hundred ten (110) volts.

(11) In the case of a Level I home occupation, only one vehicle shall be allowed which is associated with the home occupation. Such vehicles shall be parked off-street and upon the lot on which the home occupation is operated.

Subdivision 3. Level II Home Occupation. Level II home occupations shall comply with the following:

(1) All Level II home occupations shall be conducted entirely within the dwelling or accessory building and shall be carried on by the inhabitants thereof. Six (6) employees are allowed other than the inhabitants.

(2) Such use shall be clearly incidental and secondary to the use of the property for residential purposes. Total maximum floor use area shall be five thousand (5,000) square feet.

(3) Junk and scrap yards are prohibited.

(4) Home occupation signs shall be limited to a thirty-two (32) square feet of non-illuminated
Signage and must be located on the same property.

(5) There shall be no undue indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line as determined by the Planning Commission.

(6) The Planning Commission may require materials and equipment to be stored in an enclosed building or screened area.

(7) In case of a home occupation which requires the use of a commercial truck, tractor, van, pickup or any vehicle whatsoever required to be registered as a "Y" type vehicle or any trailer or other machinery capable of being trailed behind, such vehicle shall be parked off-street and upon the lot of the owner from where such home occupation is conducted. Parking is allowed only on a hard surfaced or gravel parking area. All drives accessing a hard surfaced road shall be bituminous or concrete.

Subdivision 4. Waste Disposal. All home occupations not serviced by an approved community water and sewage system must comply with County, State, and Federal waste disposal requirements.

Subdivision 5. Nonconforming Home Occupations. All nonconforming home occupations legally existing prior to the adoption of this Ordinance shall be allowed to continue, but shall not be allowed to expand, be rebuilt, relocated, replaced or altered without being brought into compliance with all the requirements of this subdivision.

0110.2904 FOSTER FAMILY HOMES

Any other provisions of this Ordinance notwithstanding, the maintenance of a foster family home or a facility for family day care of five (5) or less children, including the provider's children, shall be a permitted use of a single family dwelling in a residential area if the licensure of each such facility meets the requirements of Minnesota Statutes. (Enacted July 19, 1977, Incorporating herein by reference as if set forth in full Chapter 274 of the Laws of Minnesota for 1974.)

0110.2905 LICENSED RESIDENTIAL FACILITIES

The other provisions of this Ordinance, if any, notwithstanding, licensed residential facilities serving from seven (7) through sixteen (16) mentally retarded or physically handicapped persons shall be considered a permitted multi-family residential use of property for purposes of interpreting this

Ordinance and the other provisions of Chapter 60 of the Laws of Minnesota for 1975 consistent herewith and with this Ordinance are incorporated herein by reference as if set out here in full, as are the provisions of Chapter 243 of the Laws of Minnesota for 1976, codified as Section 245.312. Minnesota Statutes.

0110.2906 PERMITTED ENCROACHMENTS

The following shall be considered as permitted encroachments on setback and height requirements except as hereinafter provided: In any yard: Posts, off-street open parking spaces, flues, sills, pilasters, lintels, cornices, eaves, gutters, awnings, open terraces, open canopies, steps, chimneys, flag poles, ornamental features, open fire escapes, sidewalks, fences and all other similar devices incidental and appurtenant to the principal structure except as hereinafter amended.

0110.2907 SIGN REGULATIONS

All signs hereafter erected or maintained shall conform with the provisions set forth in Minnesota Statutes, Chapter 173 as amended, along state, county or township roads and any other ordinance or regulations of Houston County.

0110.2908 SOLAR ENERGY SYSTEMS AND SOLAR STRUCTURES

Subdivision 1. Permitted by District. Solar energy systems and solar structures shall be a permitted use in all districts except the flood plain districts provided the system is in compliance with minimum lot requirements and setbacks. Within the flood plain district, solar structures shall be a conditional use.

Subdivision 2. Setback Exemptions. Solar energy systems and solar structures may be exempted from setback, height, and lot coverage restrictions in all districts by variance.

Subdivision 3. Access to Sun Light. In a residential zone, no owner, occupier, or person in control of property shall allow vegetation or structures to be placed or grow so as to cast a shadow on a solar energy system which is greater than the shadow cast by a hypothetical wall ten (l0) feet high located along the boundary line of the property between the hours of 9:30 a.m. and 2:30 p.m. Central Standard Time on December 21 provided, however, this standard shall not apply to vegetation or structures which cast a shadow upon the solar energy system at the time of installation of the system.

Subdivision 4. Establishment of Right to Sun Light. As a means of evidencing existing conditions, the owner of a solar energy system may file notarized photographs of the area with the County prior to installation of the system.

Subdivision 5. Violation Constitutes a Private Nuisance. Violation of this standard shall constitute a private nuisance and any owner or occupant whose solar energy system is shaded because of such violation, so that performance of the system is impaired, may have in tort for the damages sustained thereby and may have such nuisance abated.

0110.2909 EXTERIOR STORAGE

Subdivision 1. Residential Zoning Districts. In residential districts, all materials and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining properties. Existing uses shall comply with this provision within six (6) months following enactment of this Ordinance. The following uses are permitted without screening:

(1) Laundry drying equipment.

(2) Recreational equipment.

(3) Construction and landscaping materials and equipment currently being used on the premises.

(4) Agricultural equipment and materials for use on the premises.

(5) Off-street parking of currently licensed and operable automobiles and pickup trucks.

(6) Boats and unoccupied trailers, less than twenty (20) feet in length.

Subdivision 2. All Zoning Districts. 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 upon nearby property values, or impairs scenic views, or constitutes a nuisance.

0110.2910 REFUSE

Subdivision 1. Unenclosed Storage of Refuse Prohibited. In all districts, all waste material, (with exception of crop residue) debris, refuse or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse. Existing uses shall comply with this provision within six months following enactment of this Ordinance.

Subdivision 2. Parking of Inoperative, Licensed Vehicles. Licensed passenger vehicles and trucks in an inoperative state shall not be parked in residential districts for a period exceeding seven (7) days; inoperative shall mean incapable of movement under their own power and in need of repairs or junkyard.

Subdivision 3. Designated as Refuse. All exterior storage not included as a permitted accessory use, a permitted use, or included as part of a conditional use permit or otherwise permitted by provisions of this Ordinance is designated refuse.

0110.2911 LIQUID BULK STORAGE

Subdivision 1. Conditional Use Permit Required. A Conditional Use Permit is required for all uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals, and similar liquids having hazardous by-products.

Subdivision 2. Existing Uses. All existing, above-ground liquid storage tanks having a capacity in excess of ten thousand (10,000) gallons shall secure a Conditional Use Permit by September 13, 1995.

Subdivision 3. Diking. The County Board may require the development of diking around the tanks. Diking shall be suitably sealed and shall hold a leakage capacity equal to one hundred fifteen (115) percent of the tank capacity.

Subdivision 4. Hazardous Storage Tanks Prohibited. Any existing storage tank that, in the opinion of the County Board constitutes hazard to the public safety shall discontinue operation no later than September 13, 1998.

0110.2912 NUISANCES

Subdivision 1. Nuisances Prohibited. Noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat, glare, dust, or other such adverse influences that will be detrimental to the use and enjoyment of adjacent or nearby property shall not be permitted in any district. Normal agricultural practices shall not be classified as a nuisance.

All wastes in all districts shall be disposed of in a manner that is not dangerous to public health and safety nor will damage public waste transmission or disposal facilities. The standards in Subdivisions 2, 3 and 4 below shall apply to non-industrial districts.

Subdivision 2. Vibration. The following vibrations are prohibited:

(1) Any vibration discernible (beyond property line) to the human sense of feeling for three (3) minutes or more duration in one (1) hour.

(2) Any vibration resulting in any combination of amplitudes and frequencies beyond the "safe" range of most current standards of the United States Bureau of Mines on any structure.

Subdivision 3. Toxic or Noxious Matter. All uses shall be operated so as not to discharge toxic or noxious matter in such concentration as to be detrimental to the use and enjoyment of adjacent property. Discharge means movement of toxic or noxious matter across the surface of the ground, or through volatilization into the

atmosphere, or percolation through the subsoil, to nearby property beyond the boundaries of the lot wherein such use is located.

Subdivision 4. Air Pollution. Any use shall be so operated as to control the emission of smoke or particulate matter to the degree that it is not detrimental to or shall endanger the public health, safety, comfort or general welfare or the public. For the purpose of this Ordinance, the regulations and standards adopted by the Minnesota Pollution Control Agency shall be employed.

Subdivision 5. Glare. In all districts, any lighting used to illuminate an off-street parking area, sign, or other structure, shall be arranged so as to deflect light away from any adjoining residential zone or from the public streets.

(1) Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall not be directed onto any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property.

(2) Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-ways.

(3) Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle (meter reading) as measured from the centerline of the street.

(4) Any light or combination of lights which cast light on residential property shall not exceed 0.4 candles (meter reading) as measured from the property.

Subdivision 6. Miscellaneous Nuisances.

(1) No person may store or keep any vehicle of a type requiring a license to operate on the public highway; but, without a current license, attached hereto, whether the vehicle be dismantled or not, outside of an enclosed building in the residential or agricultural districts.

(2) No person may create or maintain a junkyard or vehicle dismantling yard except as provided herein.

(3) The following are declared to be nuisances affecting public health or safety:

(a) The effluence from any cesspool, septic tank drainfield, or human sewage disposal system discharging upon the surface of the ground, or dumping the contents thereof at any place except as authorized.

(b) The pollution of any public well, cistern, stream, lake, canal, or other body of water by sewage, industrial waste or other substances.

(c) The ownership, possession or control of any unused refrigerator, or other container with doors that fasten automatically when closed and which is of sufficient size to retain any person, and is exposed and accessible to the public without removing the doors, lids, hinges or latches, or without providing locks to prevent access.

0110.2913 SCREENING

Subdivision 1. Adjacent to Residential Use. Where any business or industrial use (structure, parking or storage) is adjacent to property zoned for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, parking lot or industry is across the street from a residential zone but not on the side of a business or industry considered to be the front.

Subdivision 2. Exterior Storage Screening. All exterior storage including salvage yards shall be screened. The following uses do not have to be screened:

(1) Merchandise being displayed for sale.

(2) Materials and equipment currently being used for construction on the premises.

(3) Merchandise located on service station pump islands.

Subdivision 3. Types of Screening. The screening required in this section shall consist of earth mounds, berms or ground forms; fences and walls; landscaping (plant materials) or landscaped fixtures (such as timbers) used in combination or singularly so as to block direct visual access to an object.

0110.2914 ACCESSORY BUILDINGS AND STRUCTURES

Subdivision 1. Accessory Buildings and Structures in Residential Districts.

(1) No accessory buildings may be located within five (5) feet of the side lot line or within eight (8) feet of the rear lot line.

(2) No accessory building shall be located nearer the front lot line that the principal building on the lot.

(3) No accessory building shall exceed the height of the principal building.

(4) Accessory buildings, 200 square feet in area or less that are portable and not attached to any foundation, and which meet all other requirements of this ordinance, are permitted uses and do not require a building permit. All other accessory structures in the Residential District, except as provided in paragraph 5 below shall require a conditional use permit.

(5) No private garage used or intended for the storage of passenger automobiles shall exceed fifteen hundred square feet of gross area nor shall any access door or other opening exceed the height of ten (10) feet. Setback standards shall meet the requirements as set forth in section 14 of this ordinance.

(6) When a private garage is oriented so as to face onto a public street it shall not be less than twenty (20) feet from the right-of-way line.

Subdivision 2. Accessory Buildings and Structures in Commercial and Industrial Districts.

(1) No accessory buildings shall exceed height of the principal building except by conditional use permit.

(2) Accessory buildings may be located any place to the rear of the principal building subject to the building code, and the fire zone regulations.

Subdivision 3. Accessory Buildings and Structures in All Districts.

(1) No accessory building or use shall be constructed or developed on a lot prior to construction of the principal building.

(2) Accessory buildings 200 sq. ft. in area or less that are portable and not attached to any foundation, and which meet all other requirements of the ordinance, are permitted uses and do not require a Zoning Permit.

(3) An accessory building shall be considered as an integral part of the principal building if it is located less than six (6) feet from the principal building.

(4) Accessory structures located on lake or stream frontage lots may be located between the public road and the principal structure provided it is clearly demonstrated that physical conditions require such a location. In no event, however, shall the structure be located closer than twenty (20) feet to the public road right-of-way.

(5) An accessory building may be located within the rear yard setback provided that the lot is not a through lot and said accessory building does not occupy more than twenty-five (25) percent of a required rear yard.

0110.2915 DWELLING UNITS PROHIBITED

A garage, tent, trailer, basement, cabin, or accessory building shall not be used as a permanent residence at any time. The basement portion of a finished home or apartment may be used for normal eating and sleeping purposes provided it is properly damp proofed, has suitable fire protection and exits, and is otherwise approved by the Zoning Administrator.

0110.2916 RELOCATING STRUCTURES

Subdivision 1. Permit Required. Every licensed house mover shall, in each and every instance, before raising, holding up or moving any structure obtain a Zoning Permit therefor from the Zoning Administrator.

Subdivision 2. Application. An application for a Zoning Permit shall include the following:

(1) The origin of the structure.

(2) The legal description of the property on which the structure to be located.

(3) The route over which it is to be moved.

(4) The time at which the moving of the structure will occur.

Subdivision 3. Zoning Compliance. No permit to move a structure shall be issued unless and until the following conditions are fully complied with and approved by the Zoning Administrator:

(1) The building to be moved must comply in all respects with the standards in the Houston County Zoning Ordinance.

(2) A site plan has been approved pursuant to Section 5 of this Ordinance.

(3) A Zoning Permit and any other applicable permits have been issued.

0110.2917 BLUFF LAND PROTECTION

Standards within Shoreland Districts may be more restrictive than the following standards. The stricter requirements will prevail within the Shoreland Districts.

Subdivision 1. Prohibited in the Bluff Impact Zone. Structures and accessory facilities must not be placed within bluff impact zones.

Subdivision 2. Setback from the Toe of a Bluff. Structures shall be set back forty (40) feet from the top of a bluff and twenty-five (25) feet from the toe of a bluff.

Subdivision 3. Roads, Driveways, and Parking Areas. Roads, driveways, and parking areas must not be placed within bluff impact zones when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed in these areas, and must follow an approved Erosion Control Plan as described in Section 25 of this Ordinance.

Subdivision 4. Vegetation Alterations. The removal of natural vegetation within bluff impact zones shall be restricted to prevent soil erosion and to preserve bluff land aesthetics. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by this Ordinance are exempt from the vegetation alteration standards that follow.

Removal or alteration of vegetation in bluff impact zones, except for agricultural and forest management uses as regulated in Sections 22 and 24, respectively, is allowed subject to the following standards:

(1) Intensive vegetation clearing within bluff impact zones is not allowed.

(2) In bluff impact zones limited clearing of trees and shrubs and cutting, pruning and trimming of trees is allowed to provide a view. Removal of more than thirty (30) percent of Existing trees greater than six (6) inches DBH (Diameter at Breast Height) is prohibited.

0110.2918 TREE AND WOODLAND PRESERVATION IN RESIDENTIAL DEVELOPMENT

The following restrictions shall apply to all residential development occurring in wooded areas:

Subdivision 1. Minimize Structural Impact. Structures shall be located in such a manner that the maximum number of trees shall be preserved.

Subdivision 2. Minimization of Impact. Prior to the granting of a building permit, the person seeking the permit must demonstrate that there are no feasible or prudent alternatives to the cutting of trees on the site. If trees are to be removed, the developer must restore the trees to the density that existed before the development was begun.

Subdivision 3. Forestation, Reforestation or Landscaping. Forestation, reforestation or landscaping shall utilize a variety of tree species and shall not utilize any species presently under disease epidemic. Species planted shall be hardy under local conditions and compatible the locally.

Subdivision 4. Grading and Contouring Impact. Development including grading and contouring shall talkie place in such manner that the root zone aeration stability of existing trees shall not be affected and shall provide existing trees with a watering equal to one-half (½) the crown area.

Subdivision 5. Removal of Diseased or Damaged Trees. Notwithstanding the above, the removal of trees seriously damaged by storms or other acts of God, or diseased trees, shall not be prohibited.

0110.2919 ACCESS AND DRIVEWAYS

Subdivision 1. Access Permit Required. An Access Permit is required before construction begins on any new access, or the improvement of any existing access, entering a public road right-of-way. The permit shall be obtained from the local unit of government having jurisdiction over the right-of-way.

Subdivision 2. Damage Deposit Required. The local unit of government having jurisdiction over the public right-of-way may require damage deposit until the construction is completed.

Subdivision 3. Design Standards. The following design standards are general standards and may modified to meet site specific needs as determined by the jurisdiction.

(1) Approach. The access approach immediately adjacent to the public right-of-way shall be a flat area twenty (20) feet wide and twenty (20) feet long.

(2) Gradient. Driving Surface Gradient shall not exceed twelve (12) percent.

(3) Width. The driveway shall have a width of not less than twelve (12) feet at the narrowest dimension.

(4) Side Slopes. Driveway banks shall not exceed a 2:1 slope gradient.

Subdivision 4. Erosion Control Standards.

(1) Seed and Mulch. All bare ground shall be seeded and mulched as soon as possible after the construction is completed. Temporary seeding may include cereal rye or oats if permanent seeding is delayed more than twenty-one (21) days.

(2) Silt Fences. Silt fences shall be installed along road ditches and above culverts.

(3) Ditch Channel. All ditch channels shall include flat bottom construction.

(4) Flowage Velocity. All driveway ditches that are designed with a flowage velocity of three (3) feet per second shall have a fiber blanket installed in the ditch.

(5) Water Beaks. Water beaks located every one-hundred (100) feet shall be included in driveway design whenever possible.

0110.2920 TEMPORARY FARM DWELLING

Subdivision 1. Temporary Farm Dwelling. A manufactured home may be permitted in an Agricultural District if the Zoning Administer finds one of the following conditions satisfied:

(1) The manufactured home will be an accessory dwelling unit located on a farm.

(2) The manufactured home will be occupied by persons who are:

(a) Members of the family of the persons occupying the principal dwelling house on the premises.

(b) Engaged in the occupation of farming on the premises as partners or other business associates or employees of the persons living in the principal dwelling house on the premises.

(3) The permit is so conditioned that it will expire and terminate at such time as the persons occupying the mobile home are no longer engaged in farming or on the premises as required by paragraph 2. b. above.

(4) At the time of termination of the permit, the mobile home temporary farm dwelling shall be removed from the premises, within sixty (60) days when practical.

(5) The permit is conditioned so as to be reviewed annually by the Zoning Administrator.

0110.2921 MANUFACTURED HOMES

Subdivision 1. Standards. Manufactured homes shall be permitted in the Residential District provided they meet the following minimum standards.

(1) That the manufactured home is twenty-four (24) feet or more in width and thirty-six (36) feet in length.

(2) That the manufactured home has a minimum living floor area of eight hundred (800) square feet.

(3) That the manufactured home is placed on a permanent foundation.

(4) That the manufactured home has a conventional dwelling roof and roof line.

(5) That the manufactured home meets all other requirements of law and county code.

0110.2922 SEWAGE TREATMENT

Standards Adopted by reference. Houston County hereby adopts by this reference, Mn Rules Parts 7080 through 7083 as now constituted and from time to time amended.

Subdivision 1. *Within 10 months of receiving a Notice of Noncompliance* from the Environmental Services Office, a landowner shall upgrade, replace, repair or discontinue use of a system failing to protect groundwater as described in part 7080.1500, subpart 4, item B.

Subdivision 2. *Imminent Threat to Public Health or Safety*. An SSTS that is determined to be an imminent threat to public health or safety in accordance with

MN Rules, Chapter 7080.1500, subp. 4A shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within 10 months of receipt of a Notice of Noncompliance.

Subdivision 3. *Bedroom Additions* – The owner is allowed 10 months from the date of issuance of a bedroom addition permit to upgrade, repair, or replace an existing system.

Subdivision 4. *SSTS built before April 1, 1996 – Separation to limiting layer*. SSTS built before April 1, 1996 outside of area designated as shore land areas, wellhead protection area, or SSTS providing sewage treatment for food, beverage, or lodging establishments must have at least two feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock.

Subdivision 5. *Licensing*. No person shall engage in site evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance, or pumping of SSTS without an appropriate and valid license issued by MPCA in accordance with MN Rules, Chapter 7083 except as exempted in 7083.0700.

Subdivision 6. *Abandonment of SSTS*. Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned in accordance with MN Rules, Chapter 7080.2500.

Subdivision 7. *Technical Standards for SSTS*. Houston County hereby adopts by reference MN Rules, Chapters 7080 and 7081 in their entirety as now constituted and from time to time amended.

Subdivision 8. *Administrative Variances*. Upon inspection by the zoning Administrator and/or SSTS licensed inspector/s working within the Houston County Environmental Services Office and including review of all site specific conditions, a variance to setback rules of the 7080 rules may be issued to the applicant without the use of a public hearing and a ruling by the Houston County Board of Adjustments. The administrative variance shall not limit the powers of the Zoning Administrator to require a public hearing if site specific conditions require it.

(a) *Variances from the rule*. Variance requests to deviate from the design flow determination procedures in MN Rules, Chapter 7081.0110 if the deviation reduces the average daily estimated flow from greater than 10,000 gallons per day to less than 10,000 gallons per day, or to provisions in 7080.2150 subp. 2 and 7081.0080, Subp. 2 through 5 regarding the vertical separation required beneath the treatment and dispersal soil system and saturated soil or bedrock from the required three feet of unsaturated soil material (except as provided in 7082.1700, subp. 4D) must be approved by MPCA. Variances to well and water supply lines must be approved by the Minnesota Department of Health.

Subdivision 9. *Design Review and Permit Issuance*. A soils review shall be done on site to verify depth to limiting layer. This review shall be conducted by a licensed SSTS designer with training in soils (contractor) and a verification of the depth to limiting layer shall be conducted by the Environmental Services Department/Local Governing Unit (LGU). Every effort shall be made by the contractor to include the LGU in this process prior to submission of a SSTS permit application. If a soils verification cannot be made by both the contractor and LGU prior to submission of the SSTS permit application, then a verification of depth shall be done at some time prior to the installation of the new system. The LGU shall review a SSTS permit application and supporting documents. Said review shall be complete within (5) working days of receipt of a complete SSTS application. Upon satisfaction that the proposed work will conform to the provisions of this Ordinance, the LGU shall issue a written permit authorizing construction of the SSTS as designed. All SSTS permit applications shall be submitted to the LGU with sufficient design and maintenance information so as to ensure a complete application and no work shall start on the proposed SSTS until a valid permit has been issued by the LGU. In the event the applicant makes a significant change to the approved application, the applicant must file an amended application detailing the changed conditions for approval prior to initiating or continuing construction, modification, or operation for approval or denial. The LGU shall complete the review of the amended application within (5) working days of receipt of the amended application. If the permit application is incomplete or does not meet the requirements of this ordinance the LGU shall deny the application. A notice of denial shall be provided to the applicant, which must state the reason for the denial.

(1) *Construction Inspection and System Management*. An on-site inspection of all newly constructed SSTS shall be provided by Environmental Services Department Staff (LGU). Every effort shall be made by the applicant or SSTS contractor to ensure a viable inspection is completed during the construction phase of the new system. Inspection shall include location and depth of the system, type of system, sizes and types of distribution media (rock, pipe, chamber, etc.), size of system, verification of depth to limiting layer of the soils on site, verification of calculations based on given soils, location of property lines, wells, old ISTS systems, etc., date, name of owner, parcel number and address, final drawing of system, inspector name, contractor name, etc. Management of any SSTS system shall conform with all recommendations and/or guidelines as specified within an

SSTS permit and/or design and maintenance criteria and shall meet compliance with this ordinance, the MN Rules Chapter 7080, 7081 and any future changes or modifications thereof.

Subdivision 10. *Lots created after Jan. 23, 1996.* All lots created after January 23, 1996 must have a minimum of two soil treatment and dispersal areas that can support trenches, seepage beds, mounds, and at-grade systems as described in MN Rules Chapters 7080.2200 through 7080.2230 or site conditions described in 7081.0270, subp. 3 through 7.

Subdivision 11. *Holding Tanks*. An SSTS permit shall be required of all proposed applications for a holding tank. After installation of said holding tank an "Operating Permit" (O.P.) will be issued to the owner. Sewage shall not be discharged to a holding tank until the Environmental Services department (LGU) certifies that the holding tank was installed in substantial conformance with the approved plan, receives the final record drawing upon inspection and a valid "C.O.C." is issued to the owner.

(1) *Conditional Provision for Holding Tanks*. Holding tanks may be used for single family homes and other buildings with limited water use under the following conditions:

(a) The owner shall install a holding tank in accordance with MN Rules Section 7080.2290.

(b) The owner shall install a remote alarm and/or effluent meter (mechanical or electrical) to continuously record the level of effluent within the tank.

(c) The owner shall maintain a valid contract with a licensed maintainer to pump and haul the contents of the holding tank to a licensed treatment facility.

(d) The holding tank shall be regularly pumped, no less frequently than bi-weekly or other regular schedule agreed upon with the department.

(e) The maintainer shall certify each date the tank is pumped, the volume of the liquid waste removed, the treatment facility or field to which the waste was discharged and report to the department that the holding tank is pumped less frequently than bi-weekly or other schedule agreed upon with the department.

Subdivision 12. *Surface Discharge of Sewage*. Any surface discharging system must be permitted under the National Pollutant Discharge Elimination System program by the MPCA.

Subdivision 13. *SSTS in a Floodplain.* SSTS shall not be located in a floodway and wherever possible, location within any part of a floodplain should be avoided. If no

option exists to locate a SSTS outside of a floodplain, location with the flood fringe is allowed if the requirements in MN Rules Chapter 7080.2270 and all relevant local requirements are met including verification of a 10 year flood elevation on the site.

Subdivision 14. *Management Plans*. Management plans are required for all new or replacement SSTS. The management plan shall be submitted to the LGU with the construction permit application for review and approval.

Required Contents of a Management Plan.

(1) Operating requirements describing tasks that the owner can perform and tasks that a licensed service provider or maintainer must perform;

(2) Monitoring requirements;

(3) Maintenance requirements including maintenance procedures and a schedule for routine maintenance;

(4) Statement that the owner is required to notify the LGU when management plan requirements are not being met;

(5) Disclosure of the location and condition of the additional soil treatment and dispersal area on the owner's property or a property serving the owner's residence;

(6) Other requirements as determined by the LGU;

Subdivision 15. *Operating Permits or Certificates of Compliance*. Houston County (LGU) shall issue and enforce operating permits (O.P.) for all holding tanks, Type IV and Type V systems, and MSTS and any other system deemed by the LGU to require operational oversight. Also, Chapter 7082.0100, subp. 3L requires that the local program require owners of systems that are not operated under a management plan (typically an existing ISTS) must inspect and remove solids from septic tanks if necessary every three years.

(1) An Operating Permit must include:

(a) Maintenance requirements, including frequency of maintenance;

(b) Operational requirements;

(c) Monitoring requirements;

(d) Compliance limits and compliance boundaries;

(e) Reporting frequency;

(f) A requirement that the permitted notify the local unit of government when permit requirements are not met. Corrective actions must be taken as directed by the local unit of government;

(g) Disclosure of the location and condition of the additional soil treatment and dispersal system; and

(h) Stipulation of acceptable and prohibited discharges.

Subdivision 16. . *Requirements for systems not operated under a Management Plan*. SSTS that are not operated under a management plan or operating permit must have treatment tanks inspected and provide for the removal of solids if needed every three years. Solids must be removed when their accumulation meets the limit described in MN Rules, Chapter 7080.2450.

Subdivision 17. *Class V Injection Wells*. All owners of new or replacement SSTS that are considered to be Class V injection wells, as defined in the Code of Federal Regulations, title 40, part 144, are required by the Federal Government to submit SSTS inventory information to the Environmental Protection Agency as described in CFR40 part 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures.

Subdivision 18. *Discrepancies for defining limiting layers during the soils verification.* If a documented discrepancy arises on the depth of the limiting layer during a soils analysis between SSTS licensed business(‘) or a SSTS licensed business and a local unit of government for SSTS design or compliance purposes, all disputing parties shall follow the procedure outlined in this item.

(1) The local unit of government (LGU) and the licensed business must meet at the disputed site in an attempt to resolve differences. If the dispute is between two licensed businesses, the LGU shall meet a licensed representative from both businesses at the disputed site in an attempt to resolve differences.

(a) If opinions in subitem (1) are not sought or do not resolve the dispute, the (LGU) shall take into consideration the opinion of other qualified employees of the LGU. The LGU shall render findings of

fact, conclusions of law, and findings setting forth in the reasons for any final decisions they render.

Subdivision 19. *Activities Requiring a SSTS Permit*. A SSTS permit is required for installation of a new SSTS, for replacement of an existing SSTS, or for any repair or replacement of components that will alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function.

(1) *Activities NOT requiring a SSTS permit*. A SSTS permit is not required for minor repairs or replacements of system components that do not alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design layout, or function.

Subdivision 20. *Determining Loading Rates*. Licensed SSTS contractors making determinations for hydraulic loading rate for sizing of the infiltration area for all SSTS permitted under this ordinance shall use *Table IX* from MN Rules, Chapter 7080.2150, subp. 3 (E) Entitled "Loading rates for determining bottom absorption area for trenches and seepage beds for effluent treatment level C and absorption ratios for determining mound absorption areas using detailed soil descriptions."

Subdivision 21. *Treatment of sewage in Houston County*. All sewage generated in unsewered areas of Houston County shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated, and maintained in accordance with the provisions of this Ordinance or by a system that has been permitted by MPCA.

Subdivision 22. *Systems installed after March 31, 1996*. All systems built after March 31, 1996 must have three foot of separation between the bottom of the treatment area and the limiting layer.

Subdivision 23. *List of Differences*. The following is a list of differences between the Houston County Septic Ordinance and Chapters 7080 through 7083.

(1) Use of additional LGU staff in resolving disputes during soil depth verifications between a SSTS designer and LGU staff.

Subdivision 24. . *Sewage Tank Depth.* The top of sewage tanks must not be buried deeper than four feet from final grade for new dwellings, unless site specific conditions warrant additional depth, not to exceed the tank manufacturer's maximum designed depth for the tank. The minimum depth of soil cover over the insulation on the top of the tank is six inches.

Subdivision 25. *Alternative Standards for Seepage pits, Drywells, and Leaching Pits*. Upon inspection by a licensed inspector, designer I, or a qualified employee registered as a basic designer or basic inspector, all seepage pits, drywells, and leaching pits meeting the standards as set forth in 7080 including depth to limiting layer shall be deemed conforming and may be issued a certificate of compliance.

0110.2923 WATER SUPPLY

Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

0110.2924 WASTE WATER TREATMENT

Subdivision 1. Standards. Public waste water treatment systems shall be installed as required by standards and specifications as established by the County Board, the Minnesota Pollution Control Agency, and the Minnesota Department of Health.

(1) The standards contained in MPCA Rules, Chapter 7080 and the attached Appendices A-E (Minnesota Pollution Control Agency's Individual Sewage Treatment Systems Standards) are hereby adopted by reference to supplement the provisions of this section. Copies of these standards shall be on file in the Offices of the County Auditor and the County Zoning Administrator

Subdivision 2. Franchise. Where municipal waste water treatment is not available the County Board may by ordinance grant a franchise for such sewers to serve all properties in the area where a complete and adequate community waste water treatment system and plant are designed and complete plans for the system and plant are submitted to and approved by the County Board, the Minnesota Pollution Control Agency and the Minnesota Department of Health before construction.

0110.2925 NOTIFICATIONS TO THE DEPARTMENT OF NATURAL RESOURCES

Subdivision 1. Shoreland and Flood Plain Notices of Public Hearings. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland and flood plain management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

Subdivision 2. Notice of Final Action. A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under County flood plain and shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification must also include the Board of Adjustment's record of the hearing and the findings and conclusions which supported approval of the variance.

0110.2926 APARTMENTS, TOWNHOUSES, AND OTHER MULTI-FAMILY USE

All apartments, townhouses and other multi-family units shall require a conditional use permit. In addition, the following standards shall apply:

Subdivision 1. Site Plan Required. All requests for building or conditional use permits shall be accompanied by a series of site plans and data showing:

(1) Building locations, dimensions, and elevations, all signs, structures, entry areas, storage sites, and other improvements to the site.

(2) Circulation plans for both pedestrian and vehicular.

(3) Fences and screening devices.

(4) Solid waste disposal provisions and facilities.

(5) Storm drainage plans.

(6) Firefighting and other public safety facilities and provisions such as hydrant locations and fire lanes.

(7) Data pertaining to numbers of dwelling units, sizes, lot area, ratio, etc.

(8) Exterior wall materials and design information.

(9) A two (2) foot contour topographical map of the existing site.

Subdivision 2. Grading Plan Required. A grading plan is required showing the proposed grade changes from the original topographical map. All site area, when fully developed, shall be completely graded to adequately drain and dispose of all surface water, storm water and groundwater in such a manner as to preclude large scale erosion, unwanted ponding and surface chemical runoff.

Subdivision 3. Recreation Facility Plan Required. A recreation facility plan is required showing in detail all recreational facilities and structures.

Subdivision 4. Landscape Plan Required. A landscape plan is required showing the site fully developed. The landscape plan is subject to review and approval by the Planning Commission. The landscaping plan shall specify the size, type, and location of all trees and shrubbery and the location of all seeded and sodded areas. The detailed landscape plan shall be prepared by a State Registered, Professional Landscape Architect.

Subdivision 5. Soil Erosion Control Plan Required. A soil erosion control plan is required for the construction period. Areas within the construction zone shall be fenced with construction limit fencing as per the plan to prohibit heavy machinery

and/or materials from being placed on areas not to be disturbed during construction. This shall, at a minimum, include all slopes in excess of eighteen percent.

Subdivision 6. Performance Standards. The setback requirements, lot size, area, height and bulk are the same as those listed in the Residential District.

Subdivision 7. Parking Requirements.

(1) Two parking spaces per unit shall be provided on the same site as the dwelling unit. Each space shall not be less than nine (9) feet wide and twenty (20) feet in length, or as approved tic the Zoning Administrator, and each space shall be served adequately with access drives.

(2) A minimum of fifty percent (50%) of the parking spaces shall be in garages.

(3) Parking spaces shall not be within twenty (20) feet of the side lot line, within the front yard or within five (5) feet of the rear lot line.

(4) Bituminous or concrete driveways and parking areas with concrete curbing shall be required.

Subdivision 8. Landscape Provisions. The design shall make use of all land contained in the site. All of the site shall be related to the circulation, recreation, screening, building, storage, landscaping, etc., so that no portion of the site remains undeveloped. A minimum of twenty (20) percent of the site shall be landscaped.

Subdivision 9. Parking Area Screening. Screening of parking areas to a height of at least five (5) feet shall be required as follows:

(1) For any off-street parking area contains more than six (6) parking spaces and is within thirty (30) feet of an adjoining residential zone.

(2) When the driveway to a parking area of more than six (6) parking spaces is within fifteen (15) feet of an adjoining residential zone.

Subdivision 10. Exterior Storage Screening. All exterior storage shall be screened. Exterior storage screening required shall consist of a solid fence or wall not less than five (5) feet high, but shall not extend within fifteen (15) feet of any street driveway or lot line.

Subdivision 11. Sidewalks. Sidewalks shall be provided from parking areas, loading zones and recreational areas to the entrances of the building.

Subdivision 12. Recreation Facility Setbacks. Outdoor swimming pools or other intensive recreation shall observe setbacks required for the principal structure.

Subdivision 13. Appearance. All buildings within an apartment development shall be so planned that they have the equivalent of a front appearance of each exterior vertical surface.

Subdivision 14. Special Provisions Relating to Multiple Dwelling Unit Development. The following general standards apply:

(1) No multiple family dwelling shall have an air conditioning unit protruding from any exterior wall, except to the extent required for proper functioning of said air conditioning unit. An appropriate grill shall be provided to cover any such protrusion and shall be designed to appear as an integral part of the exterior wall.

(2) Open air drying of clothes shall not be permitted on the grounds of multiple family dwellings except when the following conditions are met:

(a) The areas for open air drying of clothes are specifically drawn on the original site plans.

(b) A durable and dust free surface and adequate screening is provided for the entire area to be used for the drying of clothes.

(3) Each multiple family dwelling development containing more than four (4) dwelling units shall include a play area, part of which shall be a paved surface,

(4) Any blighting or deteriorating aspects of the multiple family dwelling development shall be placed or absorbed by the site itself, rather than by neighboring residential uses. This provision particularly applies to the location of parking areas.

(5) Except with townhouses and multiple family dwellings of four (4) or less units, no exterior trash or garbage disposal or storage shall be permitted. In the case of row housing and multiple family dwellings of four (4) units or less, there shall be no exterior incineration and all storage shall be completely enclosed by walls and roof.

(6) The design shall make use of all land contained in the site. All of the site shall be related to the multiple family use, parking, circulation, recreation, landscaping, screening, building, storage, etc., so that no portion remains undeveloped.

(7) If it is intended that individual buildings of a multiple family dwelling complex be sold separately, provision shall be made so that each such building to be sold abuts upon a public street.

0110.2927 ENVIRONMENTAL REVIEW

Policy regarding environmental review. Under the Environmental Review Program of he State of Minnesota, 4410.7800. The process for preparation, review and determination of the adequacy of an Environmental Assessment Worksheet (EAW) or Environmental Impact Statement (EIS) is

described in the above rules. To ensure that adequate information is included in the environmental review, the County Board may hire a consultant to prepare an EAW or EIS and the County may charge necessary direct costs to the project proposer. Payment to cover direct costs associated with the consultant shall be paid in full within 20 days after final approval of the review document and no permits shall be issued by the County to the proposer until such payment in full has been received by the county.

SECTION 30 - PARKING STANDARDS

0110.3001 PARKING AND LOADING STANDARDS

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

0110.3002 GENERAL REQUIREMENTS

Subdivision 1. Minimum Parking Space Size Standards. Each space shall be a minimum area of not less than three hundred (300) square feet, including access drives, a width of not less than nine (9) feet and a depth of not less than twenty (20) feet.

Each 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 of goods or for storage of vehicles that are inoperable or for sale or rent.

Subdivision 3. Truck Parking In Residential Areas. No motor vehicle over one (1) ton capacity bearing a commercial license and no commercially licensed trailer shall be parked or stored in a platted residential district or a public street except when loading, unloading or rendering a service. Pickups are not restricted by the terms of this provision.

Subdivision 4. Other Parking In Residential Areas. Parking in residential areas (off-street and on-street) shall be limited to motor vehicles for the use of the residents of those homes. Except for short-term parking, six (6) hours or less, and guest parking, the number of vehicles parking on or in front of a residential lot shall not exceed the number of persons residing on the premises and having automobile driver's licenses.

Subdivision 5. 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.

0110.3003 REQUIRED OFF-STREET PARKING SPACES

Subdivision 1. Computing Parking Requirements. In computing the number of such parking spaces required, the following rules shall govern:

(1) Floor space shall mean the gross floor area of the specific use.

(2) Where fractional spaces result, the parking spaces required shall be construed to be the next whole number.

(3) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature, as determined by the Board of County Commissioners and the County Planning Commission.

Subdivision 2. Required Number of Off-Street Spaces Parking Spaces. On-site parking areas, (One space equals 300 square feet), 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 are as follows:

(1) One and Two Family Residence - Two (2) spaces per dwelling unit

(2) Multiple Dwellings - Two (2) spaces per dwelling unit

(3) Hotel or Motel - One (1) space per rental unit plus one space per employee.

(4) Churches, Theaters, Auditoriums, and Other Places of Assembly - One (1) space for each three (3) seats or for each five (5) feet of pew length based upon maximum design capacity.

(5) Funeral Homes - Sufficient off street parking shall be required to accommodate the maximum number of guests expected to be in attendance at any given time. The number of required spaces shall be determined by the local governing body after due consideration is given to the expected parking needs of the funeral home.

(6) Business and Professional Offices - One (1) space for each 400 square feet of gross floor space.

(7) Medical and Dental Clinics - Five (5) spaces per doctor or dentist, plus one (l) space for each employee.

(8) Hospital - At least (1) parking space for each three (3) hospital beds plus one (1) space for each four employees, other than doctors, plus one space for each resident and regular staff doctor.

(9) Elementary and Junior High School - Three (3) spaces for each classroom.

(10) High School and College - One (1) space for each four student based upon design capacity plus three (3) additional spaces for each class-room.

(11) Restaurants, Cafes, Bars, Taverns and Night Clubs - At least one (1) space for each three (3) seats based on capacity design.

(12) Drive-In Food Establishments - One (1) space for each fifteen square feet of gross floor space in the building allocated to drive-in operation.

(13) Retail Stores - At least one (1) off-street parking space for each one hundred fifty (153) square feet of gross floor area.

(14) Bowling Alley - At least five (5) parking spaces for each alley, plus additional spaces as may be required herein for related uses such as restaurant, plus one (1) additional space for each employee.

(15) Automobile Service Station - At least two (2) off-street parking spaces plus four (4) off-street parking spaces for each service stall.

(16) Industrial, Warehouse, Storage, Handling of Bulk Goods. One space for each employee on the major shift or one space for each two thousand square feet of gross floor area, whichever is larger.

(17) Uses Not Specifically Noted - As determined by the County Board following review by the Planning Commission.

0110.3004 PARKING LOT DESIGN

Subdivision 1. Parking Lot Site Plan Required. All plans submitted for a land development permits requiring more than four (4) parking spaces or loading facilities shall include a site plan approved by the Planning Agency.

The site plan shall be a part of the Zoning Permit and no final approval shall be issued until all items shown on the site plan for parking and loading facilities have been completed. The site plan should include at least the following:

(1) Land Use District, setbacks, and statement of use.

(2) North point and scale.

(3) All adjacent rights-of-way.

(4) Entire ownership of lot or parcel being developed.

(5) Completely dimensioned parking layouts.

(6) Emergency vehicle access.

(7) Owner's name and current address.

(8) Location and type of screening or landscaping when required.

(9) Other information required by the Planning Agency or by this Ordinance.

Subdivision 2. 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:

(1) In the Highway 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 residence districts.

(2) In the General Business District, no parking or loading space shall be located within ten (10) feet of any highway, right-of-way.

(3) In the Limited and General Industry Districts, no parking or loading space shall be located within ten (l0) feet of any property line that abuts a highway right-of-way line, or any residence districts, except for railroad loading areas.

Subdivision 3. Buffer Fences and Planting Screens. Off street parking and loading areas near or abutting a residence district shall be screened by a buffer fence of adequate cosign or a planting buffer screen; plans of such screen or fence shall be submitted for approval as part of the required site or plot plan, and such fence or landscaping shall be installed as a part of the initial construction.

Subdivision 4. Access. In providing access to parking and loading space, the following rules shall govern:

(1) Parking and loading space shall have proper access from a public right-of-way.

(2) The number and width of access drives shall be located to minimize traffic congestion and abnormal traffic hazards.

(3) Vehicular access to business or industrial uses across property in any residence districts are prohibited.

Subdivision 5. Location of Parking Facilities. Required off-street parking space shall be provided on the same lot as the principal building or use, except as provided in Subd. 6 below.

Subdivision 6. Combined Facilities. Combined or joint parking facilities may be provided for one (1) or more buildings or uses in the GB and HB Districts and in LI and GI Districts, provided that the total number of spaces shall equal the sum of the requirements for each use.

Subdivision 7. Construction and Maintenance. In GB and HB Business Districts and in LI and GI 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. The operator of the principal building or use shall maintain parking and loading areas, access drives and yard areas well-kept.

Subdivision 8. Lighting. Lighting shall be reflected away from the public right of way and nearby or adjacent Residence Districts.

0110.3005 OFF-STREET LOADING AND UNLOADING AREAS

Subdivision 1. Location. All required loading areas shall be off-street and shall be located on the same lot as the building or use to be served. A loading berth shall be located at least twenty-five (25) feet from the intersection of two (2) street right-of-ways and at least fifty (50) feet from a residential district unless within a building. Loading berths shall not occupy the required front yard space.

Subdivision 2. Size. Unless otherwise specified in this Ordinance. Each required loading berth shall not be less than twelve (12) feet in width, fifty (50) feet in length, and fourteen (14) feet in height, exclusive of aisle and maneuvering space.

Subdivision 3. Required Loading Spaces. Determined by the County Board following review by the Planning Commission.

Subdivision 4. Access. Each required loading berth shall be located with appropriate review by the Planning Commission.

Subdivision 5. Surfacing. All loading berths and access ways shall be improved with a durable material to control dust and drainage.

Subdivision 6. Accessory use. Any space allocated as a loading berth or maneuvering area to comply with the terms of this Ordinance shall not be used for the storage of goods or inoperable vehicles, or be included as a part of the space requirements necessary to meet the off-street parking area.

Subdivision 7. Off-street loading. In connection with any structure which is to be erected or substantially altered, and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, there shall be provided off-street loading space as follows:

(1) Retail Stores, Service Establishments and Office Buildings - One (1) space for the first 10,000 square feet of gross floor area and one (1) space for each additional 50,000 square feet of gross floor area.

(2) Hospitals, Rest Homes, Nursing Homes, Etc. - One (1) space plus one (1) additional space for each 100,000 square feet of gross floor area.

(3) Restaurants - One (1) space for structures over 10,000 square feet of gross floor area.

(4) Manufacturing, Fabrication, Warehousing and Storage - One (1) space for each 30,000 square feet of gross floor area.

Subdivision 8. Noise. Where noise from loading or unloading activity is audible in a residential district, the activity shall terminate between the hours of 10:00 p.m. and 7:00 a.m.

SECTION 31 - MANUFACTURED HOME PARKS

0110.3101 PURPOSE

The intent and purpose of this Section is to assure quality development equal to that found in other types of residential areas throughout the County. Excellence in design, development, and maintenance is the desired objective.

0110.3102 CONSTRUCTION STANDARDS

Subdivision 1. Home Construction, Plumbing, Electrical and Mechanical Standards. All manufactured homes shall meet the construction, plumbing, electrical and mechanical standards as prescribed by the State of Minnesota and American Standards Association Code Provisions A-ll9, I-1963 to l968, and shall be certified to these standards by a manufacturer's seal or certificate.

Subdivision 2. Park Water Supply, Electrical Lines and Sanitary and Storm Sewer Standards. The construction and installation of sanitary and storm sewers, water and electrical lines within a manufactured home park shall comply with all County and State codes.

0110.3103 PERMITS REQUIRED

It shall be unlawful for any person to construct, alter, or extend any manufactured home park or structures within the park that are permanent in nature within the limits of Houston County unless such person holds a valid permit issued by the Zoning Administrator in the name of such person for the specific construction, alteration or extension proposed.

0110.3104 APPLICATION FOR A MANUFACTURED HOME PARK PERMIT

Subdivision 1. Information Required. Application for a Conditional Use Permit shall be subject to the requirements of Section 5 and shall contain the following information:

(1) Name and address of applicant.

(2) Location map and legal description of the proposed manufactured home park.

(3) A site plan of the proposed development that includes the following information:

(a) The area and dimensions of the tract of land.

(b) Location of abutting existing streets and highways.

(c) The existing topography.

(d) The existing use of adjacent land and structures.

(e) The number, location, and dimensions of all proposed manufactured home lots.

(f) The location and size of recreation areas.

(g) Location and dimensions of all proposed roadways and walkways. Plans and specifications details shall be included as an attachment to the site plan.

(h) Location and dimensions of all buildings to be constructed within the manufactured home park. . Plans and specifications details shall be included as an attachment to the site plan.

(i) A landscape plan that shows the species, size and location of all plantings. The landscape plan shall be included as an attachment to the site plan.

(j) A lighting plan that shows the location and specifications of all exterior lighting. The lighting plan shall be included as an attachment to the site plan.

0110.3105 MANUFACTURED HOME PARK DEVELOPMENT STANDARDS

Subdivision 1. Minimum Site Requirements. The following are the minimum manufactured home park area and density standards:

(1) There shall be a minimum area requirement of ten (10) acres with a minimum width of three hundred (300) feet for any manufactured home park.

(2) No manufactured home park shall contain less than ten (10) lots.

Subdivision 2. Lot Area and Setback Requirements. The following are the minimum manufactured home park lot area and setback standards:

(1) Each lot for a manufactured home shall contain an area of not less than five thousand (5,000) square feet.

(2) Minimum distance between units shall be twenty (20) feet, or the sum of the heights of the two units, whichever is greater: the point of measurement being a straight line at the closest point between the units being measured.

(3) There shall be a minimum setback of eighty (80) feet between the property line and any use within a manufactured home park or travel trailer court and adjacent properties.

Subdivision 3. Parking and Street Requirements. All streets, parking spaces, and access drives to parking and home sites shall be paved with a bituminous or concrete surfacing material, designed to County standards. The following are the minimum manufactured home park parking and street development standards:

(1) Parking:

(a) Parking requirements shall be subject to the requirements of Sections 28 and 29.

(b) Two (2) hard-surfaced off-street parking spaces shall be provided for each manufactured home. Off-street parking shall not be closer than fifteen (15) feet to the nearest home.

(c) Not more than two (2) vehicles may be stored on a site for a period of more than forty-eight (48) hours. Vehicles without current license shall not be allowed.

(d) Commercial vehicles with a gross weight larger than one (1) ton shall not be parked on any home site.

(2) Streets:

(a) Streets shall have a minimum right-of-way of forty-four (44) feet in width, twenty-two (22) feet of which shall be paved.

Subdivision 4. Site Development Requirements. The following are the minimum manufactured home park site development standards:

(1) Each home site shall have a base of at least four (4) inches of compacted gravel or aggregate of adequate size on which the home shall be parked.

(2) Each home shall be skirted with a uniform type of material approved by the park management. Such skirting must be installed within ten (10) days from the date of installation of the unit.

(3) All manufactured home parks shall have at least ten (10) percent of the land area developed for recreational use and maintained at the owner's expense.

(4) Manufactured home parks shall be laid with sod on the entire site except for areas used for streets, sidewalks, patios, parking base and off-street parking area.

(5) All utilities such as water, gas, electric, sewage disposal and TV cable shall be underground. There shall be no overhead wires or supporting poles except those for street or other lighting purposes.

(6) All manufactured home parks shall be screened with natural or artificial barriers as prescribed by the Houston County Planning Commission.

Subdivision 5. Storage Facilities. Each manufactured home park shall have an area of not less than five thousand (5,000) square feet for dead storage and over-load parking for each 50 home sites or percentage thereof.

Subdivision 6. Emergency Shelters. All manufactured home or travel trailer parks shall be required to provide tornado shelter facilities adequate in size to accommodate safely all occupants of the park. The design and construction of the shelter facility shall be subject to the approval of the County Engineer and the County Board.

Subdivision 7. Service Building and Other Service Facilities. Each manufactured home park shall have a central service building as required by the Minnesota State Board of Health. All portions of the service building shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

Subdivision 8. Fuel Supply and Storage. All fuel supply systems shall be installed and maintained in accordance with applicable state codes and regulations governing such systems.

0110.3106 MANUFACTURED HOME PARK OPERATION REQUIREMENTS

Subdivision 1. Refuse Handling. The storage, collection, and disposal of refuse in the manufactured home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding, accident or fire hazards or air pollution.

Subdivision 2. Maintenance and Safety. The owner/operator of any manufactured home park shall be responsible for keeping the manufactured home park and its facilities and equipment in a clean, orderly, sanitary and safe condition. The failure of an employee to maintain the manufactured home park and its facilities and equipment in a clean, orderly, sanitary and safe condition does not relieve the operator for the violation of any provisions of these regulations pertaining to the operation of the manufactured home park.

Subdivision 3. Fire Protection. Manufactured home parks shall be kept free of litter, rubbish, and other flammable material, except for material used for home heating purposes. In addition, the following standards apply:

(1) Portable fire extinguishers rated for classes A, B and C fires shall be kept visible in service buildings and at other locations conveniently and readily accessible for use by all of the occupants and shall be maintained in good operating condition. Their capacity shall be not less than two and one half (2 ½) gallons for Class A

extinguishers and five (5) pounds carbon dioxide or ten (10) pounds dry powder for Class B and C extinguishers.

(2) Fires shall be made only in stoves, incinerators, and other manufactured home park equipment intended for such purposes.

Subdivision 4. Manufactured Home Park Register. It shall be the duty of the operator of the manufactured home park to keep a register containing a record of all manufactured home owners and occupants located within the park. The register shall contain the following information:

(1) The name and address of each manufactured home occupant.

(2) The name and address of the owner of each manufactured home and motor vehicle by which it is towed.

(3) The make, model, year and license number of each manufactured home and motor vehicle.

(4) The state issuing such license.

(5) The date of arrival and departure of each manufactured home.

(6) Whether or not each manufactured home is a dependent or independent manufactured home.

Subdivision 5. Inspection of Register. The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duty necessitates acquisition of the information contained in the register.

Subdivision 6. Destruction of Register. The register record for each occupant registered shall not be destroyed for a period of three (3) years following the date of departure of the registrant.

0110.3107 MANUFACTURED HOME PARKS IN THE FLOOD PLAIN DISTRICT

Subdivision 1. New Manufactured Home Parks and Expansions to Existing Manufactured Home Parks. New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions within the Flood Plain District by Sections 21 and 22 of this Ordinance.

Subdivision 2. Manufactured Homes in Existing Manufactured Home Parks. Manufactured homes in existing manufactured home parks that are located in flood plain districts are nonconforming uses and may be replaced only if in compliance with the following conditions:

(1) The manufactured home lies in the Flood Fringe District.

(2) The manufactured home is anchored with tie downs that comply with requirements of Minnesota Regulations MPH 450.

(3) The manufactured home owner or renter is notified that the manufactured home site lies in the flood plain and may be subject to flooding.

(4) The manufactured home park owner develops a flood emergency plan consistent with the time available after a flood warning. The plan shall be filed with and approved by the County Board.

SECTION 32 - ESSENTIAL SERVICE UTILITY PERMITS

0110.3201 ESSENTIAL SERVICES

Subdivision 1. General. Essential services have an effect upon urbanizing areas of the County, land uses, highway location, park and recreation areas, preservation of natural environmental areas, lakes, streams, and rivers. The plans for the construction or modification of essential services shall be filed with the County, and a permit obtained, prior to beginning any condemnation action or construction.

0110.3202 STATION TO STATION TRANSMISSION OF ESSENTIAL SERVICES

Applications for essential services being transferred from station to station, to be located parallel to a county highway, and not intended for local distribution service shall be processed as follows:

Subdivision 1. Information Required. The applicant shall file with the County Engineer and the Zoning Administrator maps indicating the location, alignment and type of the essential service proposed. If the essential service exceeds review thresholds for an Environmental Assessment Worksheet, (EAW), or Environmental Impact Statement, (EIS), as set forth in Minnesota Rules 1991, Minnesota Rules, Chapter 4410, the application shall include a copy of EAW or EIS. The County will act within sixty (60) days, upon acceptance of an application, with all supporting documents and fees.

Subdivision 2. Planning Commission Review. All maps and accompanying data furnished by the applicant, together with comments from the Administrator and Engineer, shall be forwarded to the Planning Commission for a public hearing and review. In the process of review, the Commission may require the applicant to furnish additional information necessary for their decision and recommendation to the County Board.

0110.3203 LOCAL DISTRIBUTION SERVICES

Applications for essential services to be located parallel to a county highway and for immediate local distribution to the general public shall be processed as follows:

Subdivision 1. File Application with County Engineer. The applicant shall file an application with the County Engineer, on forms supplied by the Engineer, with maps showing the location, alignment and type of service proposed.

Subdivision 2. Information Required. The Engineer may require in conjunction with the issuance of a permit that:

(1) The applicant submits as-built drawings after the construction is completed.

(2) The applicant construct the essential services to take into consideration contemplated widening, re-grading or relocation of a county highway or county state aid highway.

(3) Other requirements as determined by the Engineer after discussion with the Essential Service provider.

Subdivision 3. Review by County Engineer. The application and accompanying data will be reviewed by the Engineer, who will issue the permit normally within fourteen, (14) days after determining that the application is complete and the proposal is acceptable.

0110.3204 ESSENTIAL SERVICES AND SUBSTANTIAL RECONSTRUCTION SETBACK

Subdivision 1. Located Entirely in Public Right-of-Way or Setback. It is the intention of this Ordinance that essential services, (not including transmission lines greater than 69 kilovolts) shall be located entirely within a public right-of-way, or setback a minimum of one hundred feet (100) feet from the centerline of any road on the Houston County Highway System when the following conditions exist:

(1) When an essential service is to be constructed where it did not previously exist.

(2) The substantial reconstruction of an existing essential service.

(3) Other similar facilities defined in Part 0110.0305 of this Ordinance as determined by the County Engineer after discussion with the Essential Service provider.

When essential services are to be relocated outside of the highway right-of-way as a result of this Subdivision, the County Engineer will notify the affected property owner and the reasons for the relocation.

Subdivision 2. Maintenance Exceptions. The following exceptions are permitted without compliance with Subd. 1. above:

(1) The minor, normal maintenance of existing lines and substations.

(2) Service to individual users.

(3) Essential service fed to the road right-of-way or easement of another jurisdiction from an essential service installed parallel to a road of the Houston County Highway System.

0110.3205 VARIANCE

Pursuant to Section 11 of this Ordinance, the owner may apply for a variance from the setback requirements of Part 0110.3204 of this Ordinance**,** including within private easements, when a hardship or practical difficulty exist.

SECTION 33 - LIVESTOCK FEEDLOT STANDARDS

0110.3301 UNIQUE NATURAL RESOURCES

Houston County is unique in Minnesota because of its unrivaled beauty. Much of its beauty consists of steep wooded slopes, exposed bedrock walls and gently rolling valleys through which the Root River and its tributaries flow. Scattered throughout the valleys are farms, hamlets and rural communities. Traditionally, livestock agriculture has been an important part of the economy and industry of Houston County.

The county is also unique because of its karst geology and porous soils. Because of all the reasons noted above, general manure management standards that may work well in other counties may not be adequate for Houston County. Each feedlot operation must be planned and managed based upon many factors that relate to its unique location in the landscape and existing land use of the county.

0110.3302 HOUSTON COUNTY FEEDLOT REGISTERTATION REQUIRED

Subdivision 1. Registration Required. Hereafter, no person shall own or operate an animal feedlot in Houston County without first registering the feedlot with the county zoning office. Registration is also required when any of the following conditions occur:

(1) A new animal or poultry confinement facility is proposed.

(2) The expansion of an existing feedlot is proposed.

(3) When there is a change in operator or owner of an existing feedlot.

(4) When there is a change of species at an existing feedlot.

Subdivision 2. Registration Update. Owners shall update their registrations prior to the registration update deadlines which shall be established by adding four-year increments to the initial registration deadline of January 1, 2002. Owners shall register at least once during each of the four-year registration update intervals as set forth in MR 7020.0350 subpart 4.

Subdivision 3. Notification of Registration Update. The county zoning office shall notify the owner of registration updates as follows:

(1) Notify owner at least 90 days prior to the scheduled registration update deadline about re-registration; and

(2) Send a receipt of registration to owner within 30 days of receipt of the registration.

0110.3303 NOTIFICATION OF INTENT TO CONSTRUCT OR EXPAND A FEEDLOT

Subdivision 1. Notification for Under 500 Animal Units. The expansion of an existing, or construction of a new feedlot under 500 animal units or a change in species at an existing feedlot requires written notice to the zoning office. The zoning office will provide notice to the township board in which the facility is located and other townships within one (1) mile, and all municipalities within two (2) miles of the facility.

Subdivision 2. Notification for 500 or More Animal Units. An owner of an animal feedlot or manure storage area proposing to construct or expand an animal feedlot capable of holding 500 or more animal units, or a manure storage area capable of holding the manure produced by 500 or more animal units, shall no later than ten business days after the application is submitted to the MPCA or county, provide notice to each resident and each owner of real property within 5,000 feet of the perimeter of the proposed feedlot by:

(1) Publishing in the official newspaper of the county notification containing the following information:

(a) The names of the owners or the legal name of the facility.

(b) The location of the facility by county, township, section, and quarter section.

(c) Species of livestock and total animal units.

(d) Types of confinement buildings, lots, and areas at the animal feedlot.

(e) The types of manure storage areas.

(2) Deliver in person, or send by first class mail, a written notice to each resident and each owner of real property within 5,000 feet of the perimeter of the proposed feedlot containing the information in paragraph 1. above.

Subdivision 3. Affidavit of Mailing. A certified affidavit of mailing will be provided to the zoning office.

0110.3304 PERMIT REQUIREMENTS

Four types of permits are issued under MR 7020 and 7001: The permits are Construction Short-Form Permit, Interim Permit, SDS Permit, and NPDES Permit. An extended compliance schedule, part 0110.3323, of this Ordinance, called the Open Lot Certification for feedlot operations with less than 300 animal units is also available.

0110.3305 CONSTRUCTION SHORT - FORM PERMIT

Subdivision 1. Construction Short-Form Permit Required. A Construction-Short-Form Permit is required for the construction or expansion of an animal feedlot or

manure storage area with a capacity of 300 animal units or more, or if the manure produced at the facility will exceed 300 animal units.

(1) Exception. The facility is not required to obtain a Construction-Short-Form Permit if an Interim Permit, SDS permit, or a NPDES permit is required.

(2) Expansion of a Pollution Hazard. A facility that is determined to be a pollution hazard and the owner is proposing to expand to a capacity of 300 animal units or more, or the manure produced by 300 animal units or more, the owner shall apply for an interim permit.

0110.3306 CONSTRUCTION SHORT-FORM PERMIT CONTENT

A construction short-form permit issued by the MPCA or county feedlot pollution control officer must state: "The permittee shall comply with MR, parts 7020.2000 to 7020.2225, and all applicable requirements." The permit must also identify at least the following information:

(1) The permit number;

(2) The owners' names and addresses;

(3) The legal name of the animal feedlot, or manure storage area if different from that of the owner;

(4) The location of the facility by county, township, section, and quarter section;

(5) The existing and proposed animal types and types of animal holding areas;

(6) The maximum number of animal units authorized at the facility after construction or expansion is complete; and

(7) The types of existing and proposed manure storage areas. Design plans and specifications for proposed manure storage areas shall be incorporated by reference into the permit.

The general conditions in MR part 7001.0150, excluding subpart 3, item P, must be incorporated by reference in all construction short-form permits.

0110.3307 INTERIM PERMIT

Subdivision 1. Interim Permit Required. Unless required to obtain a NPDES or SDS permit and the feedlot does not qualify for a construction-short-form permit or the open lot certification then an interim permit is required under any of the following conditions:

(1) The facility is identified as a potential pollution hazard;

(2) An animal feedlot or a manure storage area with a capacity of 300 or more animal units prior to applying manure or process wastewater and any of the following conditions exist:

(a) On land where the soil phosphorus test exceed the following levels:

i. Fields in special protection areas or within 300 feet of open tile intakes

that have an average soil phosphorus test level exceeding 75 ppm using the Bray P1 test or 60 ppm using the Olsen test.

ii. Fields outside the special protection areas and more than 300 feet from open tile intakes that have an average soil phosphorus test level exceeding 150 ppm using the Bray P1 test or 120 ppm using the Olsen test.

iii. When testing for phosphorus, soil samples must be collected from the upper six inches of soil at a minimum frequency of once every four years and analyzed for phosphorus using the Bray P1 or Olsen test.

iv. If soil phosphorus levels exceed the levels in paragraphs (1) and (2) above, then the owner must also complete a manure management plan.

(b) On land in special protection areas with slopes exceeding six percent; or

(c) In a drinking water supply management area where the aquifer is designated vulnerable under MR 4720.

0110.3308 DURATION OF CONSTRUCTION SHORT-FORM AND INTERIM PERMITS

All construction short-form and interim permits expire within 24 months of the date of issuance. If the work for which a construction short-form permit was issued is not complete upon expiration of the permit, the expiration date of the permit may be extended by no more than 24 months if the owner complies with items 1 and 2 below. If the pollution hazard, for which an interim permit was issued, is not corrected upon expiration of the permit, the expiration date may be extended by no more than 90 days if:

(1) The facility is currently eligible for the same permit; and

(2) The owner notifies the MPCA or county feedlot pollution control officer at least 90 days prior to the expiration of the permit. The notification shall include:

(a) The name of the owner and the name of the facility if different from the owner;

(b) The permit number

(c) The reason the work may not be completed prior to expiration of the permit;

(d) The estimated amount of time required to complete the work; and

(e) If the animal feedlot under construction or expansion will be capable of holding 500 animal units or more, or the manure storage area under construction or expansion will be capable of holding the manure produced by 500 animal units or more when completed, the notification requirements under part 0110.3303, Subd. 2 of this Ordinance. The notification must include the date on which the original permit was issued and the new proposed completion date.

0110.3309 STATE DISPOSAL SYSTEM

Subdivision 1. State Disposal System Permit Required. When the facility is not required to apply for a NPDES permit under 0110.3310 below, a SDS permit is required when the following conditions are found to exist:

(1) The construction and operation of an animal feedlot or manure storage area that has been demonstrated not to meet the criteria for CAFO and is capable of holding 1,000 or more animal units or the manure produced by 1,000 or more animal units;

(2) The facility does not comply with all applicable requirements of MR parts 7020.2000 to 7020.2225 and the pollution hazard cannot be, or has not been, corrected under the conditions in MR part 7020.0535 applicable to interim permits;

(3) The owner is proposing to construct or operate a new technology. A SDS permit is required for new technology operational methods while these operational methods are employed; or

(4) The facility is one for which conditions or requirements other than those in MR parts 7020.2000 to 7020.2225 were assumed:

(a) As a mitigation measure in an environmental impact statement; or

(b) In obtaining a negative declaration in an environmental assessment worksheet;

0110.3310 NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM

A NPDES permit is required for the construction and operation of an animal feedlot that meets the criteria for CAFO as set forth in the Code of Federal Regulations, title 20, section 122.23.

0110.3311 EXPANSION AND STOCKING LIMITATIONS

Prior to expansion, an owner required to apply for a construction or operating permit under part 0110.3304 shall have obtained the permit, or permit modification, as applicable. An owner issued an interim permit that authorizes construction for an expansion shall not stock the expansion prior to the fulfillment of all permit conditions related to the correction of the pollution hazard for which the interim permit was issued.

0110.3312 NO PERMIT REQUIRED

The owner of an animal feedlot or manure storage area is not required to apply for a permit for:

(1) A feedlot or manure storage area that meets the requirements of part 0110.3323 of this Ordinance. (The Open Lot Certification).

(2) A short-term stockpile or compost site if the owner is not an owner of an animal feedlot or manure storage area other than a short-term stockpile or composting site;

(3) A livestock facility located on county fairgrounds; or

(4) A change in an existing facility that consists solely of a change in ownership of the building, grounds, or feedlot.

(5) A feedlot or manure storage area that has been inspected by a county feedlot officer or MPCA and:

(a) The owner has installed and maintained protective measures that prevent runoff to waters of the state and;

(b) The feedlot has received a “0” feedlot rating using the feedlot model “fleval”. This rating is based on MR 7050.0215 and limits the feedlot runoff to 112mg/l of COD or 25mg/l of BOD during a 25 year, 24 hour, (4.95 inches), rain event.

0110.3313 CHANGE OF OWNERSHIP

Prior to the change in the ownership or control of an animal feedlot or manure storage area issued a permit under this Ordinance, the new owner shall submit to the MPCA or county feedlot pollution control officer the information required in item 1 or 2, as applicable.

If the MPCA or county feedlot pollution control officer determines that the new owner meets the requirements for obtaining the permit, then the MPCA or the county feedlot pollution control officer shall issue the permit to the new owner. The new owner shall submit:

(1) A request for permit modification according to MR part 7001.0190 for facilities covered under an SDS or NPDES permit; or

(2) A change of ownership form provided by the MPCA.

0110.3314 FEEDLOT PERMIT APPLICATION

Subdivision 1. Information Required for a Feedlot Permit Application. In general, the following information is required for review prior to the issuance of a 2-year Interim Permit; a Construction Short Form Permit; a State Disposal System Permit, or a National Pollution Discharge Elimination Systems Permit:

(1) A completed State of Minnesota Permit Application as set forth in MR, 7020.0505.

(2) A Good Neighbor Plan as defined in this Ordnance.

(3) In some instances, because of site specific or operational considerations, the feedlot officer may require additional information.

(4) A plan for disposal of dead animals that is consistent with the Minnesota Board of Animal Health regulations.

(5) The Feedlot Advisory Committee may be requested to conduct an on-site review of any new feedlot, or the expansion of an existing feedlot. The committee will provide to the planning commission findings of fact and make recommendations regarding setbacks, location concerns, the need for vegetative screening, or any other technical information deemed necessary.

0110.3315 PERMIT PROCESSING PROCEDURES

Permit applications must be submitted according to subdivision 1 and 2 below. An application is complete when all applicable information in MR part 7020.0505, subpart 4, and application fees under MR parts 7002.0250 and 7002.0310 have been received by the MPCA or the county feedlot pollution control officer, as appropriate. Incomplete permit applications will not be processed by the MPCA or the county feedlot pollution control officer.

Subdivision 1. NPDES and SDS Permit Applications. NPDES and SDS permit applications must be submitted to the agency in accordance with MR 7020.0505 and MR 7001, with a copy submitted to the county zoning office.

Subdivision 2. Interim Permit and Construction Short-Form Permit Applications. Interim permit and construction short-form permit applications must be submitted to the agency or the county in accordance with MR 7020.0505 and part 7020.0535.

0110.3316 GENERAL FEEDLOT LOCATION AND SETBACK STANDARDS

The setback requirements are to be measured from the outermost boundaries of the feedlot structure

or fence, to the existing dwelling. In the case of residential lots of record, public parks and incorporated city limits, the measurement will be from the feedlot to the closest property line.

Subdivision 1. Feedlot Advisory Committee Review. The Feedlot Advisory Committee shall conduct an on-site review of all variance applications relating to feedlots. Upon completion of the review, the committee shall prepare a report and recommendation for the Board of Adjustment's consideration.

Subdivision 2. Steep Slopes. New feedlots shall be setback a minimum of thirty (30) feet from the top of a steep slope or as determined by the Planning Commission. A new feedlot or the expansion of an existing feedlot must apply for a site specific variance if the site is located on a slope that is over twelve (12) percent, or if the site is closer than thirty (30) feet from the top of a steep slope.

Subdivision 3. Feedlot Setback from Urban Development. New feedlots, and the expansion of existing feedlots located within one-half, (½), mile of a school, church, platted subdivision, public park, or incorporated city limit, shall be reviewed as a site specific variance.

Subdivision 4. Urban Development Setback from Feedlot. New, and the expansion of existing schools, churches, platted subdivisions, public parks, located within one-half, (½) , mile of a registered feedlot shall be reviewed as a site specific variance.

Subdivision 5. Feedlot Setback from Residential Dwelling. New feedlots and the expansion of existing feedlots located within one-fourth (1/4) mile of dwellings, other than the owner's, operator's, or their family member's dwelling, may be reviewed as a site specific variance.

Subdivision 6. Residential Dwelling Setback from Feedlot. New dwellings and the expansion existing dwellings, other than the feedlot owner's or family member's dwelling, less than one-fourth ¼ mile from a registered feedlot shall be reviewed by the feedlot advisory committee and shall require the granting of a site specific variance from the board of adjustment.

0110.3317 SHORELANDS

Subdivision 1. New Feedlots or Manure Storage Prohibited. New animal feedlot or a manure storage area are prohibited within the designated shoreland district.

Subdivision 2. Existing Feedlots or Manure Storage. An existing animal feedlot or a manure storage area is a facility that is located in shoreland and that has been used within the past five (5) years.

Subdivision 3. Feedlots Unused for More Than Five Years. A feedlot that has been unused for more than five (5) years, but less than ten (10) years is a pollution hazard and may resume operation only after applying for and obtaining an interim permit under part 0110.3307 of this Ordinance.

Subdivision 4. Feedlots Unused for Ten Years or More. A feedlot that has been unused for ten years or more shall not resume operation.

Subdivision 5. Shoreland Expansion Limitations. An existing animal feedlot or manure storage area located in shoreland may not expand to a capacity of 1,000 animal units or more or the manure produced by 1,000 animal units or more. An existing animal feedlot or a manure storage area expanding in shoreland shall not locate any portion of the expanded animal feedlot or the manure storage area closer to the ordinary high water mark than any existing portion of the animal feedlot or the manure storage area.

Subdivision 6. Livestock Access to Waters Restriction.

(1) CAFOs and facilities capable of holding 1,000 or more animal units. Animals of a CAFO or of a facility capable of holding 1,000 or more animal units must not be allowed to enter waters of the state.

(2) Non-CAFO animal feedlots. Except as required in subpart 1, by October 1, 2001, animals of a non-CAFO animal feedlot must be fenced to prohibit entry to, and must not be allowed to enter, a lake classified by the Minnesota Department of Natural Resources as a natural environment lake, recreational development lake, or a general development lake, as defined in MR part 6120.3000.

0110.3318 FLOODPLAIN

Subdivision 1. New Feedlots or Manure Storage Prohibited. New animal feedlot or a manure storage area are prohibited within the designated floodplain district.

Subdivision 2. Floodplain expansion limitations. An existing animal feedlot or a manure storage area located in a floodplain may not expand.

0110.3319 WATER SUPPLY PROTECTION AREAS

Subdivision 1. New Feedlots or Manure Storage Prohibited. New animal feedlot or a manure storage area are prohibited within the following water supply protection areas:

(1) 100 feet of a private well, or

(2) 1,000 feet of a community water supply well or other wells serving a public school as defined under MS, section 120A.05, a private school excluding home school sites, or a licensed child care center where the well is vulnerable according to MR part 4720.5550, subpart 2.

Subdivision 2. Exception. A new animal feedlot or manure storage area may be constructed within 1,000 feet of a community water supply well or other well serving a public school as defined under MS, section 120A.05, a private school excluding

home school sites, or a licensed child care center if the following three conditions are met:

(1) The Minnesota Department of Health has approved a drinking water supply management area for the well under MR, part 4720.5360.

(2) The animal feedlot or manure storage area is not within the drinking water supply management area; and

(3) The animal feedlot or manure storage area is not within 200 feet of the well.

0110.3320 SPECIAL PROTECTION AREAS

Subdivision 1. New Feedlots or Manure Storage Prohibited. New animal feedlot or a manure storage area are prohibited within 300 feet of a sinkhole, intermittent streams and ditches identified on United States Geological Survey quadrangle maps, excluding drainage ditches with berms and segments of intermittent streams which are grassed waterways

0110.3321 AMBIENT AIR QUALITY STANDARD APPLICABILITY

Subdivision 1. Exemption from Ambient Air Quality Standards. The owner of an animal feedlot is exempt from the state ambient air quality standards during the removal of manure from barns or manure storage facilities pursuant to the limitations in MS, section 116.0713, paragraphs (b) and (c). Nothing in this part limits the emergency powers authority of the MPCA in MS, section 116.11.

Subdivision 2. Notification. The operator of a livestock production facility that claims exemption from the state ambient air quality standards shall notify the MPCA or county feedlot pollution control officer. Notification must include:

(1) The names of the owners or the legal name of the facility;

(2) The location of the facility by county, township, section, and quarter section;

(3) The facility's permit number, if applicable; and

(4) The anticipated start date and the anticipated number of days of removal of manure from barns or manure storage facilities.

0110.3322 WATER QUALITY DISCHARGE STANDARDS

Subdivision 1. Animal Feedlots and Manure Storage Areas. Animal manure, manure-contaminated runoff, or process wastewater from any animal feedlot, including CAFOs, or manure storage area is prohibited from flowing into a sinkhole, fractured bedrock, well, surface tile intake, mine, or quarry.

Subdivision 2. CAFOs and Facilities with 1,000 Animal Units or More. An owner of an animal feedlot that is a CAFO or is capable of holding 1,000 animal units or more, or a manure storage area capable of holding the manure produced by 1,000 animal units or more, shall comply with the effluent limitation requirements of Code of Federal Regulations, title 40, part 412.

Subdivision 3. Other facilities. An owner of an animal feedlot or a manure storage area shall comply with the effluent limitations in MR, part 7050.0215 unless the animal feedlot or the manure storage area is subject to the effluent limitation requirements in subpart 2 or if the owner of the animal feedlot is subject to and meets all of the requirements in subpart 4.

0110.3323 CERTAIN OPEN LOT EXCEPTION TO WATER QUALITY DISCHARGE STANDARDS

Subdivision 1. Eligible Open Lot Feedlots Capable of Holding Fewer Than 300 Animal Units. Owners of animal feedlots capable of holding fewer than 300 animal units and having open lots meeting the eligibility requirements in items 1 to 4 below shall comply with subd. 2 and 3 below. If the facility expands to a capacity of 300 or more animal units, the facility is not eligible under this subdivision. This subdivision applies only to open lots that existed on October 23, 2000; discharges from other parts of the animal feedlot, including manure storage areas, must comply with the effluent limitations in MR part 7050.0215 and other applicable federal and state requirements.

(1) The animal feedlot is not a new animal feedlot.

(2) The animal feedlot has manure-contaminated runoff from one or more open lots that discharge to waters of the state and:

(a) The manure-contaminated runoff does not create or maintain an immediate threat to human health or the environment; and

(b) The facility has not been designated a CAFO.

(3) The owner has registered the animal feedlot in accordance with MR, part 7020.0350.

(4) The owner has submitted a certification, on a form provided by the MPCA, agreeing to comply with Subd. 2 and 3 below. The certification form shall contain a provision for a conditional waiver of civil penalties for past violations of MR, part 7050.0215 caused solely by passive manure-contaminated runoff from open lots and for failure to apply for a permit provided the owner maintains compliance with Subd. 2 and 3 below.

Subdivision 2. Interim Corrective Measures for Eligible Open Lots. An owner meeting the eligibility requirements of Subd. 1 above shall:

(1) Operate and manage the animal feedlot to minimize discharges from eligible open lots at all times; and

(2) Comply with the following by October 1, 2005:

(a) Install and have operational:

i. Diversions that prevent precipitation and snowmelt from building roofs and upslope land from flowing onto or through the animal feedlot or manure storage area; and

ii. Vegetated buffer areas or filter strips that have 100 feet or more of non-channelized flow through perennial grasses or forages for all runoff from the open lots; or

(b) Install and have operational interim corrective and protective measures that have been demonstrated, through completion of "An Evaluation System to Rate Feedlot Pollution Potential" (the model) by a person who has completed training in use of the model, to achieve a 50 percent or greater reduction in discharges of phosphorus and biochemical oxygen demand loading. The percent reduction in discharges must be based on a comparison of the corrective and protective measures in operation at the facility on October 23, 2000, and the proposed interim corrective and protective measures and practices. The owner shall maintain records of the model results until completing the requirements of subd. 3. below, and make the model results available to the MPCA or county feedlot pollution control officer upon request.

Subdivision 3. Final Corrective Measures for Eligible Open Lots. An owner meeting the requirements of Subd. 1 above shall:

(1) Except as required in item 2 below, comply with MR, part 7050.0215 for all eligible open lots by October 1, 2010; and

(2) If the owner is proposing an expansion, comply with part 0110.3322 Subd. 2 or 3 of this Ordinance, as applicable, prior to an increase in the number of animal units at the animal feedlot.

0110.3324 LIQUID MANURE STORAGE AREAS

Minnesota Rules part 7020.2100 describes site restrictions and requirements for design, construction, maintenance, and operation of liquid manure storage areas. An owner shall submit a permit application, as applicable, under MR, part 7020.0405, subparts 1 and 2. Except as required in subpart 2, all liquid manure storage areas must be designed, constructed, and operated in accordance with subparts 3 to 7. An owner of a liquid manure storage area that has been unused for a period of three years or more shall, prior to using the structure for storing manure or process wastewater, have a design engineer evaluate and prepare a report on the condition of the liner and include this report

with a permit application submitted according to MR, part 7020.0405.

0110.3325 MANURE APPLICATION RATES

Animal manure application rates should minimize adverse effects on public waters. Whenever possible, manure should be applied at rates consistent with Best Management Practices that are site specific to each farm. The land application of manure shall comply with MR 7020.2225.

0110.3326 TRANSPORTATION OF MANURE

Animal manure hauled on federal, state, or local highways, roads, or streets must be hauled in such a way as to prevent manure from leaking, spilling, or otherwise being deposited in the right-of-way. Manure deposited on a public roadway must be removed and properly disposed of by the hauler of the manure.

0110.3327 MANURE TRANSPORTATION INTO HOUSTON COUNTY

Any person located outside the jurisdiction of Houston County that transports manure into the county with the intent of storing or spreading said manure within the county shall comply with the provisions of this Ordinance.

Subdivision 1. May Impose Additional Conditions. The county may require a conditional use permit and impose additional conditions to protect the public health, safety, and welfare.

0110.3328 RESPONSIBILITY FOR FEEDLOT CLOSURE AND RESTORATION TO A SUITABLE USE

Subdivision 1. Responsibility. The landowner and operator of any feedlot shall remain responsible for the following:

(1) All costs of closure, cleanup or other costs necessary to bring the property into compliance with all federal, state, and county regulations, and to restore the property to a suitable use.

(2) Within one (1) year of ceasing operation, remove and land apply manure and manure-contaminated soils from manure storage areas and animal holding areas in accordance with MR part 7020.2225.

(3) As soon as practicable after completing the requirements of item 2, reduce soil nitrogen by growing alfalfa, grasses, or other perennial forage for at least five (5) years.

(4) Within sixty (60) days after final closure, submit a certified letter to the MPCA, or the county feedlot pollution control officer stating that the animal feedlot or the manure storage area has been closed according to the requirements of this Ordinance. The letter must identify the location of the animal feedlot or the manure storage area by county, township, section, and quarter (¼) section.

0110.3329 TRANSPORTATION AND DISPOSAL OF ALL DEAD ANIMALS

The landowner, and operator, of any animal feedlot shall be responsible for the storage, transportation, and disposal of all dead animals in a manner consistent with the provisions of this Ordinance and state law.

SECTION 34 - WIND POWERED MANAGEMENT

0110.3401 PURPOSE

The purpose of this section is to set forth a process for permitting wind energy facilities with a rated capacity of greater than 40 kilowatts but less than 5 megawatts. MN Statutes 116C.697 pre empts all local authority over permitting or regulating the construction or operation of wind power facilities of greater than 5 megawatts (5million watts) (5,000 kilowatts) of name plate generator capacity or greater.

0110.3402 PERMIT APPLICATION

All proposed wind energy facilities must fill out a Conditional Use Permit application provided by the Houston County Planning and Zoning Department.

Subdivision 1. Application Requirements

(1) Site plan shall be submitted showing the location of all turbines, topography, roads, electrical equipment, property lines area residences including measurements to them and other accessory structures.

(2) Project description including the number of turbines, height and diameter of turbine motors, turbine color and rotor direction.

(3) Decommissioning Plan. This plan shall describe in detail what steps would be taken to restore the site to its original condition in the event that the operation of the wind tower should cease. The plan shall also address the manner in which the permitted party will ensure that financial resources will be available to carry out the plan.

(4) Engineering certification of the tower and foundation design.

(5) Evidence of signed wind easements for the project area.

0110.3403 COMPLIANCE WITH CODES AND STANDARDS

All wind turbines shall be in compliance with all applicable state and federal regulatory standards including:

Subdivision 1. Uniform building code as adopted by the state of Minnesota.

Subdivision 2. The National Electrical Code as adopted by the State of Minnesota.

Subdivision 3. FAA requirements.

Subdivision 4. MPCA/EPA regulation (hazardous waste, construction, storm water, noise, etc.

0110.3404 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 Standards Institute (ANSI). It would be appropriate to require that the equipment manufacturer certify that the equipment is manufactured in compliance with industry standards.

0110.3405 OVER SPEED CONTROLS

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

0110.3406 SETBACK REQUIREMENTS

Object	Setback
Residence	750 ft.
Property Line	one foot/foot of total height
Road Right of Way	one foot/foot of total height
Other Structures	1.25 times their height

0110.3407 NOISE STANDARDS

Noise regulated by the Minnesota Pollution Control Agency under Chapter 7030. These rules establish the maximum night and daytime 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.

0110.3408 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.

Subdivision 1. Provisions shall include a decommissioning plan. This plan will identify:

(1) When and how a facility is to be decommissioned.

(2) Estimated cost of decommissioning.

(3) Financial resources to be used to accomplish decommissioning.

(4) It may 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 wind power projects unfeasible.

0110.3409 TOWER TYPE

Smaller co-generators of 40 kilowatts or less are exempt from this rule and may use lattice construction towers but must meet all other standards.

Subdivision 1. Self-supporting towers:

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

(1) Improved aesthetics, including intra and inter project visual consistency.

(2) Minimized impact on farming activities.

(3) Reduced potential for unauthorized climbing.

(4) Improved maintenance access increasing the total turbine operating availability.

(5) Reduced need for ancillary structures to house control equipment.

0110.3410 SIGNAGE

It is important that signage be properly controlled. It is also recommended that signs to warn of high voltage be posted at least at the entrances of facilities**.**

0110.3411 AESTHETICS

Subdivision 1. The following items are recommended standards to mitigate visual impacts:

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

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

(3) 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 direction with nearby facilities.

(4) 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 of heat lamps to prevent icing of sensors.

(5) Intra-project Power and Communication Lines: All power lines used to collect power from individual turbines, and all communication lines shall be buried underground.

0110.3412 ROADS

If the construction is large enough or during spring restrictions, roads can sustain severe damage. Enforcement of road limits may make construction impossible. The local unit of government may choose to require either remediation of road repair upon completion of the project or are authorized to collect fees for oversized load permits.

SECTION 35 - ADULT USE ORDINANCE

0110.3501 STATUTORY AUTHORIZATION

Subdivision 1. Statutory Authorization. This Adult Use Ordinance is adopted pursuant to the authority delegated to Houston County by Minnesota Statutes, Chapter 394, commonly known as the Minnesota County's Planning and Zoning Enabling Legislation.

Subdivision 2. Findings and Purpose. This section is intended to regulate "adult uses," those premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas" which are capable of being seen by members of the public.

The nature of adult uses is such that they are recognized as having adverse secondary impacts, based upon studies of the impacts that adult establishments have on their surrounding communities. The Minnesota Attorney General, the American Planning Association, and cities such as St. Paul, Minnesota; Indianapolis, Indiana; Hopkins, Minnesota; Ramsey, Minnesota; Phoenix, Arizona; Los Angeles, California; and Seattle, Washington have conducted these studies.

The adverse secondary impacts found in the studies include increased crime rates, decreased property values, increased transience, neighborhood blight, and potential health risks. These impacts are particularly apparent when they are accessible to minors and located near residential properties or residential uses such as schools, day care centers, libraries or parks. The nature of the adult uses require that they not be allowed within certain zoning districts, or set back a minimum distance from each other, or other residential uses. Special regulation of these uses is necessary to ensure that the adverse secondary effects would not contribute or enhance criminal activity in the area of such uses, nor will it contribute to the blighting or downgrading of the surrounding property and lessening of its value.

It is therefore in the best interest of the public health, safety, and welfare of the citizens of Houston County that certain types of activities, as set forth in this ordinance, are prohibited upon the premises of licensed liquor, wine, and beer establishments so as to best protect and assist the owners and operators and employees of these premises, as well as patrons and the public in general. Further, the County intends, that the standards in this ordinance reflect the prevailing community standards in the County of Houston. This Ordinance is intended to prevent harm stemming from the physical immediacy and combination of alcohol, nudity, and sex. The County Board of Commissioners also desires to prevent any subliminal endorsement of sexual harassment or activities likely to lead to the possibility of various acts of criminal conduct such as prostitution, sexual assault, and disorderly conduct.

0110.3502 TITLE AND SHORT TITLE

Subdivision 1. TITLE

Pursuant to Minnesota Statutes, Chapter 394, the Planning and Zoning Enabling Legislation, the Houston County Board of Commissioners ordains this document the Houston County Adult Use Ordinance.

Subdivision 2. SHORT TITLE

This Ordinance shall be known, and may be referred to, as the Adult Use Ordinance. When referred to herein, it shall be known as "this Ordinance."

0110.3503 IMPLEMENTATION

Subdivision 1. JURISDICTION

The provisions of this Ordinance shall apply to all adult uses located in un-incorporated areas within the boundaries of Houston County.

Subdivision 2. COMPLIANCE

All adult uses shall be in full compliance with requirements of this Ordinance; the Houston County Land Use Ordinance, the Houston County Sewage Treatment Ordinance, other applicable provisions of County, State, or Federal laws, and applicable fire, health, and/or safety codes.

Subdivision 3. NON-CONFORMING ADULT USES

Non-conforming adult uses shall be subject to the provisions contained in the Houston County Land Use Ordinance, Non-conformities.

Subdivision 4. ENFORCEMENT

The Houston County Board, the Houston County Sheriff, and the Land Use Zoning Administrator are responsible for the enforcement of this Ordinance.

Subdivision 5. PENALTY

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 provision hereof, shall be guilty of a misdemeanor. Each day that a violation continues shall constitute a separate offense.

In addition, Houston County may sue for injunctive relief on any violation, or to prevent a violation, or may suspend and/or revoke any permits or licenses issued by the Board with cause.

(1) Any violation of this Ordinance shall be a basis for suspension or revocation of any permit or license granted hereunder. In the event the County Board proposes to suspend or revoke the Adult Use License, the County Board shall hold a hearing. The County will provide 10 days written notice to the permit and license holder before such a hearing.

(2) Any violation of this Ordinance shall be a basis for suspension or revocation of a Liquor License issued pursuant to Minnesota Statutes, Chapter 340A. The Houston County Board of Commissioners or anyone they delegate shall follow the notice and hearing requirements for contested cases under Minnesota Statutes, Chapter 14.57 to 14.70 of the Administrative Procedures Act.

Subdivision 6. INTERPRETATION

In the interpretation and application, the provisions of this Ordinance shall be interpreted to protect the public health, safety and welfare of the citizens of Houston County by providing for the regulation of adult uses. This Ordinance is not intended to limit or repeal any other powers granted to Houston County by the State of Minnesota.

Subdivision 7. SEVERABILITY

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

Subdivision 8. ABROGATION AND GREATER RESTRICTIONS

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

Subdivision 9. REFERRAL TO OTHER LAWS

If any section of this Ordinance references another Ordinance, Statue, Rule, or other provision of law, the reference shall be for that other provision of law as currently enacted and as it may be amended or re-codified in the future.

0110.3504 DEFINITIONS

Subdivision 1. WORD USAGE

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application. For the purpose of this

Ordinance, the words “must” and “shall” are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

Subdivision 2. PERMITTED USES

Permitted uses of land or buildings as hereinafter listed shall be permitted only in the districts indicated, and under the conditions specified.

Subdivision 3. DEFINITIONS

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

Adult Uses-Accessory. An adult use, business, or establishment having no more than ten percent (10%) of the floor area of the establishment in which it is located; or having no more than twenty percent (20%) of the gross receipts of the entire business operation; and not involving or including any activity except the sale or rental of merchandise.

Adult Uses-Principal. An adult use, business, or establishment having more than ten percent (10%) of the floor area of the establishment in which it is located; or having more than twenty percent (20%) of the gross receipts of the entire business operation derived from any adult use.

Adult Use-Body Painting Studio. A business or establishment that provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a person when such body is wholly or partially nude in terms of “specified anatomical area.”

Adult Use-Bookstore. A building or portion of a building used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, or motion picture film if such building or portion of a building is not open to the public generally but only to one or more classes of the public excluding any minor by reason of age or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the presentation, display, depiction, or description of “specified sexual activities” or “specified anatomical areas.”

Adult Use-Cabaret. A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age or if such dancing or live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction, or description of “specified sexual activities” or “specified anatomical areas.”

Adult Use-Companionship Establishment. A companionship establishment which

excludes minors by reason of age or which provides the service of listening to or engaging in conversation, talk, or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

Adult Use-Conversation/Rap Parlor. A conversation/Rap Parlor that excludes minors by reason of age or which provides the service of listening to or engaging in conversation, talk, or discussion, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

Adult Use-Health/Sport Club. A health/sports club that excludes minors by reason of age or if such club is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

Adult Use-Goods or Materials. Adult Use goods or materials include, but are not limited to goods, materials, items, articles, clothing, services or the like as described in Subparts 4 through 19 of this Section of which there is an emphasis on the presentation, display, depiction or descriptions of “specified sexual activities” or “specified anatomical areas”.

Adult Use-Hotel/Motel. A hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, or describing or relating to “specified sexual activities” or “specified anatomical areas.”

Adult Use-Massage Parlor, Health Club. A massage parlor or health club that restricts minors by reason of age and which provides the service of massage if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

Adult Use-Mini Motion Picture Theater. A building or portion of a building with a capacity of less than fifty (50) persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by reason of age or if such material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

Adult Use-Modeling Studios. An establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in “specified sexual activities” or “specified anatomical areas” while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

Adult Use-Motion Picture Arcade. Any place to which the public is permitted or invited wherein coin operated or slug operated, or electronically, electrically, or mechanically controlled or operated still or motor picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing “specified sexual activities” or “specified anatomical areas.”

Adult Use-Motion Picture Theater. A building or portion of a building with a capacity of fifty (50) or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by reason of age or if such material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

Adult Use-Novelty Business. A business that has as a principal activity the sale of

devices which stimulate human genitals or devices that are designed for sexual stimulation.

Adult Use-Sauna. A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing, or reducing agent, if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

Adult Use-Steam Room/Bathhouse Facility. A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing, or reducing agent, if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

Applicant. A person submitting an application for an adult use. For the purposes of this Ordinance, an applicant is a corporation, company, association, society, firm, partnership, or joint stock company, as well as an individual, a state, and all political subdivision of a state or any agency or instrumentally thereof.

Liquor License. Any of the following licenses issued or approved by the County of Houston pursuant to Minnesota Statute, Chapter 340A:

(1) On-sale or Off-sale 3.2 percent Malt Liquor License, or

(2) On-sale or Off-sale Intoxicating Liquor License, or

(3) On-sale Wine License, or

(4) Consumption and Display Permit (set-ups).

Minor. Person(s) under eighteen (18) years of age.

Police Related Service Calls. Requests for assistance made to any public law enforcement agency from a neighboring resident, a victim of crime, a patron of the establishment, or the management of the Adult Use. Such calls may include but are not limited to: assaults, disorderly conduct, indecent exposure, prostitution, and trespassing.

Specified Anatomical Areas:

(1) Human genitals, pubic region, buttock, anus, or female breast(s), below a point immediately above the top of the areola, unless completely and opaquely covered.

(2) Erect penis, even if completely and opaquely covered.

Specified Sexual Activities:

(1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals,

flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexual-oriented acts or conduct: analingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or

(2) Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescense.

(3) Use of human or animal ejaculation or ejaculate, sodomy, oral copulation, coitus, or masturbation.

(4) Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s).

(5) Situations involving a person or persons, any of whom are nude, clad in undergarments, or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical constraint of any such persons.

(6) Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being.

(7) Human erection, urination, menstruation, vaginal or anal irrigation.

0110.3505 ADMINISTRATION

Subdivision 1. INTERIM USE PERMIT REQUIRED

No person shall own or operate an adult use establishment without first having secured an Interim Use Permit from Houston County.

Any IUP issued under this Ordinance is granted solely to the application and/or the business entity named in the application, and for the premises named in the IUP application. No IUP of any sort granted pursuant to this Ordinance is transferable to any other person or premises. If a change of ownership, control, or location of any licensed premises occurs, whether pursuant to move, sale, transfer, assignment, or otherwise, the owner or proposed new owner must complete a new application subject to approval pursuant to this Ordinance. Said permit is required to meet all standards set forth in Section 7 of this Ordinance.

Subdivision 2. ADULT USE LICENSE REQUIRED

No person shall own or operate an adult use establishment without first having secured an Adult Use License from Houston County.

Subdivision 3. Application. The application for an Adult Use License shall be submitted on a form provided by the County and shall include:

(1) If the application is an individual: the name, residence, phone number, and birth date of the applicant shall be provided. If the applicant is a partnership: the names, residence, phone number, and birth date of each general and limited partner shall be provided. If the applicant is a corporation: the name, residence,

phone numbers, and birth dates of all persons holding more than five (5) percent of the issued outstanding stock of the corporation.

(2) The name, address, phone number, and birth date of the operator and manager of such operation, if different from the owner(s).

(3) The address and legal description of the parcel where the adult establishment is to be located.

(4) A statement detailing any misdemeanor, gross misdemeanor or felony convictions relating to sex offenses, obscenity, or the operation of an adult establishment of adult business by the applicant, operator, and manager, and whether or not the applicant has ever applied for or held a license to operate a similar type business in any other community(s). In the case of a corporation, a statement detailing any misdemeanor, gross misdemeanor or felony convictions by the owners of more than five percent (5%) of the issued and outstanding stock of the corporation, and whether or not those property owners have ever applied for or held a license to operate a similar type of business in other community(s).

(5) The activities and types of business to be conducted.

(6) The hours of operation.

(7) Provisions to be utilized to restrict access by minors.

(8) A building plan of the premises detailing all internal operations and activities.

Subdivision 4. Responsibility to Obtain Other Permits/Licenses. The granting of any permit or license pursuant to requirements of this Ordinance, or other applicable Houston County Ordinances, shall not relieve applicants of their responsibility to obtain any required state or federal permits.

Subdivision 5. Adult Use License Fee

(1) Submittal of Fees. Each application for an Adult Use License shall be submitted to the County Zoning Administrator and shall be accompanied by payment in full of the required fee for the Adult Use License. If rejection should occur of any application for an adult use license, the County shall refund the license fee.

(2) Expiration of Adult Use License. Each license shall be issued for a period of one (1) calendar year. All licenses shall expire on the last day of December of each year. Any portion of a year less than 12 months shall be counted as a full year for the purpose of calculation of fees.

(3) Annual Fee. The Houston County Board of Commissioners by resolution shall establish the annual fee for an Adult Use License. The fee may be adjusted from time to time by Board resolution.

Subdivision 6. Granting of Adult Use License

(1) The Houston County Sheriff shall investigate all facts set out in the application. Each owner of the establishment be it individual, partner, limited partner, shall be subjected to a criminal history background check by the Sheriff or their designee. Costs of the criminal history investigations shall be borne by the applicant according to a fee schedule established by the Sheriff. The applicant shall not consider the application for the adult use license complete until all required information has been furnished, the Sheriff has completed the investigation, and a report provided to the County Zoning Administrator.

Subdivision 7. Persons Ineligible for Adult Use License

No license shall be issued to any person:

(1) Under eighteen (18) years of age.

(2) Who is overdue in payments to a city, county, state, or federal government of taxes, fees, fines or penalties, or charges for municipal services and utilities assessed against them or imposed upon them.

(3) Who has been convicted of a misdemeanor, gross misdemeanor or felony, or of violating any law of this state or local Ordinance relating to sex offenses, obscenity offenses, or adult uses.

(4) Who is not the individual owner of the establishment for which the license is issued.

(5) Who has not paid the required investigation/licensing fees required by this Ordinance or by Board Resolution.

(6) Who is acting as an agent for an individual who would be disqualified pursuant to the above criteria.

Subdivision 8. Places ineligible for Issuance of Adult Use License

(1) No license shall be granted for adult establishments on any premises where a licensee has been convicted of a violation of this Ordinance, or where any license hereunder has been revoked for cause, until one (1) year has elapsed after such conviction or revocation.

(2) No license shall be granted for any adult use that is not in compliance with the County's Zoning Ordinance, or other such Rules, Codes or Regulations, such as, but not limited to, individual sewage treatment system, fire, health, handicap accessibility and safety codes and all provisions of federal and state law.

Subdivision 9. Conditions of Adult Use License

(1) All licensed premises shall have the license posted in a conspicuous place at all times.

(2) No Minor shall be permitted on the premises.

(3) Any designated inspection officer of the County shall have the right to enter, inspect, and search and request records of the premises of a licensee during business hours.

(4) No adult use goods or materials shall be offered, sold, transferred, conveyed, given, displayed, or bartered to any minor.

(5) In granting a license for an adult use, the County Board may impose additional conditions to protect the best interest of the surrounding area or the County as a whole.

(6) The licensee must keep itemized written records of all transactions involving the sale or rental of any merchandise and describe the date of the transaction, a description of the transaction, the purchase or rental price, and a detailed description of the item or merchandise that is being purchased or rented. These written records must be provided to the County or County's enforcement designee(s) upon request.

(7) The licensee must cover or otherwise arrange all windows, doors, and apertures to prevent any person outside the licensed premises from viewing any items or merchandise inside the premises depicting specified sexual activities or specified anatomical areas.

0110.3506 ADULT USE OPERATIONAL RESTRICTIONS

Subdivision 1. Adult Uses- Principle -General Provisions. Adult uses as defined in Section 0110.3504 of this Ordinance shall be subject to the following general provisions:

(1) No person(s) under eighteen (18) years of age shall be permitted in any adult use-principal premises, enterprise, establishment, business or place.

(2) No liquor license, as defined, shall be issued to any adult use related premises, enterprise, establishment, business, or place open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction, description of, or participation in "specified sexual activities" or "specified anatomical areas."

(3) No adult use related premises, enterprise, establishment, business or place shall allow or permit the sale or service of set ups to mix alcoholic drinks. No alcoholic beverages shall be consumed on the premises of such premises, enterprise, establishment, business, or place.

(4) Activities classified as obscene are not permitted and are prohibited. In no instance shall the application or interpretation of this Ordinance be construed to allow an activity otherwise prohibited by law.

(5) Adult uses, either principal or accessory, shall be prohibited from locating in any building that is also utilized for residential purposes.

(6) An adult use that does not qualify as an accessory use pursuant to this Section shall be classified as an adult-use principal.

(7) The owner/operator shall hire and employ their own security personnel who shall provide crowd control to maintain orderly conduct at such establishment. These employees are not required to be law enforcement personnel.

(8) Sufficient off-street parking shall be provided.

Subdivision 2. Locations for Adult Use-Principal.

(1) Adult use-principal, shall only be allowed under an Interim Use Permit in the I-1, Limited Industrial District, and the I-2, General Industrial District as defined by Houston County Zoning Ordinance and/or official Zoning Map.

(a) Access, parking, screening, lighting, and other relevant site related criteria for all Adult uses shall be as set forth in the Houston County Zoning Ordinance.

(2) Adult-use principal, shall be located at least one thousand (1,000) lineal feet, as measured in a straight line from the closest point of the main entrance of the building within which the adult use-principal is located, to the property line of:

(a) Any residentially used or zoned property.

(b) Any licensed day-care center or facility.

(c) Any public or private educational facility classified as an elementary, junior high, or senior high school.

(d) Any hotel or motel.

(e) Any public park or trails system.

(f) Any nursing home.

(g) Any youth establishment.

(h) Any church or church related organization.

(i) Another adult establishment. No adult use-principal shall be located in the same building or upon the same property as another adult use-principal.

(3) Another adult establishment. No adult use-principal shall be located in the same building or upon the same property as another adult use-principal.

Subdivision 3. Hours of Operation. Hours of operation for Adult-uses principal shall be from 9:00 a.m. to 11 p.m. The County Board may approve a differing time schedule if it can be satisfactorily demonstrated to the Board that all of the following apply:

(1) The use does not adversely impact or affect uses or activities within 1,000 feet.

(2) The use will not result in increased policing and related service calls.

(3) Is critical to the operation of the business.

Subdivision 4. Sign Regulations. Adult use-principal shall adhere to the following sign regulations in addition to those set forth in the Houston County Land Use Ordinance, Section 28, Sign Regulations.

(1) Sign message shall be generic in nature and shall only identify the name and type of business. Signs shall not be pictorial.

(2) Signs shall be limited to the size and number of signs permitted in the district in which the use is located.

0110.3507 ADULT CABARET REGULATIONS

Subdivision 1. The following additional restrictions apply to Adult Cabarets:

(1) No person, firm, partnership, corporation, or other entity shall advertise, or cause to be advertised, an adult cabaret without a valid Adult Use License.

(2) An Adult Use Licensee shall maintain and retain for a period of two (2) years the names, addresses, and ages of all persons engaged, hired, or employed as dancers or performers by the licensee. These written records must be provided to the County or County's enforcement designee(s) upon request.

(3) An adult cabaret shall be prohibited in establishments where alcoholic beverages are served.

(4) No owner, operator, or manager of an adult cabaret shall permit or allow any dancer or other live entertainer to perform nude unless as provided in subparts G & H below.

(5) No patron or any person other than a dancer or live entertainer shall be wholly or partially nude in terms of "specified anatomical area" in an adult cabaret.

(6) No dancer, live entertainer, performer shall be under eighteen (18) years of age.

(7) All dancing shall occur on a platform intended for that purpose which is raised at least two (2) feet above the level of the floor.

(8) No dancer or performer shall perform or dance closer than ten (10) feet from any patron unless such dancer or performer is enclosed behind a floor to ceiling glass partition.

(9) No dancer shall fondle or caress any patron and no patron shall fondle or caress any dancer or performer.

(10) No person under eighteen (18) years of age shall be admitted to an adult cabaret.

0110.3508 VIEWING BOOTH REGULATIONS

Subdivision 1. The following additional regulations apply to viewing booths:

(1) Individual Motion Picture viewing booths must be without doors and the occupant must be visible at all times.

(2) Only one person may be in a viewing booth at a time.

(3) Walls separating booths must be such that the occupants cannot engage in sexual activity.

(4) Each booth must be kept clean and sanitary.

(5) Minimum lighting requirements must be maintained. Minimum lighting shall be construed to be that of which a book of general print could be easily read by any given individual.

0110.3509 ADULT USE, ACCESSORY

Subdivision 1. Permitted Locations for Accessory Adult Uses. Adult use-accessory shall only be allowed under an Interim Use Permit in the Limited Industrial and General Industrial Districts, as defined by Houston County Zoning Ordinance and/or official Zoning Map, provided the accessory use conforms to the provisions of this subdivision. Adult Use-Accessory shall:

(1) Comprise no more than ten percent (10%) of the floor area of the establishment in which it is located; and

(2) Comprise no more than twenty percent (20%) of the gross receipts of the entire business operation; and

(3) Not involve or include any activity except the sale or rental of merchandise.

Subdivision 2. Separation of Areas. Adult use-accessory shall be restricted from, and prohibit access to minors, by physically separating the following and similar items from areas of general public access:

(1) Movie Rental display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view of, and under the control of, the persons responsible for the operation.

(2) Magazines or publications classified as adult uses shall not be physically accessible to minors and shall be covered with a wrapper or other means to prevent display of any material other than the publication title.

(3) Other adult uses not specifically cited shall comply with the intent of this Ordinance.

Subdivision 3. Advertising. Adult Use-Accessory shall be prohibited from both internal and external advertising and signing of adult materials and products.

SECTION 36 - HOUSTON COUNTY SUBDIVISION REGULATIONS

0110.3601 PURPOSE

The Subdivision Ordinance of Houston County sets forth the minimum requirements deemed necessary to insure and protect the health, safety and welfare of the public. More specifically, the provision of this Ordinance are designed to accomplish the following.

Subdivision 1. Health, Safety and Welfare. To assure that all lands to be developed will provide for the health, safety and general welfare of the public by requiring necessary services such as properly designed streets and adequate sewage and water service.

Subdivision 2. Natural Resources Protection. To assure that the natural resources and environmentally sensitive areas of the County are protected from pollution and erosion as the result of land use activities.

Subdivision 3. Development Standards. To establish development standards that will assure well-planned subdivisions of land.

Subdivision 4. Public Services. To assure that the development includes provisions for transportation, public facilities, and other public services.

Subdivision 5. Public Funds. To assure that the cost of improvements is assessed to the development and not assessed against the local tax base.

Subdivision 6. Land Records. To provide accurate land records by the establishment of standards for surveys and plats.

0110.3602 TITLE AND SHORT TITLE

Provided by Minnesota Statutes, Sections 394.21 to 394.37 inclusive, and Sections 505 the County Board of Houston County ordains the Houston County Subdivision Ordinance.

0110.3603 SHORT TITLE

The "Houston County Subdivision Ordinance," when referred to herein, shall be known and may be cited as "this Ordinance."

0110.3604 IMPLEMENTATION

Subdivision 1. Jurisdiction. This Ordinance shall govern the platting, subdivision, and re-subdivision of all unincorporated land within the County.

Subdivision 2. Subdivisions of Record. Except in the case of re-subdivision of land, this Ordinance shall not apply to any lot or lots forming a part of a subdivision recorded in the Land Record Office prior to the effective date of this Ordinance.

Subdivision 3. Dual Jurisdiction. In the event of overlapping jurisdiction within the prescribed area, the extent of jurisdiction shall be determined and agreed upon between this County and the other municipality or municipalities concerned.

Subdivision 4. Interpretation. When interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

Subdivision 5. Abrogation of Greater Restrictions. Where the provisions of any statute, ordinance, regulation, or recorded covenant, contract or deed, impose greater restrictions than this Ordinance, the provisions of such statute, ordinance, regulation or recorded covenant, contract or deed, shall be controlling.

Subdivision 6. Separability. If any clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Subdivision 7. Amendments. The provisions of this Ordinance may be amended by the Houston County Board.

Subdivision 8. Suitability For Development. No land shall be subdivided into lots for development unless each lot has the required buildable area as defined in Part 0120.0402 of this Ordinance.

Subdivision 9. Approvals Necessary For Acceptance of Subdivision Plats. Before any plat shall be recorded or be of any validity, it shall be approved by the Houston County Board as having fulfilled the requirements of this Ordinance. Where any municipality has adopted extra-territorial subdivision platting regulations as provided by State Law, any proposed plat lying within two miles of the municipality shall also be submitted to and approved by the municipality.

Subdivision 10. Compliance. No plat of any subdivision shall be entitled to record in the Houston County Recorder's office or have any validity until the plat thereof has been prepared, approved and acknowledged in the manner prescribed by this Ordinance.

Subdivision 11. Building Location Permits. No Building Location Permit shall be issued by the Houston County Board for the construction of any building, structure, or improvement to the land or to any lot in a subdivision, as defined herein, until all requirements of this Ordinance have been fully complied with.

Subdivision 12. Administration. This Ordinance shall be administered by the Houston County Zoning Administrator.

0110.3605 RULES AND DEFINITIONS. WORD USAGE AND RULES

Subdivision 1. Mandatory and Permissive Terms. For the purpose of this Ordinance, words used in the present tense shall include the future tense; 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 words "parcel" and "plot"; the words "shall" and “will” are mandatory and not discretionary; and, the words “should” and “may” are permissive.

Subdivision 2. Conflicting Provisions. In the event of conflicting provisions in the text of this Ordinance, the more restrictive provision shall apply.

Subdivision 3. Definitions.

For the purpose of this Ordinance, the terms defined in this Section have the meanings given them.

Alley. A minor way which is used primarily for secondary vehicular service access to the back of a lot.

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

Attorney. The Attorney employed by the County unless otherwise stated.

Block. The enclosed area within the perimeter of roads, property lines or boundaries of the subdivision.

Bluff. A topographic feature such as a hill or embankment having the following characteristics:

(1) The slope rises at least 25 feet above the ordinary high water level of the body of water in Shoreland.

(2) The grade of the slope averages 24 percent or greater.

(3) An area with an average slope of less than 18 percent over a distance of 50 feet or more, measured on the ground, shall not be considered part of the bluff.

Bluff Impact Zone. Means land located within 20 feet from the top of a bluff.

Board. The Houston County Board of Commissioners.

Boulevard. The street right-of-way located between the curb line and property line.

Buildable Lot. A lot of record, or other lot, tract, or parcel legally recorded with the County Recorder that meets the requirements of this Ordinance and which has 150 foot frontage on an improved and maintained public road. The buildable lot shall have the minimum lot area required for the district in which it is located, and which not more than ten (10) percent of the required lot area is collectively comprised of:

(1) Area of a slope in excess of twenty-four (24) percent.

(2) A shoreland impact zone as defined by this Ordinance.

(3) Protected waters as defined in this Ordinance.

(4) Wetlands as classified in the U.S. Fish and Wildlife Service. Circular No. 39.

Butt Lot. A lot at the end of a block and located between two (2) corner lots.

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.

Collector Street. A street which carries traffic from local streets to arterial streets.

Community. Houston County, Minnesota.

Contour Map. A map which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.

Copy. A print or reproduction made from a tracing.

Corner Lot. A lot bordered on at least two (2) sides by streets.

County. Houston County, Minnesota.

County Board. The Houston County Board of Commissioners.

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 property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair the stability of property values.

Cul-de-sac. A turn around with only one outlet.

Development. The act of building structures and installing site improvements.

Double Frontage Lots. Lots which have a front lot line abutting on one street and a back or rear lot line abutting on another street.

Drainage Course. A water course or indenture for the drainage of surface water.

Easement. A grant by an owner of land for a specific use by persons other than the owner.

Engineer. The registered engineer employed by the County unless otherwise stated.

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.

Flood Plain. The beds proper and the areas adjoining a wetland, lake or stream which have been, or hereafter may be covered, by the regional flood.

Governing Body. The Houston County Board of Commissioners.

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.

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

Lot. A parcel of land occupied or to be occupied by a principal structure of group of structure and accessory structures together with such yards, open spaces, lot width and lot area as are required by the Zoning Ordinance, and having its principal frontage upon a public street or officially approved access.

Lot Area. The area located within the lot lines. Lot area must conform to the lot area standards stated in the Zoning Ordinance.

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 bearing and distance 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.

Minimum Subdivision Design Standards. The guides, principles, and specifications for the preparation of subdivision plans indicating, among other things, the minimum and maximum dimensions of various elements set forth in the plan.

Mylar. A reproducible copy of the plat which is produced by a photographic process.

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.

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.

Pedestrian Way. A public right-of-way across or within a block to be used by pedestrians.

Person. Any individual, firm, association, syndicate or partnership, corporation, trust, or any other legal entity.

Planning Agency. The organization of the planning commission and the planning department.

Plat. A map or drawing which graphically delineates the boundary of parcels of land for the purpose of identification and record of title. The plat is a recorded legal document and must conform to all applicable Minnesota State Laws.

Plat Format. A plat shall be prepared on four mil transparent reproducible film or the equivalent, and shall be prepared by a photographic process.

Preliminary Plat. The preliminary map, drawing or chart indicating the proposed layout of the subdivision.

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.

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 essential service utilities pass.

Right-of-Way Width. The shortest distance between the lines delineating the right-of-way of a street.

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.

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

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

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

Street Width. The shortest distance between the lines delineating the surface area of a street.

Subdivider. Any person or persons commencing proceedings under this Ordinance to effect a subdivision of land for themselves or for another.

Subdivider's Agreement. A written agreement, signed by the subdivider, which sets forth a schedule for the completion of improvements and such other issues, as determined by the Planning Agency, that relate to the subdivision of property.

Subdivision. For the purpose of this Ordinance, the term “Subdivision” includes the following:

(1) A described tract of land which is to be or has been divided into two or more lots orparcels, for the purpose of transfer of ownership or building development.

(2) Any division of a parcel of to land in which a new street or road is involved.

(3) The term shall also include the re-subdivision of land.

(4) Where it is appropriate to the context, the term relates either to the process of subdividing, or to the land that has been subdivided.

Surveyor. A registered land surveyor.

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 the 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, as 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 the 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.

Tracing. A plat or map drawn on transparent paper or cloth which can be reproduced by using regular reproduction procedure.

Utilities. Shall refer to all utility services, whether they are public municipally-owned facilities or furnished by private utility companies. The term "Utilities" does not include those, which by regulation, have been placed under the exclusive jurisdiction of the State or Federal Government.

Zoning Ordinance. An official control, adopted by a majority of the Board of Commissioners, to regulate land use within the County.

0110.3606 PLATTING PROCEDURE

Subdivision 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 State Statutes and this Ordinance.

Subdivision 2. Pre-application Meeting. Identification of Issues and Concerns. Prior to the filing of an application for conditional approval of a preliminary plat, the subdivider shall meet with, the Planning Agency, the Town Board of the township(s) in which the subdivision is to be located, the County Engineer, and the County Soil and Water Conservation District. The purpose of these meetings is to identify any issues or concerns associated with the proposed plat.

Subdivision 3. General Sketch Plan. 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 provision of water supply and waste

disposal. The sketch plan can be presented in simple form but should include at least the following:

(1) Existing Facilities. The relationship of the proposed subdivision to existing community facilities that would serve it.

(2) Neighboring Development. The relationship to neighboring subdivisions and development.

(3) Site Topography. The relationship to the topography of the site.

(4) North Arrow.

Subdivision 4. PRELIMINARY PLAT PROCEDURE. To be amended as follows:

(1) Application General. After the pre-application meeting, and at least forty-five (45) days prior to the meeting at which it is to be considered, the sub-dividers or owners shall file nine (9) copies of a preliminary plat together with the required application fees with the Zoning Administrator.

(2) Preliminary Plat Distribution. Upon receiving an application for preliminary plat, but at least forty (40) days before the scheduled public hearing, the Zoning Administrator shall refer copies of the preliminary plat for review and comment as follows:

(a) Town Board(s). To the Town Board in which the proposed plat will be located for Comment.

(b) County Engineer. To the County Engineer and Surveyor for comment.

(c) SWCD. To the SWCD for comment.

(d) Municipality. To any municipality within two (2) miles of the proposed plat for comment.

(e) MNDOT. To the Minnesota Department of Transportation if the proposed plat abuts, or has access to a State Highway for comment.

(f) DNR. If the proposed subdivision is wholly or partially located in either Shoreland or Flood Plain Districts, copies shall be submitted to the Commissioner of Natural Resources for review and comment.

(g) Coordinator 911. To the 911 coordinator for assignment of street numbers and comment.

(3) Deadline for Comments on the Proposed Plat. All comments regarding the plat shall be returned to the County Zoning Administrator within 30 days, but in no

case, not less than ten (10) days before the scheduled Planning Commission public hearing.

Subdivision 5. PUBLIC HEARING ON PRELIMINARY PLAT

(1) Public Hearing Required by Statute. Within forty-five (45) days after the plat has been 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.

Subdivision 6. REPORT TO COUNTY BOARD ON PRELIMINARY PLAT

(1) Planning Commission Report. Within fifteen (15) days of the date of the public hearing, the Planning Commission shall make its report to the Houston County Board.

(2) Findings Required. The County Planning Commission and the County Zoning Administrator may forward to the County Board a favorable, conditional or unfavorable report and the reports shall contain a statement of findings and recommendation.

Subdivision 7. COUNTY BOARD ACTION ON PRELIMINARY PLAT

(1) County Board Action. The Houston County Board shall, within sixty (60) days act to approve or disapprove the preliminary plat. If the County Board disapproves the preliminary plat, the grounds for such disapproval shall be set forth in the Minutes of the Board meeting and reported to the owners or subdividers.

(a) In no instance may the time from which the preliminary plat was filed with the County for review and the date of the final action by the County Board exceed one hundred and twenty (120) days unless an extension of the review period has been agreed to by the applicant.

(2) Authority to Prepare Final Plat. 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 plat and this Ordinance.

(3) Engineering Plans Required. 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.

(4) Certain Findings Require Denial of Preliminary Plat. In the case of all subdividers, the Planning Commission shall recommend denial of, and the County Board shall deny, approval of a preliminary 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 Houston County.

(b) That the design or improvement of the proposed subdivision is in conflict with any adopted component of the Comprehensive Plan of Houston County.

(c) That the physical characteristics of the 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 8. FINAL PLAT PROCEDURE

(1) Timely Submission of Final Plat. The owners or sub-dividers shall file eight (8) 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.

(2) Abstract or Title of Registered Property Required. The owners or subdividers shall also submit at this time an up-to-date certified abstract of title or registered property report.

(3) Must Incorporate All Changes Recommended on the Preliminary Plat. The final plat shall have incorporated all changes recommended by the Planning Agency, County Engineer, County Surveyor and the township board regarding roads, and the County Board as to 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 or this Ordinance.

(4) Final Review by Planning Commission and Agencies. Upon determining that all required changes have been incorporated into the final plat and related documents, the Zoning Administrator shall accept the final plat and refer an appropriate number of 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 the County Board shall act on the final plat within sixty (60) days of the filing of the final plat for approval.

(5) Recording the Final Plat. Upon approval of the final plat by the Houston County Board, the subdivider shall record the 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.

(6) Notification of the Commissioner of Natural Resources. Copies of all plats within Flood Plain and Shoreland Districts approved by the County shall be submitted to the Commissioner of Natural Resources, within ten (10) days of approval by the County.

0110.3607 PRELIMINARY AND FINAL PLAT PREPARATION

Subdivision 1. GENERAL INFORMATION FOR PRELIMINARY PLAT. The following information must be included with the preliminary plat.

(1) Name of the Subdivider and Surveyor. The name, address and telephone number of the subdivider and surveyor or engineer preparing plat.

(2) Proof of Ownership. Proof of ownership, or sufficient interest in property to legally make the application.

(3) Location of Plat. Location of the plat by quarter, quarter section, section, town and range.

(4) Abstract of Title or Registered Property Certificate. A current Abstract of Title or a Registered Property Certificate along with any unrecorded documents and current Title Opinion.

(5) Subdivision and Street Names. Proposed subdivision name and all intended street names. The proposed names shall not duplicate or be similar in pronunciation or spelling to the name of any plat heretofore recorded in the County and the name must have approval of the County Zoning Administrator.

(6) Key Map. A Key Map as defined in this Ordinance including area within one (1) mile radius of plat.

Subdivision 2. PRELIMINARY PLAT DRAWING AND SCALE.

The preliminary plat shall be drawn on suitable tracing paper, mylar, or other material of suitable quality with black waterproof ink or pencil at a scale not greater than one-hundred (100) feet equals one (1) inch. Legible reproductions of said drawing may be submitted to the Planning Commission for purposes of receiving conditional approval.

Subdivision 3. EXISTING INFORMATION TO BE SHOWN ON THE PRELIMINARY PLAT

(1) Exterior Boundaries. Length and bearings of the exterior boundaries of the land being subdivided.

(2) Total Acreage of Plat. Total acreage of land to be subdivided.

(3) Existing Zoning. Existing zoning classifications for land within and abutting the subdivision.

(4) Boundary Lines of Adjacent Property. Boundary lines of adjoining subdivided or non-platted land, within one hundred fifty (150) feet. Identified by name and ownership, including all contiguous land owned or controlled by the subdivider.

(5) Date, Cardinal Point and Scale. Include the date of preparation of the plat, the north point and graphic scale to which the plat is drawn.

(6) Topography. Topographic information, unless otherwise approved by the Planning Agency because of site specific conditions, shall show the contour as follows:

(a) Two (2) foot intervals where the slope is seven (7) percent or less.

(b) Five (5) foot intervals where the slope is from seven (7) to fifteen (15) percent.

(c) Ten (10) foot intervals where slope is greater than fifteen (15) percent.

(d) Twenty (20) foot intervals of all areas of the subdivision to be platted with a slope greater than twenty-five (25) percent must be clearly indicated.

(7) Existing Street, Easements and Other Physical Features. The location, widths, and names of all existing, platted or dedicated streets, easements, railroad and utility rights-of-way, parks, water courses, drainage ditches, permanent buildings and structures and such other data as may be required by the Planning Agency within the area being subdivided and within one hundred (150) feet of the exterior boundaries of the area being subdivided.

(8) Existing Utilities and Drainage Features. The location, size, capacity of agricultural tiles, abandoned wells, that can be reasonably determined, and existing storm drainage, sewer, water, utility facilities including poles, and utilities stubbed into the property.

(9) Elevations of Adjoining Lakes, Rivers and Streams. Water elevations of adjoining lakes, rivers and streams at date of survey and their approximate high and low water elevations. All elevations shall be referenced to a durable benchmark described on the plat together with its location and elevation to the nearest hundredth of a foot, which shall be given in mean sea level datum if such bench mark with known sea level datum is available within one-half mile, or such longer distance as may be practicable.

(10) Boundaries of Water Related Features. Waterways, watercourses, and lakes, with ordinary high water level, and delineated wetlands, floodway and flood fringe zones.

(11) Riparian Survey Line. When the subdivision borders a lake, river or stream, a survey line shall be established and monumented.

(12) Near-shore Aquatic Conditions. In shoreland areas, information shall be submitted regarding near-shore aquatic conditions including depth, types of bottom sediments and aquatic vegetation.

(13) Bluffs. The toe and top of any bluffs present.

Subdivision 4. PLAT DESIGN FEATURES

(1) New Streets, Right-of-Ways and Easements. The layout and width of all new streets, rights-of-way and easements, whether public or private, shall show the right of way widths, centerline gradients, typical cross section, 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 event the same name shall be used.

(2) Curved Features. Approximate radii of all curves and lengths of all tangents.

(3) Pedestrian Ways. Locations and widths of proposed pedestrian ways.

(4) Lots and Blocks. Layout, numbers and preliminary dimensions of lots and blocks.

(5) Building Setback Lines. Minimum front and side street building setback lines.

(a) When lots are located on a curve, show the width of the lot at the building setback line shall be shown.

(6) Sewage Treatment System Easements. Show the location of easements for two sites suitable for on-site individual sewage treatment systems for each lot.

(7) Water Drainage and Related Easements. Proposed easements for drainage, slope protection, flood protection, and protection of wetlands and water bodies including storm-water storage areas.

(8) Potable Water Supply. A water feasibility study shall also be required to determine if water is readily available. Indicate the type of water supply system and proposed locations for all wells, whether individual private wells, shared private wells, or pubic community water supply wells.

(9) Reservation of Property for Public and Semi-public Use. Approximate location and area of all property to be dedicated for public use or reserved by deed covenant for use by all property owners in the development, including the size of such area or areas in acres, with a statement of the conditions of such dedication or reservation.

Subdivision 5. ADDITIONAL PLANS AND INFORMATION

(1) Use of Lots. 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.

(2) Potential for Re-subdivision of Large Lots. Potential re-subdivision and use of excessively deep or wide (over 200 feet) lots shall be indicated in a satisfactory manner.

(3) Relationship to Potential Future Subdivisions. 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 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.

(4) Zoning Changes. If any zoning changes are contemplated, the proposed zoning plan for the areas.

(5) Soil Analysis. A soil analysis obtainable from the United States Department of Agriculture, Soil Conservation Services, when requested.

(6) Soil Borings. Minimum of two deep soil borings for each major soil type, or additional borings as required by the Planning Agency to address specific geological conditions.

(7) Soil Test and Soils Verification. Minimum of three soil tests per lot, or additional tests as required by the Planning Agency and/or Zoning Administrator to address specific subsurface sewage treatment system (SSTS) conditions per MN Rule 7080.

(8) Community Sewage Disposal System. An engineering feasibility report for the installation and operation of community type sewage disposal system and water distribution system where such facilities are to be incorporated in the final plat.

(9) Storm Drainage Plan. Grading and storm drainage plans showing how the site will be graded.

(10) Soil Erosion and Sediment Control. A plan for soil erosion and sediment control both during construction and after development has been completed. The plan shall include gradients of waterways, design velocity and erosion control measures, and landscaping of the erosion and sediment control system.

(11) Vegetation Preservation Plan. 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.

(12) Restrictions and Covenants. Documents outlining the content of proposed restrictions, covenants, and establishment of homeowners' associations in sufficient detail to review.

(13) Other Information. Such other information as may be requested by the County Zoning Administrator or County Planning Commission.

Subdivision 6. 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 State Statutes and this Ordinance.

(2) Surveying Requirements. Surveying requirements of the final plat shall be under the regulation of the Houston County Surveyor and/or Engineer.

(3) Existing Utilities. The subdivider or owner shall provide a map showing location and size of existing sewers, water mains, culverts or other underground facilities within the preliminary plat area and to a distance of one hundred fifty (150) feet beyond. Such data as grades, invert elevations, and locations of catch basins, manholes, hydrants and street pavement width and type, shall also be shown.

(4) Existing and Proposed Easements. The subdivider or owner shall prepare a map showing all existing and proposed easements and private restrictions.

(5) Title Opinion Required. Title opinion by a practicing attorney at law based upon an examination of an abstract of the records of the Houston 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 County Recorder.

(6) Execution of Interest in Land by All Owners. 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 7. CERTIFICATIONS

The certifications shown below shall be included on the final plat and signed by the applicable official in black ink, (not a ball point pen), as follows:

(1) County Engineer:

Checked and approved this plat.

Dated this _____ day of _____ A. D. 20 ____.

_____
Houston County Engineer

(2) County Surveyor:

Checked and approved as to compliance with Chapter 505, Minnesota Statutes.

Dated this _____ day of _____ A. D. 20 ____.

_____
Houston County Surveyor

(3) County Auditor:

I hereby certify that there are no delinquent taxes and/or special assessments.

Dated this _____ day of _____ A. D. 20 ____.

_____
Houston County Auditor

(4) County Treasurer:

I hereby certify that the current taxes have been paid.

Dated this _____ day of _____ A. D. 20 ____.

_____
Houston County Treasurer

(5) Planning Commission Chairperson:

Checked and approved as in compliance with the Houston County Zoning Ordinance and Subdivision Regulations.

Dated this _____day of_____ A. D. 20 ___.

_____
Chairperson, Houston County Planning Commission

(6) Form for approval by the Township:

We hereby certify that the Township Board for the Township of _____has examined this plat.

Dated this _____day of_____ A. D. 20 ___.

_____
Chairperson, Town Board

(7) Form for approval by County Board of Commissioners:

Approved by Houston County Board of Commissioners this ____day of _____ A. D., 20_____.

_____
Chairperson, Houston County Board of Commissioners

Attest: _____
County Auditor

(8) County Recorder:

Document Number _____. .
I hereby certify this instrument was filed in the office of the County Recorder for record on this____ day of _____ 20_____ at _____o'clock __.M., and was duly recorded in Plat Cabinet _____ Envelope _____.

_____
County Recorder, Houston County

Subdivision 8. ACREAGE BY QUARTER/QUARTER SECTION SHOWN ON FINAL PLAT

(1) Acreage by Quarter/Quarter Section. The total acreage contained in each quarter/quarter section of the plat shall be shown on the plat at the end of the legal description or said acreage submitted to the County Auditor. If the entire plat is located in a single quarter/ quarter section, then the acreage of the plat in that quarter/quarter section shall be shown.

0110.3608 SUBDIVISON DESIGN STANDARDS

Subdivision 1. GENERAL REQUIREMENTS

(1) Standards of Review. The Planning Commission, in its review of the preliminary plat, will take into consideration the requirements of the County and the best use of the land being subdivided.

(2) Planning Considerations for Streets. The arrangement, character, extent, width and location of all streets shall be considered in their relation to the following:

(a) Existing and planned streets.

(b) Reasonable circulation of traffic.

(c) Topographic conditions.

(d) Runoff of storm water.

(e) Public convenience and safety.

(f) The appropriate relation to the proposed uses of the land to be served by such streets.

(3) Continuation of Existing Streets From Adjoining Areas. Wherever possible and necessary, the arrangement of streets in new subdivisions shall provide for the continuation of existing streets in adjoining areas.

(4) Projection of New Streets Into Adjoining Areas. Where adjoining land is not subdivided, but areas may be subdivided in the future, 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 AND HIGHWAYS

(1) Right of Way Widths. The following minimum right of way widths shall be followed on all streets and highways.

Arterial Highway	100 feet
Collector Highway	66 feet
Local Streets and Roads	66feet
Service Access Roads	50 feet
Alley	30 feet
Pedestrian Way	10 feet

Exceptions. Where the existing or anticipated traffic on major and minor arterial highways warrants greater widths of rights of way, they shall be required. Right of way, widths for major inter-city highways shall meet standards established by the Minnesota Department of Transportation.

(2) Street Grades. The grades in all streets, roads, highways and alleys in any subdivision shall not be greater than the maximum grades for each classification as follows:

Arterial Highways	10 percent

Collector Highways	10 percent
Local Streets and Road	10 percent
Alley	10 percent

In addition, there shall be a minimum grade on all roads and highways of not less than five tenths (5/10) of one (1) percent.

(3) Road and Highway Alignments. The horizontal and vertical alignment standards on all roads, highways and streets shall be as follows:

(a) Horizontal. Radii of curves from the center line must comply with "MNDOT Road Design Manual" section 3-2.04.

There shall be a tangent between all reversed curves of a length in relation to the radii of the curves so as to provide for a smooth flow of traffic.

(b) Vertical. Changes in street grades shall be connected by vertical parabolic curves of such lengths as determined in "MNDOT Road Design Manual" section 3-4.03.

(4) Street Intersections. Insofar as practical, streets and highways shall intersect at right angles. In no case shall the angle formed by the intersection of two streets be less than 70 degrees.

(a) Intersections having more than four corners shall be prohibited.

(b) Adequate land for future intersection and interchange construction needs shall be dedicated.

(5) Tangents. A tangent of at least three hundred (300) feet shall be introduced between reverse curves on arterial and collector streets.

(6) 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 that meets the requirements of "MNDOT Road Design Manual" sections 3-2.05 and 3-4.04.

The Planning Commission may allow greater or lesser sight distances at the recommendation of the County Engineer.

(7) Street Jogs. Street jogs with centerline offsets of less than 150 feet shall be avoided for local streets.

(8) Local Streets. Minor streets shall be laid out so their use by through traffic is discouraged.

(9) Cul-de-sac. The maximum length of a street terminating in a cul-de-sac shall be 500 feet, measured from the centerline of the street of origin to the end of the right-of-way.

(10) 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 arterials shall be at intervals of not less than 1/4 mile and through existing and established crossroads where possible.

(11) Platting of Small Tracts Fronting on Arterial Streets. In the platting of small tracts of land fronting on arterial streets where there is no convenient access to existing entrance and where access from such plat would be closer than one-fourth (1/4) mile from an existing access point, a Temporary Entrance Permit may be granted.

(a) Provision shall be made in such plats for 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.

(12) 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 such instances, the dedication of a half street may be permitted. The estimated length of time elapsing before dedication of the remainder of the street shall be considered in this decision.

(13) Private Streets. Private streets may be permitted, if they conform to the same standards as public streets.

(14) 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.

(15) Curve Table Requirements. All subdivision plats must include a curve table listing the following details for all curves.

Radius – The radius of a circle is the distance of a line drawn from the center to the circumference.

Chord Length – The length of a straight line segment joining any 2 points on an arc, curve, or circumference.

Chord Bearing – The bearing of a straight line segment joining any 2 points.

Central Angle (delta) – Defines the angle subtended by the arc of a portion of a circle.

Arc Length – The angular curvature measurement of any part of a curve.

Subdivision 3. BLOCKS

(1) General. The length, width and acreage of blocks shall provide for convenient access, circulation, control and safety of street design.

(a) Blocks may not be longer than 1300 feet nor shorter than 300 feet unless both the County Zoning Administrator and Highway Engineer agree that an exception is warranted.

Exceptions may be warranted to foster design originality provided that such exceptions do not violate sound planning principles.

(b) 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 to minimize intersections with streets.

(2) Block Width. The width of blocks shall normally be sufficient to allow two (2) tiers of lots of appropriate depth.

(3) Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

Subdivision 4. LOTS

(1) Lot Size. The lot dimensions shall comply with the minimum lot sizes specified in the Zoning Ordinance.

(2) Location of Side Lot Lines. Side lines of lots shall be substantially at right angles to straight street lines or radial to curved street lines.

(3) Lot Grading and Drainage. Lots shall be graded to provide drainage away from building locations.

(4) Natural Features. In the subdividing of any land, consideration shall be given to the preservation of natural features, such as tree growth, wetlands, steep slopes, water courses, historic interest, or similar conditions. Plans shall 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.

Subdivision 5. SEWAGE TREATMENT

For proposed plats in rural areas, the size and relative location of Individual Sewage Treatment Systems shall be governed by Part 2822 of the Houston County Zoning Ordinance.

Subdivision 6. TREE REMOVAL AND CONSERVATION OF VEGETATION

The standards contained in Part 2818 of the Houston County Zoning Ordinance shall be applicable to all subdivisions.

Subdivision 7. EROSION AND SEDIMENT CONTROL

The erosion and sediment control standards in Section 24 of the Houston County Zoning Ordinance shall be applicable to all subdivisions.

Subdivision 8. EASEMENTS

All easements shall be dedicated by appropriate language on the plat as required by Section 505.02, Subdivision 2, M.S.A.

(1) Easements 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 from block to block.

(2) Easement for Two Soil Treatment Areas Required. All lots created after January 23, 1996, shall include at least two designated soil treatment areas which can support an Individual Sewage Treatment System.

(3) Drainage Easements. 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 lines shall be provided. Such easements for drainage purposes shall not be less than twenty (20) feet in width.

Subdivision 9. STEEP SLOPES

Subdivision design shall be consistent with limitations presented by steep slopes.

Subdivision 10. SUBDIVISIONS WITHIN THE FLOOD PLAIN DISTRICTS

All lots within the flood plain districts shall contain a building site at or above the Regulatory Flood Protection Elevation. All subdivisions shall have road access both to the subdivision and to the individual building sites no lower than two (2) feet below the Regulatory Flood

Protection Elevation.

0110.3609 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.

Subdivision 2. MONUMENTS

Monuments of permanent character, as required by Section 505.02 and/or 505.01, Subd. 3 (g), M.S.A., shall be placed in 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 centerlines.

Subdivision 3. CONSTRUCTION OF ROADS AND STREETS

(1) Width of Roadway Paving. Roads or streets shall be paved twenty-four (24) feet wide and cul-de-sacs shall be paved within a fifty (50) foot radius measured from the center of the cul-de-sac to the outside edge of the driving lane.

(2) Roadway Base Construction.

(a) Two Inch Bituminous. For roadway base with 2-inch bituminous, the paved portion shall have a twelve (12) inch compacted base of coarse limestone and paved with a 2-inch bituminous layer to provide a road of 7-ton design.

(b) Double Bituminous Seal Coat. For a roadway base with a double bituminous seal coat, the paved portion shall have a fourteen (14) inch compacted base of coarse crushed limestone and paved with a double layer of bituminous seal coat to provide a road of 7-ton design.

The township board for which the development is located shall decide which roadway base construction shall be used.

(3) Roadway Shoulder Construction. The township board in which the subdivision is located shall decide if an optional one (1) foot shoulder is to be constructed adjacent to each side of a paved road. If constructed, the shoulder shall consist of a fourteen (14) inch compacted base of coarse crushed limestone. In commercial subdivisions, a three (3) foot wide shoulder shall be constructed adjacent to each side of the paved road consisting of a fourteen (14) inch compacted base of coarse crushed limestone.

(4) Road Ditch Construction. Ditch slope from the shoulder to the ditch shall be a maximum of 3-to-1 slope and the back slope from the ditch toward the right of way shall be a maximum of 2-to-1.

(5) Roadway Paving Delay. The subdivider may postpone installation of paving until sixty (60) percent of the lots within the subdivision have been developed, but in all cases paving must be completed within a maximum period of thirty (30) months after development has begun.

(6) Erosion Control. All areas disturbed during construction of streets or roadways except the paved width and gravel shoulders shall be fertilized, seeded, and mulched. The developer is responsible for the necessary repairs and reseeding and/or mulching until a uniform thatch is obtained.

Subdivision 4. 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.

Subdivision 5. 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 land constructing of the connection weighed against the cost of installing individual wells and the likelihood of an eventual municipal connection in the future.

(1) Municipal Services Not Practical. Where a municipal connection is determined to be unfeasible, the subdivider shall either:

(a) Install a system providing each lot with an adequate supply of potable water; or,

(b) State on the final plat that purchasers of individual lots will be required to install their own approved wells.

Subdivision 6. STREET LIGHTING

Street lighting of a type approved by the community may be required at all intersections within the subdivision.

Subdivision 7. SEWAGE TREATMENT

(1) Sanitary Sewer Required When Available. 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 reasonably available.

(2) Temporary Sewage Treatment Plant May Be Required. When a subdivision cannot be connected immediately to a trunk line of the community system, but in the opinion of the 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.

(3) Individual Sewage Treatment Systems. In areas being platted for rural estate development with large lots, individual on-site sewage treatment facilities shall be provided for each lot and includes the following:

(a) The subdivider or owner shall be required to provide appropriate soil borings and percolation tests to determine proper sewage system design.

(b) Where Individual Sewage Treatment Systems are to be installed, the standards in Part 0110.2922 of the Zoning Ordinance shall be applicable.

(c) On site sewage treatment facilities shall be located to permit easy and the least expensive connection to the sewer when it becomes available and useable.

(d) 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.

(e) 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.

Subdivision 8. DRAINAGE

A system that will adequately take care of the surface water runoff within the subdivision shall be provided.

(1) Storm Sewers and Culverts. Storm sewers and culverts shall be installed where necessary in conjunction with the grading of streets. Such culverts shall be sized by type of road in the "MN Drainage Manual" section 5.2.4.

(2) Cross Drains. 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.

(3) Erosion Prevention. Drainage ditches shall be sodded to prevent erosion.

Subdivision 9. STREET SIGNS

Street signs of standard design approved by the County Board shall be installed at each intersection.

Subdivision 10. PUBLIC UTILITIES

All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles.

0110.3610 PAYMENT FOR INSTALLATION OF IMPROVEMENT

Subdivision 1. GENERAL

The required improvements to be furnished and installed by the subdivider, which are listed in the Subdivider's Agreement, are to be paid for by the subdivider, except as follows:

(1) Public and Privately Jointly Funded Improvements. In the case of an improvement, the cost of which normally would be assessed in part to the improved property and the remaining cost to be 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 public.

(2) Cost of Improvements May Be Assessed to Benefiting Properties. If any improvement installed within a 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. In such case the subdivider will be required only to pay for such portions of the whole cost of the improvements as will represent the benefit to the property within the subdivision.

Subdivision 2. SUBDIVIDER'S AGREEMENT

(1) Subdivider's Agreement Required. 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 the improvements at his/her sole cost in accordance with the plans and specifications and usual contract conditions all approved by the County Board. A sample of the "Houston County Subdivider's Agreement" is found under "Exhibit A" at the end of this Ordinance.

(2) Authority Granted to the County Engineer. The agreement shall include provisions for supervision of details of construction by the County Engineer and grant to the Engineer the authority to correlate the inspection of work to be done under the agreement-set forth in the "Subdivider's Agreement".

(3) Financial Assurance. The agreement shall require the subdivider to make an escrow deposit or in lieu thereof to furnish the performance bond as specified in this Ordinance.

(a) The amount of the deposit of the bond shall equal to one hundred twenty-five (125) percent of the Houston County Highway Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection by the County.

(b) The time for completion of work and the several parts thereof shall be determined by the County Board upon recommendation of the County Engineer and for Surveyor after consultation with the subdivider and shall be reasonable in relation to the work to be done, the season of the year, and proper correlation with construction activity in the subdivision.

Subdivision 3. FINANCIAL GUARANTEE

The contract provided by Part 0120.0902 above shall require the subdivider to make an escrow deposit or in lieu thereof furnish a performance bond as follows:

(1) Escrow Deposit. An escrow deposit shall be made with the County equal to one hundred twenty-five (125) percent of the estimated cost of completion of the project, 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.

(a) County Reimbursement Authorized in the Case of Default. The county shall be entitled to reimburse itself out of the deposit for any cost and expense incurred by the County for completion of the work in case of default of the subdivider under the contract and for any damages sustained by the county on account of any breach thereof.

(b) Return of Escrow. Upon completion of the work and termination of any liabilities to the County or the subdivider under the contract, the balance remaining of the deposit shall be returned 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 one hundred twenty-five (125) percent of the total cost as estimated by the County Engineer including cost of inspection pursuant to the contract and which have not been completed prior to the approval of the final plat.

(a) Approval and Filing of the Bond. The bond shall be approved by the County Attorney and filed with the County Recorder.

Subdivision 4. CONSTRUCTION PLANS

(1) Construction Plans Prepared by a Registered Engineer. Construction plans for the required improvements, conforming in all respects 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 the plans shall contain his/her seal.

(2) Plans to be Approved by County Engineer. Such plans, together with the quantity of construction items, shall be submitted to the County Engineer 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 Part 0120.0902.

(3) Plans to be Filed by County. The tracings of the plans approved by the county, plus two prints, shall be furnished to the County to be filed by the County.

0110.3611 MODIFICATIONS AND EXCEPTIONS

Subdivision 1. HARDSHIP

(1) Planning Commission May Recommend Modification of this Ordinance. The Planning Commission may recommend modification of the requirements of this Ordinance in specific cases which, in its opinion, do not affect the comprehensive plan or the intent of this Ordinance.

(a) Any modifications thus recommended shall be entered in the minutes of the Planning Commission and setting forth the reasons which justify the modifications and referred to the County Board.

(2) County Board May Grant Modification of this Ordinance. The County Board may grant a modification upon receiving a report from the Planning Commission in any particular case where the subdivider can show, by reason of exceptional topography or 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 and County Land Use Plan.

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 refined herein.

Subdivision 3. EASEMENTS

(1) County Board Approval of Easements for Public Purpose. All easements required for public purposes shall be provided at locations approved by the County Board of Commissioners.

(2) Easements for Public Purpose. Easements for public purpose may be for utilities, drainage, flood plain protection, lakeshore access, walking trails, and other similar uses.

(3) Conveyance of Easements. All easements, other than utility and drainage easements, must be conveyed and recorded with the County Recorder prior to final plat approval.

(4) Easements May Not be Detrimental to Public Utility Plans. No plat shall be approved that may for any reason be detrimental to local, County, or regional utility plans.

(5) Over Sizing of Utilities. Over sizing of utilities to provide future service for more intense development of land or to provide future service to other areas may be required.

0110.3612 DIVISION OF LAND

Subdivision 1. GENERAL

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 who shall submit copies of such division to the County Surveyor. A Building Location Permit shall not be issued until the description has been received by the Zoning Administrator.

0110.3613 REGISTERED LAND SURVEYS AND CONVEYANCE BY METES AND BOUNDS

Subdivision 1. REGISTERED LAND SURVEYS

(1) Planning Commission Review Required. It is the intention of this Ordinance that all registered land surveys in Houston County shall be presented to the Planning Commission in the form of a preliminary plat in accordance with the standards set forth in this Ordinance for preliminary plats.

(2) Planning Commission Approval and Dedication of Easements Required. That the Planning Commission shall first approve the arrangement, sizes and relationship of proposed tracts in such registered land surveys, and that tracts to be used as easements or roads should be so dedicated.

(3) Building Location Permits May Be Withheld. Unless such approvals have been obtained from the Planning Commission and County Board in accordance with the standards set forth in this Ordinance, Building Location Permits will be withheld for buildings on tracts which have been so subdivided by registered land surveys.

(4) Local Road Jurisdiction May Refuse Roads. The local unit of government with road jurisdiction may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts unless the Registered Land Survey is so approved.

Subdivision 2. CONVEYANCE BY METES AND BOUNDS

(1) Certification of Metes and Bounds Description. Any parcel of land, a portion of which is being conveyed by metes and bounds, shall be accompanied by the certification of a Registered Land Surveyor or the County Surveyor as to the description therein, and by the filing of a diagram or print thereof with the Zoning Administrator, unless the description of such parcel was of record at the effective date of this Ordinance.

(2) Building Location Permits May Be Withheld. If the provisions of this section are violated, Building Location Permits will be withheld for buildings on tracts which have been subdivided and conveyed by this method.

(3) Local Road Jurisdiction May Refuse Roads. The local unit of government with road jurisdiction may refuse to take over tracts as streets or roads or to improve, repair or maintain any such tracts conveyed in violation of this Ordinance.

Subdivision 3. CERTIFICATE OF SURVEY

(1) Certificate of Survey Required. All divisions and conveyance of land by a metes and bounds description shall be accompanied by a Certificate of Survey signed by a MN Licensed Land Surveyor when recording the document with the County Recorder.

(2) Information to Be Included on a Certificate of Survey. All Certificates of Survey shall include the following:

(a) All mathematical closures shall be shown on the Certificate of Survey.

(b) All overlaps or gaps shall be shown on the Certificate of Survey.

(c) All encroachments shall be shown on the Certificate of Survey.

(d) All bearing references shall be shown on the Certificate of Survey.

(e) Show the total area in square feet, or acreage, on both the Certificate of Survey and deed.

(f) All Certificates of Survey shall be tied to a minimum of two (2) Government corners, either section or quarter section corners.

(g) All Certificates of Survey shall be tied to the NAD 83 (1996 adj.) County Coordinates System.

(3) Geographic Information System, GIS, Protocol Required. All land transfers by legal description shall conform the Houston County GIS protocol.

(a) When practicable, all other survey data shall be furnished in a digital format that is compatible with the County GIS protocol.

(4) Section Subdivision Sheets. Section subdivision sheet shall be filed with the County Surveyor.

0110.3614 BUILDING LOCATION PERMITS

Subdivision 1. BUILDING LOCATION PERMIT MAY BE DENIED

A Building Location Permit will not be issued for the construction of any building or structure on any lot in the subdivision as defined herein which has been approved for platting until all requirements of this Ordinance have been fully complied with.

0110.3615 VIOLATION, PENALTY

Subdivision 1. SALE OF LOTS FROM UNRECORDED PLATS

It shall be unlawful to sell, trade, or offer to sell, trade or otherwise convey any lot or parcel of land as a part of, or in conformity with any plan, plat or re-plat of any subdivision or area located within the jurisdiction of this Ordinance unless such plan, plat or re-plat shall have been first recorded in the Office of the County Recorder of Houston County and recorded with the Zoning Administrator.

Subdivision 2. RECEIVING AND RECORDING UNAPPROVED PLATS

It shall be unlawful to receive or record in any public office any plans, plats, or re-plat of land laid out in building lots and highways, streets, roads, alleys or other portions of the same intended to be dedicated to public or private use, or for the use of purchasers or owners of lots fronting on or adjacent thereto, and located within the jurisdiction of this Ordinance, unless the same shall bear thereon by endorsement or otherwise the approval of the Planning Commission and the Township Board.

Subdivision 3. MISREPRESENTATION AS TO CONSTRUCTION, SUPERVISION

It shall be unlawful for any subdivider, person, firm or corporation owning an addition or subdivision of land within the Township to represent that any improvement upon any of the highways, roads, streets or alleys of said addition or subdivision has been constructed according to the plans and specifications approved by the Township Board, or has been supervised or inspected by the Township, when such improvements have not been so constructed, supervised or inspected.

Subdivision 4. PENALTIES

(1) Violation of this Ordinance a Misdemeanor. Anyone including landowners and contractors violating any of the provisions of this Ordinance shall be guilty of a misdemeanor offense, and may be punished as allowed by law with fine and jail.

(2) Permits Revoked. Any permit or governmental approval may be revoked or denied for said violation.

(3) Each Day a Separate Offense. Each day during which compliance is delayed shall constitute a separate offense.

0110.3616 REPEAL, ADOPTION AND EFFECTIVE DATE

Subdivision 1. REPEAL

The Houston County Subdivision Ordinance, adopted 14, September, 1993, as amended, is hereby repealed upon the adoption and publication of this Ordinance. Any other ordinances or parts of ordinances of the County of Houston in conflict with the provisions of this Ordinance are hereby repealed.

The adoption of this Ordinance, however, shall not effect nor prevent any pending or future prosecution of, or action to abate, any existing violation of said Houston County Subdivision Ordinance, adopted 14, September, 1993, as amended, if the violation is also a violation of this Ordinance.

Subdivision 2. PUBLIC HEARING AND PLANNING COMMISSION RECOMMENDATION

The Houston County Planning Commission, after proper notice and publication, held a public hearing on the adoption of this Ordinance on July 28, 2016, at the Houston County Justice Center. After hearing public testimony and with due deliberation, the planning commission voted 7 Ayes and 0 Nays to recommend adoption of this Ordinance to the Houston County Board of Commissioners.

Subdivision 3. ADOPTION

The Houston County Board of Commissioners, after proper notice and publication, held a public hearing on the adoption this Ordinance on August 23, 2016, at the Houston County Courthouse and with due deliberation, the Houston County Board of Commissioners voted 5 Ayes and 0 Nay to adopt this Ordinance.

Subdivision 4. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after August 23, 2016

Adopted: August 23, 2016.

Published: _____, 2014.

_____

Chairperson, Houston County
Board of Commissioners

Attest:_____
County Auditor

Exhibit A

(space left for recording document)

(sample)

HOUSTON COUNTY SUBDIVIDER'S AGREEMENT

Date _____

THIS AGREEMENT, made and entered into this _____ day of _____, 20___ by and between Houston County, hereinafter called "County" and _____ hereinafter called "Owner".

WHEREAS, the Owner has made application to the County for approval of a plat of land within _____ Township. The legal description of the land is attached as Exhibit A, hereinafter called the "Subdivision", and

WHEREAS, the County Board granted approval of a plat of land within _____Township on the condition as described herein. This agreement is inclusive of the entire plat of land and does not separate the project into phases. If the development is to occur in phases, it still must meet the conditions and timelines set forth under this Agreement.

NOW, THEREFORE, in consideration of the premises and of the mutual promises and conditions hereinafter contained, it is hereby agreed as follows:

(1) IMPROVEMENTS: In accordance with the policies and ordinances of the County, the following described improvements (hereinafter collectively called "Improvements") shall be constructed and installed on the terms and conditions set forth in all parts of Section 37- Houston County Subdivision Regulations Subd. 0110.3708 "Improvements Required" and 0110.3709 "Payment For Installation Of Improvement".

(2) The Owner shall reimburse the County any costs related to required wetland mitigation and replacement that is incurred by the County related to the Development.

(3) Engineering, Recording and Legal Fees: The Owner agrees to pay the County the actual administrative and inspection cost of the project. The County or the Engineer shall bill the Owner on a periodic basis for these costs:

(a) The County and County Engineer will review and approve the construction plans and specification, at Owner's expense.

(b) The County will provide inspection of all Public Improvements at Owner's expense.

(c) A final plat will be submitted to the County Recorder and recording costs will be at Owner's expense.

(d) There will be no assessments or deferred assessments.

(4) SAFETY: Owner agrees to take all precautions necessary to protect the public against injuries, and keep danger signals at all places and at such times as public safety may require.

(5) INDEMNITY: The Owner shall save and hold harmless the County, its officers, agents, employees, County Engineer and members, from all claims, suits, or actions of whatsoever nature resulting from or arising out of the activities of the Owner or its contractor, subcontractors, agents or employees under this agreement. The Owner agrees to defend, indemnify, and hold harmless the County and it's officials, officers, agents, employees and County Engineer from all claims brought by the employees or agents of the Owner, or its subcontractors, arising out of or as a result of any act, or failure to act, whether or not negligent, in connection with the performance of the work to be performed pursuant to this contract by the Owner, it's employees, agents, contractors and subcontractors. The Owner agrees to defend and pay all costs in defending these claims, including reasonable attorney fees.

(6) COMPLIANCES: In connection with the administration and performance of the work authorized by this contract, the Owner shall comply and cause its agents and employees to comply with all Federal, State and local laws together with all ordinances and regulations applicable to this agreement and the work to be performed hereunder. All required permits shall be obtained by the Owner.

Work on the development shall not commence until all necessary permits have been obtained by the Owner.

(7) COMPLETION DATE: Owner intends to complete all work which is subject to this agreement on or before _____ through the bituminous base course and by _____ of the year following the completion of the bituminous base with the wear course.

(8) MERGER CLAUSE: This agreement constitutes the final expression of the party's agreement, and the complete and exclusive statement of the terms agreed upon. This agreement supersedes all prior negotiations, understandings, agreements, or representations not specified herein. Furthermore, no waiver, consent modification, or change of terms of this agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification, or change shall be effective only in the specific instance and for the specific purpose given.

(9) WAIVER: The failure of the County to enforce any provisions of this contract shall not constitute a waiver by the County of that or any other provision.

IN WITNESS WHEREOF, the County has caused this Agreement to be duly executed in its name and on its behalf and its seal to be hereunto duly affixed and the Owner has caused this Agreement to be duly executed in its name and on its behalf, on or as of the date first above written.

HOUSTON COUNTY

DATED_____ BY_____

STATE OF MINNESOTA
COUNTY OF HOUSTON

The foregoing was acknowledged before me on this _____ day of _____ 20_____,
By _____, the Chairperson of the Houston County Commissioners under the laws of Minnesota, on behalf of the Houston County Commissioners.

_____ _____
Notary Public My Commission expires

SEAL

Dated: _____ BY: _____
BY: _____

STATE OF MINNESOTA
COUNTY OF HOUSTON

The forgoing was acknowledged before me on this _____ day of _____ 20_____,

by _____ and _____
(name) (name)
the _____ and _____
(title of above name) (title of above name)
of _____, a _____
(company name) (corporation, partnership, etc.)

Under the laws of Minnesota, on behalf of the _____
(corporation, partnership, etc.)

_____ _____
Notary Public My Commission expires

(Note: if husband and wife it must be written following their names).

SEAL

This is a signature page to the Development Agreement by and between Houston County and _____

Houston County
Subdividers Agreement

EXHIBIT A – LEGAL DESCRIPTION OF PROPERTY

SECTION 37 - REPEAL, ADOPTION AND EFFECTIVE DATE

0110.3701 REPEAL

The Houston County Zoning Ordinance, adopted August 30, 1967, as amended, is hereby repealed upon the adoption and publication of this Ordinance. Any other ordinances or parts of ordinances of the County of Houston in conflict with the provisions of this Ordinance are hereby repealed.

The adoption of this Ordinance, however, shall not effect nor prevent any pending or future prosecution of, or action to abate, any existing violation of said Houston County Zoning ordinance, as amended, if the violation is also a violation of this Ordinance.

0110.3702 PUBLIC HEARING AND PLANNING COMMISSION RECOMMENDATION

The Houston County Planning Commission, after proper notice and publication, held a public hearing on the amendment to of this Ordinance on July 28, 2016 at the Houston County Justice Center. After hearing public testimony and with due deliberation, the Planning Commission voted 7 Ayes and 0 Nays to recommend adoption of this Ordinance to the Houston County Board of Commissioners.

0110.3703 ADOPTION

The Houston County Board of Commissioners, with due deliberation, voted 5 Ayes and 0 Nay to adopt this Ordinance.

0110.3704 EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after August 23rd, 2016.

Judy Storlie

Chairperson, Houston County
Board of Commissioners

Attest: Charlene Meiners
County Auditor