



Le Sueur County, MN

Tuesday, February 19, 2019

Board Meeting

Item 3

9:10 a.m. Joshua Mankowski, Planning & Zoning Administrator (5 min)

1. Ordinance Amendment Resolution

Staff Contact:

**RESOLUTION AMENDING LE SUEUR COUNTY
ZONING ORDINANCE**

WHEREAS, zoning ordinances are designed for the purpose of promoting the public health, safety, and general welfare: and

WHEREAS, from time to time it is in the best interest of the County to revise the Zoning Ordinance for the purpose of promoting the public health, safety, and general welfare; and

WHEREAS, the County recognizes that the Zoning Ordinance need to be amended to reflect the goals of the County Land Use Plan which was completed in 2007; and

WHEREAS, the Planning and Zoning Commission held a public hearing on the Ordinance on November 8, 2018 and January 10, 2019 and took testimony from the public, and at their January 10, 2019 meeting unanimously recommended adoption to the County Board; and

WHEREAS, the County Board held a public hearing on the Ordinance on February 5, 2019 and took testimony from the public,

WHEREAS, based upon the Planning and Zoning Commission's recommendation and minutes, the County Board hereby finds and determines that:

1. State Statute enables counties to enact land use plans through zoning ordinances.
2. The proposed amendments reflect the goals and polices of the County Land Use Plan.
3. The proposed amendments encourage land use and zoning practices that will protect the public's health, safety, morals, and general welfare.
4. The proposed amendments will preserve significant bluff areas, wetlands, and natural resources.

NOW, THEREFORE, BE IT FURTHER ORDAINED that the Le Sueur County Zoning Ordinance is amended with the proposed ordinance language is adopted.

This Ordinance shall become effective March 1, 2019.

Adopted this 19 day of February, 2019.

John King
Le Sueur County Board of Commissioners

ATTESTED BY: _____
Darrell Pettis
Le Sueur County Administrator

SECTION 4. RULES AND DEFINITIONS

SUBDIVISION 1. PURPOSE

A. WORD USAGE

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

B. PERMITTED USES

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

C. CONDITIONAL USES

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

D. SIGNIFICANT DATES:

(TABLE ON NEXT PAGE)

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

SUBDIVISION 2. DEFINITIONS

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

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

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

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

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

AGGREGATED PROJECTS - Aggregated projects are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project (Minnesota County Model Wind Ordinance)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ANIMAL FEEDLOT, OPERATOR/OWNER - An individual, corporation, group of individuals, partnership, joint venture, owner or any other business entity having charge or control of one or more livestock feedlots, poultry lots or other animal lots.

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

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

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

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

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

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

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

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

ANIMAL UNIT - A unit of measure used to compare differences in the production of animal manures that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer.

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

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

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

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

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

AUTOMOBILE WRECKING - See Junk/Salvage Yards.

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

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

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

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

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

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

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

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

BLUFF IMPACT ZONE - Land located within twenty (20) feet from the top or toe of a bluff.

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

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

BUILDING - See Structure

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

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

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

CAMPER - See Travel Trailer.

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

CANDELAS PER SQUARE METER (cd/m2) - The standard unit of luminance (*also called NITS*). 1 CDM is equal to 1 NIT.

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

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

CLASS V INJECTION WELL - A shallow well used to place a variety of fluids directly below the land surface. This includes SSTs that are designed to receive sewage or nonsewage from a two-family dwelling or greater or receive sewage or nonsewage from another establishment that serves more than 20 persons per day. The US Environmental Protection Agency and delegated state groundwater programs permit these wells to inject wastes below the ground surface provided they meet certain requirements and do not endanger underground sources of drinking water. Class V motor vehicle waste disposal wells and large-capacity cesspools are specifically prohibited (see 40 CFR Parts 144 & 146).

CLUSTER DEVELOPMENT - A pattern of subdivision development which places housing units into compact groupings while providing a network of commonly owned or dedicated open space.

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

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

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

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

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

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

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

COMMISSIONER - Minnesota Commissioner of Natural Resources.

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

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

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

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

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

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

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

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

COUNTY - Le Sueur County, Minnesota.

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

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

DEPARTMENT - The Le Sueur County Environmental Services Department.

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

DEPTH OF REAR YARD - The mean horizontal distance between the rear structure line and the rear property line.

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

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

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

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

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

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

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

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

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

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

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

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

DWELLING SITE - A designated location for residential use.

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

DWELLING, TEMPORARY - Temporary dwellings are defined as manufactured homes that

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

EASEMENT - A grant by a landowner for the use of a parcel of land for the purpose of construction and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

EQUAL DEGREE OF ENCROACHMENT - A method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

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

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

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

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

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

FARM - A tract of land, which is principally used for agricultural production of cash crop,

livestock, or poultry farming. Such farm may include accessory structures and structures necessary to the operation of the farm.

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

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

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

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

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

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

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

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

FLOOD-PROOFING - A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

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

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

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

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

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

FOREST MANAGEMENT - A process by which the proper care so that a forest stand remains

healthy and vigorous.

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

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

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

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

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

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

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

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

HIGHWAY - Any public thoroughfare or vehicular right-of-way with a Federal or State numerical route designation; any public thoroughfare or vehicular, right-of-way with a Le Sueur County numerical route designation.

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

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

IMMINENT THREAT TO PUBLIC HEALTH AND SAFETY - A SSTS with a discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains or directly to surface water; SSTS that cause a reoccurring sewage backup into a dwelling or other establishment; SSTS with electrical hazards; sewage tanks with unsecured, damaged, or weak maintenance access covers; or any other situation with the potential to immediately and

adversely affect or threaten public health or safety. The determination of protectiveness for other conditions must be made by a qualified employee or a licensed inspection business.

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

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

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

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

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

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

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

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

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

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

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

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

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

LAND USE DEVELOPMENT APPLICATION - The term includes, but is not limited to applications for the following: construction permits, subsurface sewage treatment system permits, land alterations permits, or other types of zoning permits, conditional use permits, amendments to this ordinance, variances from the provisions of this Ordinance, and the subdivision of real estate. The application is not considered complete and will not be accepted by the Department unless all fees are paid, preliminary reviews and approvals completed, submitted with associated supporting information and documents, and such other information as required by the Department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MANUFACTURED HOME - A structure, transportable in one (1) or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein to be used as a single-family dwelling; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary, as defined in Minnesota Statute 327.31, subd. 18, and complies with the standards established under this chapter.

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

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

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

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

MINOR REPAIR - The repair or replacement of an existing damaged or faulty component/part of an SSTS that will return the SSTS to its operable condition. The repair shall not alter the original area, dimensions, design, specifications, or concepts of the SSTS.

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

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

MOTOR HOME - See Recreational Vehicle.

MPCA - Minnesota Pollution Control Agency. Referred to as “the Agency” throughout this Ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RECLAMATION - Activity which is taken during and after a mining operation to return the area to a natural state as much as possible or take actions that would substantially reduce adverse environmental effects from occurring.

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

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

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

REGIONAL FLOOD - A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the one hundred (100) year recurrence interval. Regional flood is synonymous with the term "Base Flood" used in the Flood Insurance Study.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STATE - the State of Minnesota.

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

STORY - That portion of a structure included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, the space between the floor and the ceiling next above it.

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

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

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

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

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

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

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

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

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

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

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

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

SUBSTANDARD SHORELAND USE - Any legal use of shorelands existing prior to the date of enactment of this Ordinance which is permitted within the applicable zoning district but does not meet the minimum lot area and length of water frontage, structure setbacks or other dimensional standards of this Ordinance.

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

SUBSTANTIAL IMPROVEMENT - Within any consecutive three hundred and sixty five (365) day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the estimated market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred

“substantial damages,” regardless of the actual repair work performed. The term does not, however, include either:

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

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

SUBSURFACE SEWAGE TREATMENT SYSTEM, CERTIFICATE OF COMPLIANCE - A document, written after a compliance inspection, certifying that a system is in compliance with applicable requirements at the time of the inspection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

UNINCORPORATED AREA - The area outside a city.

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

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

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

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

WATERCRAFT – Any contrivance used or designed for navigation on water, except: a waterfowl boat during the waterfowl-hunting season; a rice boat during the harvest season; or a seaplane.

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

WIND ENERGY CONVERSION SYSTEMS (WECS) - An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and metrological towers that operate by converting kinetic energy of the wind into electrical energy. The energy may be used on-site or transferred off-site via transmission lines

1. **WECS, COMMERCIAL** - A WECS of equal or greater than forty (40) kW in total name plate generating capacity with not more than five (5) MW.
2. **WECS, NON-COMMERCIAL** - A WECS of less than forty (40) kW in total name plate generating capacity, not to exceed a maximum height of one hundred fifty (150) feet.
3. **WECS, TOTAL HEIGHT** - Overall height of a WEC measured as the height of the tip of a blade extended at apex of rotation above the local ground level.
4. **WECS, ROTOR DIAMETER** - The diameter of the circle described by the moving rotor blades.
5. **WECS, AGGREGATED PROJECTS** - Aggregated projects are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.

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

1. Have a predominance of hydric soils.

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

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

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

1. **Type 1 wetlands** are seasonally flooded basins or flats in which soil is covered with water or is waterlogged during variable seasonal periods but usually is well-drained during much of the growing season. Type 1 wetlands are located in depressions and in overflow bottomlands along watercourses, and in which vegetation varies greatly according to season and duration of flooding and includes bottomland hardwoods as well as herbaceous growths.
2. **Type 2 wetlands** are inland fresh meadows in which soil is usually without standing water during most of the growing season but is waterlogged within at least a few inches of surface. Vegetation includes grasses, sedges, rushes, and various broad-leafed plants. Meadows may fill shallow basins, sloughs, or farmland sags, or these meadows may border shallow marshes on the landward side.
3. **Type 3 wetlands** are inland shallow fresh marshes in which soil is usually waterlogged early during a growing season and often covered with as much as six (6) inches or more of water. Vegetation includes grasses, bulrushes, spikerushes, and various other marsh plants such as cattails, arrowheads, pickerelweed, and smartweeds. These marshes may nearly fill shallow lake basins or sloughs, or may border deep marshes on the landward side and are also common as seep areas on irrigated lands.
4. **Type 4 wetlands** are inland deep fresh marshes in which soil is usually covered with six (6) inches to three (3) feet or more of water during the growing season. Vegetation includes cattails, reeds, bulrushes, spikerushes, and wild rice. In open areas, pondweeds, naiads, coontail, water milfoils, waterweeds, duckweeds, waterlilies, or spatterdocks may occur. These deep marshes may completely fill shallow lake basins, potholes, limestone sinks, and sloughs, or they may border open water in such depressions.

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

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

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

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

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

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

SECTION 7. CONSERVANCY (C) DISTRICT

SUBDIVISION 1. PURPOSE

The Conservancy (C) District is established for areas that typically contain significant water courses and associated features such as bluffs, woods and flood plain that are best left mostly in existing natural ground cover. Dwellings, livestock production, and other intense land uses should be kept to a minimum. Housing density should be the same as in the Agriculture (A) District. Rezoning should only be considered on the zone's borders in order to maintain the Zoning integrity with the Conservancy (C) District. However, transfer of development rights may be utilized to exceed the permitted housing density of one dwelling per quarter-quarter section (40 acres), provided the density does not exceed four dwellings per quarter-quarter section in the receiving quarter-quarter section. Lots of Record shall be exempt from density standards.

SUBDIVISION 2. PERMITTED USES

The following uses shall be permitted within the Conservancy (C) District:

- A. Agriculture, including crop production and pasturing, utilizing agricultural best management practices and accessory structures.
- B. One (1) single-family dwelling per existing building site, Lot of Record, or per quarter-quarter section.
- C. One (1) temporary dwelling per lot that will be occupied for one (1) year or less.
- D. Home Occupations, Level I.
- E. Seasonal produce stand.
- F. Sensitive resource management of hiking trails, nature areas, wildlife preserves, official wetland areas and forest preserves owned or operated by governmental agencies.
- G. Flood control, watershed structures, erosion control, and fish and game hatcheries.
- H. Forest management.
- I. Nurseries and tree farms.
- J. Non-Commercial Wind Energy Conversion Systems.
- K. Grading, excavating or filling activities involving the movement of fifty (50) cubic yards or less of material that is not in connection with another permitted use. Activities associated with the maintenance or improvements of public roads are exempt.

| Permitted Use | Permitted Use with Land Alteration(s) Plan | Land Alteration(s) Plan Requirements |
|---|---|--|
| < 5 cubic yards within Bluff Impact Zone | 5-10 cubic yards within Bluff Impact Zone | Scaled site plan w/2-foot contours depicting existing and proposed topography. As-Built upon completion |
| <25 cubic yards outside Bluff Impact Zone | 25-50 cubic yards outside Bluff Impact Zone | <p><u>Parcels < 5 acres:</u> Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels 5-20 acres:</u> Scaled site plan w/ 5-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels > 20 acres:</u> Scaled site plan w/ 10-foot contours depicting existing and proposed topography. As-Built upon completion.</p> |

SUBDIVISION 3. CONDITIONAL USES

The following uses may be allowed in the Conservancy (C) District as Conditional Uses:

- A. Expansion of existing feedlots-up to a total of five hundred (500) animal units.
- B. Expansion of any existing feedlot within one (1) mile of a city boundary.
- C. One (1) temporary dwelling per lot that will be occupied for one (1) year or more.
- D. Mineral extraction.
- E. Home Occupations, Level II.
- F. Antique sales, service and restoration.
- G. Water supply tanks or buildings, reservoirs, commercial wells, gas regulator stations, electric substations or transmission lines greater than 35kV, railroad right-of-way, but not including railroad yards, public sewage treatment facilities and other similar essential public utility and service structures.

- H. Parks, recreational areas and historic sites.
- I. Bed and Breakfast Inns.
- J. Campgrounds.
- K. Transfer of Development Rights.
- L. Commercial Wind Energy Conversion Systems.
- M. Self Service Storage.
- N. Special Events.
- O. Grading, excavating or filling within the bluff.
- P. Grading, excavating or filling activities involving the movement of more than (50) fifty cubic yards of material that is not in connection with another permitted use. Activities associated with the maintenance or improvements of public roads are exempt.

| Conditional Use | Conditional Use Requirements |
|--|---|
| > 10 cubic yards within the Bluff Impact Zone | <p>Scaled site plan w/2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p>Site Plan(s) and As-Built completed by a surveyor or engineer.</p> |
| > 50 cubic yards outside Bluff Impact Zone | <p>Parcels < 5 ac: Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p>Parcels 5-20 ac: Scaled site plan w/ 5-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p>Parcels > 20 ac: Scaled site plan w/ 10-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p>Site Plan(s) and As-Built completed by a surveyor or engineer.</p> |

SUBDIVISION 4. PERMITTED ACCESSORY USES AND STANDARDS

The following uses shall be permitted accessory uses within the Conservancy (C) District.

A. Having no more than two (2) boarders by a resident family.

B. ACCESSORY STRUCTURES

1. In the Conservancy (C) District that have lot sizes less than five (5) acres shall conform to the following structure areas and maximum structure heights.

| Lot Size | Maximum Structure Area | Maximum Structure Height |
|------------------|-------------------------------|---------------------------------|
| Less than 1 acre | 2,000 square feet | 20 feet |
| 1-1.99 acres | 3,600 square feet | 20 feet |
| 2-4.99 acres | 4,000 square feet | 25 feet |

2. Outside wall dimensions shall be used to determine maximum structure area, except where a roof projects out further than two (2) feet from the sidewall; roof area shall be used to determine maximum structure area.

C. SWIMMING POOL. PERMANENT

1. No pool shall be located within ten (10) feet of a septic tank/drain field.
2. No pool shall be located beneath overhead electrical lines or over underground utility lines of any type.
3. No pool shall be located within any private or public utility, walkway, drainage, or other easement.
4. Lighting for the pool shall be oriented so as not to cast light onto adjacent properties.
5. A fence of at least five (5) feet in height shall completely enclose the pool area and the access to the pool area shall be controlled.

D. HEIGHT AND SEPARATION REGULATIONS

1. For parcels greater than five (5) acres, there shall be a maximum height limitation of one hundred and fifty (150) feet on all structures. Any structure including but not limited to tower, spire and similar type structure, only after obtaining a letter of clearance from the Federal Aeronautics Administration and the Airport Commission for any airport located within ten (10) miles of the structure proposed to exceed the height limitation.

2. An accessory structure shall not be closer than five (5) feet to the principal structure.
 - a. In case an accessory structure is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure.

E. DRAINAGE

Adequate drainage shall be provided and the drainage shall be directed away from adjacent private property.

- F. Other accessory uses customarily incidental to the uses permitted in Subdivision 2 and 3 of this Section.

SUBDIVISION 5. DIMENSIONAL REGULATIONS

A. SETBACK EXEMPTIONS/STRUCTURE EXPANSIONS

1. Where proposed additions do not encroach further into the front, side, or rear yard than the existing structure, such additions will be permitted provided the use and the structure are in conformance with the following restrictions:
 - a. The use of the structure is conforming to the zoning district in which it is located.
 - b. The expansion of the structure shall not be located closer to the property line than the existing structure or at least one-half (1/2) of the required setback, whichever is greater.
 - c. The expansion of the structure will not reduce any other required setback below the minimum standards of this Ordinance.
 - d. The expansion of the structure will conform to all other restrictions of this Ordinance, including but not limited to, density, lot coverage, and structure height.
 - e. The height of the expansion shall not be greater than the existing structure at the existing building line.

B. FRONT YARD SETBACKS

1. There shall be a front yard setback of not less than eighty five (85) feet from the right-of-way of State-Federal trunk arterials, expressways and State collector arterials.
2. There shall be a front yard setback of not less than seventy five (75) feet from the right-of-way of County Highways.

3. There shall be a front yard setback of not less than sixty five (65) feet from a township or any other public or private right-of-way.
4. When a lot is located at the intersection of two (2) or more roads, there shall be a front yard setback on each road right-of-way.
5. All components of an onsite Subsurface Sewage Treatment System (SSTS) shall be twenty (20) feet from all road right-of-ways.
6. All components of an onsite Subsurface Sewage Treatment System (SSTS) for a non-conforming Lot of Record shall be ten (10) feet from all road right-of-ways.
7. The required front yard of a corner lot shall be unobstructed above a height of three (3) feet in a triangular area, two (2) sides of which are the lines running parallel along the right of way lines between the road intersection and a point fifty (50) feet from the intersection, and the third side of which is the line between the latter two (2) points.
8. No trees or shrubs shall be planted within ten (10) feet from any right-of-way.

C. SIDE YARD SETBACKS

All structures shall have a side yard setback of not less than fifty (50) feet.

D. REAR YARD SETBACKS

All structures shall have a rear yard setback of not less than fifty (50) feet.

E. BLUFF SETBACKS

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

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

F. WETLAND SETBACKS

All structures shall be setback a minimum of seventy five (75) feet from the wetland boundary of any Type three (3) through eight (8) wetland.

G. ADDITIONAL SETBACKS

1. When more than one (1) setback applies to a site, structures must be located to meet all setbacks.
2. All structures shall be setback fifty (50) feet from a cemetery.

H. FEEDLOT & ANIMAL REQUIRMENTS

1. Effective June 10, 2010 any new school, park, golf course, licensed campground, or residential zoning district shall be separated from an existing animal feedlot by the following:

| | |
|-------------------------|-----------|
| a. 10-50 AU | 500 feet |
| b. 51-2000 AU | 1000 feet |
| c. Greater than 2000 AU | 1500 feet |
2. All new dwellings shall be separated from an existing animal feedlot by the following:

| | |
|-------------------------|-----------|
| a. 10-50 AU | 500 feet |
| b. 51-2000 AU | 1000 feet |
| c. Greater than 2000 AU | 1500 feet |
3. The animal feedlot owner's dwelling is exempt from these requirements.
4. Any expansion of an existing animal feedlot shall conform to the lot requirement as follows:

| | |
|-----------------|----------|
| a. Up to 100 AU | 5 acres |
| b. 101-500 AU | 10 acres |
5. In the Conservancy (C) District, the following standards shall be applicable for allowable animal units:

(TABLE ON NEXT PAGE)

| Suitable Area Acreage | Animal Units Allowed |
|------------------------------|--|
| < 1.49 acres | Dogs, cats, and animals customarily kept as pets |
| 1.5 to 2.49 acres | 2 |
| 2.5 to 3.49 acres | 3 |
| 3.5 to 4.49 acres | 4 |
| 4.5 or more acres | 5 plus 1 additional animal unit for each additional acre owned to a maximum of 49 animal units |

6. In the Conservancy (C) District the following maximum number of domestic animals are allowed.

| Number of Cats | Number of Dogs | kennel (CUP) | Animal Shelter (CUP) |
|-----------------------|-----------------------|----------------------|-----------------------------|
| 10 | 5 | > Than # allowed | > Than # allowed |

I. LOT AREA

Every lot or plot of land on which a single-family dwelling is erected shall contain an area of not less than five (5) acres.

J. LOT WIDTH AND DEPTH

Every lot or plot of land on which a single-family dwelling is erected shall have a minimum width of not less than four hundred (400) feet at the structure setback line and a minimum depth of not less than four hundred (400) feet.

K. BUILDABLE LOT STANDARDS

1. 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 frontage on an improved and maintained public road, or an approved and maintained private road or easement is considered a buildable lot. The buildable lot shall have the contiguous required lot area of which not more than ten (10) percent is comprised of:
 - a. Area of a slope in excess of eighteen (18) percent.
 - b. An impact zone.
 - c. Floodplain.
 - d. Wetlands.
2. Each new building site created after the adoption of this Ordinance must have a minimum of 40,000 square feet of contiguous buildable lot area.
3. Each new building site created after January 23, 1996 must have sufficient area for a minimum of two (2) onsite sewage treatment systems.
4. Lots of Record that are substandard in area must conform to all other applicable regulations herein to qualify for placement of a dwelling.

SUBDIVISION 6. DWELLING STANDARDS

A. PROHIBITED DWELLINGS

No garage, tent, trailer, or accessory structure shall at any time be used as a dwelling.

B. DWELLING REGULATIONS

1. No more than one (1) dwelling shall be placed on a lot except in the cases of temporary dwellings.
2. All dwellings shall be on foundations or piles or other foundation systems below the frost line, as approved by the Department.
3. The minimum dwelling width excluding porches, decks, or other similar attachments shall be twenty (20) feet except in the cases of temporary dwellings.
4. All dwellings must conform with the sewage treatment regulations of this Ordinance. No zoning permits will be issued for new dwellings prior to sewage treatment system approval.
5. Manufactured homes shall bear a State seal as verification of construction and inspection to ANSI A119.1 standards during original construction (issued for manufactured homes built between July 1, 1972 to June 14, 1976) or, for manufactured homes built after that date, a Federal seal in accordance with HUD CFR 3280 Construction Standards.
6. All dwellings shall have a minimum of seven hundred sixty (760) square feet of floor area on the ground floor.
7. Dwellings shall not exceed two and one-half (2 1/2) stories or thirty five (35) feet in height.
8. Outside wall dimensions shall be used to determine maximum structure area, except where a roof projects out further than two (2) feet from the sidewall; roof area shall be used to determine maximum structure area.

SUBDIVISION 7. ACCESS DRIVES, ACCESS AND SERVICE ROADS

A. Access drives onto any public roads shall require a review by the Road Authority. The Road Authority shall determine the appropriate location, size, and design of such access drives along public roads and may limit the number of access drives in the interest of public safety and efficient traffic flow.

B. Access drives shall be constructed and maintained to meet all of the following:

1. A minimum driving surface width of fourteen (14) feet.

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

SUBDIVISION 8. GENERAL REGULATIONS

All land uses and development shall follow all other applicable regulations of this Ordinance.

SECTION 8. AGRICULTURE (A) DISTRICT

SUBDIVISION 1. PURPOSE

The Agriculture (A) District is established for areas where agriculture uses are seen as the best and highest long term use of the land. The land itself needs to be preserved for primarily agricultural activities. These areas should avoid existing cities, residential zones and subdivisions. They should be large contiguous land areas with mostly prime soils. Rezoning should only be considered on the zone's borders in order to maintain the Zoning integrity of the District. Dwellings that are allowed should be on the edges of the open farmland where possible or utilize existing abandoned farm sites. The total number of Dwellings shall not exceed sixteen (16) per section of land with the exception of Transfer of Development Right and lots of record. Transfer of development rights may be utilized to exceed the permitted housing density of one dwelling per quarter-quarter section (40 acres), provided that the density does not exceed four dwellings per quarter-quarter section in the receiving quarter-quarter section. Lots of Record shall be exempt from density standards.

SUBDIVISION 2. PERMITTED USES

The following uses shall be permitted within the Agriculture (A) District:

- A. Agriculture, including crop production, pasturing utilizing agricultural best management practices, and accessory structures.
- B. Feedlots up to a total of three hundred (300) animal units, located more than one (1) mile from city boundaries.
- C. One (1) single-family dwelling per existing building site, Lot of Record, or per quarter-quarter section.
- D. One (1) temporary dwelling per lot that will be occupied for one (1) year or less.
- E. Seasonal produce stand.
- F. Parks, recreational areas, wildlife areas, historic sites, game refuges and forest preserves owned or operated by governmental agencies.
- G. Flood management and control, watershed structures, erosion control and fish and game hatcheries.
- H. Forest management.
- I. Wireless Telecommunications Service Antenna when located on existing towers.
- J. Public Utility and Service Structures.

- K. Non Commercial Wind Energy Conversion Systems.
- L. Vineyard/Orchard.
- M. Home Occupations, Level I.
- N. Tree farms.
- O. Agricultural related services such as feed and seed sales, custom applicators of animal livestock wastes, and custom tillage/harvesting.
- P. Government administration buildings, police and fire stations, community center buildings, public libraries, museums, art galleries, post office and other municipal service buildings.
- Q. **For parcels less than twenty (20) acres.** Grading, excavating or filling activities involving the movement of five hundred (500) cubic yards or less of material that is not in connection with another permitted use. Activities associated with the maintenance or improvement of public roads are exempt.

| Permitted Use | Permitted Use with Land Alteration(s) Plan | Land Alteration(s) Plan Requirements |
|--|---|---|
| <5 cubic yards within Bluff Impact Zone | 5-10 cubic yards within Bluff Impact Zone | Scaled site plan w/2-foot contours depicting existing and proposed topography. As-Built upon completion |
| <250 cubic yards outside Bluff Impact Zone | 250-500 cubic yards outside Bluff Impact Zone | <p>Parcels < 5 acres: Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p>Parcels 5-20 acres: Scaled site plan w/ 5-foot contours depicting existing and proposed topography. As-Built upon completion.</p> |

- R. **For parcels more than twenty (20) acres.** Grading, excavating or filling activities involving the movement of one thousand (1,000) cubic yards or less of material that is not in connection with another permitted use. Activities associated with the maintenance or improvement of public roads are exempt.

(TABLE ON NEXT PAGE)

| Permitted Use | Permitted Use with Land Alteration(s) Plan | Land Alteration(s) Plan Requirements |
|--|---|---|
| < 5 cubic yards within Bluff Impact Zone | 5-10 cubic yards within Bluff Impact Zone | Scaled site plan w/2-foot contours depicting existing and proposed topography. As-Built upon completion |
| <500 cubic yards outside Bluff Impact Zone | 500-1000 cubic yards outside Bluff Impact Zone | Scaled site plan w/10-foot contours depicting existing and proposed topography. As-Built upon completion. |

SUBDIVISION 3. CONDITIONAL USES

The following uses may be allowed in the Agriculture (A) District as Conditional Uses.

- A. All feedlots three hundred and one to three thousand (301 to 3,000) animal units.
- B. A new feedlot or expansion of an existing feedlot within one (1) mile of a city boundary.
- C. Agriculture and Industrial machinery sales and service.
- D. Fertilizer and chemical sales.
- E. Value Added Agriculture.
- F. Commercial grain storage facilities.
- G. One (1) temporary dwelling per lot that will be occupied for more than one (1) year.
- H. Riding academies and stables.
- I. Organized group camps.
- J. Water supply tanks or buildings, reservoirs, commercial wells, gas regulator stations, electric substations or transmission lines greater n 35kV, railroad right-of-way, but not including railroad yards, public sewage treatment facilities and other similar essential public utility and service structures.
- K. Mineral extraction.
- L. Home occupations, Level II.

- M. Public or private schools, churches, cemeteries and memorial gardens.
- N. Antique sales, service and restoration.
- O. Retail nursery and garden supplies and greenhouses.
- P. Animal hospitals, veterinary clinics, animal crematoriums and related facilities for the care and breeding of animals including kennels.
- Q. Campgrounds.
- R. Bed and Breakfast Inns.
- S. Wireless telecommunication towers.
- T. Contractors and Construction Companies along with Shops and Yards.
- U. Commercial Orchards.
- V. Winery.
- W. Indoor/Outdoor Commercial Recreational Areas.
- X. Self Service Storage.
- Y. Commercial Wind Energy Conversion System.
- Z. Commercial Grain Elevators.
- AA. Transfer of Development Rights.
- BB. Special Events.
- CC. Forest Land Conversion.
- DD. Grading, excavating or filling within the bluff.
- EE. **Parcels less than twenty (20) acres.** Grading, excavating or filling activities involving the movement of more than five hundred (500) cubic yards of material that is not in connection with another permitted use. Activities associated with the maintenance or improvement of public roads are exempt.

(TABLE ON NEXT PAGE)

| Conditional Use | Conditional Use Requirements |
|--|---|
| > 10 cubic yards within Bluff Impact Zone | Scaled site plan w/2-foot contours depicting existing and proposed topography. As-Built upon completion. Site Plan(s) and As-Built completed by a surveyor or engineer. |
| > 500 cubic yards outside Bluff Impact Zone | <u>Parcels < 5 ac:</u> Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion. <u>Parcels 5-20 ac:</u> Scaled site plan w/ 5-foot contours depicting existing and proposed topography. As-Built upon completion. Site Plan(s) and As-Built completed by a surveyor or engineer. |

FF. **Parcels more than twenty (20) acres.** Grading, excavating or filling activities involving the movement of more than one thousand (1,000) cubic yards of material that is not in connection with another permitted use. Activities associated with the maintenance or improvement of public roads are exempt.

| Conditional Use | Conditional Use Requirements |
|---|---|
| > 10 cubic yards within Bluff Impact Zone | Scaled site plan w/2-foot contours depicting existing and proposed topography. As-Built upon completion. Site Plan(s) and As-Built completed by a surveyor or engineer. |
| > 1000 cubic yards outside Bluff Impact Zone | Scaled site plan w/ 10-foot contours depicting existing and proposed topography. As-Built upon completion. Site Plan(s) and As-Built completed by a surveyor or engineer. |

SUBDIVISION 4. PERMITTED ACCESSORY USES AND STANDARDS

The following uses shall be permitted accessory uses within the Agriculture (A) District:

- A. Having no more than two (2) boarders or roomers by a resident family.
- B. Light aircraft, unpaved landing fields used solely by the property owner.

C. ACCESSORY STRUCTURES

- 1. Accessory structures in the Agriculture (A) District that have lot sizes less than five (5) acres shall conform to the following structure areas and maximum structure heights.

| Lot Size | Maximum Structure Area | Maximum Structure Height |
|------------------|-------------------------------|---------------------------------|
| Less than 1 acre | 2,000 square feet | 20 feet |
| 1-1.99 acres | 3,600 square feet | 20 feet |
| 2-4.99 acres | 4,000 square feet | 25 feet |

- 2. Outside wall dimensions shall be used to determine maximum structure area, except where a roof projects out further than two (2) feet from the sidewall; roof area shall be used to determine maximum structure area.

D. SWIMMING POOL. PERMANENT

- 1. No pool shall be located within ten (10) feet of a septic tank/drain field.
- 2. No pool shall be located beneath overhead electrical lines or over underground utility lines of any type.
- 3. No pool shall be located within any private or public utility, walkway, drainage, or other easement.
- 4. Lighting for the pool shall be oriented so as not to cast light onto adjacent properties.
- 5. A fence of at least five (5) feet in height shall completely enclose the pool area and the access to the pool area shall be controlled.

E. HEIGHT AND SEPARATION REGULATIONS

- 1. For parcels greater than five (5) acres, there shall be a maximum height limitation of one hundred and fifty (150) feet on all structures. Any structure including but not limited to tower, spire and similar type structure, only after obtaining a letter of clearance from the Federal Aeronautics Administration and the Airport Commission for any airport located within ten (10) miles of the structure proposed to exceed the height limitation.
- 2. An accessory structure shall not be closer than five (5) feet to the principal structure.
 - a. In case an accessory structure is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure.

F. DRAINAGE

Adequate drainage shall be provided and the drainage shall be directed away from adjacent private property.

G. Other accessory uses customarily incidental to the uses permitted in Subdivision 2 and 3 of this Section.

SUBDIVISION 5. DIMENSIONAL REGULATIONS

A. SETBACK EXEMPTIONS/STRUCTURE EXPANSIONS

1. Where proposed additions do not encroach further into the front, side, or rear yard than the existing structure, such additions will be permitted provided the use and the structure are in conformance with the following restrictions:
 - a. The use of the structure is conforming to the zoning district in which it is located.
 - b. The expansion of the structure shall not be located closer to the property line than the existing structure or at least one-half (1/2) of the required setback, whichever is greater.
 - c. The expansion of the structure will not reduce any other required setback below the minimum standards of this Ordinance.
 - d. The expansion of the structure will conform to all other restrictions of this Ordinance, including but not limited to, density, lot coverage, and structure height.
 - e. The height of the expansion shall not be greater than the existing structure at the existing building line.

B. FRONT YARD SETBACKS

1. There shall be a front yard setback of not less than eighty five (85) feet from the right-of-way of State-Federal trunk arterials, expressways and State collector arterials.
2. There shall be a front yard setback of not less than seventy five (75) feet from the right-of-way of County Highways.
3. There shall be a front yard setback of not less than sixty five (65) feet from a township or any other public or private right-of-way.
4. When a lot is located at the intersection of two (2) or more roads, there shall be a front yard setback on each road right-of-way.

5. All components of an onsite Subsurface Sewage Treatment System (SSTS) shall be twenty (20) feet from all road right-of-ways.
6. All components of an onsite Subsurface Sewage Treatment System (SSTS) for a non-conforming Lot of Record shall be ten (10) feet from all road right-of-ways.
7. The required front yard of a corner lot shall be unobstructed above a height of three (3) feet in a triangular area, two (2) sides of which are the lines running parallel along the right of way lines between the road intersection and a point fifty (50) feet from the intersection, and the third side of which is the line between the latter two (2) points.
8. No trees or shrubs shall be planted within ten (10) feet from any right-of-way.

C. SIDE YARD SETBACKS

1. All structures shall have a side yard setback of not less than fifty (50) feet.
2. Accessory structures shall have a side yard setback of not less than fifteen (15) feet.

D. REAR YARD SETBACKS

1. All structures shall have a rear yard setback of not less than fifty (50) feet.
2. Accessory structures shall have a rear yard setback of not less than fifteen (15) feet.

E. BLUFF SETBACKS

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

4. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

F. WETLAND SETBACKS

All structures shall be setback a minimum of seventy five (75) feet from the wetland boundary of any Type three (3) through eight (8) wetland.

G. ADDITIONAL SETBACKS

1. When more than one (1) setback applies to a site, structures must be located to meet all setbacks.
2. All structures shall be setback fifty (50) feet from a cemetery.

H. FEEDLOT AND ANIMAL REQUIREMENTS

1. Effective June 10, 2010, all new animal feedlots shall be separated from a school, park, golf course, licensed campground, or residential zoning district, and conversely, a new school, park, golf course, licensed campground, or residential zoning district shall be separated from an existing animal feedlot by the following:
 - a. 10-50 AU 500 feet
 - b. 51-2000 AU 1000 feet
 - c. Greater than 2000 AU 1500 feet
2. All new animal feedlots shall be separated from an existing dwelling and conversely, all new dwellings shall be separated from an existing animal feedlot by the following:
 - a. 10-50 AU 500 feet
 - b. 51-2000 AU 1000 feet
 - c. Greater than 2000 AU 1500 feet
3. The animal feedlot owner's dwelling is exempt from these requirements.
4. Any new animal feedlot or expansion of an existing animal feedlot shall conform to the lot requirement as follows:
 - a. Up to 100 AU 5 acres
 - b. 101-2000 AU 10 acres
 - c. 2001-3000 AU 15 acres
5. In the Agriculture (A) District, the following standards shall be applicable for allowable animal units:

(TABLE ON NEXT PAGE)

| Suitable Area Acreage | Animal Units Allowed |
|------------------------------|--|
| < 1.49 acres | Dogs, cats, and animals customarily kept as pets |
| 1.5 to 4.99 acres | Up to 10 AU |
| 5 to 9.99 acres | 10 to 100 AU (50 AU or more-required to be registered feedlots) |
| 10 to 14.99 acres | 101 to 2,000 AU |
| 15 or more acres | 2,001 to 3,000 AU |

6. In the Agriculture (A) District the following maximum number of domestic animals are allowed.

| Number Of Cats & Dogs | Kennel (CUP) | Animal Shelter (CUP) |
|----------------------------------|---------------------|-----------------------------|
| 10 | > Than # allowed | > Than # allowed |

I. LOT AREA

Every lot or plot of land on which a single-family dwelling is erected shall contain an area of not less than one and one-half (1.5) acres.

J. LOT WIDTH AND DEPTH

Every lot or plot of land on which a single-family dwelling is erected shall have a minimum width of not less than two hundred (200) feet at the setback line and a minimum depth of not less than three hundred (300) feet.

K. BUILDABLE LOT STANDARDS

1. 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 frontage on an improved and maintained public road, or an approved and maintained private road or easement is considered a buildable lot. The buildable lot shall have the contiguous required lot area of which not more than ten (10) percent is comprised of:
 - a. Area of a slope in excess of eighteen (18) percent;
 - b. An impact zone.
 - c. Floodplain.
 - d. Wetlands.
2. Each new building site created after the adoption of this Ordinance must have a minimum of forty thousand (40,000) square feet of contiguous buildable lot area.
3. Each new building site created after January 23, 1996 must have sufficient area for a minimum of two (2) onsite sewage treatment systems.

4. Lots of record that are substandard in area must conform to all other applicable regulations to qualify for placement of a dwelling.

SUBDIVISION 6. DWELLING STANDARDS

A. PROHIBITED DWELLINGS

No garage, tent, trailer, or accessory structure shall at any time be used as a dwelling.

B. DWELLING REGULATIONS

1. No more than one (1) dwelling shall be placed on a lot except in the cases of temporary dwellings.
2. All dwellings shall be on foundations or piles or other foundation systems extending below the frost line, as approved by the Department.
3. The minimum dwelling width excluding porches, decks, or other similar attachments shall be twenty (20) feet except in the cases of temporary dwellings.
4. All dwellings must conform with the sewage treatment regulations of this Ordinance. No zoning permits will be issued for new dwellings prior to sewage treatment system approval.
5. Manufactured homes shall bear a State seal as verification of construction and inspection to ANSI A119.1 standards during original construction (issued for manufactured homes built between July 1, 1972 to June 14, 1976) or, for manufactured homes built after that date, a Federal seal in accordance with HUD CFR 3280 Construction Standards.
6. All dwellings shall have a minimum of seven hundred sixty (760) square feet of floor area on the ground floor.
7. Dwellings shall not exceed two and one-half (2 1/2) stories or thirty five (35) feet in height.
8. Outside wall dimensions shall be used to determine maximum structure area, except where a roof projects out further than two (2) feet from the sidewall; roof area shall be used to determine maximum structure area.

SUBDIVISION 7. ACCESS DRIVES, ACCESS AND SERVICE ROADS

- A. Access drives onto any public roads shall require a review by the Road Authority. The Road Authority shall determine the appropriate location, size, and design of such access drives along public roads and may limit the number of access drives in the interest of public safety and efficient traffic flow.

- B. Access drives shall be constructed and maintained to meet all of the following:
1. A minimum driving surface width of fourteen (14) feet.
 2. Inslope no greater than 4 to 1, as measured horizontal to vertical.
 3. Base material depth sufficient to support access by emergency vehicles.
 4. Unobstructed width of not less than twenty (20) feet.
 5. Unobstructed vertical clearance of not less than thirteen (13) feet, six (6) inches.
- C. Access drives in excess of one hundred fifty (150) feet in length shall provide a minimum turn-around of sixty (60) feet in width by sixty (60) feet in length.
- D. Access drives shall have a twenty (20) foot long flat grade directly adjacent to the road that the drive accesses.
- E. All lots or parcels with dwellings shall have direct physical access of adequate size for emergency vehicles along the frontage of the lot or parcel from either an existing or dedicated public roadway.
- F. All roads serving more than two (2) lots or parcels with dwellings shall be built to township road specifications or at least sixty six (66) feet wide with a minimum driving surface width of twenty four (24) feet.
- G. Access drives shall not be located within the bluff impact zone.

SUBDIVISION 8. GENERAL REGULATIONS.

All land uses and development shall follow all other applicable regulations of this Ordinance.

SECTION 9. URBAN/RURAL RESIDENTIAL (R1) DISTRICT

SUBDIVISION 1. PURPOSE

The Urban/ Rural Residential (R1) District is established for areas that will allow residential development that will not be in conflict with agricultural uses, city growth, or destroy important natural resource areas.

SUBDIVISION 2. PERMITTED USES

The following uses shall be permitted within the Urban/Rural Residential (R1) District;

- A. One (1) single-family dwelling per existing building site, Lot of Record, platted lot or parcel.
- B. Home Occupations, Level I.
- C. Existing agricultural land uses.
- D. Grading, excavating or filling activities involving the movement of fifty (50) cubic yards or less of material that is not in connection with another permitted use. Activities associated with the maintenance or improvement of public roads are exempt.

(TABLE ON NEXT PAGE)

| Permitted Use | Permitted Use with Land Alteration(s) Plan | Land Alteration(s) Plan Requirements |
|---|---|--|
| < 5 cubic yards within Bluff Impact Zone | 5-10 cubic yards within Bluff Impact Zone | Scaled site plan w/2-foot contours depicting existing and proposed topography. As-Built upon completion. |
| <25 cubic yards outside Bluff Impact Zone | 25-50 cubic yards outside Bluff Impact Zone | <p><u>Parcels < 5 acres:</u> Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels 5-20 acres:</u> Scaled site plan w/ 5-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels > 20 acres:</u> Scaled site plan w/ 10-foot contours depicting existing and proposed topography. As-Built upon completion.</p> |

SUBDIVISION 3. CONDITIONAL USES

The following uses may be allowed in the Urban/Rural Residential (R1) District as Conditional Uses.

- A. Platted Residential Subdivisions subject to Le Sueur County Subdivision Regulations.
- B. Government administration buildings, police and fire stations, community center buildings, public libraries, museums, art galleries, post office and other municipal service buildings.
- C. Any change in agricultural practice that constitutes an intensification of present agricultural use.
- D. Water supply buildings, reservoirs, commercial wells, elevated tanks, gas regulator stations, electrical substations, and similar essential service structures.
- E. Golf courses, and any structures normally associated with golf courses.

- F. Home Occupations, Level II.
- G. Cemetery, memorial gardens.
- H. Public or private schools.
- I. Churches.
- J. Hospitals, convalescent or nursing homes.
- K. Parks and recreational areas owned or operated by governmental agencies.
- L. Grading, excavating or filling activities within the bluff.
- M. Grading, excavating or filling activities involving the movement of fifty (50) cubic yards or more of material that is not in connection with another permitted use. Activities associated with the maintenance or improvement of public roads are exempt.

| Conditional Use | Conditional Use Requirements |
|---|--|
| > 10 cubic yards within Bluff Impact Zone | <p>Scaled site plan w/2- foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p>Site Plan(s) and As-Built completed by surveyor or engineer.</p> |
| >50 cubic yards outside Bluff Impact Zone | <p><u>Parcels < 5 acres:</u> Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels 5-20 ac:</u> Scaled site plan w/ 5-foot contours Depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels > 20 ac:</u> Scaled site plan w/ 10-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p>Site Plan (s) and As-Built completed by a surveyor or engineer.</p> |

SUBDIVISION 4. PERMITTED ACCESSORY USES AND STANDARDS

The following uses shall be permitted accessory uses within an Urban/Rural Residential (R1) District

A. ACCESSORY STRUCTURES

1. In the Urban/Rural Residential (R1) District that have lot sizes less than five (5) acres shall conform to the following structure areas and maximum structure heights.

| Lot Size | Maximum Structure Area | Maximum Structure Height |
|------------------|-------------------------------|---------------------------------|
| Less than 1 acre | 2,000 square feet | 20 feet |
| 1-1.99 acres | 3,600 square feet | 20 feet |
| 2-4.99 acres | 4,000 square feet | 25 feet |

2. Outside wall dimensions shall be used to determine maximum structure area, except where a roof projects out further than two (2) feet from the sidewall; roof area shall be used to determine maximum structure area.
3. No accessory structure or use shall be constructed or developed on a lot prior to construction of the principal dwelling.

B. SWIMMING POOL. PERMANENT

1. No pool shall be located within ten (10) feet of a septic tank/drain field.
2. No pool shall be located beneath overhead electrical lines or over underground utility lines of any type.
3. No pool shall be located within any private or public utility, walkway, drainage, or other easement.
4. Lighting for the pool shall be oriented so as not to cast light onto adjacent properties.
5. A fence of at least five (5) feet in height shall completely enclose the pool area and the access to the pool area shall be controlled.

C. HEIGHT AND SEPARATION REGULATIONS

1. For parcels greater than five (5) acres, there shall be a maximum height limitation of one hundred and fifty (150) feet on all structures. Any structure including but not limited to tower, spire and similar type structure, only after obtaining a letter of clearance from the Federal Aeronautics Administration and the Airport Commission for any airport located within ten (10) miles of the structure proposed to exceed the height limitation.

2. An accessory structure shall not be closer than five (5) feet to the principal structure
 - a. In case an accessory structure is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure.

D. DRAINAGE

Adequate drainage shall be provided and the drainage shall be directed away from adjacent private property.

- E. Other accessory uses customarily incidental to the uses permitted in Subdivision 2 and 3 of this Section.

SUBDIVISION 5. DIMENSIONAL REGULATIONS.

A. SETBACK EXEMPTIONS/STRUCTURE EXPANSIONS

1. Where proposed additions do not encroach further into the front, side, or rear yard than the existing structure, such additions will be permitted provided the use and the structure are in conformance with the following restrictions:
 - a. The use of the structure is conforming to the zoning district in which it is located.
 - b. The expansion of the structure shall not be located closer to the property line than the existing structure or at least one-half (1/2) of the required setback, whichever is greater.
 - c. The expansion of the structure will not reduce any other required setback below the minimum standards of this Ordinance.
 - d. The expansion of the structure will conform to all other restrictions of this Ordinance, including but not limited to, density, lot coverage and structure height.
 - e. The height of the expansion shall not be greater than the existing structure at the existing building line.
 - f. The proposed addition is not located in shore or bluff impact zones.

B. FRONT YARD SETBACKS

1. There shall be a front yard setback of not less than eighty five (85) feet from the right-of-way of State-Federal trunk arterials, expressways and State collector arterials.
2. There shall be a front yard setback of not less than seventy five (75) feet from the right-of-way of County Highways.

3. There shall be a front yard setback of not less than sixty five (65) feet from a township or any other public or private right-of-way.
4. When a lot is located at the intersection of two (2) or more roads, there shall be a front yard setback on each road right-of-way.
5. All components an onsite Subsurface Sewage Treatment System (SSTS) shall be twenty (20) feet from all road right-of-ways.
6. All components an onsite Subsurface Sewage Treatment System (SSTS) for a non-conforming Lot of Record shall be ten (10) feet from all road right-of-ways.
7. The required front yard of a corner lot shall be unobstructed above a height of three (3) feet in a triangular area, two (2) sides of which are the lines running parallel along the right of way lines between the road intersection and a point fifty (50) feet from the intersection, and the third side of which is the line between the latter two (2) points.
8. No trees or shrubs shall be planted within ten (10) feet from any right-of-way.
9. A new dwelling constructed on a nonconforming Lot of Record may have a reduced front yard setback with the following restrictions:
 - a. There shall be an existing dwelling located on each side on the adjacent lots.
 - b. The new dwelling shall not be located closer to the road right-of-way than the existing dwellings located on the adjacent lots, or at least one-half of the required setback, whichever is greater.
 - c. The structure is not located in a bluff impact zone.
10. A new dwelling constructed on a nonconforming Lot of Record may have a reduced front yard setback **if the adjacent lot is vacant** with the following restrictions:
 - a. There shall be an existing dwelling located on **one** side of the lot.
 - b. The setback for the Lot of Record shall be the setback of the dwelling on the adjoining lot plus one half the difference between the setback of the non-conforming dwelling and the setback required by the Ordinance.
 - c. The structure is not located in a bluff impact zone.
11. All fencing shall have a front yard setback of not less than ten (10) feet from a road right-of-way.

C. SIDE YARD SETBACKS

1. All structures shall have a side yard setback of not less than fifteen (15) feet.
2. Nonconforming Lots of Record shall be allowed a ten (10) foot side yard setback.

D. REAR YARD SETBACKS

1. All dwellings there shall be a rear yard setback of not less than forty (40) feet.
2. All accessory structures there shall be a rear yard setback of not less than fifteen (15) feet.

E. BLUFF SETBACKS

1. All structures shall be from the top and/or toe of the bluff:
 - a. Thirty (30) feet for bluffs with slopes eighteen (18) to thirty (30) percent.
 - b. Fifty (50) feet for bluffs with slopes greater than thirty (30) percent,
 - c. **Existing Building Sites.** All structures shall be set back thirty (30) feet from the top or toe of the bluff.
2. SSTS shall be set back thirty (30) feet from the top or toe of the bluff.
 - a. For an existing dwelling, SSTS upgrade and/or replacement tank(s):
 1. Shall be exempt from bluff setback.
 2. May be located within the bluff impact zone.
 3. Shall not be located within the bluff.
3. If the adjacent bluff is actively eroding, the Department may increase the setback requirement.
4. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
5. Fencing shall not be placed within the bluff.

F. WETLAND SETBACKS

All structures shall be setback a minimum of seventy five (75) feet from the wetland boundary of any Type three (3) through eight (8) wetland.

G. ADDITIONAL SETBACKS

1. When more than one (1) setback applies to a site, structures must be located to meet all setbacks.

2. All structures shall be setback fifty (50) feet from a cemetery

H. ANIMAL REQUIREMENTS

In the Urban/Rural Residential (R1) District, no livestock or poultry are allowed. Only dogs, cats, and animals customarily kept as pets will be allowed. The following maximum number of domestic animals are allowed:

| Number Of Cats | Number Of Dogs | Kennel (CUP) | Animal Shelter (CUP) |
|-----------------------|-----------------------|---------------------|-----------------------------|
| 5 | 3 | NA | NA |

I. LOT AREA

Every lot or plot of land on which a dwelling is erected shall contain an area of not less than forty thousand (40,000) square feet.

J. LOT WIDTH AND DEPTH

1. Every lot or plot of land which a dwelling is erected shall contain a width of not less than one hundred and fifty (150) feet.
2. Every lot or plot of land on which a dwelling is erected shall contain a depth of not less than two hundred and sixty (260) feet.

K. BUILDABLE LOT STANDARDS

1. 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 frontage on an improved and maintained public road, or an approved and maintained private road or easement is considered a buildable lot. The buildable lot shall have the contiguous required lot area of which not more than ten (10) percent is comprised of:
 - a. Area of a slope in excess of eighteen (18) percent.
 - b. An impact zone.
 - c. Floodplain.
 - d. Wetland.
2. Each new building site created after the adoption of this Ordinance must have a minimum of forty thousand (40,000) square feet of contiguous buildable lot area.
3. Each new building site created after January 23, 1996 must have sufficient area for a minimum of two (2) onsite sewage treatment systems.

4. Lots of Record that are substandard in area must conform to all other applicable regulations to qualify for placement of a dwelling.

SUBDIVISION 6. DWELLING STANDARDS

A. PROHIBITED DWELLINGS

No garage, tent, trailer, or accessory structure shall at any time be used as a dwelling.

B. DWELLING REGULATIONS

1. No more than one (1) dwelling shall be placed on a lot except in the cases of temporary dwellings.
2. All dwellings shall be on foundations or piles or other foundation systems extending below the frost line, as approved by the Department.
3. The minimum dwelling width excluding porches, decks, or other similar attachments shall be twenty (20) feet except in the cases of temporary dwellings.
4. All dwellings must conform with the sewage treatment regulations of this Ordinance. No zoning permits will be issued for new dwellings prior to sewage treatment system approval.
5. Manufactured homes shall bear a State seal as verification of construction and inspection to ANSI A119.1 standards during original construction (issued for manufactured homes built between July 1, 1972 to June 14, 1976) or, for manufactured homes built after that date, a Federal seal in accordance with HUD CFR 3280 Construction Standards.
6. All dwellings shall have a minimum of seven hundred sixty (760) square feet of floor area on the ground floor.
7. Dwellings shall not exceed two and one-half (2 1/2) stories or thirty five (35) feet in height.
8. Outside wall dimensions shall be used to determine maximum structure area, except where a roof projects out further than two (2) feet from the sidewall; roof area shall be used to determine maximum structure area.

SUBDIVISION 7. ACCESS DRIVES, ACCESS AND SERVICE ROADS

- A. Access drives onto any public roads shall require a review by the Road Authority. The Road Authority shall determine the appropriate location, size, and design of such access drives along public roads and may limit the number of access drives in the interest of public safety and efficient traffic flow.

- B. Access drives shall be constructed and maintained to meet all of the following:
 - 1. A minimum driving surface width of fourteen (14) feet.
 - 2. Inslope no greater than 4 to 1, as measured horizontal to vertical.
 - 3. Base material depth sufficient to support access by emergency vehicles.
 - 4. Unobstructed width of not less than twenty (20) feet.
 - 5. Unobstructed vertical clearance of not less than thirteen (13) feet, six (6) inches.
- C. Access drives in excess of one hundred fifty (150) feet in length shall provide a minimum turn-around of sixty (60) feet in width by sixty (60) feet in length.
- D. Access drives shall have a twenty (20) foot long flat grade directly adjacent to the road that the drive accesses.
- E. All lots or parcels with dwellings shall have direct physical access of adequate size for emergency vehicles along the frontage of the lot or parcel from either an existing or dedicated public roadway.
- F. All roads serving more than two (2) lots or parcels with dwellings shall be built to township road specifications or at least sixty six (66) feet wide with a minimum driving surface width of twenty four (24) feet.
- G. Access drives shall not be located within the bluff impact zone.

SUBDIVISION 8. GENERAL REGULATIONS

A. STORAGE OF MATERIALS

- 1. All materials and equipment shall be either stored within a structure or be fully screened so as not to be visible from adjoining properties, except for the following:
 - a. Recreational equipment.
 - b. Laundry drying equipment.
 - c. Off-street parking of licensed passenger vehicles and pickup trucks.
 - d. Boats and unoccupied travel trailers, less than twenty (20) feet in length, are permissible if stored in the rear yard more than ten (10) feet from the property line.
- 2. No underground gasoline storage shall be permitted.

B. FENCING

1. **Setbacks**

- a. All fencing shall have a front yard setback of not less than ten (10) feet from a road right-of-way.
- b. Fencing shall not be placed within the bluff.

2. **Height**

- a. Fencing located within any side and/or rear yard shall a maximum height of eight (8) feet.
- b. Fencing located within any front yard shall have a maximum height of four (4) feet.

C. All land uses and development shall follow all other applicable regulations of this Ordinance.

SECTION 10. GENERAL BUSINESS (B) DISTRICT

SUBDIVISION 1. PURPOSE

The General Business (B) District is established for areas that allows for a wide range of services and goods in compact and convenient limited highway-oriented businesses which are close to existing urban areas or major transportation routes. Such business developments are to be developed at standards that will not impair the traffic carrying capabilities of abutting roads and highways.

SUBDIVISION 2. PERMITTED USES

The following uses shall be permitted within the General Business (B) District.

- A. Agriculture.
- B. Bowling alleys.
- C. Drive-in restaurants, drive-in theaters or similar uses that provide goods and services to patrons in automobiles.
- D. Florist shops, greenhouses and nurseries.
- E. Motel and Hotels.
- F. Professional, governmental offices and buildings.
- G. Restaurants.
- H. Retail sales and service.
- I. Wireless Telecommunications Service Antenna when located on existing towers.
- J. Antique sales, service and restoration.
- K. Seasonal produce stand.
- L. Sporting goods establishments, outfitters and bait shops.
- M. Building materials and sales.
- N. Self-Service Storage Facilities.
- O. Public Utility and Service Structures.

- P. Grading, excavating or filling activities involving the movement of fifty (50) cubic yards or less of material that is not in connection with another permitted use. Activities associated with maintenance or improvement of public roads are exempt.

| Permitted Use | Permitted Use with Land Alteration(s) Plan | Land Alteration(s) Plan Requirements |
|---|---|--|
| < 5 cubic yards within Bluff Impact Zone | 5-10 cubic yards within Bluff Impact Zone | Scaled site plan w/2-foot contours depicting existing and proposed topography. As-Built upon completion. |
| <25 cubic yards outside Bluff Impact Zone | 25-50 cubic yards outside Bluff Impact Zone | <p><u>Parcels < 5 acres:</u> Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels 5-20 acres:</u> Scaled site plan w/ 5-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels > 20 acres:</u> Scaled site plan w/ 10-foot contours depicting existing and proposed topography. As-Built upon completion.</p> |

SUBDIVISION 3. CONDITIONAL USES

The following uses shall be allowed in the General Business (B) District as Conditional Uses.

- A. Off-sale liquor stores.
- B. Taverns.
- C. Open and outdoor storage, sales and service.
- D. Animal hospitals and veterinary clinics and related facilities for the care and breeding of animals including kennels.

- E. Agriculture and Industrial machinery sales and service.
- F. Auditoriums.
- G. Automobile Sales, Service Stations and Repair.
- H. Medical Clinics and Hospitals.
- I. Car Washes.
- J. Commercial Orchards.
- K. Contractors and Construction Companies along with Shops and Yards.
- L. One (1) Temporary Dwelling for watchmen, supervisors, and their families, located on the premises where they are employed in such capacity provided the dwelling is under the same ownership as the principal use.
- M. Mineral Extraction.
- N. Winery.
- O. Indoor/Outdoor Commercial Recreational Area.
- P. Adult Uses.
- Q. Special Events.
- R. Non-Commercial Wind Energy Conservation Systems.
- S. Platted Business Subdivisions.
- T. Other business activities similar to those listed under the permitted uses in this Section and deemed suitable by the Department or appeals process and subject to all conditions imposed thereon.
- U. Off Premises Signs/Billboards.
- V. Illuminated Signs.
- W. Grading, excavating or filling activities within the bluff.
- X. Grading, excavating or filling activities involving the movement of more than (50) fifty cubic yards of material that is not in connection with another permitted use. Activities associated with maintenance or improvement of public roads are exempt.

| Conditional Use | Conditional Use Requirements |
|---|---|
| >10 cubic yards within Bluff Impact Zone | <p>Scaled site plan w/2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p>Site Plan(s) and As-Built completed by a surveyor or engineer.</p> |
| >50 cubic yards outside Bluff Impact Zone | <p><u>Parcels < 5 acres:</u> Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels 5-20 ac:</u> Scaled site plan w/ 5-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels > 20 ac:</u> Scaled site plan w/ 10-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p>Site Plan(s) and As-Built completed by a surveyor or engineer.</p> |

SUBDIVISION 4. PERMITTED ACCESSORY USES AND STANDARDS

The following uses shall be permitted accessory uses within the General Business (B) District.

A. ACCESSORY STRUCTURES

1. In the General Business (B) District that have lot sizes less than five (5) acres shall conform to the following structure areas and maximum structure heights.

| Lot Size | Maximum Structure Area | Maximum Structure Height |
|------------------|------------------------|--------------------------|
| Less than 1 acre | 2,000 square feet | 20 feet |
| 1-1.99 acres | 3,600 square feet | 20 feet |
| 2-4.99 acres | 4,000 square feet | 25 feet |

2. Outside wall dimensions shall be used to determine maximum structure area, except where a roof projects out further than two (2) feet from the sidewall; roof area shall be used to determine maximum structure area.
3. No accessory structures shall be constructed or developed on a lot prior to construction of the principal structure.

4. Commercial or business structures for use accessory to the principal use but not exceeding thirty (30) percent of the floor space of the principal use and meeting all other setback and parking requirements of this section.

B. SEPARATION REGULATIONS

1. In case an accessory structure is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure.
2. An accessory structure shall not be closer than five (5) feet to the principal structure.
 - a. In case an accessory structure is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure.

C. SWIMMING POOL. PERMANENT

1. No pool shall be located within ten (10) feet of a septic tank/drain field.
2. No pool shall be located beneath overhead electrical lines or over underground utility lines of any type.
3. No pool shall be located within any private or public utility, walkway, drainage, or other easement.
4. Lighting for the pool shall be oriented so as not to cast light onto adjacent properties.
5. A fence of at least five (5) feet in height shall completely enclose the pool area and the access to the pool area shall be controlled.

D. DRAINAGE

Adequate drainage shall be provided and the drainage shall be directed away from adjacent private property.

E. PARKING

Off-street parking and loading.

F. LANDSCAPING AND SCREENING

G. PERMITTED SIGNAGE

1. **Ground/Pylon Signs**

- a. The maximum height of a sign is thirty (30) feet.
- b. No more than one (1) ground/pylon sign shall be permitted per every thirty five (35) lineal feet of road frontage.
- c. The square foot area of such signs shall not exceed two hundred (200) square feet.
- d. Ground/pylon signs shall be set back a minimum of ten (10) feet from property lines and/or right-of-way.

2. **Wall signs**

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

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

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

4. **Electronic Graphic Display Signs**

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

H. Other accessory uses customarily incidental to the uses permitted in Subdivision 2 and 3 of this Section.

SUBDIVISION 5. DIMENSIONAL REGULATIONS

A. SETBACK EXEMPTIONS/STRUCTURE EXPANSIONS

1. Where proposed additions do not encroach further into the front, side, or rear yard than the existing structure, such additions will be permitted provided the use and the structure are in conformance with the following restrictions:
 - a. The use of the structure is conforming to the zoning district in which it is located.
 - b. The expansion of the structure shall not be located closer to the property line than the existing building line, and at least one-half of the required setback is provided between the building line of the expansion and the lot line.
 - c. The expansion of the structure will not reduce any other required setback below the minimum standards of this Ordinance.
 - d. The expansion of the structure will conform to all other restrictions of this Ordinance, including but not limited to, density, lot coverage, and structure height.
 - e. The height of the expansion shall not be greater than the existing structure at the existing building line.

B. FRONT YARD SETBACKS

1. There shall be a front yard setback of not less than one hundred (100) feet from any right-of-way.
2. When a lot is located at the intersection of two (2) or more roads, there shall be a front yard setback on each road right-of-way.
3. All components of an onsite Subsurface Sewage Treatment System (SSTS) shall be twenty (20) feet from all road right-of-ways.
4. All components of an onsite Subsurface Sewage Treatment System (SSTS) for a non-conforming Lot of Record shall be ten (10) feet from all road right-of-ways.
5. The required front yard of a corner lot shall be unobstructed above a height of three (3) feet in a triangular area, two (2) sides of which are the lines running parallel along the right of way lines between the road intersection and a point fifty (50) feet from the intersection, and the third side of which is the line between the latter two (2) points.
6. No trees or shrubs shall be planted within ten (10) feet from any right-of-way.

C. SIDE YARD SETBACKS

There shall be a minimum side yard setback of not less than fifteen (15) for all structures.

D. REAR YARD SETBACKS

1. All principal structures shall have a rear yard setback of not less than forty (40) feet.
2. All accessory structures shall have a rear yard setback of not less than ten (10) feet
3. No structures shall be located within fifty (50) feet of any Residential or Agricultural District.

E. BLUFF SETBACKS

1. All structures shall be set back from the top and/or toe of the bluff:
 - a. Thirty (30) feet for bluffs with slopes eighteen (18) to thirty (30) percent.
 - b. Fifty (50) feet for bluffs with slopes greater than thirty (30) percent,
 - c. **Existing Building Sites**. All structures shall be set back thirty (30) feet from the top or toe of the bluff.
2. SSTS shall be set back thirty (30) feet from the top or toe of the bluff.
 - a. For an existing dwelling, SSTS upgrade and/or replacement tank(s):
 1. Shall be exempt from bluff setback.
 2. May be located within the bluff impact zone.
 3. Shall not be located within the bluff.
3. If the adjacent bluff is actively eroding, the Department may increase the setback requirement.
4. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

F. WETLAND SETBACKS

All structures shall be setback a minimum of seventy five (75) feet from the wetland boundary of any Type three (3) through eight (8) wetland.

G. ADDITIONAL SETBACKS

1. When more than one (1) setback applies to a site, structures must be located to meet all setbacks.

2. All structures shall be setback fifty (50) feet from a cemetery.

H. LOT AREA

The minimum lot area shall contain an area of not less than forty thousand (40,000) square feet.

I. LOT WIDTH

Every lot or tract shall have a width of not less than seventy five (75) feet abutting a public right-of-way.

J. BUILDABLE LOT STANDARDS

1. 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 frontage on an improved and maintained public road, or an approved and maintained private road or easement is considered a buildable lot. The buildable lot shall have the contiguous required lot area of which not more than ten (10) percent is comprised of:
 - a. Area of a slope in excess of eighteen (18) percent.
 - b. An impact zone.
 - c. Floodplain.
 - d. Wetlands.
2. Each new building site created after the adoption of this ordinance must have a minimum of 40,000 square feet of contiguous buildable lot area.
3. Each new building site created after January 23, 1996 must have sufficient area for a minimum of two (2) onsite sewage treatment systems.
4. Lots of Record that are substandard in area must conform to all other applicable regulations herein to qualify for placement of a structure.

K. LOT COVERAGE

Not more than fifty (50) percent of the lot shall be covered by impervious surface.

L. HEIGHT

1. No structure shall hereafter be erected or structurally altered to exceed three (3) stories or forty five (45) feet in height.
2. For parcels greater than five (5) acres, there shall be a maximum height limitation of one hundred and fifty (150) feet on all structures. Any structure including but not limited to tower, spire and similar type structure, only after obtaining a letter of clearance from the Federal Aeronautics Administration and the Airport Commission for any airport located within ten (10) miles of the structure proposed to exceed the height limitation.

M. STRUCTURE AREA

Outside wall dimensions shall be used to determine maximum structure area, except where a roof projects out further than two (2) feet from the sidewall; roof area shall be used to determine maximum structure area.

SUBDIVISION 6. ACCESS DRIVES, ACCESS AND SERVICE ROADS

- A. Access drives onto any public roads shall require a review by the Road Authority. The Road Authority shall determine the appropriate location, size, and design of such access drives along public roads and may limit the number of access drives in the interest of public safety and efficient traffic flow.
- B. Access drives shall be constructed and maintained to meet all of the following:
 - 1. A minimum driving surface width of fourteen (14) feet.
 - 2. Inslope no greater than 4 to 1, as measured horizontal to vertical.
 - 3. Base material depth sufficient to support access by emergency vehicles.
 - 4. Unobstructed width of not less twenty (20) feet.
 - 5. Unobstructed vertical clearance of not less than thirteen (13) feet, six (6) inches.
- C. Access drives in excess of one hundred fifty (150) feet in length shall provide a minimum turn-around of sixty (60) feet in width by sixty (60) feet in length.
- D. Access drives shall have a twenty (20) foot long flat grade directly adjacent to the road that the drive accesses.
- E. All lots or parcels with dwellings shall have direct physical access of adequate size for emergency vehicles along the frontage of the lot or parcel from either an existing or dedicated public roadway.
- F. A service road shall be constructed when two (2) or more General Business (B) properties are contiguous and when required by the Road Authority.
- G. Access drives shall not be located within the bluff impact zone.

SUBDIVISION 7. GENERAL REGULATIONS

- A. All land uses and development shall follow all other applicable regulations of this Ordinance.

SECTION 11. GENERAL INDUSTRY (I) DISTRICT

SUBDIVISION 1. PURPOSE

The General Industry (I) District is established for areas that allows for a wide range of compact, warehousing and industrial uses closely related to existing urban areas or major transportation routes. Such industrial uses are to be governed by standards that will not impair the traffic carrying capabilities of abutting roads and highways.

SUBDIVISION 2. PERMITTED USES

The following uses shall be permitted in the General Industry (I) District.

- A. Building material and sales.
- B. Cartage and express facilities.
- C. Contractor, architect, and engineers' offices, shops and yards, such as building, cement, electrical, heating, ventilating and air conditioning, masonry, painting, plumbing, refrigeration and roofing.
- D. Agriculture and Industrial machinery sales and service.
- E. Grain Elevators.
- F. Public utility and service structures.
- G. Wireless Telecommunication Towers.
- H. Automobile Sales, Service Stations and Repair.
- I. Warehousing of bulk goods or goods produced on the premises.
- J. Agriculture.
- K. Agricultural related services such as feed and seed sales, custom applicators of animal livestock wastes, and custom tillage/harvesting.
- L. Car Washes.
- M. Commercial grain storage facilities.

- N. Water supply tanks or buildings, reservoirs, commercial wells, gas regulator stations, electric substations or transmission lines greater than 35kV, railroad right-of-way, but not including railroad yards, public sewage treatment facilities and other similar essential public utility and service structures.
- O. Self-Service Storage Facilities.
- P. Non-Commercial Wind Energy Conversion Systems.
- Q. Grading, excavating or filling activities involving the movement of five hundred (500) cubic yards or less of material that is not in connection with another permitted use. Activities associated with the maintenance or improvement of public roads are exempt.

| Permitted Use | Permitted Use with Land Alteration(s) Plan | Land Alteration(s) Plan Requirements |
|--|---|---|
| < 5 cubic yards within Bluff Impact Zone | 5-10 cubic yards within Bluff Impact Zone | Scaled site plan w/2-foot contours depicting existing and proposed topography. As-Built upon completion |
| <250 cubic yards outside Bluff Impact Zone | 250-500 cubic yards outside Bluff Impact Zone | <p><u>Parcels < 5 acres:</u> Scaled site plan w/2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels 5-20 acres:</u> Scaled site plan w/5-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels >20 acres:</u> Scaled site plan w/ 10 - foot contours depicting existing and proposed topography. As-Built upon completion.</p> |

SUBDIVISION 3. CONDITIONAL USES

The following uses may be allowed in the General Industry (I) District as Conditional Uses.

- A. Any production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products which conform to the performance standards set forth in this Ordinance, and which shall not be injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic materials, odors, fire or explosion hazards or glare.

- B. Airports, heliports, landing fields, flying schools, hangers, transportation terminals, switching yards, freight terminals, automobile testing grounds, or associated maintenance facilities.
- C. Refuse collection facilities, recycling facilities, sanitary landfills, car refuse, and junk or salvage yards and livestock sales.
- D. Fuel, fertilizer (containerized or bulk) processing and storage.
- E. Mineral Extraction.
- F. One (1) Temporary Dwelling for watchmen, supervisors, and their families, located on the premises where they are employed in such capacity provided the dwelling is under the same ownership as the principal use.
- G. Fertilizer and chemical sales.
- H. Indoor/Outdoor Commercial Recreation.
- I. Winery.
- J. Special Events.
- K. Commercial Wind Energy Conversion System.
- L. Animal Crematorium.
- M. Off Premises Signs/Billboards.
- N. Illuminated signs.
- O. Platted Industrial Subdivisions.
- P. Grading, excavating or filling activities within the bluff.
- Q. Grading, excavating or filling activities involving the movement of more than five hundred (500) cubic yards of material that is not in connection with another permitted use. Activities associated with the maintenance or improvement of public roads are exempt.

(TABLE ON NEXT PAGE)

| Conditional Use | Conditional Use Requirements |
|--|---|
| > 10 cubic yards within Bluff Impact Zone | <p>Scaled site plan w/2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p>Site Plan (s) and As-Built completed by a surveyor or engineer.</p> |
| >500 cubic yards outside Bluff Impact Zone | <p><u>Parcels < 5 acres:</u> Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels 5-20 ac:</u> Scaled site plan w/ 5-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels > 20 ac:</u> Scaled site plan w/ 10-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p>Site Plan(s) and As-Built completed by a surveyor or engineer.</p> |

SUBDIVISION 4. PERMITTED ACCESSORY USES AND STANDARDS

The following uses shall be permitted accessory uses within the General Industry (I) District.

A. ACCESSORY STRUCTURES

1. Accessory structures in the General Industry (I) District that have lot sizes less than five (5) acres shall conform to the following structure areas and maximum structure heights.

| Lot Size | Maximum Structure Area | Maximum Structure Height |
|------------------|------------------------|--------------------------|
| Less than 1 acre | 2,000 square feet | 20 feet |
| 1-1.99 acres | 3,600 square feet | 20 feet |
| 2-4.99 acres | 4,000 square feet | 25 feet |

2. Outside wall dimensions shall be used to determine maximum structure area, except where a roof projects out further than two (2) feet from the sidewall, roof area shall be used to determine maximum structure area.
3. No accessory structures such as but not limited to: Offices, retail and service structures shall be constructed or developed on a lot prior to construction of the principal use.

B. SEPARATION REGULATIONS

1. In case an accessory structure is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure.
2. An accessory structure shall not be closer than five (5) feet to the principal structure.
 - a. In case an accessory structure is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure.

C. DRAINAGE

Adequate drainage shall be provided and the drainage shall be directed away from adjacent private property.

D. PARKING

Off-street parking and loading.

E. LANDSCAPING AND SCREENING

F. OPEN, OUTDOOR SALES, SERVICE AND STORAGE

G. PERMITTED SIGNAGE

1. **Ground/Pylon Signs.**

- a. The maximum height of a sign is thirty (30) feet.
- b. No more than one (1) ground/pylon sign shall be permitted per every thirty five (35) lineal feet of road frontage.
- c. The square foot area of such signs shall not exceed two hundred (200) square feet.
- d. Ground/pylon signs shall be set back a minimum of ten (10) feet from property lines and/or right-of-way.

2. **Wall Signs.**

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

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

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

4. **Electronic Graphic Display Signs**

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

H. Accessory uses customarily incidental to the permitted uses in Subdivision 2 and 3 of this Section.

SUBDIVISION 5. DIMENSIONAL REGULATIONS

A. SETBACK EXEMPTIONS/STRUCTURE EXPANSIONS

1. Where proposed additions do not encroach further into the front, side, or rear yard than the existing structure, such additions will be permitted provided the use and the structure are in conformance with the following restrictions:
 - a. The use of the structure is conforming to the zoning district in which it is located.
 - b. The expansion of the structure shall not be located closer to the property line than the existing structure or at least one-half (1/2) of the required setback, whichever is greater.
 - c. The expansion of the structure will not reduce any other required setback below the minimum standards of this Ordinance.
 - d. The expansion of the structure will conform to all other restrictions of this Ordinance, including but not limited to, density, lot coverage, and structure height.

- e. The height of the expansion shall not be greater than the existing structure at the existing building line.

B. FRONT YARD SETBACKS

1. There shall be a front yard setback of not less than one hundred (100) feet from any right-of-way.
2. When a lot is located at the intersection of two (2) or more roads, there shall be a front yard setback on each road right-of-way.
3. All component of an onsite subsurface sewage treatment system (SSTS) shall be a minimum of twenty (20) feet from all road right-of-ways.
4. All components of an onsite subsurface sewage treatment system (SSTS) for a non-conforming Lot of Record shall be ten (10) feet from all road right-of-ways.
5. The required front yard of a corner lot shall be unobstructed above a height of three (3) feet in a triangular area, two (2) sides of which are the lines running parallel along the right of way lines between the road intersection and a point fifty (50) feet from the intersection, and the third side of which is the line between the latter two (2) points.
6. No trees or shrubs shall be planted within ten (10) feet from any right-of-way.

C. SIDE YARD SETBACKS

1. There shall be a minimum side yard setback of not less than fifteen (15) feet for all structures.
2. For the purposes of emergency access, no storage of material shall be allowed within five (5) feet of side yard property lines.
3. No structures shall be located within fifty (50) feet of any Residential or Agricultural District.
4. Where a use has railroad side trackage abutting the side or rear of a site, a railroad loading facility may be constructed closer to the lot line than specified in other provisions of this Ordinance, subject to approval by the Planning Commission and Board of County Commissioners.

D. REAR YARD SETBACKS

1. There shall be a minimum rear yard setback of fifteen (15) for all structures.
2. Except no structures shall be located within fifty (50) feet of any Residential or Agricultural District.

3. For the purposes of emergency access, no storage of any material shall be allowed within five (5) feet of the rear property line.
4. Where a use has railroad side trackage abutting the side or rear of a site, a railroad loading facility may be constructed closer to the lot line than specified in other provisions of this Ordinance, subject to approval by the Planning Commission and Board of County Commissioners.

E. BLUFF SETBACKS

1. All structures shall be set back from the top and/or toe of the bluff:
 - a. Thirty (30) feet for bluffs with slopes eighteen (18) to thirty (30) percent.
 - b. Fifty (50) feet for bluffs with slopes greater than thirty (30) percent,
 - c. **Existing Building Sites**. All structures shall be set back thirty (30) feet from the top or toe of the bluff.
2. SSTS shall be set back thirty (30) feet from the top or toe of the bluff.
 - a. For an existing dwelling, SSTS upgrade and/or replacement tank(s):
 1. Shall be exempt from bluff setback.
 2. May be located within the bluff impact zone.
 3. Shall not be located within the bluff.
3. If the adjacent bluff is actively eroding, the Department may increase the setback requirement.
4. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

F. WETLAND SETBACKS

All structures shall be setback a minimum of seventy five (75) feet from the wetland boundary of any Type three (3) through eight (8) wetland.

G. ADDITIONAL SETBACKS

1. When more than one (1) setback applies to a site, structures must be located to meet all setbacks.
2. All structures shall be setback fifty (50) feet from a cemetery.

H. LOT AREA

The minimum lot area shall contain an area of not less than one and one-half (1.5) acres.

I. LOT WIDTH

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

J. LOT COVERAGE

Not more than sixty (60) percent of the lot shall be covered by impervious surface.

K. BUILDABLE LOT STANDARDS

1. 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 frontage on an improved and maintained public road, or an approved and maintained private road or easement is considered a buildable lot. The buildable lot shall have the contiguous required lot area of which not more than ten (10) percent is comprised of:
 - a. Area of a slope in excess of eighteen (18) percent.
 - b. An impact zone.
 - c. Floodplain.
 - d. Wetlands.
2. Each new building site created after the adoption of this Ordinance must have a minimum of 40,000 square feet of contiguous buildable lot area.
3. Each new building site created after January 23, 1996 must have sufficient area for a minimum of two (2) onsite sewage treatment systems.
4. Lots of Record that are substandard in area must conform to all other applicable regulations herein to qualify for placement of a structure.

L. HEIGHT

There shall be a maximum height limitation of one hundred and fifty (150) feet on all structures within the County. Any structure including but not limited to tower, spire and similar type structure, that exceeds this height requires a Conditional Use Permit, and then only after obtaining a letter of clearance from the Federal Aeronautics Administration and the Airport Commission for any airport located within ten (10) miles of the structure proposed to exceed the height limitation.

M. STRUCTURE AREA

Outside wall dimensions shall be used to determine maximum structure area, except where a roof projects out further than two (2) feet from the sidewall; roof area shall be used to determine maximum structure area.

SUBDIVISION 6. ACCESS DRIVES, ACCESS AND SERVICE ROADS

- A. Access drives onto any public roads shall require a review by the Road Authority. The Road Authority shall determine the appropriate location, size, and design of such access drives along public roads and may limit the number of access drives in the interest of public safety and efficient traffic flow.
- B. Access drives shall be constructed and maintained to meet all of the following:
 - 1. A minimum driving surface width of fourteen (14) feet.
 - 2. Inslope no greater than 4 to 1, as measured horizontal to vertical.
 - 3. Base material depth sufficient to support access by emergency vehicles.
 - 4. Unobstructed width of not less than twenty (20) feet.
 - 5. Unobstructed vertical clearance of not less than thirteen (13) feet, six (6) inches.
- C. Access drives in excess of one hundred fifty (150) feet in length shall provide a minimum turn-around of sixty (60) feet in width by sixty (60) feet in length.
- D. Access drives shall have a twenty (20) foot long flat grade directly adjacent to the road that the drive accesses.
- E. All lots or parcels with dwellings shall have direct physical access of adequate size for emergency vehicles along the frontage of the lot or parcel from either an existing or dedicated public roadway.
- F. A service road shall be constructed when two (2) or more General Industrial (I) properties are contiguous and when required by the Road Authority.
- G. Access drives shall not be located within the bluff impact zone.

SUBDIVISION 7. GENERAL REGULATIONS

- A. All land uses and development shall follow all other applicable regulations of this Ordinance.

SECTION 13. LE SUEUR COUNTY SHORELAND MANAGEMENT

SUBDIVISION 1. STATUTORY AUTHORIZATION AND POLICY

A. STATUTORY AUTHORIZATION

This Section regarding the regulation of shoreland is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, Minnesota Regulations, Parts 6120.2500 & 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394, as amended from time to time.

B. POLICY

The uncontrolled use of shorelands of Le Sueur County, Minnesota affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the divisions, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by Le Sueur County.

SUBDIVISION 2. GENERAL PROVISIONS AND DEFINITIONS

A. SHORELAND

The land located within the following distances from public waters:

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

B. JURISDICTION

The provisions of this Section shall apply to the shorelands of the public water bodies as classified in this Section. Pursuant to Minnesota Regulations, Parts 6120.2500-6120.3900, no lake, pond, or flowage less than twenty five (25) acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this Section.

C. COMPLIANCE

The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this Section and other applicable regulations.

D. ENFORCEMENT

The Department is responsible for the administration and enforcement of this Section. Any violation of the provisions of this Section or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this Section can occur regardless of whether or not a permit is required for a regulated activity pursuant to this Section.

E. INTERPRETATION

In their interpretation and application, the provisions of this Section shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

F. SEVERABILITY

In any subdivision, clause, provision, or portion of this Section is adjudged unconstitutional or invalid by a court of competent jurisdiction; the remainder of this Section shall not be affected thereby.

G. ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Section to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section imposes greater restrictions, the provisions of this Section shall prevail. All other ordinances inconsistent with this Section are hereby repealed to the extent of the inconsistency only.

H. INJUNCTIVE RELIEF

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

I. DEFINITIONS

See Section 4, of this Ordinance for definitions.

SUBDIVISION 3. ADMINISTRATION

A. PERMITS REQUIRED

1. A permit is required for the construction of any structure, structure additions, or enclosure of existing decks, (and including such related activities as construction of decks and signs), the installation and/or alteration of sewage treatment systems, vegetative alteration, and those grading, excavating or filling activities not exempted by this Section. Freestanding accessory structures less than one hundred (100) square feet in area and less than eight (8) feet high do not require a permit, but shall meet all setback requirements and all other provisions as required by this Section.
2. Application for a permit shall be made to the Department on the forms provided. The application shall include the necessary information so that the Department can determine the site's suitability for the intended use and that a complying sewage treatment system will be provided.
3. A permit authorizing any of the activities stated in this Section shall stipulate that an identified failed sewage treatment system, as defined by Section 17, shall be reconstructed or replaced in accordance with the provisions of this Section and this Ordinance.

B. VARIANCES

1. Variances may only be granted in accordance with the standards in Minnesota Statutes, Chapter 394. A variance may not circumvent the general purposes and intent of this Section. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the Board of Adjustment must also consider whether the property owner has reasonable use of the land without the variance, whether future sewage treatment system site location is available on the properties before additional development is approved, whether the property is used seasonally or year-round, whether the Variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.
2. The Board of Adjustment shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in this Ordinance shall also include the Board of Adjustment's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
3. For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property.

C. NOTIFICATIONS TO THE DEPARTMENT OF NATURAL RESOURCES

1. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
2. A copy of approved amendments and subdivision/plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten (10) days of final action.

SUBDIVISION 4. SHORELAND CLASSIFICATION SYSTEM AND LAND USE DISTRICTS

A. SHORELAND CLASSIFICATION SYSTEMS

1. The public waters of Le Sueur County have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Public Waters Inventory Map for Le Sueur County, Minnesota.
2. **Definition of Shoreland terminology.** The shoreland area for the water bodies listed in this Section shall be defined in Section 4, of this Ordinance and as shown on the Official Zoning Map.
3. **Public Waters, Lakes**

| <u>a. Natural Environment Lakes (NE)</u> | <u>Inventory I.D. #</u> |
|---|--------------------------------|
| Querums (Quiram's) Slough | 40-3 |
| Goose | 40-8 |
| Sunfish | 40-9 |
| Dora | 40-10 |
| Mabel | 40-11 |
| ---- | 40-12 |
| Diamond | 40-13 |
| Sabre | 40-14 |
| Rice | 40-16 |
| Borer | 40-19 |
| Mud | 40-26 |
| Sanborn | 40-27 |
| Pepin | 40-28 |
| Eggert | 40-29 |
| Dietz | 40-30 |
| Cherry | 40-35 |
| Rice | 40-37 |

| <u>Natural Environment Lakes (NE) con't</u> | <u>Inventory I.D. #</u> |
|---|-------------------------|
| ---- | 40-38 |
| Roemhildts | 40-39 |
| ---- | 40-41 |
| Steele | 40-44 |
| Fish | 40-51 |
| Perch | 40-54 |
| Swains | 40-55 |
| Round | 40-59 |
| Tustin | 40-61 |
| Sander's Slough | 40-62 |
| ---- | 40-64 |
| ---- | 40-67 |
| Sleepy Eye | 40-68 |
| ---- | 40-69 |
| Hecort's Marsh | 40-70 |
| Goose | 40-72 |
| Bossuot | 40-73 |
| Mud | 40-74 |
| Hackridge | 40-77 |
| Mary | 40-78 |
| Beiser | 40-81 |
| ---- | 40-82 |
| Mud | 40-83 |
| Tyler | 40-84 |
| Sautter | 40-87 |
| Renneberg | 40-88 |
| Sheas | 40-90 |
| School | 40-91 |
| Harriman Slough | 40-93 |
| Thomas | 40-95 |
| ---- | 40-96 |
| ---- | 40-97 |
| ---- | 40-98 |
| ---- | 40-99 |
| ---- | 40-100 |
| ---- | 40-102 |
| Henry | 40-104 |
| Silver | 40-106 |
| Savidge | 40-107 |
| South Goldsmith | 40-108 |
| Scotch | 40-109 |
| Huoy | 40-110 |
| Dog | 40-112 |
| Rice | 40-114 |

| <u>Natural Environment Lakes (NE) con't</u> | <u>Inventory I.D. #</u> |
|---|-------------------------|
| Ely | 40-116 |
| Emily | 40-118 |
| North Goldsmith | 40-120 |
| Plaza | 40-121 |
| Spring | 40-123 |
| ---- | 40-125 |
| ---- | 40-126 |
| ---- | 40-128 |
| ---- | 40-152 |

b. **Recreational Development Lakes (RD) Inventory I.D. #**

| | |
|---------------|--------|
| Horseshoe | 40-1 |
| Upper Sakatah | 40-2 |
| Greenleaf | 40-20 |
| Tetonka | 40-31 |
| Gorman | 40-32 |
| Volney | 40-33 |
| Rays | 40-56 |
| Frances | 40-57 |
| German | 40-63 |
| Clear | 40-79 |
| Jefferson | 40-92 |
| Washington | 40-117 |
| Emily | 40-124 |

c. **Boundary Lakes.** The following lakes are listed in the Division of Waters, Soils and Minerals Bulletin No. 25 within Waseca County and have shorelands in Le Sueur County.

| <u>Waseca County Lake</u> | <u>Inventory I.D #</u> |
|---------------------------|------------------------|
| Lily (NE) | 81-67 |
| Elysian (RD) | 81-95 |

4. **Public Waters, Rivers and Streams.** These rivers and streams are public watercourses in Le Sueur County and are shown on the Public Waters Inventory Map for Le Sueur County, a copy of which is hereby adopted by reference and as amended from time to time.

| a. Agricultural Rivers | Sec | <u>From</u> | | Sec | <u>To</u> | |
|-------------------------------|-----|-------------|-----|-----|-----------|-----|
| | | Twp | Rng | | Twp | Rng |
| Minnesota River (MNR) | 13 | 109 | 27 | 28 | 110 | 26 |
| | 10 | 111 | 26 | 25 | 112 | 26 |
| Cannon River (CR) | 12 | 110 | 23 | 27 | 109 | 23 |

| | | | | | | |
|---|------------|------------|------------|------------|------------|------------|
| b. Transitional Rivers | | | | | | |
| Minnesota River (MNR) | 28 | 110 | 26 | 10 | 111 | 26 |
| | 25 | 112 | 26 | 2 | 112 | 26 |
| c. Project Riverbend | | | | | | |
| Minnesota River (MNR) | 13 | 109 | 27 | 2 | 111 | 26 |
| d. Tributary Streams | | | | | | |
| | Sec | Twp | Rng | Sec | Twp | Rng |
| Unnamed to MNR | 17 | 109 | 26 | 17 | 109 | 26 |
| | 18 | 109 | 26 | 18 | 109 | 26 |
| Shanaska Creek (CD#67) | 12 | 109 | 26 | 28 | 110 | 26 |
| Unnamed to Lake Washington | 16 | 109 | 25 | 17 | 109 | 25 |
| Pauls Creek | 14 | 110 | 26 | 10 | 110 | 26 |
| Unnamed to MNR | 24 | 110 | 26 | 10 | 110 | 26 |
| Unnamed Tributary to Unnamed MNR Tributary | 11 | 110 | 26 | 11 | 110 | 26 |
| Unnamed Tributary to Unnamed MNR Tributary | 11 | 110 | 26 | 12 | 110 | 26 |
| Cherry Creek (CC) | 25 | 110 | 25 | 27 | 110 | 25 |
| | 21 | 110 | 25 | 17 | 110 | 25 |
| | 1 | 110 | 26 | 33 | 111 | 26 |
| Unnamed to Scotch Lake | 24 | 110 | 25 | 23 | 110 | 25 |
| Unnamed to CC | 27 | 110 | 25 | 27 | 110 | 25 |
| Unnamed to CC | 17 | 110 | 25 | 7 | 110 | 25 |
| Unnamed to MNR | 1 | 110 | 26 | 15 | 111 | 26 |
| Le Sueur Creek (CD #23) | 30 | 111 | 24 | 25 | 112 | 26 |
| Unnamed to LSC | 3 | 110 | 24 | 28 | 111 | 24 |
| Unnamed to LSC | 26 | 111 | 25 | 26 | 111 | 25 |
| Unnamed Tributary (CD #51) | 7 | 110 | 24 | 6 | 110 | 24 |
| Unnamed to LSC (CD #60) | 34 | 111 | 25 | 29 | 111 | 25 |
| Unnamed to Unnamed | 9 | 110 | 25 | 33 | 111 | 25 |
| Unnamed to LSC | 15 | 111 | 25 | 19 | 111 | 25 |
| Unnamed to LSC | 5 | 111 | 25 | 6 | 111 | 25 |
| Forest Prairie Creek (FPC) | 20 | 112 | 24 | 36 | 112 | 26 |
| Unnamed Tributary | 10 | 111 | 24 | 3 | 111 | 24 |
| Unnamed Tributary | 4 | 112 | 24 | 3 | 112 | 24 |
| Unnamed to FPC | 23 | 112 | 25 | 23 | 112 | 25 |
| Unnamed to FPC | 3 | 111 | 25 | 28 | 112 | 25 |
| Unnamed to MNR | 8 | 112 | 25 | 7 | 112 | 25 |
| Unnamed to Raven Stream | 10 | 112 | 24 | 2 | 112 | 24 |
| Unnamed to Raven Stream | 5 | 112 | 23 | 5 | 112 | 23 |
| Unnamed to Tributary | 3 | 112 | 23 | 3 | 112 | 23 |
| Sand Creek | 11 | 112 | 23 | 1 | 112 | 23 |
| Unnamed Tributary | 33 | 112 | 23 | 33 | 112 | 23 |
| Unnamed to Unnamed | 33 | 112 | 23 | 33 | 112 | 23 |

| <u>Tributary Streams con't</u> | Sec | Twp | Rng | Sec | Twp | Rng |
|-----------------------------------|------------|------------|------------|------------|------------|------------|
| Unnamed to Lake Pepin | 32 | 112 | 23 | 32 | 112 | 23 |
| Unnamed to Lake Sanborn | 4 | 109 | 24 | 4 | 109 | 24 |
| Unnamed From Sanborn to Rice Lake | 35 | 112 | 23 | 2 | 111 | 23 |
| Unnamed to Rice Lake | 1 | 111 | 23 | 1 | 111 | 23 |
| Unnamed to CR | 10 | 110 | 23 | 11 | 110 | 23 |
| Unnamed to Lake Dora | 24 | 111 | 23 | 25 | 111 | 23 |
| | 3 | 110 | 23 | 3 | 110 | 23 |
| Unnamed to Gorman Lake | 12 | 110 | 24 | 6 | 110 | 23 |
| Little Cannon River | 25 | 110 | 23 | 25 | 110 | 23 |
| Unnamed Tributary | 35 | 110 | 24 | 31 | 110 | 23 |
| Unnamed to Lake Jefferson | 14 | 109 | 25 | 12 | 109 | 25 |
| Unnamed to German Lake | 5 | 109 | 24 | 5 | 109 | 24 |
| Unnamed to German Lake | 33 | 110 | 24 | 4 | 109 | 24 |
| Unnamed to Lake Sanborn | 4 | 109 | 24 | 4 | 109 | 24 |
| White Water Creek | 34 | 109 | 23 | 26 | 109 | 23 |
| Waterville Creek | 36 | 109 | 23 | 27 | 109 | 23 |

B. LAND USE DISTRICT DESCRIPTIONS

1. Criteria for Designation

The shoreland districts in this Ordinance, and the delineation of a land use district's boundaries on the Official Zoning Map, must be consistent with the goals, policies, and objectives of the comprehensive land use plan and the following criteria, considerations, and objectives:

2. General Considerations and Criteria for All Land Uses

- a. Preservation of natural areas.
- b. Present ownership and development of shoreland areas.
- c. Shoreland soil types and their engineering capabilities.
- d. Topographic characteristics.
- e. Vegetative cover.
- f. In-water physical characteristics, values, and constraints.
- g. Recreational use of the surface water.
- h. Road and service center accessibility.

- i. Socioeconomic development needs and plans as they involve water and related land resources.
- j. The land requirements of industry which, by its nature, requires location in shoreland areas.
- k. The necessity to preserve and restore certain areas having significant historical or ecological value.

3. **Factors and Criteria for Planned Unit Developments**

- a. Existing recreational use of the surface waters and likely increases in use associated with planned unit developments.
- b. Physical and aesthetic impacts of increased density.
- c. Suitability of lands for the planned unit development approach.
- d. Level of current development in the area.
- e. Amounts and types of ownership of undeveloped lands.

4. **Shoreland District Descriptions**

- a. The land use districts provided below, and the allowable land uses therein for the given classifications of water bodies, shall be properly delineated on the Official Zoning Map for shorelands of this community. These shoreland districts are in conformance with the criteria specified in Minnesota Regulation, Part 6120.3200, Subp. 3.
- b. The intent of the **Special Protection (SP) District** is to guide the wise development and utilization of shorelands of public waters for the preservation of water quality, natural characteristics, economic values and the general health, safety and welfare of all public waters in the unincorporated areas of the County. Further, the purpose of this district is to manage areas unsuitable for development due to wet soils, steep slopes or large areas of exposed bedrock; and to manage areas of unique natural and biological characteristics in accordance with compatible uses.
- c. The intent of the **Recreational Residential (RR) District** is to preserve areas which have natural characteristics suitable for both passive and active recreational usage. Also, it is the intent of this district to manage areas suitable for residential development of varying types, including permanent and seasonal housing. Some non-residential uses with minimal impacts on residential uses are allowed if properly managed under conditional use procedures.

- d. The intent of the **Recreational Commercial (RC) District** is to provide suitable locations for, and to encourage the development of, water orientated commercial recreation facilities in those areas of Le Sueur County which benefit the recreational needs of both residents and tourists, to avoid land use conflicts with residential areas and restrict incompatible commercial and industrial uses.

SUBDIVISION 5. DESIGN CRITERIA, SHORELAND ALTERATIONS AND SPECIAL PROVISIONS

A. DESIGN CRITERIA

1. Subdivisions

- a. Platted subdivisions with dwelling unit densities exceeding those specified in Sections 13.1 & 13.2 may only be allowed if designed and approved as residential planned unit developments under this Section.
- b. Only land above the ordinary high water level of public waters may be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the setback line.
- c. Subdivisions of duplexes, triplexes, and quads on Recreational Development Lakes must also meet the following standards:
 1. Each structure must be set back at least one hundred (100) feet from the ordinary high water level.
 2. Each structure must have common sewage treatment and water systems in one (1) location and serve all dwelling units in the structure.
 3. Watercraft docking facilities for each lot must be centralized in one (1) location and serve all dwelling units in the structure.
 4. No more than twenty five (25) percent of a lake's shoreline can be in duplex, triplex, or quad developments.

2. Guest Cottages

- a. One (1) guest cottage may be allowed as a Conditional Use per lot.
- b. The lot must meet the minimum width, depth, area and buildable lot requirements for single residential lots.
- c. A guest cottage must not cover more than seven hundred (700) square feet of land surface and must not exceed fifteen (15) feet in height.

- d. A guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.

3. Controlled Access Lots

- a. Lots intended as controlled accesses to public waters or as recreation areas for use by owners of lots within subdivisions are permissible.
- b. The lot must meet the width and size requirements for residential lots and be suitable for the intended uses of controlled access lots.
- c. If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table for lot frontage requirements:

| <u>Ratio of lake size/shore length to acres/mile</u> | <u>Required increase in frontage percentage</u> |
|--|---|
| Less than 100 | 25 |
| 100-200 | 20 |
| 201-300 | 15 |
| 301-400 | 10 |
| Greater than 400 | 5 |

- d. The lot must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot.
- e. Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed.
 - 1. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking.
 - 2. The covenants must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the nonsignificant conflict activities include swimming, sunbathing, or picnicking.
 - 3. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lots to minimize topographic and vegetation alterations.

4. The covenants must also require all parking areas, storage structures, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

4. **High Water Elevations**

- a. Structures must be placed in accordance with any floodplain 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. For lakes, by placing the lowest floor at a level at least three (3) feet above the highest known water level, or three (3) feet above the ordinary high water level, whichever is greater.
 2. For rivers and streams there are three possible approaches.
 - a. Place the lowest floor at least three (3) feet above the flood of record, if data are available.
 - b. If data are not available, place the lowest floor at least three (3) feet above the ordinary high water level.
 - c. Or, by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection evaluation. Under all three approaches, technical evaluations must be done by a licensed professional engineer or hydrologist consistent with parts 6120.5000 to 6120.6200 of Minnesota Regulations, as amended from time to time, governing the management of flood plain areas.
 - d. If more than one (1) approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities.
 - b. Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

5. **Water-oriented Accessory Structures**

- a. Each lot may have one (1) water-oriented accessory structure.

- b. Water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment (boathouses), may occupy an area up to four hundred (400) square feet on Recreational Development (RD) lakes only, provided the maximum width of the structure is twenty (20) feet as measured parallel to the configuration of the shoreline.
- c. Water-oriented accessory structures must not exceed two hundred fifty (250) square feet on Natural Environment Lakes (NE) provided the maximum width of the structure is twenty (20) feet as measured parallel to the configuration of the shoreline.
- d. The water-oriented accessory structure must not exceed ten (10) feet in height, exclusive of safety rails, and cannot occupy an area greater than two hundred fifty (250) square feet provided the maximum width of the structure is twenty (20) feet as measured parallel to the configuration of the shoreline.
- e. Detached decks must not exceed eight (8) feet above grade at any point and cannot occupy an area greater than two hundred fifty (250) square feet provided the maximum width of the structure is twenty five (25) feet as measured parallel to the configuration of the shoreline.
- f. The setback of the structure from the ordinary high water level must be at least ten (10) feet.
- g. For conforming lots, all water orientated accessory structures shall be set back fifteen (15) feet from side yard property lines.
- h. For non-conforming Lots of Record, all water orientated accessory structures shall be set back ten (10) feet from side yard property lines.
- i. No water-oriented accessory structure shall be designed or used for human habitation and must not contain water supply or sewage treatment facilities.
- j. The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area.
- k. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;

6. **Stairways, Lifts, Landings and Paths**

- a. Stairways, lifts and paths must not exceed four (4) feet in width on residential lots. One (1) wider stairway may be used, up to six (6) feet, for commercial properties, public open-space recreational properties, and planned unit developments.

- b. Landings for stairways and lifts on residential lots must not exceed thirty two (32) square feet in area. One (1) larger landing may be used, up to ninety six (96) square feet, for commercial properties, public open-space recreational properties, and planned unit developments.
- c. Canopies or roofs are not allowed.
- d. 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;
- e. Stairways, lifts, landings and paths must be located 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
- f. 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 set forth herein are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340 as amended from time to time.

7. Retaining Walls

a. Permitted Use

- 1. Retaining walls located outside the shore impact zone; three (3) feet in height or less; twenty five (25) feet in length or less as measured parallel to the configuration of the shoreline; or on slopes less than twelve (12) percent.
- 2. Land Alteration Plan is required as approved by the department.
- 3. Scaled site plan with 2-foot contours depicting existing topography. As-Built upon completion.
- 4. Inconspicuous location and vegetative screening as viewed from the water, assuming summer, leaf-on conditions.
- 5. A row of boulders, more than thirty (30) inches in diameter, shall be considered a retaining wall.

b. Conditional Use

- 1. Retaining walls located within the shore impact zone or outside the shore impact zone, but greater than three (3) feet in height or greater than twenty five (25) feet in length as measured parallel to the configuration of the shoreline or on steep slopes.

2. Land Alteration Plan is required as approved by the Department.
3. Scaled site plan with 2-foot contours depicting existing topography, As-Built upon completion. As-Built and site plan must be completed by a surveyor or engineer.
4. Inconspicuous location and vegetative screening as viewed from the water, assuming summer, leaf-on conditions.
5. A row of boulders, more than thirty (30) inches in diameter, shall be considered a retaining wall.
6. A conditional use permit may be issued notwithstanding the requirements of items 1-5 above, where there is a demonstrated need to stop or restore an existing erosion hazard and no other alternative exists.

8. 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 received and documented in a public repository.

9. Steep Slopes

The Department will evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions will be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

10. Impervious Surface

- a. Impervious surface coverage of lots shall not exceed twenty five (25) percent of the lot area.
- b. Surface area of a lot physically separated by a public or private road right-of-way or access shall not be included for the purposes of the impervious surface calculation.
- c. A Land Alteration Plan shall be required, as approved by the Department, for projects creating impervious surface including but not limited to driveways, patios, sidewalks, as follows:

| <u>Acreage</u> | <u>Impervious Surface Project</u> |
|------------------------------------|-----------------------------------|
| 1. Lots less than one (1) acre | 32 square feet |
| 2. Lots one (1) acre to 1.99 acres | 100 square feet |

- d. Impervious surface shall not be allowed in the shore impact zone, except for stairways, lifts, landings, paths and water-oriented accessory structures.
- e. Direct drainage away from the lake and into pervious, grassed yards through site grading, rain gutters and downspouts shall be implemented for stormwater management.
- f. Constructed facilities used for stormwater management shall be designed and installed consistent with the field office technical guide of the Le Sueur County SWCD or the Agency Stormwater Manual. Accepted practices including but not limited to, gutters, rain gardens, grassed swales, permeable pavers, bioretention basins, underground storage, rain barrels and vegetated buffers.
- g. Newly constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge in accordance with Best Management Practices.

B. SHORELAND ALTERATIONS

- 1. Alterations of vegetation and topography will be regulated per Minnesota Rule 6120.3300, Subpart 4, to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.
- 2. **Vegetation Alterations.** Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in this Section, is allowed by permit subject to the following standards:
 - a. Vegetation alterations located within a shore or bluff impact zone.
 - 1. Vegetation alterations within the shore or bluff impact zones may be allowed with a Land Alteration Plan as approved by the Department.
 - 2. Removal of trees, shrubs, limbs or branches shall not be allowed other than those that are invasive species, dead, diseased or pose a safety hazard.
 - 3. Pruning and trimming of the lower branches of trees is allowed to provide a view of the lake from the lower story windows of the principal structure.
 - 4. Trimming and/or removal of trees is allowed if in connection with another permitted use.
 - b. Vegetation alterations located between the shore or bluff impact zone and the required structure setback line.

1. Removal of up to twenty five (25) percent of the trees and up to fifty (50) percent shrubs is allowed.
 2. Except as provided in item 1 above, removal of trees, shrubs, limbs or branches shall not be allowed other than those that are invasive species, dead, diseased or pose a safety hazard.
 3. Pruning and trimming of the lower branches of trees is allowed to provide a view of the lake from the lower story windows of the principal structure.
 4. Trimming and/or removal of trees is allowed if in connection with another permitted use.
- c. All vegetative alterations are subject to the following conditions.
1. Exposed bare soil shall be covered with mulch or similar materials within twenty four (24) hours.
 2. A permanent vegetation cover shall be established within fourteen (14) days of completion of the project through a re-vegetation plan as approved by the Department.
 3. Removal of vegetation shall not be greater than fifteen (15) feet in width in any contiguous strip.
 4. Screening of structures or other improvements, including but not limited to parking areas as viewed from the water, assuming summer, leaf-on conditions, shall not be substantially reduced.
 5. Along rivers, existing shading of water surfaces must be preserved.
 6. All cutting shall be by hand at ground level. Topsoil shall not be disturbed and the root system must remain in place.
 7. Erosion control and stormwater control methods as indicated by the Le Sueur County SWCD shall be implemented.

3. Topographic Alterations/Grading, Excavating or Filling

- a. All grading, excavating or filling activities, including but not limited to, rip rap, sand and gravel, shall comply with all applicable standards in this Ordinance.

- b. Grading, excavating or filling activities 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, excavating or filling permit. However, the grading, excavating or filling standards in this Ordinance must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.
- c. The following considerations and conditions must be adhered to during the issuance of construction permits, grading, excavating or filling permits, conditional use permits, variances and subdivision approvals:
 1. Fill or excavated material must not be placed in bluff impact zones.
 2. Any alterations below the ordinary high water level of public waters must be authorized by the commissioner under Minnesota Statutes, Section 103G.245.
 3. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.
 4. Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland:
 - a. Sediment and pollutant trapping and retention.
 - b. Storage of surface runoff to prevent or reduce flood damage.
 - c. Fish and wildlife habitat.
 - d. Recreational use.
 - e. Shoreline or bank stabilization,
 - f. Noteworthiness, including special qualities such as historic significance, critical habitat for-endangered plants and animals, or others.
 - g. This evaluation must also include a determination of whether the wetland alteration being proposed complies with the Minnesota Wetland Conservation Act, as amended or requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. The applicant will be so advised.
 5. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.

6. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible.
 7. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used for any development of one (1) acre or larger. Guidelines for sediment control contained within the Board of Water and Soil Resources' "Minnesota Construction Site Erosion and Sediment Control Planning Handbook" should be utilized.
 8. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local SWCD and the United States Natural Resource Conservation Service.
 9. Fill or excavated material must not be placed in a manner that creates an unstable slope.
 10. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals as approved by the Department for continued slope stability and must not create finished slopes of thirty (30) percent or greater.
 11. 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 three (3) feet horizontal to one (1) foot vertical, the landward 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.
- d. Public roads and parking areas as regulated by this Ordinance.
 - e. Excavations where the intended purpose is a connection to public waters, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.
- 4. Placement and Design of Roads, Driveways, and Parking Areas**
- a. 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 as approved by the Department 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 Le Sueur County SWCD, or other applicable technical materials.
 - b. Roads, driveways, and parking areas must not be placed within bluff and shore impact zones.

- c. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones with a conditional use permit, provided the vegetation screening and erosion control conditions are met and must be designed to minimize adverse impacts.
- d. For private facilities, the grading, excavating or filling provisions of this Ordinance must be met.

5. Riprap

- a. Land Alteration Plan is required as approved by the Department.
- b. Riprap is allowed only where there is a demonstrated need to stop existing erosion or to restore an eroded shoreline.
- c. Installation shall meet all grading, filling and excavating standards as regulated by this Ordinance.
- d. Only natural rock, excluding limestone and similar erosive materials, shall be used that is free of debris that may cause pollution or siltation.
- e. Rock riprap cannot average less than six (6) inches or more than thirty (30) inches in diameter.
- f. A filter of crushed rock, gravel, excluding limestone or other erosive materials, or filter fabric material shall be placed underneath the rock riprap.
- g. The minimum finished slope above the OHWL shall not be steeper than 3 to1, as measured horizontal to vertical.
- h. The riprap shall conform to the natural alignment of the shore.
- i. Live cuttings and plant plugs may be planted within riprap.
- j. For lakes, the riprapped area shall be two hundred (200) linear feet or less of shoreline along lakes and wetlands.
- k. For streams, the riprapped area shall be less than five (5) times the average width of the affected watercourse.
- l. The site must not be a posted fish spawning area or designated trout stream.
- m. Any activity below the ordinary high water level shall meet all DNR standards

6. Beach Sand Blanket

- a. Land Alteration Plan is required as approved by the Department.
- b. The sand or gravel layer, excluding limestone or other erosive materials, may be up to six (6) inches thick; up to fifty (50) feet wide along the shoreline or one-half (1/2) the width of the lot, whichever is less; and does not extend more than ten (10) feet above the ordinary high water level.
- c. No plant barrier, liner or filter fabric material shall be placed underneath the beach sand blanket.
- d. Beach sand blanket shall meet all grading, filling and excavating standards as regulated by this Ordinance.
- e. Any activity below the ordinary high water level shall meet all DNR standards.

7. Rain Gardens

- a. Constructed rain gardens shall be designed and installed consistent with the field office technical guide of the Le Sueur County SWCD or the Agency Stormwater Manual.
- b. Set back no less than ten (10) feet from structures with foundations or basements.
- c. Set back no less than ten (10) feet from a sewage tank and twenty (20) feet from a septic drainfield.
- d. Shall not be located on slopes twelve (12) percent or greater.
- e. Land Alteration Plan is required as approved by the Department.

C. SPECIAL PROVISIONS

1. Commercial, Public and Semipublic Uses

- a. Surface water-oriented uses that need to have access to and use of public waters may be located on parcels or lots with frontage on public waters, and must meet the following standards:
 1. In addition to meeting all other zoning standards in this section, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.

2. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions or navigation and to be the minimum size necessary to meet the need.
3. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the sign and lighting standards of this Ordinance.

2. Agricultural Uses

- a. Agricultural uses are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan consistent with the field office technical guides of the Le Sueur County SWCD or the United States Natural Resource Conservation Service, as provided by a qualified individual or agency.
- b. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and fifty (50) feet from the ordinary high water level.

3. Conditional Uses

The following additional evaluation criteria and conditions apply to conditional uses within shoreland areas:

- a. **Evaluation criteria.** A thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site must be made to ensure:
 1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
 2. The visibility of structures and other facilities as viewed from public waters is limited.
 3. The site is adequate for water supply and on-site sewage treatment.
 4. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate this watercraft.
- b. **Conditions attached to Conditional Use Permits.** The Board of County Commissioners, upon consideration of the criteria listed above and the purposes of this Ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

1. Increased setbacks from the ordinary high water level.
2. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.
3. Special provisions for the location, design, and use of structures, sewage treatment system, watercraft, launching and docking areas, and vehicle parking areas.

SUBDIVISION 6. NONCONFORMITIES

- A. See Section 24 of this Ordinance for further non-conformity requirements.
- B. All legally established nonconformities as of June 18, 1996 may continue, but they will be managed according to applicable state statutes, rules, and other regulations of this county for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use, except that the following standards will also apply in shoreland areas.
 1. In accordance with Minnesota State Statute 394.36, as amended from time to time, the following shall apply to existing Nonconforming Lots in Shoreland Areas.
 - a. This subdivision applies to shoreland lots of record in the office of the County Recorder on the date of adoption of local shoreland controls that do not meet the requirements for lot size or lot width. The County shall regulate the use of nonconforming lots of record and the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in shoreland areas with the following regulations:
 - b. A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:
 1. All structure and septic system setback distance requirements can be met.
 2. A Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, can be installed or the lot is connected to a public sewer.
 3. The impervious surface coverage does not exceed twenty five (25) percent of the lot.
 - c. In a group of two (2) or more contiguous lots of record under a common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:

1. The lot must be at least sixty six (66) percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120.
 2. The lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, and local government controls.
 3. Impervious surface coverage must not exceed twenty five (25) percent of each lot.
 4. Development of the lot must be consistent with an adopted comprehensive plan.
- d. A lot subject to paragraph (c) not meeting the requirements of paragraph (c) must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.
 - e. Notwithstanding paragraph (c), contiguous nonconforming lots of record in shoreland areas under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of section 115.55 and Minnesota Rules, chapter 7080, or connected to a public sewer.
 - f. In evaluating all variances, zoning permit applications, or conditional use requests, the Department shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.
 - g. A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage system requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.

SECTION 13.1 SPECIAL PROTECTION (SP) DISTRICT

SUBDIVISION 1. PURPOSE

Lands within this Zoning District include shoreland areas adjacent to Recreational Development (RD) and Natural Environment (NE) lakes, agricultural and transitional rivers and tributary streams where agriculture or open space is the predominant use. The water feature needs protection from development and agriculture uses should utilize best management practices that prevent or reduce nonpoint source pollution to surface or groundwater. Housing density should be the same as in the Agriculture (A) District. Dwellings, livestock production and other intense land uses should be kept to a minimum. However, transfer of development rights may be utilized to exceed the permitted housing density of one dwelling per quarter-quarter section (40 acres), providing that the density does not exceed four dwellings per quarter-quarter section in the receiving quarter-quarter section. Lots of record shall be exempt from density standards.

SUBDIVISION 2. PERMITTED USES

The following uses shall be permitted within the Special Protection (SP) District:

- A. Agriculture, including crop production and pasturing utilizing agricultural best management practices.
- B. Existing feedlots as of June 18, 1996.
- C. Accessory structures within existing building sites.
- D. Sensitive resource management of nature areas, hiking trails, wildlife preserves, or designated official wetland areas and forest preserves owned or operated by governmental agencies.
- E. Forest management outside shore and bluff impact zones.
- F. One (1) single-family dwelling per existing building site, Lot of Record or quarter-quarter section.
- G. One (1) temporary dwelling per lot that will be occupied for one (1) year or less.
- H. Home occupations, Level I.
- I. Non-Commercial Wind Energy Conversion System.
- J. Retaining walls located outside the shore impact zone; three (3) feet in height or less; twenty five (25) feet in length or less as measured parallel to the configuration of the shoreline; or on slopes less than twelve (12) percent.

K. Small Capacity Rain Garden.

L. Grading, excavating or filling activities involving the movement of fifty (50) cubic yards or less of material that is not in connection with another permitted use, or within a shore impact zone involving the movement of less than ten (10) cubic yards of material, including but not limited to, rip rap, sand and gravel. Activities associated with the maintenance or improvement of public roads are exempt.

| Permitted Use | Permitted Use with Land Alteration(s) Plan | Land Alteration (s) Plan Requirements |
|--|--|--|
| <5 cubic yards within Bluff and Shore Impact Zones | 5-10 cubic yards within Bluff and Shore Impact Zones | Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion. |
| <25 cubic yards outside Bluff and Shore Impact Zones | 25-50 cubic yards outside Bluff and Shore Impact Zones | <p><u>Parcels < 5 acres:</u> Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels 5-20 acres:</u> Scaled site plan w/ 5-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels > 20 acres:</u> Scaled site plan w/ 10-foot contours depicting existing and proposed topography. As-Built upon completion.</p> |

SUBDIVISION 3. CONDITIONAL USES

The following uses may be permitted in the Special Protection (SP) District as Conditional Uses:

- A. Expansion of an existing feedlot up to a total of five hundred (500) animal units.
- B. Home Occupations, Level II.
- C. Mineral Extraction.

- D. Water supply tanks or buildings, reservoirs, commercial wells, gas regulator stations, electric substations or transmission lines greater than 35kV, railroad right-of-way, but not including railroad yards, public sewage treatment facilities and other similar essential public utility and service structures.
- E. Parks, recreational areas and historic sites.
- F. Retaining walls located within the shore impact zone or greater than three feet in height or greater than twenty five (25) feet in length as measured parallel to the configuration of the shoreline or on steep slopes.
- G. Forest management within the shore and bluff impact zones.
- H. One (1) temporary dwelling per lot that will be occupied for one (1) year or more.
- I. Bed and Breakfast Inns.
- J. Special Events.
- K. Transfer of Development Rights.
- L. Commercial Wind Energy Conversion System.
- M. Large Capacity Rain Garden.
- N. Grading, excavating or filling activities within the bluff.
- O. Grading, excavating or filling activities, excluding small capacity rain gardens, involving the movement of more than fifty (50) cubic yards of material that is not in connection with another permitted use, or within shore or bluff impact zones involving the movement of more than ten (10) cubic yards of material, including but not limited to, rip rap, sand and gravel. Activities associated with the maintenance or improvement of public roads are exempt.

(TABLE ON NEXT PAGE)

| Conditional Use | Conditional Use Requirements |
|--|---|
| >10 cubic yards within Bluff and Shore Impact Zones | <p>Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p>Site Plan(s) and As-Built completed by a surveyor or engineer.</p> |
| >50 cubic yards outside Bluff and Shore Impact Zones | <p><u>Parcels < 5 acres:</u> Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels 5-20 ac:</u> Scaled site plan w/ 5-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels > 20 ac:</u> Scaled site plan w/ 10-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p>Site Plan(s) and As-Built completed by a surveyor or engineer.</p> |

SUBDIVISION 4. PERMITTED ACCESSORY USES AND STANDARDS

The following uses shall be permitted accessory uses within the Special Protection (SP) District.

A. ACCESSORY STRUCTURES

1. In the Special Protection (SP) District that have lot sizes less than five (5) acres shall conform to the following structure areas and maximum structure heights.

| Lot Size | Maximum Structure Area | Maximum Structure Height |
|------------------|------------------------|--------------------------|
| Less than 1 acre | 2,000 square feet | 20 feet |
| 1-1.99 acres | 3,600 square feet | 20 feet |
| 2-4.99 acres | 4,000 square feet | 25 feet |

2. Outside wall dimensions shall be used to determine maximum structure area, except where a roof projects out further than two (2) feet from the sidewall; roof area shall be used to determine maximum structure area.
3. The lowest floor elevation for all accessory structures shall be at least three (3) feet above the ordinary high water level (OHWL) or highest known lake elevation, whichever is greater.

4. No accessory structure or use shall be constructed or developed on a lot prior to construction of the principal dwelling.

B. SWIMMING POOL. PERMANENT

1. No pool shall be located within ten (10) feet of a septic tank/drain field.
2. No pool shall be located beneath overhead electrical lines or over underground utility lines of any type.
3. No pool shall be located within any private or public utility, walkway, drainage, or other easement.
4. Lighting for the pool shall be oriented so as not to cast light onto adjacent properties.
5. A fence of at least five (5) feet in height shall completely enclose the pool area and the access to the pool area shall be controlled.

C. HEIGHT AND SEPARATION REGULATIONS

1. For parcels greater than five (5) acres, there shall be a maximum height limitation of one hundred and fifty (150) feet on all structures. Any structure including but not limited to tower, spire and similar type structure, only after obtaining a letter of clearance from the Federal Aeronautics Administration and the Airport Commission for any airport located within ten (10) miles of the structure proposed to exceed the height limitation.
2. In case an accessory structure is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure.
3. An accessory structure shall not be closer than five (5) feet to the principal structure.
 - a. In case an accessory structure is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure.

D. DRAINAGE

Adequate drainage shall be provided and the drainage shall be directed away from adjacent private property.

- E. Other accessory uses customarily incidental to the uses permitted in Section 13.1.

SUBDIVISION 5. DIMENSIONAL REGULATIONS

A. SETBACK EXEMPTIONS/STRUCTURE EXPANSIONS

1. In such cases, where proposed additions do not encroach further into the front, side, or rear yard than the existing structure, such additions will be permitted provided the use and the structure are in conformance with the following restrictions:
 - a. The use of the structure is conforming to the zoning district in which it is located.
 - b. The expansion of the structure shall not be located closer to the property line than the existing structure or at least one-half (1/2) of the required setback, whichever is greater.
 - c. The expansion of the structure will not reduce any other required setback below the minimum standards of this Ordinance.
 - d. The expansion of the structure will conform to all other restrictions of this Ordinance, including but not limited to, density, lot coverage and structure height.
 - e. The height of the expansion shall not be greater than the existing structure at the existing building line.
 - f. The proposed addition is not located in shore or bluff impact zones.

B. FRONT YARD SETBACKS

1. There shall be a front yard setback of not less than eighty five (85) feet from the right-of-way of State-Federal trunk arterials, expressways and State collector arterials.
2. There shall be a front yard setback of not less than seventy five (75) feet from the right-of-way of County Highways.
3. There shall be a front yard setback of not less than sixty five (65) feet from a township or any other public or private right-of-way.
4. When a lot is located at the intersection of two (2) or more roads, there shall be a front yard setback on each road right-of-way.
5. All components an onsite Subsurface Sewage Treatment System (SSTS) shall be twenty (20) feet from all road right-of-ways.
6. All components of an onsite Subsurface Sewage Treatment System (SSTS) for a non-conforming Lot of Record shall be ten (10) feet from all road right-of-ways.

7. The required front yard of a corner lot shall be unobstructed above a height of three (3) feet in a triangular area, two (2) sides of which are the lines running parallel along the right of way lines between the road intersection and a point fifty (50) feet from the intersection, and the third side of which is the line between the latter two (2) points.
8. No trees or shrubs shall be planted within ten (10) feet from any right-of-way.
9. On nonconforming Lots of Record, accessory structures with a door six (6) feet wide or greater which faces any road right-of-way shall be set back a minimum of twenty five (25) feet. All other accessory structures shall be set back a minimum of ten (10) feet from the road right-of-way.

C. SIDE YARD SETBACKS

1. All structures shall have a side yard setback of not less than fifty (50) feet.
2. For conforming lots, all water orientated accessory structures shall be set back fifteen (15) feet from side yard property lines.
3. For nonconforming Lots of Record, all water orientated accessory structures shall be set back ten (10) feet from side yard property lines.

D. REAR YARD SETBACKS

All structures shall have a rear yard setback of not less than fifty (50) feet.

E. ORDINARY HIGH WATER LEVEL (OHWL) SETBACKS

1. Structure and Subsurface Sewage Treatment System (SSTS) setbacks from Ordinary High Water Level (OHWL).

| <u>Classification</u> | Structure | SSTS |
|------------------------------|------------------|-------------|
| NE Lake | 250 feet | 200 feet |
| RD Lake | 150 feet | 100 feet |
| Agricultural River | 150 feet | 100 feet |
| Transitional River | 150 feet | 100 feet |
| Tributary River | 150 feet | 100 feet |

2. A new dwelling constructed on a nonconforming Lot of Record may have a reduced OHWL setback with the following restrictions:
 - a. There shall be an existing dwelling located on each side of the lot.
 - b. The new dwelling shall not be located closer to the OHWL than the existing dwellings located on the adjacent, or at least one-half of the required set back whichever is greater.

- c. The structure is not located in a shore impact zone or in a bluff impact zone.
- 3. A new dwelling constructed on a nonconforming Lot of Record may have a reduced OHWL setback if one of the adjacent lots is vacant with the following restrictions:
 - a. There shall be an existing dwelling located on one side of the lot.
 - b. The setback for the Lot of Record shall be the setback of the dwelling on the adjacent lot plus one half (1/2) the difference between the setback of the adjacent dwelling and the setback required by the Ordinance.
 - c. The structure is not located in a shore impact zone or in a bluff impact zone.
- 4. One (1) water-oriented accessory structure designed in accordance with this Section shall be set back a minimum distance of ten (10) feet from the ordinary high water level.
- 5. No expansion or modification of existing feedlots shall result in encroachment closer to the ordinary high water level than the existing setback or three hundred (300) feet, whichever is greater.

F. BLUFF SETBACKS

- 1. All structures shall be set back from the top and/or toe of the bluff:
 - a. Thirty (30) feet for bluffs with slopes eighteen (18) to thirty (30) percent.
 - b. Fifty (50) feet for bluffs with slopes greater than thirty (30) percent.
 - c. **Existing Building Sites.** All structures shall be set back thirty (30) feet from the top or toe of the bluff.
- 2. SSTS shall be set back thirty (30) feet from the top or toe of the bluff.
 - a. For an existing dwelling, SSTS upgrade and/or replacement tank(s):
 - 1. Shall be exempt from bluff setback.
 - 2. May be located within the bluff impact zone.
 - 3. Shall not be located within the bluff.
- 3. If the adjacent bluff is actively eroding, the Department may increase the setback requirement.
- 4. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

G. WETLAND SETBACKS

All structures shall be set back a minimum of seventy five (75) feet from the wetland boundary of any Type three (3) through eight (8) wetland.

H. ADDITIONAL SETBACKS

1. When more than one (1) set back applies to a site, structures must be located to meet all setbacks.
2. All structures shall be setback fifty (50) feet from a cemetery.

I. FEEDLOT AND ANIMAL REQUIREMENTS

1. Effective June 10, 2010, any new school, park, golf course, licensed campground, or residential zoning district shall be separated from an existing animal feedlot by the following:
 - a. 10-50 AU 500 feet
 - b. 51-2000 AU 1000 feet
 - c. Greater than 2000 AU 1500 feet
2. All new dwellings shall be separated from an existing animal feedlot by the following:
 - a. 10-50 AU 500 feet
 - b. 51-2000 AU 1000 feet
 - c. Greater than 2000 AU 1500 feet
3. The animal feedlot owner's dwelling is exempt from these requirements.
4. Any expansion of an existing animal feedlot shall conform to the following lot requirement.
 - a. Up to 100 AU 5 acres
 - b. 101-500 AU 10 acres
5. In the Special Protection (SP) District, the following standards shall be applicable for allowable animal units:

| Suitable Area Acreage | Animal Units Allowed |
|------------------------------|--|
| < 1.49 acres | Dogs, cats, and animals customarily kept as pets |
| 1.5 to 2.49 acres | 2 |
| 2.5 to 3.49 acres | 3 |
| 3.5 to 4.49 acres | 4 |
| 4.5 or more acres | No more than 9 animals units |

6. In the Special Protection (SP) District the following maximum number of domestic animals are allowed:

| Number Of Cats | Number Of Dogs | Kennel (CUP) | Animal Shelter (CUP) |
|-----------------------|-----------------------|---------------------|-----------------------------|
| 5 | 3 | NA | NA |

J. LOT AREA, WIDTH & DEPTH

1. Lot standards for all single-family dwelling lots in sewerred and unsewerred, riparian and nonriparian lots.
2. **Lakes.** On Natural Environment (NE) and Recreational Development (RD) Lakes the minimum lot area (in square feet) and minimum lot width at the setback line from the ordinary high water level (OHWL) and road right-of-way and depth standards (in feet) shall be as follows:
 3.

| | <u>Area</u> | <u>Width</u> | <u>Depth</u> |
|------------|-------------|--------------|--------------|
| a. NE Lake | 217,800 | 400 | 400 |
| b. RD Lake | 80,000 | 200 | 320 |
3. **Rivers.** On rivers, or streams classified as Agricultural, Transitional or Tributary the minimum lot area (in square feet) and minimum lot width and depth standards (in feet) shall be the same as on a Natural Environment Lake.
4. Impervious surface of lots must not exceed twenty five (25) percent of the lot area.

K. HEIGHT

For parcels greater than five (5) acres, there shall be a maximum height limitation of one hundred and fifty (150) feet on all structures. Any structure including but not limited to tower, spire and similar type structure, only after obtaining a letter of clearance from the Federal Aeronautics Administration and the Airport Commission for any airport located within ten (10) miles of the structure proposed to exceed the height limitation.

L. BUILDABLE LOT STANDARDS

1. 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 frontage on an improved and maintained public road, or an approved and maintained private road or easement is considered a buildable lot. The buildable lot shall have the contiguous required lot area of which not more than ten (10) percent is comprised of:

- a. Area of a slope in excess of eighteen (18) percent.
 - b. An impact zone.
 - c. Floodplain.
 - d. Wetland.
 - e. Below the Ordinary High Water Level (OHWL).
2. Each new building site created after the adoption of this Ordinance must have a minimum of forty thousand (40,000) square feet of contiguous buildable lot area.
 3. Each new building site created after January 23, 1996 must have sufficient area for a minimum of two (2) onsite sewage treatment systems.
 4. Lots of Record that are substandard in area must conform to all other applicable regulations to qualify for placement of a dwelling.

SUBDIVISION 6. DWELLING STANDARDS

A. PROHIBITED DWELLINGS

No garage, tent, trailer, or accessory structure shall at any time be used as a dwelling.

B. DWELLING REGULATIONS

1. No more than one (1) dwelling shall be placed on a lot except in the cases of temporary dwellings.
2. All dwellings shall be on foundations or piles or other foundation systems extending below the frost line, as approved by the Department.
3. The minimum dwelling width excluding porches, decks, or other similar attachments shall be twenty (20) feet except in the cases of temporary dwellings.
4. All dwellings must conform with the sewage treatment regulations of this Ordinance. No zoning permits will be issued for new dwellings prior to sewage treatment system approval.
5. Manufactured homes shall bear a State seal as verification of construction and inspection to ANSI A119.1 standards during original construction (issued for manufactured homes built between July 1, 1972 to June 14, 1976) or, for manufactured homes built after that date, a Federal seal in accordance with HUD CFR 3280 Construction Standards.
6. All dwellings shall have a minimum of seven hundred sixty (760) square feet of floor area on the ground floor.
7. Dwellings shall not exceed two and one-half (2 1/2) stories or thirty five (35) feet in height.

8. For all dwellings the lowest floor elevation shall be at least three (3) feet above the ordinary high water level (OHWL) or highest known lake elevation, whichever is greater.
9. Outside wall dimensions shall be used to determine maximum structure area, except where a roof projects out further than two (2) feet from the sidewall; roof area shall be used to determine maximum structure area.

SUBDIVISION 7. ACCESS DRIVES, ACCESS AND SERVICE ROADS

- A. Access drives onto any public roads shall require a review by the Road Authority. The Road Authority shall determine the appropriate location, size, and design of such access drives along public roads and may limit the number of access drives in the interest of public safety and efficient traffic flow.
- B. Access drives shall be constructed and maintained to meet all of the following:
 1. A minimum driving surface width of fourteen (14) feet.
 2. Inslope no greater than 4 to 1, as measured horizontal to vertical.
 3. Base material depth sufficient to support access by emergency vehicles.
 4. Unobstructed width of not less than twenty (20) feet.
 5. Unobstructed vertical clearance of not less than thirteen (13) feet, six (6) inches.
- C. Access drives in excess of one hundred fifty (150) feet in length shall provide a minimum turn-around of sixty (60) feet in width by sixty (60) feet in length.
- D. Access drives shall have a twenty (20) foot long flat grade directly adjacent to the road that the drive accesses.
- E. All lots or parcels with dwellings shall have direct physical access of adequate size for emergency vehicles along the frontage of the lot or parcel from either an existing or dedicated public roadway.
- F. All roads serving more than two (2) lots or parcels with dwellings shall be built to township road specifications or at least sixty six (66) feet wide with a minimum driving surface width of twenty four (24) feet.
- G. Access drives shall not be located within the bluff or shore impact zones.

SUBDIVISION 8. GENERAL REGULATIONS

A. STORAGE OF MATERIALS

1. All materials and equipment shall be stored within a structure or fully screened so as not to be visible from adjoining properties, except for the following:
 - a. Recreational equipment.
 - b. Laundry drying equipment.
 - c. Off-street parking of licensed passenger vehicles and pickup trucks.
 - d. Boats and unoccupied travel trailers, less than twenty (20) feet in length, are permissible if stored in the rear yard more than ten (10) feet from the property line.
2. No underground gasoline storage shall be permitted.
3. All land uses and development shall follow all other applicable regulations of this Ordinance.

SECTION 13.2 RECREATIONAL RESIDENTIAL (RR) DISTRICT

SUBDIVISION 1. PURPOSE

A District, adjacent to Recreational Development (RD) and Natural Environment (NE) lakes, to preserve areas which have natural characteristics suitable for both passive and active recreational usage. Also, it is the intent of this District to manage areas suitable for residential development of varying types, including permanent and seasonal housing. Some non-residential uses with minimal impacts on residential uses may be allowed.

SUBDIVISION 2. PERMITTED USES

The following uses shall be permitted within the Recreational Residential (RR) District:

- A. Sensitive resource management, of nature areas, hiking trails, wildlife preserves, or designated official wetland areas.
- B. One (1) single-family dwelling per existing building site, Lot of Record, platted lot or parcel.
- C. One (1) temporary dwelling per lot that will be occupied for one (1) year or less.
- D. Agriculture, including crop production and pasturing utilizing agricultural best management practices, existing feedlots as of June 18, 1996, and accessory structures within existing building sites.
- E. Forest management outside shore and bluff impact zones.
- F. Retaining walls located outside the shore impact zone; three (3) feet in height or less; twenty five (25) feet in length or less as measured parallel to the configuration of the shoreline; or on slopes less than twelve (12) percent.
- G. Small Capacity Rain Garden.
- H. Grading, excavating or filling activities involving the movement of fifty (50) cubic yards or less of material that is not in connection with another permitted use, or within a shore impact zone involving the movement of less than ten (10) cubic yards of material including but not limited to, rip rap, sand and gravel. Activities associated with the maintenance or improvement of public roads are exempt.

(TABLE ON NEXT PAGE)

| Permitted Use | Permitted Use with Land Alteration(s) Plan | Land Alteration (s) Plan Requirements |
|--|--|--|
| <5 cubic yards within Bluff and Shore Impact Zones | 5-10 cubic yards within Bluff and Shore Impact Zones | Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion. |
| <25 cubic yards outside Bluff and Shore Impact Zones | 25-50 cubic yards outside Bluff and Shore Impact Zones | <p><u>Parcels < 5 acres:</u> Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels 5-20 acres:</u> Scaled site plan w/ 5-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels > 20 acres:</u> Scaled site plan w/ 10-foot contours depicting existing and proposed topography. As-Built upon completion.</p> |

SUBDIVISION 3. CONDITIONAL USES

The following uses may be allowed in the Recreational Residential (RR) District as Conditional Uses:

- A. Semipublic uses.
- B. Parks and historic sites.
- C. Water supply tanks or buildings, reservoirs, commercial wells, regional pipe lines and regulator stations, power transmission lines greater than 35kV, public sewage treatment facilities, and similar essential public utility and service structures.
- D. Golf courses and any structures normally associated with golf courses.
- E. Platted subdivisions, as regulated by the Le Sueur County Subdivision Ordinance.
- F. Residential Planned Unit Developments.
- G. Guest cottage.

- H. Duplex, triplex, and quad residential dwellings on RD Lakes.
- I. Expansion of an existing animal feedlot up to a total of three hundred (300) animal units.
- J. Boat or vehicle access ramps in shore impact zone.
- K. Retaining walls located within the shore impact zone or greater than three (3) feet in height or greater than twenty five (25) feet in length as measured parallel to the configuration of the shoreline or on steep slopes.
- L. Forest management within the bluff & shore impact zones.
- M. Large Capacity Rain Garden.
- N. Grading, excavating or filling activities within the bluff.
- O. Grading, excavating or filling activities, excluding small capacity rain gardens, involving the movement of more than fifty (50) cubic yards of material that is not in connection with another permitted use, or within shore or bluff impact zones involving the movement of more than ten (10) cubic yards of material, including but not limited to, rip rap, sand and gravel. Activities associated with the maintenance or improvement of public roads are exempt.

(TABLE ON NEXT PAGE)

| Conditional Use | Conditional Use Requirements |
|--|---|
| >10 cubic yards within Bluff and Shore Impact Zones | <p>Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p>Site Plan(s) and As-Built completed by a surveyor or engineer.</p> |
| >50 cubic yards outside Bluff and Shore Impact Zones | <p><u>Parcels < 5 acres:</u> Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels 5-20 ac:</u> Scaled site plan w/ 5-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels > 20 ac:</u> Scaled site plan w/ 10-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p>Site Plan(s) and As-Built completed by a surveyor or engineer.</p> |

SUBDIVISION 4. PERMITTED ACCESSORY USES AND STANDARDS

The following uses shall be permitted accessory uses within the Recreational Residential (RR) District.

A. ACCESSORY STRUCTURES

1. In the Recreational Residential (RR) District that have lot sizes less than five (5) acres shall conform to the following structure areas and maximum structure heights.

| Lot Size | Maximum Structure Area | Maximum Structure Height |
|------------------|-------------------------------|---------------------------------|
| Less than 1 acre | 2,000 square feet | 20 feet |
| 1-1.99 acres | 3,600 square feet | 20 feet |
| 2-4.99 acres | 4,000 square feet | 25 feet |

2. Outside wall dimensions shall be used to determine maximum structure area, except where a roof projects out further than two (2) feet from the sidewall; roof area shall be used to determine maximum structure area.
3. The lowest floor elevation for all accessory structures shall be at least three (3) feet above the ordinary high water level (OHWL) or highest known lake elevation, whichever is greater.

4. No accessory structure or use shall be constructed or developed on a lot prior to construction of the principal dwelling.

B. SWIMMING POOL. PERMANENT

1. No pool shall be located within ten (10) feet of a septic tank/drain field.
2. No pool shall be located beneath overhead electrical lines or over underground utility lines of any type.
3. No pool shall be located within any private or public utility, walkway, drainage, or other easement.
4. Lighting for the pool shall be oriented so as not to cast light onto adjacent properties.
5. A fence of at least five (5) feet in height shall completely enclose the pool area and the access to the pool area shall be controlled.

C. HEIGHT AND SEPARATION REGULATIONS

1. For parcels greater than five (5) acres, there shall be a maximum height limitation of one hundred and fifty (150) feet on all structures. Any structure including but not limited to tower, spire and similar type structure, only after obtaining a letter of clearance from the Federal Aeronautics Administration and the Airport Commission for any airport located within ten (10) miles of the structure proposed to exceed the height limitation.
2. In case an accessory structure is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure.
3. An accessory structure shall not be closer than five (5) feet to the principal structure.
 - a. In case an accessory structure is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure.

D. DRAINAGE

Adequate drainage shall be provided and the drainage shall be directed away from adjacent private property.

- E. Other accessory uses customarily incidental to the uses permitted in Section 13.2.

SUBDIVISION 5. DIMENSIONAL REGULATIONS

A. SETBACK EXEMPTIONS/STRUCTURE EXPANSIONS

1. In such cases, where proposed additions do not encroach further into the front, side, or rear yard than the existing structure, such additions will be permitted provided the use and the structure are in conformance with the following restrictions:
 - a. The use of the structure is conforming to the zoning district in which it is located.
 - b. The expansion of the structure shall not be located closer to the property line than the existing structure or at least one-half (1/2) of the required setback, whichever is greater.
 - c. The expansion of the structure will not reduce any other required setback below the minimum standards of this Ordinance.
 - d. The expansion of the structure will conform to all other restrictions of this Ordinance, including but not limited to, density, lot coverage, building height.
 - e. The height of the expansion shall not be greater than the existing structure at the existing building line.
 - f. The proposed addition is not located in shore or bluff impact zones.

B. FRONT YARD SETBACKS

1. There shall be a front yard setback of not less than eighty five (85) feet from the right-of-way of State-Federal trunk arterials, expressways and State collector arterials.
2. There shall be a front yard setback of not less than seventy five (75) feet from the right-of-way of County Highways.
3. There shall be a front yard setback of not less than sixty five (65) feet from a township or any other public or private right-of-way.
4. When a lot is located at the intersection of two (2) or more roads, there shall be a front yard setback on each road right-of-way.
5. All components an onsite Subsurface Sewage Treatment System (SSTS) shall be twenty (20) feet from all road right-of-ways.
6. All components an onsite Subsurface Sewage Treatment System (SSTS) for a non-conforming Lot of Record shall be ten (10) feet from all road right-of-ways.

7. The required front yard of a corner lot shall be unobstructed above a height of three (3) feet in a triangular area, two (2) sides of which are the lines running parallel along the right of way lines between the road intersection and a point fifty (50) feet from the intersection, and the third side of which is the line between the latter two (2) points.
8. No trees or shrubs shall be planted within ten (10) feet from any right-of-way.
9. On nonconforming Lots of Record, accessory structures with a door six (6) feet wide or greater which faces any road right-of-way shall be setback a minimum of twenty five (25) feet. All other accessory structures shall be setback a minimum of ten (10) feet from the road right-of-way.
10. A new dwelling constructed on a nonconforming Lot of Record may have a reduced front yard setback with the following restrictions:
 - a. There shall be an existing dwelling located on each side on the adjacent lots.
 - b. The new dwelling shall not be located closer to the road right-of-way than the existing dwellings located on the adjacent lots, or at least one-half of the required setback, whichever is greater.
 - c. The structure is not located in a shore impact zone or in a bluff impact zone.
11. A new dwelling constructed on a nonconforming Lot of Record may have a reduced front yard setback **if the adjacent lot is vacant** with the following restrictions:
 - a. There shall be an existing dwelling located on **one** side of the lot.
 - b. The setback for the Lot of Record shall be the setback of the dwelling on the adjoining lot plus one half the difference between the setback of the non-conforming dwelling and the setback required by the Ordinance.
 - c. The structure is not located in a bluff impact zone.
12. All fencing shall have a front yard setback of not less than ten (10) feet from a road right-of-way.

C. SIDE YARD SETBACKS

1. All structures shall have a side yard setback of not less than fifteen (15) feet.
2. Non-conforming Lots of Record shall be allowed a ten (10) foot side yard setback.
3. For conforming lots, all water orientated accessory structures shall be set back fifteen (15) feet from side yard property lines.

4. For non-conforming Lots of Record, all water orientated accessory structures shall be set back ten (10) feet from side yard property lines.

D. REAR YARD SETBACKS

All structures shall have a rear yard setback of not less than fifteen (15) feet.

E. ORDINARY HIGH WATER LEVEL (OHWL) SETBACKS

1. Structure and Subsurface Sewage Treatment System (SSTS) setbacks from Ordinary High Water Level (OHWL).

| <u>Classification</u> | <u>Structure</u> | <u>SSTS</u> |
|-----------------------|------------------|-------------|
| NE Lake | 250 feet | 200 feet |
| RD Lake | 100 feet | 75 feet |

2. A new dwelling constructed on a nonconforming Lot of Record may have a reduced OHWL setback with the following restrictions:
 - a. There shall be an existing dwelling located on each side of the lot.
 - b. The new dwelling shall not be located closer to the OHWL than the existing dwellings located on the adjacent, or at least one-half of the required set back whichever is greater.
 - c. The structure is not located in a shore impact zone or in a bluff impact zone.
3. A new dwelling constructed on a nonconforming Lot of Record may have a reduced OHWL setback if one of the adjacent lots is vacant with the following restrictions:
 - a. There shall be an existing dwelling located on one side of the lot.
 - b. The setback for the Lot of Record shall be the setback of the dwelling on the adjacent lot plus one half (1/2) the difference between the setback of the adjacent dwelling and the setback required by the Ordinance.
 - c. The structure is not located in a shore impact zone or in a bluff impact zone.
4. One (1) water-oriented accessory structure designed in accordance with this Section shall be setback a minimum distance of ten (10) feet from the ordinary high water level.
5. No expansion or modification of existing feedlots shall result in encroachment closer to the ordinary high water level than the existing setback or three hundred (300) feet, whichever is greater.
6. Fencing shall not be placed within the shore impact zone.

F. BLUFF SETBACKS

1. All structures shall be set back from the top and/or toe of the bluff:
 - a. Thirty (30) feet for bluffs with slopes eighteen (18) to thirty (30) percent.
 - b. Fifty (50) feet for bluffs with slopes greater than thirty (30) percent,
 - c. **Existing Building Sites**. All structures shall be set back thirty (30) feet from the top or toe of the bluff.
2. SSTS shall be set back thirty (30) feet from the top or toe of the bluff.
 - a. For an existing dwelling, SSTS upgrade and/or replacement tank(s):
 1. Shall be exempt from bluff setback.
 2. May be located within the bluff impact zone.
 3. Shall not be located within the bluff.
3. If the adjacent bluff is actively eroding, the Department may increase the setback requirement.
4. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
5. Fencing shall not be placed within the bluff.

G. WETLAND SETBACKS:

All structures shall be set back a minimum of seventy five (75) feet from the wetland boundary of any Type three (3) through eight (8) wetland.

H. ADDITIONAL SETBACKS

1. When more than one (1) setback applies to a site, structures must be located to meet all setbacks.
2. All structures shall be set back fifty (50) feet from a cemetery.

I. FEEDLOT AND ANIMAL REQUIREMENTS

1. Effective June 10, 2010, any new school, park, golf course, licensed campground, or residential zoning district shall be separated from an existing animal feedlot by the following:

- a. 10-50 AU 500 feet
 - b. 51-2000 AU 1000 feet
 - c. Greater than 2000 AU 1500 feet
2. All new dwellings shall be separated from an existing animal feedlot by the following:
- a. 10-50 AU 500 feet
 - b. 51-2000 AU 1000 feet
 - c. Greater than 2000 AU 1500 feet
3. The animal feedlot owner's dwelling is exempt from these requirements.
4. Any expansion of an existing animal feedlot shall conform to the lot following requirement:
- a. Up to 100 AU 5 acres
 - b. 101-300 AU 10 acres
5. In the Recreational Residential (RR) District only dogs, cats, and animals customarily kept as pets will be allowed. The following maximum number of domestic animals are allowed:

| Number Of Cats | Number Of Dogs | Kennel (CUP) | Animal Shelter (CUP) |
|----------------|----------------|--------------|----------------------|
| 5 | 3 | NA | NA |

J. LOT AREA, WIDTH & DEPTH

1. Lot standards for all single-family dwelling lots in sewerred and unsewerred, riparian and nonriparian lots.
2. On Natural Environment (NE) and Recreational Development (RD) Lakes, the minimum lot area (in square feet) and minimum lot width at the setback line from the ordinary high water level (OHWL) and road right-of-way and depth standards (in feet) for single, duplex, triplex and quad residential lots shall be as follows:

| a. RD Lakes | <u>Riparian Lots</u> | | | <u>Non-riparian Lots</u> | | |
|-----------------|----------------------|--------------|--------------|--------------------------|--------------|--------------|
| | <u>Area</u> | <u>Width</u> | <u>Depth</u> | <u>Area</u> | <u>Width</u> | <u>Depth</u> |
| <u>Dwelling</u> | | | | | | |
| Single | 40,000 | 150 | 260 | 40,000 | 150 | 260 |
| Duplex | 80,000 | 225 | 260 | 80,000 | 265 | 260 |
| Triples | 120,000 | 300 | 260 | 120,000 | 375 | 260 |
| Quad | 160,000 | 375 | 260 | 160,000 | 490 | 260 |

- b. **NE Lakes.** Riparian and non-riparian lots shall have a minimum lot area of eighty thousand (80,000) square feet, minimum lot width at the setback line from the ordinary high water level (OHWL) and road right-of-way of two hundred (200) feet and minimum lot depth of three hundred twenty (320) feet.

3. Impervious surface of lots must not exceed twenty five (25) percent of the lot area.

K. HEIGHT

For parcels greater than five (5) acres, there shall be a maximum height limitation of one hundred and fifty (150) feet on all structures. Any structure including but not limited to tower, spire and similar type structure, only after obtaining a letter of clearance from the Federal Aeronautics Administration and the Airport Commission for any airport located within ten (10) miles of the structure proposed to exceed the height limitation.

L. BUILDABLE LOT STANDARDS

1. 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 frontage on an improved and maintained public road, or an approved and maintained private road or easement is considered a buildable lot. The buildable lot shall have the contiguous required lot area of which not more than ten (10) percent is comprised of:
 - a. Area of a slope in excess of eighteen (18) percent.
 - b. An impact zone.
 - c. Floodplain.
 - d. Wetland.
 - e. Below the Ordinary High Water Level (OHWL).
2. Each new building site created after the adoption of this Ordinance must have a minimum of forty thousand (40,000) square feet of contiguous buildable lot area.
3. Each new building site created after January 23, 1996 must have sufficient area for a minimum of two (2) onsite sewage treatment systems.
4. Lots of Record that are substandard in area must conform to all other applicable regulations to qualify for placement of a dwelling.

SUBDIVISION 6. DWELLING STANDARDS

A. PROHIBITED DWELLINGS

No garage, tent, trailer, or accessory structure shall at any time be used as a dwelling.

B. DWELLING REGULATIONS

1. No more than one (1) dwelling shall be placed on a lot except in the cases of temporary dwellings.
2. All dwellings shall be on foundations or piles or other foundation systems extending below the frost line, as approved by the Department.
3. The minimum dwelling width excluding porches, decks, or other similar attachments shall be twenty (20) feet except in the cases of temporary dwellings.
4. Manufactured homes less than twenty (20) feet in width shall be allowed as a single-family dwelling in the Recreational Residential (RR) District.
5. All dwellings must conform with the sewage treatment regulations of this Ordinance. No zoning permits will be issued for new dwellings prior to sewage treatment system approval.
6. Manufactured homes shall bear a State seal as verification of construction and inspection to ANSI A119.1 standards during original construction (issued for manufactured homes built between July 1, 1972 to June 14, 1976) or, for manufactured homes built after that date, a Federal seal in accordance with HUD CFR 3280 Construction Standards.
7. All dwellings shall have a minimum of seven hundred sixty (760) square feet of floor area on the ground floor.
8. Dwellings shall not exceed two and one-half (2 1/2) stories or thirty five (35) feet in height.
9. For all dwellings the lowest floor elevation shall be at least three (3) feet above the ordinary high water level (OHWL) or highest known lake elevation, whichever is greater.
10. Outside wall dimensions shall be used to determine maximum structure area, except where a roof projects out further than two (2) feet from the sidewall; roof area shall be used to determine maximum structure area.

SUBDIVISION 7. ACCESS DRIVES, ACCESS AND SERVICE ROADS

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

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

SUBDIVISION 8. GENERAL REGULATIONS

A. STORAGE OF MATERIALS

1. All materials and equipment shall be stored within a structure or fully screened so as not to be visible from adjoining properties, except for the following:
 - a. Recreational equipment.
 - b. Laundry drying equipment.
 - c. Off-street parking of licensed passenger vehicles and pickup trucks.
 - d. Boats and unoccupied travel trailers, less than twenty (20) feet in length, are permissible if stored in the rear yard more than ten (10) feet from the property line.
2. No underground gasoline storage shall be permitted.

B. FENCING

1. **Setbacks**

- a. All fencing shall have a front yard setback of not less than ten (10) feet from a road right-of-way.
- b. Fencing shall not be placed within the bluff and shore impact zones.
- c. Fencing shall not be placed within the bluff.

2. **Height**

- a. Fencing located within any side and/or rear yard shall a maximum height of eight (8) feet.
- b. Fencing located within any front yard shall have a maximum height of four (4) feet.

C. All land uses and development shall follow all other applicable regulations of this Ordinance.

SECTION 13.3 RECREATIONAL COMMERCIAL (RC) DISTRICT

SUBDIVISION 1. PURPOSE

A District, adjacent to Recreational Development (RD) lakes, Natural Environment (NE) lakes, agricultural and transitional rivers and tributary streams, to provide suitable locations for, and to encourage the development of, water orientated commercial recreation facilities in those areas of Le Sueur County which benefit the recreational needs of both residents and tourists, to avoid land use conflicts with residential areas and restrict incompatible commercial and industrial uses.

SUBDIVISION 2. PERMITTED USES

The following uses shall be permitted within the Recreational Commercial (RC) District:

- A. Restaurants without transient docking facilities.
- B. Sporting goods establishments, outfitters and suppliers, bait shops.
- C. Retaining walls located outside the shore impact zone; three (3) feet in height or less; twenty five (25) feet in length or less as measured parallel to the configuration of the shoreline; or on slopes less than twelve (12) percent.
- D. Small Capacity Rain Garden.
- E. Grading, excavating or filling activities involving the movement of fifty (50) cubic yards or less of material that is not in connection with another permitted use, or within a shore impact zone involving the movement of less than ten (10) cubic yards of material including but not limited to, rip rap, sand and gravel. Activities associated with the maintenance or improvement of public roads are exempt.

(TABLE ON NEXT PAGE)

| Permitted Use | Permitted Use with Land Alteration(s) Plan | Land Alteration (s) Plan Requirements |
|--|---|--|
| <5 cubic yards within Bluff and Shore Impact Zones | 5-10 cubic yards within Bluff and Shore Impact Zones | Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion. |
| <25 cubic yards outside Bluff and Shore Impact Zones | 25-50 cubic yards outside Bluff and Shore Impact Zones | <p><u>Parcels < 5 acres:</u> Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels 5-20 acres:</u> Scaled site plan w/ 5-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels > 20 acres:</u> Scaled site plan w/ 10-foot contours depicting existing and proposed topography. As-Built upon completion.</p> |

SUBDIVISION 3. CONDITIONAL USES

The following uses may be allowed in the Recreational Commercial (RC) District as Conditional Uses:

- A. Parks and Historic Sites.
- B. Campgrounds.
- C. Resorts.
- D. Golf courses and any structures normally associated with golf courses.
- E. Commercial Planned Unit Developments.
- F. One (1) single-family detached dwelling for personnel directly connected with the operation of the resort or campground.
- G. Motels and Hotels.

- H. Auditoriums.
- I. Taverns.
- J. Boat or vehicle access ramps in shore impact zones.
- K. Expansion of an existing animal feedlot up to a total of three hundred (300) animal units.
- L. Retaining walls located outside the shore impact zone or greater than three (3) feet in height or greater than twenty five (25) feet in length as measured parallel to the configuration of the shoreline or on steep slopes.
- M. Open and Outdoor storage, sales and service.
- N. Bed and Breakfast Inns.
- O. Drive in Restaurant.
- P. Organized Groups and Camps.
- Q. Public Parks, Recreational Areas and Historic Sites.
- R. Riding Academies and Stables.
- S. Mini- Golf.
- T. Drive-In Theater.
- U. Winery.
- V. Off-Sale Liquor Store.
- W. Indoor/Outdoor Commercial Recreational Area.
- X. Special Events.
- Y. Large Capacity Rain Garden.
- Z. Surface Water-Oriented Commercial Uses.
- AA. Grading, excavating or filling activities within the bluff.

BB. Grading, excavating or filling activities, excluding small capacity rain gardens, involving the movement of more than fifty (50) cubic yards of material that is not in connection with another permitted use, or within shore or bluff impact zones involving the movement of more than ten (10) cubic yards of material, including but not limited to, rip rap, sand and gravel. Activities associated with the maintenance or improvement of public roads are exempt.

| Conditional Use | Conditional Use Requirements |
|--|---|
| >10 cubic yards within Bluff and Shore Impact Zones | <p>Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p>Site Plan(s) and As-Built completed by a surveyor or engineer.</p> |
| >50 cubic yards outside Bluff and Shore Impact Zones | <p><u>Parcels < 5 acres:</u> Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels 5-20 ac:</u> Scaled site plan w/ 5-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels > 20 ac:</u> Scaled site plan w/ 10-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p>Site Plan(s) and As-Built completed by a surveyor or engineer.</p> |

SUBDIVISION 4. PERMITTED ACCESSORY USES AND STANDARDS

The following uses shall be permitted accessory uses within the Recreational Commercial (RC) District.

A. ACCESSORY STRUCTURES

1. In the Recreational Commercial (RC) District that have lot sizes less than five (5) acres shall conform to the following structure areas and maximum structure heights.

| Lot Size | Maximum Structure Area | Maximum Structure Height |
|------------------|------------------------|--------------------------|
| Less than 1 acre | 2,000 square feet | 20 feet |
| 1-1.99 acres | 3,600 square feet | 20 feet |
| 2-4.99 acres | 4,000 square feet | 25 feet |

2. Outside wall dimensions shall be used to determine maximum structure area, except where a roof projects out further than two (2) feet from the sidewall; roof area shall be used to determine maximum structure area.
3. The lowest floor elevation for all accessory structures shall be at least three (3) feet above the ordinary high water level (OHWL) or highest known lake elevation, whichever is greater.
4. No accessory structure or use shall be constructed or developed on a lot prior to construction of the principal structure.
5. Saunas, outdoor recreational equipment and structures.
6. Commercial or business structures for use accessory to the Principal use but not exceeding twenty five (25) percent of the lot area and meeting all other setback and parking requirements of this section.

B. SWIMMING POOL. PERMANENT

1. No pool shall be located within ten (10) feet of a septic tank/drain field.
2. No pool shall be located beneath overhead electrical lines or over underground utility lines of any type.
3. No pool shall be located within any private or public utility, walkway, drainage, or other easement.
4. Lighting for the pool shall be oriented so as not to cast light onto adjacent properties.
5. A fence of at least five (5) feet in height shall completely enclose the pool area and the access to the pool area shall be controlled.

C. HEIGHT AND SEPARATION REGULATIONS

1. For parcels greater than five (5) acres, there shall be a maximum height limitation of one hundred and fifty (150) feet on all structures. Any structure including but not limited to tower, spire and similar type structure, only after obtaining a letter of clearance from the Federal Aeronautics Administration and the Airport Commission for any airport located within ten (10) miles of the structure proposed to exceed the height limitation.
2. In case an accessory structure is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure.

3. An accessory structure shall not be closer than five (5) feet to the principal structure.
 - a. In case an accessory structure is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure.

D. DRAINAGE

Adequate drainage shall be provided and the drainage shall be directed away from adjacent private property.

E. PARKING

Off-street parking and loading.

F. LANDSCAPING AND SCREENING

1. It is the intent of this Section to provide that uses of land and structures shall be established and maintained with proper appearance from streets and adjoining properties and to provide that each permitted and conditional use shall be a good neighbor to adjoining properties by the control of the following:
2. All required yards shall either be landscaped and green areas or be left in a natural state. If any yards are to be landscaped, they shall be landscaped attractively with lawn, trees, shrubs, etc. Any areas left in a natural state shall be properly maintained in a well kept condition. Where any business (structure, parking or storage) is adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, parking lot, or industry is located across the street from a residential zone, but not on that side of a business or industry considered to be the front.
3. All exterior storage shall be screened. The exceptions are:
 - a. Merchandise being displayed for sale,
 - b. Materials and equipment presently being used for construction on the premises.
 - c. Merchandise located on service station pump islands.
4. The screening required may consist of fences and/or landscaping. Plans of such screen shall be submitted for approval as a part of the site plan and installed prior to occupancy of any tract in the district.
5. All open storage yards, shall be screened with buffer planting and screen fences. Plans of such screens shall be submitted for approval by the Planning Commission.

6. Landscaping Maintenance. All structures and areas requiring landscaping and fences shall be maintained so as not to be unsightly or present harmful health or safety conditions.

G. PERMITTED SIGNAGE

1. **Ground/Pylon Signs**

- a. The maximum height of a sign is twenty (20) feet.
- b. No more than one (1) ground/pylon sign shall be permitted per every thirty five (35) lineal feet of road frontage.
- c. The square foot area of such signs shall not exceed one hundred (100) square feet.
- d. Ground/pylon signs shall be set back a minimum of ten (10) feet from property lines and/or right-of-way.

2. **Wall Signs**

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

3. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to meet the following standards.

- a. The signs must only convey the location and name of the establishment and the general types of goods or services available.
- b. The signs must not contain other detailed information such as product brands and prices.
- c. The signs must not be located higher than ten (10) feet above the ground, and must not exceed thirty two (32) square feet in size.
- d. If illuminated by artificial light, the lights must be shielded or directed to prevent illumination out across public waters and meet lighting standards in this Ordinance.

H. 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.

I. Other accessory uses customarily incidental to the uses listed in Section 13.3.

SUBDIVISION 5. DIMENSIONAL REGULATIONS

A. SETBACK EXEMPTIONS/STRUCTURE EXPANSIONS

1. In such cases, where proposed additions do not encroach further into the front, side, or rear yard than the existing structure, such additions will be permitted provided the use and the structure are in conformance with the following restrictions:
 - a. The use of the structure is conforming to the zoning district in which it is located.
 - b. The expansion of the structure shall not be located closer to the property line than the existing structure or at least one-half (1/2) of the required setback, whichever is greater.
 - c. The expansion of the structure will not reduce any other required setback below the minimum standards of this Ordinance.
 - d. The expansion of the structure will conform to all other restrictions of this Ordinance, including but not limited to, density, lot coverage, building height.
 - e. The height of the expansion shall not be greater than the existing structure at the existing building line.
 - f. The proposed addition is not located in shore or bluff impact zones.

B. FRONT YARD SETBACKS

1. There shall be a front yard setback of not less than one hundred (100) feet from the right-of-way of State-Federal trunk arterials, expressways and State collector arterials.
2. There shall be a front yard setback of not less than one hundred (100) feet from the right-of-way of County Highways.
3. There shall be a front yard setback of not less than one hundred (100) feet from a township or any other public or private right-of-way.
4. When a lot is located at the intersection of two (2) or more roads, there shall be a front yard setback on each road right-of-way.
5. All components an onsite Subsurface Sewage Treatment System (SSTS) shall be twenty (20) feet from all road right-of-ways.
6. All components an onsite Subsurface Sewage Treatment System (SSTS) for a non-conforming Lot of Record shall be ten (10) feet from all road right-of-ways.

7. The required front yard of a corner lot shall be unobstructed above a height of three (3) feet in a triangular area, two (2) sides of which are the lines running parallel along the right of way lines between the road intersection and a point fifty (50) feet from the intersection, and the third side of which is the line between the latter two (2) points.
8. No trees or shrubs shall be planted within ten (10) feet from any right-of-way.
9. On nonconforming Lots of Record, accessory structures with a door six (6) feet wide or greater which faces any road right-of-way shall be set back a minimum of twenty five (25) feet. All other accessory structures shall be set back a minimum of ten (10) feet from the road right-of-way.
10. Except that no structure within a Recreational Commercial (RC) District shall be located within fifty (50) feet of any side lot line adjoining any Residential or Agricultural District.

C. SIDE YARD SETBACKS

1. All structures shall have a side yard setback of not less than fifteen (15) feet.
2. No structure within a Recreational Commercial (RC) District shall be located within fifty (50) feet of any side yard lot line adjoining any Residential or Agricultural District.
3. For conforming lots, all water orientated accessory structures shall be set back fifteen (15) feet from side yard property lines.
4. For non-conforming Lots of Record, all water orientated accessory structures shall be set back ten (10) feet from side yard property lines.

D. REAR YARD SETBACKS

1. Principal structures shall have a rear yard setback of not less than forty (40) feet.
2. Accessory structures shall have a rear yard setback of not less than ten (10) feet.
3. No structure within a Recreational Commercial (RC) District shall be located within fifty (50) feet of any rear yard lot line adjoining any Residential or Agricultural District.

E. ORDINARY HIGH WATER LEVEL (OHWL) SETBACKS

1. All structures shall be set back one hundred (100) feet from the Ordinary High Water Level (OHWL).
2. Subsurface Sewage Treatment Systems (SSTS) shall be set back seventy five (75) feet from the Ordinary High Water Level (OHWL).

3. A new dwelling constructed on a nonconforming Lot of Record may have a reduced OHWL setback with the following restrictions:
 - a. There shall be an existing dwelling located on each side of the lot.
 - b. The new dwelling shall not be located closer to the OHWL than the existing dwellings located on the adjacent lots, or at least one-half of the required set back whichever is greater.
 - c. The structure is not located in a shore impact zone or in a bluff impact zone.
4. A new dwelling constructed on a nonconforming Lot of Record may have a reduced OHWL setback if one of the adjacent lots is vacant with the following restrictions:
 - a. There shall be an existing dwelling located on one side of the lot.
 - b. The setback for the Lot of Record shall be the setback of the dwelling on the adjacent lot plus one half (1/2) the difference between the setback of the adjacent dwelling and the setback required by the Ordinance.
 - c. The structure is not located in a shore impact zone or in a bluff impact zone.
5. One (1) water-oriented accessory structure designed in accordance with this Section shall be set back a minimum distance of ten (10) feet from the ordinary high water level.
6. No expansion or modification of existing feedlots shall result in encroachment closer to the ordinary high water level than the existing setback or three hundred (300) feet, whichever is greater.

F. BLUFF SETBACKS

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

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

G. WETLAND SETBACKS

All structures shall be set back a minimum of seventy five (75) feet from the wetland boundary of any Type three (3) through eight (8) wetland.

H. ADDITIONAL SETBACKS

1. When more than one (1) setback applies to a site, structures must be located to meet all setbacks.
2. All structures shall be set back fifty (50) feet from a cemetery.

I. FEEDLOT AND ANIMAL REQUIREMENTS

1. Effective June 10, 2010 any new school, park, golf course, licensed campground, or residential zoning district shall be separated from an existing animal feedlot by the following:

| | |
|-------------------------|-----------|
| a. 10-50 AU | 500 feet |
| b. 51-2000 AU | 1000 feet |
| c. Greater than 2000 AU | 1500 feet |
2. All new dwellings shall be separated from an existing animal feedlot by the following:

| | |
|-------------------------|-----------|
| a. 10-50 AU | 500 feet |
| b. 51-2000 AU | 1000 feet |
| c. Greater than 2000 AU | 1500 feet |
3. The animal feedlot owner's dwelling is exempt from these requirements.
4. Any expansion of an existing animal feedlot shall conform to the following lot requirement:

| | |
|-----------------|----------|
| a. Up to 100 AU | 5 acres |
| b. 101-300 AU | 10 acres |
5. In the Recreational Commercial (RC) District, the following standards shall be applicable for allowable animal units: *(TABLE ON NEXT PAGE)*

| Suitable Area Acreage | Animal Units Allowed |
|------------------------------|--|
| < 1.49 acres | Dogs, cats, and animals customarily kept as pets |
| 1.5 to 2.49 acres | 2 |
| 2.5 to 3.49 acres | 3 |
| 3.5 to 4.49 acres | 4 |
| 4.5 or more acres | No more than 9 animals units |

6. In the Recreational Commercial (RC) District the following maximum number of domestic animals are allowed.

| Number Of Cats | Number Of Dogs | Kennel (CUP) | Animal Shelter (CUP) |
|-----------------------|-----------------------|---------------------|-----------------------------|
| 2 | 1 | NA | NA |

J. LOT AREA, WIDTH & DEPTH

1. Lot standards for sewerred and unsewerred, riparian and non-riparian lots shall have a minimum lot area of forty three thousand, five hundred sixty (43,560) square feet, minimum lot width at the setback line from the Ordinary High Water Level (OHWL) and road right-of-way of one hundred fifty (150) feet.
2. Impervious surface of lots must not exceed twenty five (25) percent of the lot area.

K. HEIGHT

For parcels greater than five (5) acres, there shall be a maximum height limitation of one hundred and fifty (150) feet on all structures. Any structure including but not limited to tower, spire and similar type structure, only after obtaining a letter of clearance from the Federal Aeronautics Administration and the Airport Commission for any airport located within ten (10) miles of the structure proposed to exceed the height limitation.

L. BUILDABLE LOT STANDARDS

1. 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 frontage on an improved and maintained public road, or an approved and maintained private road or easement is considered a buildable lot. The buildable lot shall have the contiguous required lot area of which not more than ten (10) percent is comprised of:
 - a. Area of a slope in excess of eighteen (18) percent.
 - b. An impact zone.
 - c. Floodplain.
 - d. Wetland.
 - e. Below the Ordinary High Water Level (OHWL).

2. Each new building site created after the adoption of this Ordinance must have a minimum of forty thousand (40,000) square feet of contiguous buildable lot area.
3. Each new building site created after January 23, 1996 must have sufficient area for a minimum of two (2) onsite sewage treatment systems.
4. Lots of Record that are substandard in area must conform to all other applicable regulations to qualify for placement of a dwelling.

SUBDIVISION 6. DWELLING STANDARDS

A. PROHIBITED DWELLINGS

No garage, tent, trailer, or accessory structure shall at any time be used as a dwelling.

B. DWELLING REGULATIONS

1. No more than one (1) dwelling shall be placed on a lot except in the case of temporary dwellings.
2. All dwellings shall be on foundations or piles or other foundation systems extending below the frost line, as approved by the Department.
3. The minimum dwelling width excluding porches, decks, or other similar attachments shall be twenty (20) feet except in the cases of temporary dwellings.
4. For Resorts, manufactured homes less than twenty (20) feet in width shall be allowed as a single-family dwelling or for seasonal occupancy in the Recreational Commercial (RC) District.
5. All dwellings must conform with the sewage treatment regulations of this Ordinance. No zoning permits will be issued for new dwellings prior to sewage treatment system approval.
6. Manufactured homes shall bear a State seal as verification of construction and inspection to ANSI A119.1 standards during original construction (issued for manufactured homes built between July 1, 1972 to June 14, 1976) or, for manufactured homes built after that date, a Federal seal in accordance with HUD CFR 3280 Construction Standards.
7. All dwellings shall have a minimum of seven hundred sixty (760) square feet of floor area on the ground floor.
8. Dwellings shall not exceed two and one-half (2 1/2) stories or thirty five (35) feet in height.
9. For all dwellings the lowest floor elevation shall be at least three (3) feet above the ordinary high water level (OHWL) or highest known lake elevation, whichever is greater.

10. Outside wall dimensions shall be used to determine maximum structure area, except where a roof projects out further than two (2) feet from the sidewall; roof area shall be used to determine maximum structure area.

SUBDIVISION 7. ACCESS DRIVES, ACCESS AND SERVICE ROADS

- A. Access drives onto any public roads shall require a review by the Road Authority. The Road Authority shall determine the appropriate location, size, and design of such access drives along public roads and may limit the number of access drives in the interest of public safety and efficient traffic flow.
- B. Access drives shall be constructed and maintained to meet all of the following:
 1. A minimum driving surface width of fourteen (14) feet.
 2. Inslope no greater than 4 to 1, as measured horizontal to vertical.
 3. Base material depth sufficient to support access by emergency vehicles.
 4. Unobstructed width of not less than twenty (20) feet.
 5. Unobstructed vertical clearance of not less than thirteen (13) feet, six (6) inches.
- C. Access drives in excess of one hundred fifty (150) feet shall provide a minimum turn-around of sixty (60) feet in width by sixty (60) feet in length.
- D. Access drives shall have a twenty (20) foot long flat grade directly adjacent to the road that the drive accesses.
- E. All lots or parcels with dwellings shall have direct physical access of adequate size for emergency vehicles along the frontage of the lot or parcel from either an existing or dedicated public roadway.
- F. A service road shall be constructed for two (2) or more contiguous properties in the Recreational Commercial (RC) District or when required by the Road Authority.
- G. Access drives shall not be located within the bluff or shore impact zones.

SUBDIVISION 8. GENERAL REGULATIONS

A. STORAGE OF MATERIALS

1. All materials and equipment shall be stored within a structure or fully screened so as not to be visible from adjoining properties, except for the following:

- a. Recreational equipment.
 - b. Laundry drying equipment.
 - c. Off-street parking of licensed passenger vehicles and pickup trucks.
 - d. Boats and unoccupied travel trailers, less than twenty (20) feet in length, are permissible if stored in the rear yard more than ten (10) feet from the property line.
2. No underground gasoline storage shall be permitted.
 3. All land uses and development shall follow all other applicable regulations of this section.

SECTION 17. SUBSURFACE SEWAGE TREATMENT SYSTEMS

SUBDIVISION 1. PURPOSE AND AUTHORITY

- A. This Section authorizes and provides for sewage treatment and soil dispersal in unsewered areas of the county. It establishes:
1. Minimum standards for and regulation of individual subsurface sewage treatment systems (ISTS) and mid-sized subsurface sewage treatment systems (MSTS) (collectively referred to as subsurface sewage treatment systems or SSTS) in unsewered incorporated and unincorporated areas of Le Sueur County incorporating by reference minimum standards established by Minnesota statutes and administrative rules of the Minnesota Pollution Control Agency (Agency).
 2. Requirements for issuing permits for installation, alteration, repair, or expansion of an SSTS.
 3. Requirements for all SSTS permitted under the revised Minnesota Rules, Chapters 7080 and 7081 to be operated under an approved management plan.
 4. Standards for upgrade, repair, replacement, or abandonment of an SSTS.
 5. Penalties for failure to comply with these provisions.
 6. Provisions for enforcement of these requirements, and
 7. Standards which promote the health, safety, and welfare of the public as reflected in Minnesota Statutes, Sections 115.55; 145A.05; 375.51; 394.21 through 394.37; and 471.82 and the Le Sueur County Land Use Plan and Zoning Ordinance.

B. PURPOSE

The purpose of this Section is to establish minimum requirements for regulation of ISTS and MSTS for the treatment and dispersal of sewage and standards for septage removal, transport, treatment, and disposal within the applicable jurisdiction of the County to protect public health and safety, surface and groundwater quality, and to prevent or eliminate the development of public nuisances. It is intended to serve the best interests of the County's citizens by protecting its health, safety, general welfare, and natural resources.

C. INTENT

It is intended by the County that this Section will promote the following:

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

D. AUTHORITY

This Section is adopted pursuant to Minnesota Statutes, Section 115.55; Minnesota Statutes, Sections 145A.01 through 145A.08; Minnesota Statutes, Section 375.51; or successor statutes; and Minnesota Rules, Chapters 7080 through 7083; or successor rules.

E. EFFECTIVE DATE

The provisions set forth in this Section shall become effective January 1, 2016.

SUBDIVISION 2. GENERAL PROVISIONS

A. SCOPE

This Section regulates the siting, design, installation, alterations, operation, maintenance, monitoring, and management of all SSTS within the County's applicable jurisdiction including, but not necessarily limited to, individual SSTS, cluster or community SSTS, privy vaults, and other non-water carried SSTS. All sewage generated in unsewered areas of the County shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated, and maintained in accordance with the provisions of this Section or by a system that has been permitted by the Agency.

B. JURISDICTION

The jurisdiction of this Section shall include all lands of the County except for incorporated areas that administer an SSTS program by Ordinance within their incorporated jurisdiction, which is at least as strict as this Section and has been approved by the County. The Department shall keep a current list of local jurisdictions within the County administering an SSTS program.

C. ADMINISTRATION

1. County

The Department shall administer the SSTS program and all provisions of this Section. The County shall review, revise, and update this Section as necessary. The County shall employ or retain under contract qualified and appropriately licensed professionals to administer and operate the SSTS program.

2. State of Minnesota

- a. Where a single SSTS or group of SSTS under single ownership within one-half mile of each other has a design flow greater than 10,000 gallons per day, the SSTS owner or owner's agent shall make application for and obtain a State Disposal System permit from the Agency. A State Disposal System permit is required for any SSTS with a measured daily flow that equals or exceeds 10,000 gallons per day for a consecutive seven-day time period.
- b. SSTS serving establishments or facilities licensed or otherwise regulated by the State shall conform to the requirements of this Section.

3. Cities and Townships

Any jurisdiction within the County that regulates SSTS shall comply with the standards and requirements of this Section. The standards and ordinance of the jurisdiction may be administratively and technically more restrictive than this Section.

D. VALIDITY

The validity of this Section shall not be affected by any invalid part or parts of this Ordinance.

E. LIABILITY

Any liability or responsibility shall not be imposed upon the Department or Agency or any of its officials, employees, or other contract agent, its employees, agents, or servants thereof for damage resulting from the defective construction, operation, or abandonment of any onsite or cluster treatment system regulated under this rule by reason of standards, requirements, or inspections authorized hereunder.

SUBDIVISION 3. GENERAL REQUIREMENTS

A. RETROACTIVITY

1. All SSTS

All provisions of this Section shall apply to any SSTS regardless of the date it was originally permitted.

2. SSTS on Lots Created After January 23, 1996

All lots created after January 23, 1996 must have a minimum of two (2) soil treatment and dispersal areas that can support trenches, seepage beds, mounds, and at-grade systems as described in Minnesota Rules, Chapters 7080 through 7083, as amended from time to time.

B. UPGRADE, REPAIR, REPLACEMENT, AND ABANDONMENT

1. SSTS Capacity Expansions

Expansion of an existing SSTS must include any system upgrades that are necessary to bring the entire system into compliance with the prevailing provisions of this Section at the time of the expansion.

2. Failure to Protect Groundwater

An SSTS that is determined not to be protective of groundwater, in accordance with Minnesota Rules, Chapter 7080.1500, Subp.4.B, shall be upgraded, repaired, replaced, or abandoned by the owner in accordance with the provisions of this Section within one (1) year of receipt of a Notice of Noncompliance.

3. Imminent Threat to Public Health or Safety

An SSTS that is determined to be an imminent threat to public health or safety, in accordance with Minnesota Rules, Chapter 7080.1500, Subp.4A, shall be upgraded, repaired, replaced, or abandoned by the owner in accordance with the provisions of this Section within ten (10) months of receipt of a Notice of Noncompliance.

4. Abandonment

Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned by a licensed installation business and in accordance with Minnesota Rules, Chapter 7080.2500.

C. SSTS IN FLOODPLAINS

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

D. 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, parts 144 and 146, are required by the federal government to submit SSTS inventory information to the Environmental Protection Agency as described in CFR40, part 144. Further, SSTS owners are required to identify all Class V injection wells in property transfer disclosures.

E. SSTS PRACTITIONER LICENSING

1. No person shall engage in site evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance, or pumping of an SSTS without an appropriate and valid license issued by the Agency in accordance with Minnesota Rules, Chapter 7083 except as exempted in 7083.0700.
 - a. Minnesota Rules, Chapter 7083.0700.B: The County will allow homeowners to install their own systems provided they are non-pressurized systems.
 - b. The system shall be inspected by the Department (Pictures, and/or record drawings in lieu of Department inspection shall be prohibited).

F. PROHIBITIONS

1. **Occupancy or Use of a Structure without a Compliant SSTS**

It is unlawful for any person to maintain, occupy, or use any structure intended for habitation that is not provided with a wastewater treatment system that disposes of wastewater in a manner that does not comply with the provisions of this Section.

2. **Sewage Discharge to Ground Surface or Surface Water**

It is unlawful for any person to construct, maintain, or use any SSTS system regulated under this Section that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface water. Any surface discharging system must be permitted under the National Pollutant Discharge Elimination System (NPDES) program by the Agency.

3. Sewage Discharge to a Well or Boring

It is unlawful for any person to discharge raw or treated wastewater into any well or boring as described in Minnesota Rules, Chapter 4725.2050, or any other excavation in the ground that is not in compliance with this Section.

4. Discharge of Hazardous Materials

It is unlawful for any person to discharge into any sewage treatment system regulated under this Section any hazardous material that adversely affects the treatment or dispersal performance of the system or groundwater quality.

SUBDIVISION 4. SSTS STANDARDS

A. STANDARDS ADOPTED BY REFERENCE

The County hereby adopts by reference Minnesota Rules, Chapters 7080 and 7081 in their entirety as now constituted and as amended from time to time. This adoption does not supersede the County's right or ability to adopt local standards that are in compliance with Minnesota Statute, Section 115.55.

B. AMENDMENTS TO THE ADOPTED STANDARDS

1. List of Adopted Standards

- a. Type V Systems will not be allowed.
- b. Three (3) feet of vertical separation shall be required for all SSTS.
- c. Systems deemed as failing to protect groundwater shall be updated within one (1) year of receiving a Notice of Non Compliance (NONC).
- d. Septic designs must be submitted to the Department within twenty (20) calendar days after receipt of NONC or Imminent Threat to Public Health (ITPH).
- e. Request to the Department for a septic inspection or soil verification must be received one (1) calendar day prior to the inspection.
- f. Record drawings must be submitted to the Department within five (5) calendar days.
- g. Property transfers with a NONC must be updated within one (1) year of the NONC or within one year of the transfer, whichever occurs first.
- h. If compliance inspections cannot be performed between November 1 and April 30 due to soil conditions and/or weather conditions for property transfers and/or permit

requirements, the compliance inspection is required to be submitted to the Department by the following June 1.

1. If the SSTS is determined not to be protective of groundwater, the landowner shall submit a certificate of compliance by the following September 30th.
 2. If the SSTS is determined to be an imminent threat to public health or safety, the landowner shall submit a certificate of compliance by the following June 30th.
 3. Permits and/or variances may be issued by the County during this period in the County's sole discretion.
- i. The Compliance Inspection shall be the responsibility of the landowner.
 - j. In lieu of a compliance inspection, the landowner shall provide a signed and notarized Waiver to the Department acknowledging that without an inspection the septic system servicing the property is non-compliant.
 - k. In all non-shoreland Zoning Districts, any zoning permits requested for the principal structure shall require a compliance inspection.
 - l. In all shoreland Zoning Districts, any zoning permits requested shall require a compliance inspection.
 - m. A fifty (50) foot setback is required from the top of the drainage ditch or waters of the state, unless otherwise designated.
 - n. A seventy-five (75) foot setback from Type 3 through 8 wetlands.
 - o. A ten (10) foot setback from a septic tank to a pool.
 - p. A twenty (20) foot setback from the absorption area to a pool.
 - q. No SSTS shall be constructed within thirty (30) feet from the top or the toe of a bluff. For an existing dwelling, SSTS upgrade and/or replacement tank(s), shall be exempt from bluff setback and may be located within the bluff impact zone. Tank(s) shall not be located within the bluff.
 - r. Continued use of an existing treatment tank shall be exempt from the required setback to a structure provided the tank meets all requirements of this Section and shall not be located under or within a structure or other impermeable surface.
 - s. Abandonment of an SSTS shall be performed by a licensed installation business.

2. **Determination of Hydraulic Loading Rate and SSTS Sizing**

Table IX from Minnesota Rules, Chapter 7080.2150, Subp. 3(E) entitled “Loading Rates for Determining Bottom Absorption Area and Absorption Ratios Using Detail Soil Descriptions” and herein adopted by reference shall be used to determine the hydraulic loading rate and infiltration area for all SSTS permitted under this Section.

3. **Compliance Criteria for Existing SSTS**

- a. An SSTS built before April 1, 1996, outside of areas designated as shoreland areas, wellhead protection areas, or an SSTS providing sewage treatment for food, beverage, or lodging establishments, must have at least two (2) feet of vertical separation between the bottom of the dispersal system and the periodically saturated soil or bedrock.
- b. An SSTS built after March 31, 1996 or an SSTS located in a shoreland area, wellhead protection area, or serving a food, beverage, or lodging establishment as defined under 7080.1100, Subp. 84 shall have three (3) feet of vertical separation between the bottom of the dispersal system and the periodically saturated soil or bedrock. An existing system may be considered compliant under this Section if there is less than a fifteen (15) percent reduction in vertical separation (a separation distance of no less 30.6 inches) to account for the settling of sand or soil, normal variation of separation distance measurements, and interpretation of limiting layer characteristics.
- c. The vertical separation measurement described above shall be measured outside the area of system influence but in an area of similar soil as required in Minnesota Rules, Chapter 7080.1500, Subp.4.

4. **Holding Tanks**

- a. Holding tanks shall be installed in accordance with Minnesota Rules. Chapter 7080.2290.
- b. Holding tanks may be allowed for areas only where it can be shown conclusively that a Type 1 SSTS, permitted under this Section, cannot be feasibly installed without a variance.
- c. Holding tanks shall not be allowed for any other wastewater applications except for the following:
 1. Other Establishments
 2. Conforming Accessory Structures.

C. VARIANCES

1. Variance Requests

A landowner may request a variance from the standards as specified in this Ordinance pursuant to county policies and procedures. The standards for the granting of a variance shall be those in this Ordinance, and any additional standards set forth in pertinent statutes and rules of the Agency.

2. Affected Agency

The County may only allow variances to the horizontal setbacks set forth below. Variances that pertain to the standards and requirements of the state of Minnesota must be approved by the affected state agency pursuant to the requirements of the state agency. Variances to wells and water supply lines must be approved by the Minnesota Department of Health.

D. SETBACKS

- | | |
|---|------|
| 1. SSTS to structure | |
| a. Absorption area | 20' |
| b. Tank | 10' |
| 2. SSTS to property line | 10' |
| 3. SSTS to road Right-Of-Way (ROW) | 20' |
| 4. SSTS to road ROW for a nonconforming Lot of Record | 10' |
| 5. SSTS to Ordinary High Water Level (OHWL) | |
| a. Natural Environment (NE) Lake | |
| 1. Special Protection (SP) District | 200' |
| 2. Recreational Residential (RR) District | 200' |
| 3. Recreational Commercial (RC) District | 75' |
| b. Recreational Development (RD) Lake | |
| 1. Special Protection (SP) District | 100' |
| 2. Recreational Residential (RR) District | 75' |
| 3. Recreational Commercial (RC) District | 75' |
| 6. SSTS to Agricultural/ Transitional River, Tributary Stream | 100' |
| 7. SSTS to drainage ditch or waters of the state | 50' |
| 8. SSTS to Type 3 through 8 wetland | 75' |

- 9. SSTS to bluff 30'
 - a. For an existing dwelling, SSTS upgrade and/or replacement tank(s):
 - 1. Shall be exempt from bluff setback.
 - 2. May be located within the bluff impact zone.
 - 3. Shall not be located within the bluff.

- 10. SSTS to pool
 - a. Absorption area 20'
 - b. Tank 10'

- 11. SSTS to buried water lines and water supply wells as defined in Minnesota Rules Chapters 4715 & 4725.

SUBDIVISION 5. SSTS PERMITTING

A. PERMIT REQUIRED

It is unlawful for any person to construct, install, modify, replace, or operate an SSTS without the appropriate permit from the Department. The issuing of any zoning permit, variance, or conditional use under the provisions of this Ordinance shall not absolve the applicant of responsibility to obtain any other required permit.

B. PERMIT

- 1. The SSTS owner or owner’s agent shall obtain a zoning permit from the Department prior to the installation, construction, replacement, modification, alteration, repair, or capacity expansion of an SSTS. The purpose of this permit is to ensure that the proposed activity is sited, designed, and constructed in accordance with the provisions of this Section by appropriately certified and/or licensed practitioner(s).

2. Activities Requiring a Permit

A zoning 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.

3. Activities Not Requiring a Permit

A zoning 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.

4. Permit Required

An SSTS design must be submitted and approved prior to the issuance of a zoning permit for SSTS activity.

5. Conformance to Prevailing Requirements

- a. Any activity involving an existing system that requires a zoning permit shall require that the entire system be brought into compliance with this Section.
- b. Continued use of an existing treatment tank shall be exempt from the required setback to a structure provided the following:
 1. The tank meets tank integrity requirements.
 2. Tank integrity documentation must be submitted by an appropriately certified and/or licensed practitioner.
 3. Shall not be located under or within a structure or other impermeable surface.

6. Monitoring and Disposal Contract

- a. Owners of holding tanks shall provide to the Department a copy of a valid monitoring and disposal contract executed between the owner and a licensed maintenance business, which guarantees the removal of the holding tank contents in a timely manner that prevents an illegal discharge in accordance with Minnesota Rules, Chapter 7082.0100, Subp. 3G.
 1. This requirement is waived if the SSTS owner is a farmer who is exempt from licensing under Minnesota Statutes, section 115.56, subdivision 2, paragraph (b), clause (3).

7. Permit Requirements for ISTS

- a. Owner name, mailing address, and telephone number.
- b. Property Identification Number and address or other description of property location.
- c. Site Evaluation Report as described in Minnesota Rules, Chapter 7080.1730.
- d. Design Report as described in Minnesota Rules, Chapter 7080.2430.
- e. Management Plan as described in Minnesota Rules, Chapter 7082.0600.
- f. Additional information as deemed necessary by the Department.

8. Permit Requirements for MSTs

- a. Owner name, mailing address, and telephone number.
- b. Property Identification Number and address or other description of property location.
- c. Soil and Site Report as described in Minnesota Rules, Chapter 7081.0200.
- d. Groundwater Investigation as described in Minnesota Rules, Chapter 7081.0210.
- e. Design Report as described in Minnesota Rules, Chapter 7081.0270, Subp. 11.
- f. Operation and Maintenance Plan as described in Minnesota Rules, Chapter 7080.2450 and Chapter 7081.0290.
- g. Management Plan as described in Minnesota Rules, Chapter 7082.0600.
- h. Additional information as deemed necessary by the Department.

9. Application Review and Response

- a. The Department shall review the permit application and supporting documents.
- b. Upon satisfaction that the proposed work will conform to the provisions of this Section, the SSTS owner or owner's agent shall obtain a zoning permit authorizing construction of the SSTS as designed.
- c. In the event the designer makes a significant change to the approved design documentation, the designer must file an amended documentation detailing the changed conditions for approval prior to initiating or continuing construction, modification, or operation for approval or denial.
 1. The Department shall the review of the amended design.
 2. Upon satisfaction that the amended design will conform to the provisions of this Section, the SSTS owner or owner's agent shall obtain a new zoning permit authorizing construction of the SSTS as designed.
- d. If the design, is incomplete or does not meet the requirements of this Section, the Department shall deny the design. A notice of denial shall be provided to the designer, which must state the reason for the denial.

10. Appeal

The SSTS owner or designer may appeal the Department's decision to deny the permit in accordance with the County's established policies and appeal procedures.

C. OPERATING PERMIT

1. SSTS Requiring an Operating Permit

- a. An operating permit shall be required of all owners of new MSTs, Type IV, or any other system deemed by the Department to require operational oversight.
- b. An operating permit shall be required of all owners of existing MSTs, Type IV, or any other system deemed by the Department to require operational oversight upon the following:
 1. Transfer of ownership.
 2. Any replacement, modification or expansion requiring a zoning permit.
 3. Following any SSTS enforcement action.
- c. The SSTS owner shall be responsible for the operating permit.

2. Operating Permit Application Requirements

- a. Application for an operating permit shall be made as provided by the Department including:
 1. SSTS owner name, mailing address, and telephone number.
 2. Property Identification Number.
 3. Permit reference number and date of issuance.
 4. Record drawings.

3. Department Response

If the submitted documents fulfill the requirements, the Department shall issue an operating permit.

4. Operating Permit Terms and Conditions

The operating permit shall comply with Minnesota Rules, Chapter 7082.0600, Subp.2.

5. Operating Permit Expiration and Renewal

- a. Operating permits shall be valid for three (3) years from date of Certificate of Compliance. The Department shall notify the holder of an operating permit at least ninety (90) calendar days prior to expiration.
- b. An operating permit must be renewed thirty (30) days prior to its expiration. If not renewed, the Department will issue a Notice of Noncompliance.
- c. Application shall be made as provided by the Department.

6. Amendments to Existing Operating Permits

The Department may not amend an existing operating permit to reflect changes in this Section until the operating permit term has expired and is renewed, unless an amendment is necessary to eliminate an imminent threat to public health or safety.

7. Transfers

The operating permit may be transferred to the new landowner.

8. Suspension or Revocation

- a. The Department may suspend or revoke any operating permit issued under this Section for any false statements or misrepresentations of facts on which the operating permit was issued.
- b. Notice of suspension or revocation and the reasons for revocation shall be conveyed in writing to the SSTS owner.
- c. If suspended or revoked, the Department will issue a Notice of Noncompliance.
- d. At the Department's discretion, the operating permit may be reissued upon the SSTS owner taking appropriate corrective actions.

9. Compliance Monitoring

- a. Performance monitoring of an SSTS shall be performed by a licensed service provider hired by the holder of the operating permit in accordance with the monitoring frequency and parameters stipulated in the permit.

- b. A monitoring report shall be prepared and certified by a licensed service provider. The report shall be submitted to the Department on or before the compliance reporting date stipulated in the operating permit. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described below:
 1. SSTS owner name, mailing address, and telephone number.
 2. Property Identification Number.
 3. Operating permit number.
 4. Average daily flow since last compliance monitoring report.
 5. Description of type of maintenance and date performed.
 6. If required, analytical laboratory used and results of analyses.
 7. Problems noted with the system and actions proposed or taken to correct them.
 8. Name, signature, and certification and license number of the licensed professional who performed the work.

D. ABANDONMENT CERTIFICATION

1. Purpose

The purpose of the abandonment certification is to ensure that a treatment system no longer in service is abandoned within a reasonable time following decommissioning and in a manner that protects public health, safety, and water quality. It also terminates all permits associated with the system.

2. Abandonment Requirements

- a. Whenever the use of an SSTS or any system component is discontinued as the result of a system repair, modification, replacement, or decommissioning following connection to a municipal or private sanitary sewer or condemnation or demolition of a structure served by the system, further use of the system or any system component for any purpose under this Section, shall be prohibited.
- b. Continued use of a treatment tank, where the tank is to become an integral part of a replacement system or a sanitary sewer system, requires a written statement by an appropriately certified and/or licensed practitioner.

- c. An owner of an SSTS must retain a licensed installation business to abandon all components of the treatment system. Abandonment shall be completed in accordance with Minnesota Rules, Chapter 7080.2500.
- d. A report of abandonment certified by the licensed installation business shall be submitted to the Department within fifteen (15) calendar days of completed system abandonment.

3. **Certificate of Abandonment**

The Department shall keep on file a copy of the Certificate of Abandonment as submitted by a licensed installation business.

SUBDIVISION 6. MANAGEMENT PLANS

A. PURPOSE

The purpose of management plans is to describe how a particular SSTS is intended to be operated and maintained to sustain the performance required. The plan is to be provided by the certified designer to the SSTS owner when the treatment system is designed.

B. MANAGEMENT PLAN REQUIREMENTS

1. **SSTS Requiring Management Plans**

Management plans are required for all new or replacement SSTS. The management plan shall be submitted to the Department with the permit for review and approval. The Department shall be notified of any system modifications made during construction, and the management plan revised and resubmitted at the time of final construction certification.

2. **Required Contents of a Management Plan**

- a. Management Plans shall contain all the information required by Minnesota Rules, Chapter 7082.0600, Subp.1.
- b. Other requirements as determined by the Department.

3. **Requirements for Systems not Operated under a Management Plan** as described in Minnesota Rules, Chapter 7082.0100, Subp. 3.(L).

- a. SSTS that are not operated under a management plan or operating permit must have their treatment tanks inspected and provide for the removal of solids accumulation at least once every three (3) years as described in Minnesota Rules, Chapter 7080.2450.

SUBDIVISION 7. COMPLIANCE INSPECTION PROGRAM

A. COMPLIANCE INSPECTION

- 1. SSTS compliance inspections must be performed:**
 - a. To ensure compliance with applicable requirements.
 - b. Prior to issuance of any zoning permit within Shoreland Zoning Districts.
 - c. Prior to issuance of a zoning permit for single family dwellings or any change in the principle structure in all non-shoreland Zoning districts.
 - d. For all new SSTS construction replacement.
 - e. At any time as required by this Section or when the Department deems appropriate, such as upon receipt of a complaint or other notice of a system malfunction.
2. It shall constitute a compliance inspection when a party who is not the SSTS owner conducts an evaluation, investigation, inspection, recommendation, or other process used to prepare a disclosure statement. This process shall be conducted in accordance with Minnesota Rules, Chapter 7082.0700 using the SSTS inspection report forms provided by the Agency.

B. DEPARTMENT RESPONSIBILITY

1. It is the responsibility of the Department, or its agent, to perform various SSTS compliance inspections on 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 location of the system, or otherwise change the original system's design, layout, or function to assure that the requirements of this Section are met.
2. The Department shall be given access to enter a property at any reasonable time to inspect the SSTS system. As used in this paragraph, "property" does not include a residence or private structure.
3. No person shall hinder or otherwise interfere with the Department's employees in the performance of their duties and responsibilities pursuant to this Ordinance. Refusal to allow reasonable access to the property by the Department shall be deemed a separate and distinct offense.

C. NEW CONSTRUCTION OR REPLACEMENT

1. Compliance inspections must be performed on new or replacement SSTS to determine compliance with Minnesota Rules, Chapters 7080 or 7081. All compliance inspections must be performed and signed by qualified employees. An SSTS found to be

noncompliant with other applicable requirements must be repaired or replaced according to the Department's requirements.

2. Soil Verifications-Periodically Saturated Soils Dispute Procedures between a certified licensed business and the Department shall:
 - a. Meet on-site with designer;
 - b. If not resolved, meet on-site with another qualified employee from the Department along with the designer;
 - c. If not resolved, hire a Minnesota licensed professional soil scientist who is a certified SSTS designer or inspector at the landowner's expense to make the final judgment.
3. It is the responsibility of the SSTS owner or the owner's agent to notify the Department, one (1) calendar day prior to soil verification and/or inspection of the SSTS.
4. The Department will conduct up to three (3) inspections during construction of the SSTS at such time to assure that the system has been constructed per submitted and approved design.
 - a. If proper notice is received and the Department does not appear for an inspection within two (2) hours after time set, the permittee may complete the installation.
 - b. The permittee shall then file a signed record drawing including photographs of the system prior to covering with the Department within five (5) calendar days that the work was installed in accordance with the submitted design, permit conditions, and that it was free from defects.
5. Signed record drawings shall be submitted to the Department within five (5) calendar days.
6. The Department shall issue a Certificate of Compliance for new SSTS construction or replacement, which shall be valid for five (5) years. The Department must have reasonable assurance that the system was built in accordance with the applicable requirements as specified in the design and permit. The Certificate of Compliance shall become invalid if the Department finds evidence of noncompliance.
7. The Certificate of Compliance must include a certified statement by a certified, licensed inspector or qualified employee who conducted the inspection that the SSTS is or is not in compliance with the Section requirements. If the SSTS is determined not to be in compliance with the applicable requirements, a Notice of Noncompliance shall be issued to the SSTS owner, which includes a statement specifying those Section provisions with which the SSTS does not comply.

8. The Department shall issue the Certificate of Compliance or Notice of Noncompliance to the SSTS owner or the owner's agent within fifteen (15) calendar days of receipt all necessary documentation from the septic installer.

D. EXISTING SYSTEMS

1. Compliance inspections shall be required when any of the following conditions occur:
 - a. Prior to issuance of any zoning permit within Shoreland Zoning Districts.
 - b. Prior to issuance of a zoning permit requested for all single-family dwellings or change in the principal structure for all non-shoreland Zoning districts.
 - c. Upon receipt of a variance and/or conditional use permit application.
 - d. When a construction permit is required to repair, modify, or upgrade an existing system.
 - e. Any time there is a change in use of the property and/or expansion of the structure being served by an existing SSTS, which may impact the performance of the system.
 - f. Prior to property sale or transfer.
 - g. At any time as required by this Section or the Department deems appropriate such as upon receipt of a complaint or other notice of a system malfunction.
2. All property conveyances subject to this Section occurring during the period between November 1 and April 30, or when an SSTS compliance cannot be determined due to frozen soil conditions, shall require a compliance inspection by the following June 1 by a licensed inspection business.
 - a. If the SSTS is determined not to be protective of groundwater, the landowner shall submit a certificate of compliance by the following September 30th.
 - b. If the SSTS is determined to be an imminent threat to public health or safety, the landowner shall submit a certificate of compliance by the following June 30th.
3. Compliance inspections of an existing SSTS shall be documented on the inspection report forms provided by the Agency. Requirements for inspection reports are described in Minnesota Rules, Chapter 7082.0700. Requirements for inspection reports are described in Minnesota Rules, Chapter 7082.0700, Subp. 4(B).
4. Periodically saturated soils dispute procedure between two (2) certified, licensed businesses as described in Minnesota Rules 7082.0700, Subp. 5.

5. SSTS that are determined to have operational or monitoring deficiencies must immediately be maintained, monitored, or otherwise managed according to the operating permit.
6. In lieu of a compliance inspection, the landowner shall provide a signed and notarized Waiver to the Department acknowledging that without an inspection the septic system servicing the property is non-compliant.
7. The Certificate of Compliance must include a certified statement by a qualified employee or licensed inspection business, indicating whether the SSTS is in compliance with the Section requirements. If the SSTS is determined not to be in compliance with the applicable requirements, a Notice of Noncompliance must include a statement specifying those Section provisions with which the SSTS does not comply. A permit application must be submitted to the Department if required. The Certificate of Compliance or Notice of Noncompliance must be submitted to the Department and to the SSTS owner or the owner's agent from the licensed inspection business no later than fifteen (15) calendar days after the date the inspection was performed.
8. Certificates of Compliance for existing SSTS shall remain valid for three (3) years from the date of issue unless the Department finds evidence of noncompliance.

E. TRANSFER OF PROPERTIES

1. Whenever a conveyance of land occurs upon which a structure is located that has an existing SSTS, a Compliance Inspection shall be provided by the seller to the buyer at or before the closing date, unless there is a valid Certificate of Compliance on file with the Department.
2. The compliance inspection need not be completed if the sale or transfer involves the following circumstances:
 - a. The affected tract of land is without structures or contains no structures with plumbing fixtures.
 - b. The transfer does not require the filing of a Certificate of Real Estate Value, as described in Minnesota Statutes, Section 272.115, Subdivision 1.
 - c. The sale or transfer completes a contract for deed or purchase agreement entered into prior to June 18, 1996. This subsection applies only to the original vendor and vendee on such a contract.
 - d. Any structures that are connected exclusively to a municipal wastewater treatment system; any structures that are located within the jurisdiction of the County with an approved agreement requiring exclusive connection to a municipal wastewater treatment system; or, any structures that are connected exclusively to an approved wastewater treatment facility other than an individual sewage treatment system.

3. In lieu of a compliance inspection, the landowner shall provide a signed and notarized Waiver to the Department acknowledging that without an inspection the septic system servicing the property is non-compliant.
4. The responsibility of upgrading the non-complying SSTS shall be that of the landowner.

SUBDIVISION 8. ENFORCEMENT

A. VIOLATIONS

1. Cause to Issue a Notice of Violation

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

2. Notice of Violation

- a. The Department shall serve, in person or by mail, a Notice of Violation (NOV) to any person determined to be violating provisions of this Section. The NOV shall contain:
 1. A statement documenting the findings of fact determined through observations, inspections, or investigations.
 2. A list of specific violation(s) of this Section.
 3. Specific requirements for correction or removal of the specified violation(s).
 4. A mandatory time schedule for correction, removal and compliance with this Section.

3. Cease and Desist Orders

Cease and desist orders may be issued when the Department has probable cause that an activity regulated by this Section or any other Section of this Ordinance is being or has been conducted without a permit or in violation of a permit. When work has been stopped by a cease and desist order, the work shall not resume until the reason for the work stoppage has been completely satisfied, any fees paid as deemed necessary by the Department, and the cease and desist order lifted.

B. PROSECUTION

In the event of a violation or threatened violation of any part of this Section, the County shall enforce the provisions of this Section as provided for and described in this Ordinance.

C. NOTIFICATION OF VIOLATION

The Department shall notify the Agency of any inspection, installation, design, construction, alteration, or repair of an SSTS by a licensed/certified person or any septage removal by a licensed maintainer that is performed in violation of the provisions of this Section or Minnesota Rules, Chapters 7080 or 7081.

D. RECORD KEEPING

The County shall maintain current record records as described in Minnesota Rules, Chapter 7082.0300, Subp.4.

E. FEES

From time to time, the County Board shall, by resolution, establish fees for activities undertaken by the Department pursuant to this Ordinance. Fees shall be due and payable at a time and in a manner to be determined by the Department.

F. INTERPRETATION

In their interpretation and application, the provisions of this Section shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

G. SEVERABILITY

If any subdivision, clause, provision, or portion of this Section is adjudged unconstitutional or invalid by a court of law, the remainder of this Ordinance shall not be affected and shall remain in full force.

H. ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Section to repeal, abrogate, or impair any other existing County Ordinance, easements, covenants, or deed restrictions. However, where this Section imposes greater restrictions, the provisions of this Section shall prevail. All other Sections and/or Ordinances inconsistent with this Section, are hereby repealed to the extent of the inconsistency only.

SECTION 18. ENVIRONMENTAL PERFORMANCE STANDARDS

SUBDIVISION 1. WETLAND CONSERVATION

A. PURPOSE

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

B. AUTHORITY

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

C. PRESERVATION

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

D. WETLAND BOUNDARY OR TYPE APPLICATIONS

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

E. GENERAL STANDARDS

The following regulations shall apply in all Districts:

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

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

SUBDIVISION 2. BLUFF REGULATIONS

A. GENERAL STANDARDS

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

B. BLUFF SETBACKS

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

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

SUBDIVISION 3. GRADING, EXCAVATING, OR FILLING STANDARDS

A. APPLICABILITY

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

B. STANDARDS

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

C. PERMIT REQUIREMENTS

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

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

(TABLE ON NEXT PAGE)

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

D. ASSURANCE REQUIREMENTS

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

SUBDIVISION 4. ABATEMENT OF ENVIRONMENTAL HAZARDS.

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

SUBDIVISION 5. FOREST MANAGEMENT AND NATURAL VEGETATION PRESERVATION

A. FOREST MANAGEMENT STANDARDS

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

B. NATURAL VEGETATION STANDARDS

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

C. GENERAL STANDARDS

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

SUBDIVISION 6. SPREADING OF CONTAMINATED SOIL

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

SUBDIVISION 7. EROSION CONTROL

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

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

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

C. EROSION AND SEDIMENT CONTROL

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

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

D. EXPOSED SLOPES

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

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

E. PRESERVATION OF NATURAL DRAINAGE WAYS

1. **Waterways**

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

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

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

2. **Waterway Velocity**

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

3. **Sediment Control**

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

F. MAINTENANCE OF EROSION CONTROL SYSTEMS

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

SUBDIVISION 8. DRAINAGE

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

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

SECTION 30. VIOLATIONS, FINES AND ENFORCEMENT

SUBDIVISION 1. VIOLATIONS

Any person, firm or corporation who shall violate any of the provisions of this Ordinance or failure to comply with any of its provisions hereof, or who shall make any false statement in any document required to be submitted under the provisions hereof, including violations of conditions and safeguards established in connection with grants of variances, or conditional uses, zoning permits, or other certificates or permits issued pursuant to the provisions of this Ordinance, shall constitute a misdemeanor and shall be punishable as defined by law.

SUBDIVISION 2. ENFORCEMENT

- A. This Ordinance shall be administered and enforced by the Department. In the event of a violation or threatened violation of this Ordinance, the Board of County Commissioners and/or Department or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violations or threatened violations and it shall be the duty of the County Attorney to institute such action.
- B. No permits shall be issued to a landowner in which there is an unresolved violation of this Ordinance.
- C. No permits shall be issued involving property on which there is an unresolved violation of this Ordinance.

SUBDIVISION 3. REMEDIES

- A. Nothing herein contained shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:
 - 1. In responding to a suspected violation of this Ordinance, the County may utilize the full array of enforcement actions available to it, including but not limited to the following:
 - a. Prosecution and fines, injunctions, after-the-fact permits and orders for corrective measures.
 - b. Or if the property is in the Flood Plain Overlay District, a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party.
 - 2. When a suspected violation of this Ordinance is either discovered by or brought to the attention of the Department, the Department shall investigate the situation to determine if there is a violation. If a violation has occurred, the Department shall document the nature and extent of the violation of the official control. When land is located in Flood Plain Overlay or Shoreland Districts, as soon as is reasonably possible this information will be

submitted to the appropriate DNR and FEMA office as appropriate, along with the County's plan of action to correct the violation to the degree possible.

3. The Department shall notify the suspected party of the requirements of this Ordinance and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Department may order the construction or development immediately halted until a proper permit or approval is granted by the County. If the construction or development is already completed, the Department may either:
 - a. Issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls. The responsible party must respond within thirty (30) days of notice with corrective action plan, Or:
 - b. Notify the responsible party to apply for an after-the-fact permit and/or land use development application approval within a specified period of time not to exceed thirty (30) days. The fee for after-the-fact applications shall be established by the Board of County Commissioners.
4. If the responsible party does not appropriately respond to the Department within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Department shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition, which existed prior to the violation of this Ordinance.

SUBDIVISION 4. FINES

All fines for violations shall be paid to the County and shall be credited to the General Revenue Fund.

SUBDIVISION 5. SHERIFF OF LE SUEUR COUNTY DUTIES

It shall be the duty of the Sheriff of Le Sueur County, when called upon by the Department or Board of County Commissioners to perform such duties as may be necessary to enforce the provisions of this Ordinance.