MOWER COUNTY
ZONING ORDINANCE
2003

(LAST AMENDMENT ADDED: 6.2.2015)

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MOWER COUNTY ZONING ORDINANCE

An ordinance for the purpose of promoting health, safety, order, convenience, and general welfare by regulating the use of land, the location, height and size, and the use of buildings and the arrangement of buildings on lots, the density of population and the division of the County into districts for trade, commerce, industry, residence and other purposes for the orderly future development of the area, as well as protecting the natural resources for Mower County, Minnesota, or parts thereof outside the incorporated limits of the municipalities. This Ordinance also provides for changes in regulations, restrictions, and boundaries of such districts; defining certain terms used therein; providing for enforcement and administration, and imposing penalties for the violation of this Ordinance.

Article 1. In General

DIVISION 1. GENERAL PROVISIONS

SECTION 14-1. TITLE

This Ordinance shall be known as the Mower County Zoning Ordinance, and will be referred to herein as "this Ordinance".

SECTION 14-2. PREAMBLE

Pursuant to the authority conferred by the State of Minnesota, in Minnesota Statutes 394.21, and amendments thereto, this Ordinance is adopted for the following purposes:

- Promoting and protecting the public health, safety and general welfare of the inhabitants of Mower County;
- Protecting and preserving economically viable agricultural land;
- Promoting orderly development of the residential, commercial, industrial, recreation and public area;
- Conserving the natural and scenic beauty and attractiveness of the County;
- Conserving and developing natural resources in the County;
- Providing for the compatibility of different land uses and the most appropriate use of land throughout the County;
- Minimizing environmental pollution.

SECTION 14-3. JURISDICTION

The jurisdiction of this Ordinance shall apply to all the area of Mower County outside the incorporated limits of municipalities.

SECTION 14-4. SCOPE

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

SECTION 14-5. INTERPRETATION

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

DIVISION 2. RULES AND DEFINITIONS

SECTION 14-6. RULES

For purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows:

(a) The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as individual.

(b) The word "shall" is mandatory, and the word "may" is permissive.

(c) Words used in the present tense include the past and future tense and the future the present; and words used in the singular shall include the plural and the plural the singular.

(d) The masculine gender includes the feminine and neuter gender.

(e) All stated and measured distances expressed in feet shall be taken to the nearest tenth of a foot.

(f) Captions, headings, titles and key words used in Sections and Articles as headings are inserted herein for convenience and to facilitate the use of this Ordinance and they shall not be construed to limit or affect the meaning of any of the provisions.

SECTION 14-7. 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.

Accessory Use or Structure - A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Adult Entertainment – See Article VII, Division 2, (pages 167 – 169) for definitions.

Agricultural Erosion Control Practices - "Agricultural erosion control practices" means measures commonly used to control erosion resulting from agricultural use of land to rates no greater than soil loss tolerances or to abate or minimize excessive erosion and excessive sedimentation resulting from agricultural use of land.

Agricultural Erosion Control Plan - "Agricultural Erosion Control Plan" means a document, approved by the administrator and the Mower County Soil & Water Conservation District Board, which prescribes and describes the practices that, when implemented and properly maintained, will result in the prevention or abatement of excessive erosion and excessive sedimentation. An "Agricultural Erosion Plan" shall apply to those lands under agricultural use which do not comply with the provisions of

this Ordinance and which lie within the jurisdiction of the County and under the control of the same land occupier(s).

Agricultural Use - The use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income including but not limited to the following:

1) Field crops, including but not limited to: barley, soybeans, corn, hay, oats, potatoes, rye, sorghum, sunflowers and wheat.
2) Livestock, including but not limited to: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds and other animals including ponies, deer, rabbits and mink.
3) Livestock products, including but not limited to: milk, butter, cheese, eggs, meat, honey and fur.
4) Wetlands and pastured areas accompanying land in agricultural use are also in agricultural use.

Agriculturally-Oriented Businesses - A business including, but not limited to, commercial storage or blending of liquid and dry fertilizers; grain and feed sales; general repair and installation services for agricultural equipment; custom meat processing; agricultural supplies and product sales or warehousing; livestock sales pavilions; and creameries.

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

Alcohol Still - An apparatus used for distillation, producing alcohol for fuel purposes or industrial purposes only.

Animal Unit - A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manners manure produced on a regular basis by a 1,000 pound slaughter steer or heifer based upon the MPCA 7020 regulations.

Examples include:

Animal	Unit
One mature dairy cow	1.4 animal unit
One slaughter steer or heifer	1.0 animal unit
One horse	1.0 animal unit
One swine 55 – 300 pounds	0.3 animal unit
One sheep	0.1 animal unit
One swine under 55 pounds	0.05 animal unit
One duck	0.01 animal unit
One turkey over 5 pounds	0.018 animal unit
One chicken (dry manure) over 5 pounds	0.005 animal unit

Auto or Motor Vehicle Reduction Yard - A lot or yard where one or more unlicensed motor vehicle(s), or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale as scrap, storage, or abandonment. (See also Junk Yard.)

Base Flood Elevation – The elevation of the "regional flood." The term "base flood elevation" is used in the flood insurance survey.

Basement - means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four (4) sides, regardless of the depth of excavation below ground level.

Bed and Breakfast - An owner-occupied residence with guest rooms where temporary lodging facilities are provided to paying lodgers within a single-family dwelling. Any such facility that includes more than one lodging unit outside the owner-occupied structure shall be considered a Motel for the purposes of this Ordinance. Meals may or may not be provided to lodging guests.

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

Boathouse - A one (1) story structure not to exceed fifteen (15) feet in height for the purpose of storage of boats and accessories, the top of which may be used as an enclosed deck with safety railings.

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

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

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

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

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

Carport - An automobile shelter having at least one or more sides open.

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

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

Community Sewer System - Small, self-contained sewage treatment facilities built to serve developed areas beyond regional/municipal plants.

Comprehensive Plan or Policies - A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the county and its environs, as defined in the Minnesota County Planning act, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

Conditional Use - A use as defined in Minnesota Statutes, Chapter 394.

Conservancy - A zoned area, the purpose of which is to protect the natural resources and manage areas unsuitable for development.

Conservation District - "Conservation District" means the Mower County Soil and Water Conservation District organized and operating under Minnesota Statutes, Chapter 1030.

County Board - Includes the County Commissioners, the Board of the County Commissioners or any other word or words meaning the Mower County Board of Commissioners.

Critical Facilities – Critical facilities are those necessary to a community's public health and safety that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include, but are not limited to, hospitals, correctional facilities, schools, daycare facilities, nursing homes, group homes, fire and police stations, wastewater treatment facilities, public electric facilities, water plants, fuel storage facilities, and waste handling and storage families.

Deck - A horizontal, un-enclosed platform with or without attached railings, seats, trellises or other features, attached or functionally related to a principal use or site at any part extending more than three feet above ground.

Delegation Agreement - The Delegation Agreement will be an agreement between the Mower County Board of Commissioners and the Mower County Soil and Water Conservation District to assist in administration of the Mower County Soil Erosion Ordinance. The Delegation Agreement is a separate document.

Development – any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Directional Signs - Directional signs containing information about attractions, whether publicly or privately owned, deemed to be in the interest of the traveling public. To qualify for directional signs these attractions must be of outstanding interest to the traveling public and fit into one of the following categories. Qualifying categories for directional signing are: public places; natural phenomena; historic, cultural, scientific, educational and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation.

Domestic Water Supply and Sanitary Sewer Regulations - Any such regulation or amendments thereto adopted by the County Board of Commissioners.

Drainage Conveyance - "Drainage Conveyance" means any path, including but not limited to ditches, streams, overland flow channels, and storm sewer system traveled by water as it passes through any delineated watershed within Mower County.

Drive-In - Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where fast service to the automobile occupants is a service offered regardless of whether service is also provided within the building.

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

Dwelling - Any structure or portion of a structure, or other shelter designed as a short term or long-term living quarters for one or more persons. For the purposes of the Shoreland Management Overlay Regulations, it shall also include rental or timeshare accommodations, such a motel, hotel, and resort rooms and cabins A structure, to be considered a “dwelling” for the purpose of this definition, must also be in compliance with all applicable regulations, including the Mower County Individual Sewage Treatment Ordinance, or have had a residential real estate tax classification and assessed value within the last five (5) years.

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

Environmental Assessment Worksheet - "Environmental assessment worksheet;" means a brief document which is designed to set out the basic facts necessary to determine whether an EIS is required for a proposed project or to initiate the scoping process for an EIS.

EIS Environmental Impact Statement - "Environmental impact statement" means a detailed written statement as required by Minnesota Statutes, Section 116D.04, subd. 2a.

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

Erosion - "Erosion" means the wearing away of the land surface by water, wind, ice, or other geological agents and by such processes as gravitational creep.

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

Essential Services - Overhead or underground electric, gas, communication, steam or water transmission or distribution systems and structures, by public utilities or governmental departments or commissions 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 buildings.

Excessive Erosion - "Excessive erosion" occurs when either or both of the following conditions exist: (a) estimated average annual rate of soil erosion for a particular parcel of land under agricultural use resulting from sheet and rill erosion or wind erosion is greater than the soil loss tolerance for any of the soil series comprising that particular piece of land, or (b) evidence of active gully erosion on land under agricultural use.

Excessive Sedimentation - "Excessive sedimentation" means the rate or an amount of sedimentation from agricultural land that results in any observable detrimental effect, damage or result to adjoining lands, waters or the atmosphere.

Family - A family is any number of persons living together in a room or rooms comprising a single housekeeping unit and related by blood, marriage, adoption, or any unrelated person who resides therein as though a member of the family, including the domestic employees thereof. Any group of persons not so related but inhabiting a single house, shall, for the purpose of this Ordinance, be considered to constitute one (1) family for each five (5) persons, exclusive of domestic employees, contained in each group. A family shall include the livestock operation owner, the livestock operation owner's parents or stepparents, children or stepchildren.

Farm - A tract of land which is principally used for agricultural activities such as the production of cash crops, livestock or poultry farming. Such farms may include agricultural dwellings and accessory buildings and structures necessary to the operation of the farm.

Feedlot - A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of more than ten (10) animal units and specifically designed as a confinement area in which manure may accumulate, or where the concentration of any number of animal units is such that a vegetative cover cannot be maintained within the enclosure. For purposes of this Ordinance, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these rules.

Feedlot, Existing - A feedlot, containing, utilizing or consisting of at least one building, must have had an assessed value for real estate tax purposes in excess of the value of the underlying land with the five (5) year period preceding the date of the feedlot application. In addition, all feedlots must have been used for the confined feeding, breeding, raising, or holding of ten (10) or more animal units in shoreland areas or fifty (50) or more animal units in other areas within the five (5) year period preceding the date of the feedlot application. Those feedlots without permits must be permitted or have a pending application for a permit on file with the Mower county Feedlot Officer by December 31, 1999, to be considered an “existing feedlot”. Those feedlots with less than ten (10) animal units in shoreland areas or less than fifty (50) animal units in other areas will be considered an “existing feedlot” if the applicant or predecessor in title has obtained or requested a letter from the Mower County Feedlot Officer or the Minnesota Pollution Control Agency by December 31, 1999, indicating that a feedlot exists at the site, but that a feedlot permit was not required because of the size of the operation.

Feedlot, Expansion - When animal units will increase to where new buildings are needed for housing.

Feedlot, Industrial - An animal feedlot with over 2,000 animal units.

Feedlot, New - An animal feedlot constructed and operated on a site where no animal feedlot existed previously or where a pre-existing animal feedlot has been unused for a period of five (5) years or more.

Feedlot, Permitted - An animal feedlot which has obtained a feedlot authorization from the Mower County Feedlot Officer and a Minnesota Pollution Control Agency (MPCA) Certificate of Compliance and other required State and Federal permits before January 1, 2000. All permits authorized by MPCA prior to June 1, 1996, shall be considered to have obtained a valid Mower County Feedlot Authorization.

Feedlot Pollution Control Officer - A County employee or officer who is knowledgeable in agriculture and who is designated by the County Board to receive and process animal feedlot permit applications.

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

Fence, Farm – a fence as defined by Minn. Statute §344.02 Subd. 1(a)-(d). An open type fence of posts and wire is not considered to be a structure under this ordinance. Fences that have the potential to obstruct flood flows, such as cyclone fences and rigid walls, are regulated as conditional uses in the Floodway District.

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 of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Mower County, Minnesota.

Floodplain - 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 a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.

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

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

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

Good Neighbor Plan - A Good Neighbor Plan consists of a plan that the feedlot applicant is required to complete at the time of application for a feedlot permit. This plan addresses odor control, manure application, and weight restrictions.

Governing Body - Mower County Board of Commissioners

Ground-mount Solar Energy System – A solar energy system, accessory to the primary land use, designed to supply energy for the primary use. This system may be installed as a ground mount or pole mount and shall not exceed 20-feet in height when oriented at maximum tilt.

Group or foster home - Residential programs with a licensed capacity of six (6) or fewer persons shall be considered a permitted use of property for the purposes of zoning and other land use regulations, except that a residential program whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be considered a permitted use.

Gully Erosion - "Gully Erosion" means the displacement of a large single channel (gully) of soil by water due to the combination on concentrated flows from numerous rills. "Gully Erosion" is characterized by its typically persistent and ever-enlarging nature and steep, unstable side slopes. "Gully Erosion" cannot be obliterated by ordinary tillage operations.

Handbook of Standards (Handbook) - "Handbook of Standards" means a handbook, adopted by Mower County (pursuant to Section 3.2), containing a compilation of the agricultural erosion control practices, design specifications, and planning procedures used in the control of soil erosion resulting from the agricultural use of land.

Height, Building - The vertical distance to be measured from the grade of a building line to the top, to the cornice of a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof.

Highway - Any public thoroughfare for vehicular right-of-way with federal or state numerical route designation; any public thoroughfare or vehicular right-of-way with a Mower County numerical route designation.

Home Occupation - Any activity carried out for financial gain by a resident which is clearly secondary to the principal farming or residential use, when carried on within the principal residence and not in any accessory building and which employs no more than one (1) full time person other than members of the household occupying the premises.

Home Occupation, Extended - Any activity carried out for financial gain by a resident which is clearly secondary to the principal use, when carried on within the resident's dwelling unit or accessory building or which employs more than one (1) full time person other than members of the household occupying the premises.

Hotel - A building which provides a common entrance, lobby, halls and stairway and in which twenty (20) or more people are, for compensation, lodged with or without meals.

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

Intensive Vegetation Clearing - Means the complete removal of trees or shrubs in a contiguous patch, strip, row or block.

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

Kennel - Any lot or premises on which four (4) or more dogs over four (4) months of age are kept permanently or boarded temporarily.

Land Disturbing Activity - "Land Disturbing Activity" means a physical disturbance resulting from agricultural use of the land surface that may result in excessive erosion or excessive sedimentation associated with activities that include clearing, grading, excavating, transporting, tilling, tiling and filling of land.

Landfill, Demolition Waste - A place for the disposal of demolition wastes including waste building materials, packaging, and rubble resulting from construction, remodeling, repair and demolition.

Landfill, Solid Waste - A place for the disposal of solid wastes including garbage, refuse and other discarded solid materials resulting from residential, commercial, industrial and community activities. The operation of all solid waste landfill sites in Mower County is regulated by the Mower County Board of Commissioners through the Solid Waste Ordinance.

Land Occupier - "Land occupier" means a person, firm, corporation, municipality, or other legal entity that holds title to or is in possession of lands in agricultural use, as an owner, lessee, or otherwise. "Land occupier" includes both the owner and occupier of the land if they are not the same.

Livestock - Livestock means farm animals kept for use and/or profit. (Livestock = Animal units is defined as an average weight of the animal divided by 1000 pounds. 1000 pounds = 1 unit.)

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

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

Lot, Corner - A lot situated at the junction of, and abutting on two (2) or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred thirty five (135) degrees.

Lot Depth - The perpendicular distance between the front and rear lot lines, measured along the median between the side lot lines.

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

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

Lot Line, Rear - That boundary of a lot which is opposite the front lot line. If the rear line is less that ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance front he front lot line.

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

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

Lot, Through - A lot which has a pair of opposite lot lines abutting two (2) substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front line for applying this Ordinance.

Lot Width - The horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback, intersects the side lot lines.

Lot of Record - A lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder of Mower County, or a lot described by metes and bounds, the deed to which has been recorded in the office of the County Recorder of Mower County.

Lowest Floor – the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.

Manufactured Home - Manufactured homes are living quarters designed for transportation after fabrication on streets and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and the like. A manufactured home will be defined by reference to the latest publication of the United States of America Standards Institute Standard for Mobile Homes.

Metes and Bounds Description - A description of real property which is not described by a reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearing and distances of the lines forming the boundaries of the property or delineates a fractional portion of a Section, lot or area by described lines or portions thereof.

Mining/Extractive Use - Any use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals and peat not regulated by Minnesota Statutes, Sections 93.44 to 93.51.

Mini Storage Area - A building or location where storage space is rented.

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

Nonconforming Lot - (interchangeable phrase with Lot; nonconforming or substandard lot)– A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district. Nonconforming lots are subject to Section 14-16 or 14-135.

Nonconforming Structure or Building - (interchangeable phrase with Structure or Building; nonconforming) – a structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district. Nonconforming structures and buildings are subject to Section 14-16 or 14-135.

Nonconforming Land Use - (interchangeable phrase with Land Use; nonconforming) A use or activity that was lawful prior to the adoption, revision, or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district. Nonconforming uses are subject to Section 14-16 or 14-135.

One Hundred Year Floodplain – see “Regional Flood.”

Obstruction - Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain 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.

Ordinary High Water Level (OHWL) - Means the boundary of public waters, and shall be 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 predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Off-Street Loading Space - A space accessible from a street, alley, or driveway for the use of trucks or other vehicles while loading or unloading merchandise or materials. Such space shall be of size as to accommodate one vehicle of the type typically used in the particular business.

Off-Street Parking Space - An area of not less than three hundred (300) square feet, exclusive of drives or aisles giving access thereto, accessible from streets or alleys or private drives or aisles leading to streets or alleys, and to be usable for the storage or parking of motor vehicles.

Parks - Areas of public land developed and maintained primarily as pleasurable landscaped areas providing for both active and passive recreational pursuits, including tot-lots, playgrounds, neighborhood parks, playfields, and special purpose areas. This does not include recreational trails or DNR wildlife management areas.

Planning Commission - The duly appointed Planning Commission of Mower County.

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

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

Protected Waters - "Protected Waters" means those water basins, waters of the state, and wetlands, as defined in Minnesota Statutes, Section 103G.005, on the inventory of public waters under Minnesota Statutes, Section 103G.201, and identified on a public waters inventory map available in the County Auditor's Office. The official determination of the size and physical limits of drainage areas of rivers and streams shall be made by the Commissioner of the Department of Natural Resources.

Public Vehicle Garage - A building or portion thereof used for the housing of motor vehicles or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale, not including exhibition or showroom for model cars.

Public Water - A water defined as protected by Minnesota Statutes, Section 103G.005, Subdivisions 14 and 15.

Reach - A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings would most typically constitute a reach.

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

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

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

Regulatory Flood Protection Elevation - An elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

Repetitive Loss – Repetitive loss means a flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

Rill Erosion - "Rill Erosion" means displacement of tiny or small channels of soil by water due to the initial concentration of surface flow from "sheet erosion". "Rill erosion" is characterized by its temporary nature and that is easily obliterated by ordinary tillage operations.

Road - A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place, or however otherwise designated. Ingress and egress easements shall not be considered roads.

Rooftop Solar Energy System – A solar energy system, accessory to the primary land use, designed to supply energy for the primary use. This system may be mounted flush with the roof or tilted to capture solar energy. A rooftop solar energy system shall not exceed the maximum allowed height in any zoning district.

Sediment - "Sediment" means the solid mineral or organic material deposited by the result of erosion.

Sedimentation - "Sedimentation" means any one or more of the processes associated with the suspension, transport or deposition of sediment by water or wind.

Setback - The minimum horizontal distance between a structure and a road center line or a lot line.

Sewer System - A system of pipelines or conduits, pumping stations and force mains and all other constructions, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Sheet Erosion - "Sheet Erosion" means displacement of thin layers of soil by the action of rainfall and surface runoff acting over the whole soil surface. "Sheet erosion" is the sum of these processes: (a) raindrop splash which provides the detachment energy, and (b) surface flow which provides the transportation capacity.

Shore Impact Zone - Land located between the OHWL of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

Shoreland - Lands located within the following distances from public waters (1) 1,000 feet from the normal high water mark of a lake, pond, or flowage; and (2) 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the water for lesser distances and when approved by the Commissioner of the Department of Natural Resources and the County Board.

Shoreland Setback - The minimum horizontal distance between a structure, sewage treatment system or other facility and an ordinary high water level.

Sign - A name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure, or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business. A sign includes posters and painted displays including displays painted directly upon a wall surface.

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

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

Sign, Construction - A sign placed at a construction site identifying the project or the name of the architect, engineer, contractor, financier, or other involved parties.

Sign, Directional - A sign erected on public or private property which bears the address and name of a business, institution, church, or other address information but contains no advertising.

Sign, Directory - A wall sign which indicates the business, owner, manager or resident occupant and sets forth the occupation or other address information but contains no advertising.

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, Freestanding - Any stationary or portable self-supported sign not affixed to any other structure.

Sign, Government - A sign which is erected by a governmental unit.

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, Institutional - A sign or bulletin board which identifies a name or other characteristics of a public or private institution on the site where the sign is located.

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

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

Sign, Real Estate - A business sign placed upon a property advertising that particular property for sale, or for rent of land.

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

Sign, V-Type - Two (2) signs that come together at the apex and the interior angle shall not exceed thirty (30) degrees.

Sign, Wall - A device whose supporting structures are affixed to a wall or side of a building.

Soil - "Soil" means the unconsolidated mineral and organic material on the immediate surface of the earth that serves as natural medium for the growth of land plants.

Soil Loss Tolerance - "Soil loss tolerance" ("T") means the maximum average annual rate of soil loss from sheet and rill erosion or wind erosion, expressed in tons per acre per year, that is allowed in order to sustain the productive capacity of soil to produce food and fiber over the long term.

Solar Energy System – A system or series of mechanisms designed primarily to provide heating, electrical power, solar day lighting, or to provide any combination of the foregoing by means of collecting and transferring solar generated energy into such uses either by active or passive means.

Steep Slope - An average slope greater than 12% as measured over a horizontal distance of 50 feet or more.

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

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

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

Structure - Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting the exemption criteria specified in Section 14-130(e) of the Ordinance and other similar items.

Substandard Use or Structure - Any use in existence prior to September 21, 1972, which is permitted within the applicable zoning district, but does not meet the minimum dimensional requirements of this ordinance (from Section 14-102).

Substantial Damage - means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement - within any consecutive 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 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(a) 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.

(b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." For the purpose of this Ordinance, "historic structure" shall be as defined in 44 Code of Federal Regulations, Part 59.1.

Tourist Homes - Any dwelling occupied in such a manner that certain rooms in excess of those used by members of the family, as herein provided, and occupied as a home or family unit, are rented without cooking facilities, to the public for compensation and catering primarily to the traveling public.

Use - The use for which land or buildings thereon are designed, arranged or intended to be occupied or used, or for which use they are occupied or maintained.

Use, Conditional - A use as defined in Minnesota Statutes, Chapter 394.

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

Use/Structure, Principal - All uses or structures that are not accessory uses or structures.

Variance - A modification of a specific permitted development standard required in this Ordinance to allow an alternative development standard not stated as acceptable, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstances as defined and elaborated upon in the planning and zoning enabling legislation.

Vehicle Repair, Vehicle Body and Painting Facility (Garage) - A building where motorized and nonmotorized vehicles are repaired and/or painted.

Wetland - Wetland means as currently defined in Minnesota Statutes MS 103.005, (Subdivision 19) and any amendments as hereafter adopted.

Yard - A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted in this Ordinance. The yard extends along the lot line at right angles to such lot line, to a depth or width specified in the setback regulations for the zoning district in which such lot is located.

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

Yard, Rear - A yard extending across the full width of the rear lot line between side lot lines and extending from the rear lot line to the depth required in the setback regulations for the zoning district in which such lot is located.

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

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

Zoning District - The Sections of the County for which the regulations governing the height, area, use of buildings, and premises are the same as delineated by this Ordinance.

Zoning Map - The areas comprising these zoning districts and boundaries of said districts as shown upon the map attached hereto and made a part of this Ordinance, being designated as County of Mower Official Zoning Map, with all proper notations, references and other information shown thereon.

Zoning Permit - A document signed by a zoning officer as required in the zoning ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, alteration, conversion, installation or placement of a structure or building, that acknowledges that such use, structure, or building complies with the provisions of Mower County's Ordinances or authorized variance therefrom. The exclusive word "permit", when used, is equivalent to zoning permit.

DIVISION 3. GENERAL REGULATIONS

SECTION 14-8. PURPOSE

The guiding of land development into a compatible relationship of uses depends upon the maintenance of certain standards. In the various use districts, the permitted, accessory and conditional uses shall conform to the standards enumerated in this Article.

SECTION 14-8.1. ENVIRONMENTAL REVIEW

The Mower County Planning Commission or Board of Commissioners may require during the considerations of activities under this ordinance the completion of EAW and EIS pursuant to MN Statutes, Section 116D.04, subd 2a, item (a), and the rules promulgated there under. The County requires that the developers provide all the data for completion of the EAW or EIS as requested by the County and the developer shall reimburse the County for the total cost of the EAW or EIS consistent with the provisions of MN Statute Section 116D.045 and Minn. Rules, parts 4410.6000 to 4410.6500.

SECTION 14-8.2. UTILITY LINE PLACEMENT

(a) Utility Lines means:

(1) Overhead or underground wires, conduits or pipes for the transmission of 200 kilovolts or more of electrical energy which shall hereafter be referred to as electrical lines; or

(2) Pipes for the transmission of natural or synthetic gas at pressure of more than 90 pounds per square inch, or for the transmission of crude petroleum or petroleum fuels or oil or their derivatives, coal, anhydrous ammonia, or any mineral slurry within this county which shall hereafter be referred to as pipelines.

(b) No electrical line shall be constructed and maintained on or outside of road right of ways in, to, or through any zone in the county unless a conditional use permit is obtained pursuant to Section 14-28. Such conditional permits for electrical lines shall require that:

(1) All underground electrical lines shall be bored and cased through public and private roads unless the road authority approves cast and back fill crossing,

(2) Each road crossing shall be approved by the road authority,

(3) In event of repair or improvement of a road the electrical line owner shall pay for necessary movement and replacement of the line,

(4) Underground lines shall be at least 5 feet below the bottom of drainage ditches and not impede the flow of water,

(5) In event of repairs or improvement of the drainage ditch the electrical line owner shall pay for necessary movement and replacement of the line,

(6) Underground lines shall be at least 1 foot below existing and future drain tile lines. The utility company shall pay for:

(a) Surveys for future drain tile line plans.

(b) Additional expense for installation of future drain tile because of the utility line.

(c) Cost of repair of drain tile where same settles after pipeline construction and crop loss,

(7) Drain tile lines shall be repaired or replaced where cut or damaged by construction at least 5 feet back,

(8) Except as above stated the underground electric lines shall be at least 3 feet below the ground surface,

(9) The route of the line shall be on railroad or highway rights of way or Section lines or other established boundaries where feasible or such other routes as the County Board approves,

(10) To pay for such inspection procedures as the County Board determines, and such other conditions, terms, bonds, and indemnities as may be necessary to protect the public interest.

(c) The County of Mower is a predominantly agricultural county. Construction and operation of pipelines through rural areas of the county have the potential for causing adverse impacts on the productive use of land by disrupting and compacting the soil, interfering with drainage tiles and drainage patterns, and by placement of associated facilities such as pump stations in such a manner as to interfere with agricultural operations. Construction and operation of pipelines also possess the potential for causing adverse impacts upon the maintenance and operation of publicly owned roads, streets and utilities. The county further finds that it is both necessary and proper to enact an ordinance pursuant to Minnesota Statutes Section 216G.01 et seq. which provides for the protection and restoration of cultivated agricultural land within the county and which provides minimum depth requirements for construction and operation of pipelines.

Subdivision 1. Affected Area - This ordinance shall apply to and govern the entire territory of the county. It shall remain in effect until superseded or repealed. This ordinance shall replace and supersede provisions in all other ordinances and regulations applicable to the county which are in conflict or inconsistent with the provisions contained herein.

Subdivision 2. Scope of Control - This ordinance and regulations contained herein shall become effective on May 6, 1980. It shall apply to all pipelines covered by Minnesota Statutes, and all other gas pipelines for which physical manipulation of the land within this county commences after the effective date.

Subdivision 3. Filing Requirements - The owner of the pipeline or its agent shall file with the County Board prior to start of construction the following:

1. Type of service proposal including items to be carried in the pipeline.
2. Copies of State and/or Federal Environmental Impact Statements.
3. Maps indicating the location, alignment of pipeline and all street, road and stream crossings.
4. Copies of approval letters of agreement from all applicable State and Federal Agencies.
5. Copies of all negotiated Landowner Grants of Easement.

Subdivision 4. As used in this ordinance, the terms defined in this Section have the meanings given them, unless otherwise provided or indicated by the context:

(a) "Construction" means any clearing of land, excavation, or other action that would adversely affect the natural environment of a pipeline route but does not include changes needed for temporary use of a route for purposes other than installation of a pipeline, for securing survey or geological data, or for the repair or replacement of an existing pipeline within the existing right-of-way.

(b) "Cultivated agricultural land" means land which is used to raise agricultural crops, is capable of use for that purpose or is plowed, fallow, or contains harvested crop residue or is pastureland.

(c) "Landowners Grant of Easement" means the legal document entered into between the property owner and pipeline company, which may contain specific requirements for the installation of the pipe. These requirements cannot be less stringent than the state or county regulations except in the area of minimum depth.

Subdivision 5. Pipeline Depth Requirements - Any pipeline constructed or operated in this county shall be buried to meet the following minimum level cover requirements, unless waived according to the procedure of Section 5 of this Ordinance:

(a) 4-1/2 feet minimum beneath the authorized depth of the right-of-way of any drainage facility under the jurisdiction of this county.

(b) 4-1/2 feet minimum beneath the right-of-way of any street, road, or highway under the jurisdiction of any political subdivision.

(c) 4-1/2 feet minimum beneath cultivated agricultural land in this county.

(d) Vertical distance between field drainage tile and the pipeline shall be at least one foot.

Subdivision 6. Pipeline Construction Practices - The following construction practices shall be observed by any person constructing a pipeline in this county:

(a) Storage of equipment and material during construction. All materials and equipment must be stored and parked within the bounds of pipeline right-of-way so as to minimize interference with ongoing agricultural operations.

(b) Preservation of top soil. As set forth in "Landowner Grant of Easement."

(c) Prevention of erosion. As set forth in "Landowners Grant of Easement."

(d) Protection of tile lines. As set forth in "Landowners Grant of Easement."

Subdivision 7. Location of Associated Facilities - Location of all above ground facilities associated with the operation of a pipeline, including but not limited to pump stations, shall be consistent with the following criteria:

(a) Associated facilities such as pump stations, check valves, and access points shall be required to be located so as to minimize interference with productive use of cultivated agricultural land, irrigation, etc., by placing in corners of fields, on fence lines, etc.:

(b) To minimize interference with existing roads, highways.

Subdivision 8. Waiver of Depth Requirement - Waiver of depth requirements shall be permitted consistent with Minnesota Statutes 216G.07, Subdivisions 2, 3 (2008 Session Laws).

Subdivision 9. Inspection Fee - Any person proposing to construct a pipeline in this county shall pay to the county treasurer a fee in accordance with Minnesota Statutes and shall reimburse the County for all extraordinary costs and expenses paid or incurred by the County in connection with the application for a conditional use permit to construct a pipeline and all costs paid or incurred by the County in assuring the terms of the conditional use permit are met by the applicant.

Subdivision 10. Enforcement - Any person violating the provisions of this ordinance is guilty of a misdemeanor for each offense and may be subject to civil liability consistent with Minnesota Statutes 216G.07, Subdivision 10. Consistent with Minnesota Statutes 216G.07, Subdivision 8, this ordinance may be enforced by injunction, action to compel performance or other appropriate equitable relief in the district court of this County.

Subdivision 11. Other Requirements - As part of the issuance of a conditional use permit for the construction of a pipeline, the County may, in addition to the requirements set out in Section 14-8.2, attach such other conditions, terms, bonds, and indemnities as may be necessary to protect the public interest.

This ordinance shall be in full force and effect from and after its passage as provided by law. Severability - The invalidity of any work, Section, clause, paragraph, sentence, part or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

SECTION 14-9. SEPARABILITY

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

(a) If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.
(b) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or structure, such judgment shall not affect other property, buildings, or structures.

SECTION 14-10. EXISTING LOTS

A lot or parcel of land which was of record as a separate lot or parcel in the Office of the Mower County Recorder on or before the effective date of adoption of this Ordinance may be used for single family detached dwelling purposes provided that it has frontage on a public right-of-way and that the area and width thereof are within sixty (60) percent of the minimum requirements of this Ordinance; and further provided that it can be demonstrated that safe and adequate sewage treatment systems can be installed to serve such permanent dwellings.

SECTION 14-11. LOT AREA REQUIREMENTS

No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed herein, nor shall the density of population be increased in any manner except in conformity with the area regulations herein prescribed, nor shall the area of any lot be reduced below the minimum requirement herein established.

SECTION 14-12. ACCESSORY BUILDINGS

(a) Attached in Agricultural, Urban Expansion, Rural Management, or Residential Districts:

    (1) Any Accessory building in any Agricultural, Urban Expansion, Rural Management, or Residential District, including carports, attached to the principal building, shall be made structurally a part thereof and shall comply in all respects with the requirements of this Ordinance applicable to the principal building.

(2) Breezeways, for the purpose of this ordinance, as an attachment between the garage or carport and the principal building shall be considered a part of the principal building.

(3) Rooftop solar energy systems are permitted as accessory uses where buildings are permitted and shall comply with the following standards for the following districts: Agricultural, Rural Management, Urban Expansion, Rural Residence, PUD, Rural Service Center, Freeway Interchange Management, Commercial and Industrial, including Shoreland Overlay:

i. Rooftop systems shall meet all requirements of this Ordinance applicable to the building (principal or accessory) on which the system is mounted, including height and setback.

ii. In Rural Service Center and Rural Residence Districts the rooftop solar systems must be flush mounted with the roof, except on flat roofs. Solar energy system installations on flat roofs shall not exceed 3 feet in height above the surface of the roof.

iii. All solar energy systems must be installed consistent with the Minnesota Building Code, consistent with Minnesota Statutes.

iv. All solar energy systems must be installed consistent with the Minnesota Electric code, and shall obtain permits and be inspected by State Electric inspectors, unless explicitly exempt from the code.

v. Rooftop solar energy systems require a zoning permit.

vi. Rooftop solar energy systems shall not be located on structures located within floodplain.

(b) Detached in Agricultural, Urban Expansion, Rural Management, Rural Service Center or Residential Districts:

(1) Any accessory building in any Residential District or on a residential site in an Agricultural, Urban Expansion or Rural Management District shall not be allowed in any front yard.

(2) Any detached accessory building located in side and rear yards and within ten (10) feet of the rear wall of the principal building in the district shall comply with all yard requirements applicable to the principal building in the district. Where any accessory building is to be located in rear yards greater than ten (10) feet distance from the rear wall of the principal building, it shall not be located nearer than five (5) feet from the side and rear lot line.

(3) A detached accessory building on a corner lot shall not project beyond the front yard setback requirement of the principal building.

(4) The total square footage of all detached accessory buildings in a residential district or on a residential parcel in a platted residential subdivision shall not exceed fourteen feet in height for the sidewall (peak is not included) and be no greater than 2,500 square feet or 5% of the lot

coverage for all accessory buildings. If a larger building or structure is proposed, a CUP will be required.

(5) Ground-mounted solar energy systems are permitted as accessory uses where buildings are permitted and shall comply with the following standards for the following districts: Agricultural, Rural Management, Urban Expansion, Rural Residence, PUD, Rural Service Center, Freeway Interchange Management, Commercial and Industrial. Consistent with Minnesota Statutes, a variance can be requested if the prohibition limits the ability of the property owner to access direct sunlight for a solar system; each variance request will be evaluated on standards and criterion for granting/denying a variance.

i. Ground-mounted solar energy systems must meet all setback, height, and coverage standards for the district in which the installation is located.

ii. Ground-mounted solar energy systems shall not be located nearer to the front lot line than the principal building on the lot.

iii. Ground-mounted solar energy systems may not extend into the side-yard, rear or right-of-way setback when oriented at minimum design tilt.

iv. In the PUD, Rural Service Center, Rural Residence and Urban Expansion District ground mount solar systems shall also follow the requirements of Section 14-12 (b) (1-4), above.

v. Ground-mount solar energy systems must be installed on the same lot as a finished building. Systems installed on a lot without a permitted principal use are not allowed as accessory uses.

vi. Ground-mount solar energy systems must comply with Minnesota Building Code, consistent with Minnesota Statutes.

vii. Ground-mount solar energy systems must comply with Minnesota Electric code standards, and must be permitted and inspected by State Electric inspectors, unless explicitly exempt.

viii. Ground-mount solar energy systems require a zoning permit.

ix. Ground mount solar energy systems are prohibited in Floodplain or Shoreland Overlay Districts.

(c) Accessory buildings and uses in Business and Industrial Districts. In any Business or Industrial District any accessory building or use may occupy any of the ground area which the principal building is permitted to occupy. Accessory buildings such as building for parking attendants, guard shelters, gate houses, and transformer buildings may be located in the front or side yard in Industrial Districts. Parking of automobiles and other motor vehicles is permitted in the front and side yards in Industrial Districts if screened by a greenbelt eight (8) feet in width.

(d) In the Rural Service Center and PUD Districts (unless waived as part of the PUD agreement), residential uses shall follow the requirements in (a) and (b) above. Commercial or industrial uses shall follow the requirements in (c) above.

SECTION 14-13. ZONING PERMIT

(a) No person in the county shall erect, alter, or move any building or any part thereof without first securing a zoning permit therefore. In all cases where an improvement will serve to change the exterior shape of the structure including enclosed porches, regardless of the cost of the improvement, a zoning permit must be secured. No permit shall be required for minor repairs, such as redecorating either the inside or the outside, decks, residing, or reshingling.

(b) Application. Persons requesting zoning permits shall fill out a zoning permit application available from the Zoning Administrator. Completed zoning permit applications and a fee as may be established by resolution of the County Board of Commissioners shall be submitted to the Zoning Administrator. A copy of the zoning permit application shall be sent to the affected Town Board (clerk or chair) for notification. If the proposed development conforms in all respects to this Ordinance, a zoning permit shall be issued by the Zoning Administrator in compliance with MN Statute 15.99. A zoning permit is valid for two (2) years from date of issuance. If substantial work has not been completed, i.e. spending at least 30% estimated value, a new zoning permit application and fee shall be submitted to the Zoning Administrator and it will be considered a new application and must comply with the Ordinance as of the new application date. However, if there are unusual circumstances, the Mower County Board of Commissioners may waive these requirements and extend the permit for good cause shown, i.e. natural disasters, acts of war, or temporary disability of a permit holder/laborer.

(c) Rural and Agricultural Home Owners Assumption of Risk Assessment Form. All persons constructing a new home or replacing an existing home in Mower County will be required to sign and have recorded the above mentioned “assumption of risk assessment form”. This must be on file with the Mower County Environmental Services Office. (see attached form).

(d) If the proposed development involves a zoning amendment, variance, or conditional use permit, the application together with a zoning permit, shall be submitted to either the Planning Commission or Board of Adjustment for review and appropriate action according to the procedures set forth in Divisions 5, 6, and 7 of this Article.

(e) The subdivider or property owner are responsible for all costs associated with “911” signage for addressing and street signs.

SECTION 14-14. OFF-STREET PARKING REQUIREMENTS

In all zoning districts, off-street parking facilities for the storage of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings or structures hereafter erected, altered or extended after the effective date of this Ordinance shall be provided and maintained as herein provided.

(a) Location. All accessory off-street parking facilities required herein shall be located as follows:

(1) Spaces accessory to one and two-family dwellings on the same lot as the principal use served.

(2) Spaces accessory to multiple-family dwellings on the same lot as the principal use served or within two hundred (200) feet of the main entrance to the principal building served.

(3) Spaces accessory to uses located in a business district, within eight hundred (800) feet of the main entrance to the principal building served.

(4) There shall be no off-street parking space within five (5) feet of any street right-of-way.

(5) No off-street open parking area containing more than four (4) parking spaces shall be closer than five (5) feet from an adjacent lot zoned or used for residential purposes.

(6) Access drives may be located adjacent to property lines except that drives consisting of crushed rock or other non-finished surfacing shall be no closer than one (1) foot to any side or rear lot line.

(b) Required off-street parking space in any District shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable, for sale or for rent. Loading space as required in Section 14-15 shall not be construed as supplying off-street parking space.

(c) Parking areas shall be designed so as to provide adequate means of access to a public alley or street. Such driveway access shall not exceed twenty-two (22) feet in width and shall be so located as to cause the least interference with traffic movement.

(d) No signs shall be located in any parking area except as necessary for orderly operation of traffic movement and such signs shall not be part of the permitted advertising space.

(e) When a required off-street parking space for six (6) cars or more is located adjacent to a Residential District, a residential lot of 5 acres or less, or is within 100 feet of a dwelling, a fence of adequate design, not over five (5) feet in height nor less than four (4) feet in height shall be erected along the Residential District residential property line.

(f) It shall be the joint and several responsibility of the operator and owner of the principal use, uses and/or building to maintain, in a neat and adequate manner, the parking spaces, access ways, landscaping and required fences.

(g) A parking space shall not be less than three hundred (300) square feet per vehicle of parking and maneuvering area.

(h) No motor vehicle over one (1) ton capacity bearing a commercial license and no commercially licensed trailer shall be parked or stored in a residential district, a residential portion of a Rural Service Center District, a platted residential subdivision, or on a public street except when loading, unloading, or rendering a service. Pickups are not restricted by the terms of this provision.

(i) When units of measurements used in determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

(j) For the purpose of this Article, "Floor Area", in case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for patients as tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise.

(k) In the case of a use not specifically mentioned, the requirements for off-street parking facilities for a use which is so mentioned, and when said use is similar, shall apply.

(I) Off-Street Parking Requirements

USE	*REQUIRED PARKING SPACE*
(1) One and Two Family Dwellings	Two (2) spaces per dwelling unit.
(2) Multiple-Family Dwellings	One and one-half (1-$^1/_2$) spaces per dwelling unit.
(3) Hotel, Motel, Tourist Home	One (1) space per sleeping room plus one (1) space per employee.
(4) Hospitals, Sanitariums, Nursing Homes, or Dormitories.	One (1) space for each three (3) beds plus one (1) space for each two (2) employees.
(5) Libraries, Museums, and Other Similar Uses	One (1) space for each four hundred (400) square feet of ground floor area.
(6) Theaters and Auditoriums other than incidental to a school.	One (1) space for each four (4) seats plus additional spaces equal in number to fifty (50) percent of the number of all employees.
(7) Churches, Auditoriums incidental to a school.	One (1) space for each four (4) seats in the main assembly unit.
(8) Schools	One (1) space for each two (2) employees plus sufficient off-street space for the convenient loading and unloading of students.
(9) Bowling Alleys	Six (6) spaces for each alley.
(10) Funeral Homes	Eight (8) spaces for each parlor.
(11) Restaurants, Cafes, Taverns, Night Clubs	One (1) space for each three (3) seats based on capacity design.
(12) Drive-In Restaurants	One (1) space for each fifteen (15) square feet of ground floor area of the building.
(13) Medical or Dental Clinics, Banks, Business or Professional Offices	One (1) space for each three hundred (300) square feet of floor area.
(14) Retail Stores	One (1) space for each one hundred fifty (150) square feet of gross floor area.
(15) Machinery Sales, Service Garages, Automobile Agencies	One (1) space for each eight hundred (800) square feet of gross floor area.
(16) Gasoline Service Stations	Two (2) spaces for each service stall or wash rack plus one (1) space for each employee.
(17) Industrial Buildings, Warehouses, Wholesale Houses, Storage	One (1) space for each four hundred (400) square feet of floor area or one (1) space for each four (4) workers based on the greatest number of persons to be employed at any one period during the day or night, whichever requirement is greater.

SECTION 14-15. OFF-STREET LOADING REQUIREMENTS

On the premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly involving receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets or alleys. Such space, unless otherwise adequately provided for, shall include a ten (10) foot by twenty-five (25) foot loading space, with fourteen (14) foot height clearance for every twenty thousand (20,000) square feet or fraction thereof in excess of three thousand (3,000) square feet of building floor area or land area for the above-mentioned purposes.

SECTION 14-16. NON-CONFORMING LOTS, LAND USES, BUILDINGS AND STRUCTURES

14-16.1 PREFACE:

Within the districts established by this Ordinance there may be lots, structures, buildings, or land uses which were once lawful or conforming but that now fail by reason of adoption, revision or amendment to conform to the present requirements of the zoning district or ordinance. It is the intent of this Section to allow these non-conformities to continue until they are removed, discontinued or destroyed by fire or other peril beyond 50 percent of their estimated market value.

Except as otherwise provided by law, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the official control, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion.

There may be more restrictive requirements for Floodplain areas. These requirements can be found in Section 14-135.

14-16.2 DETRIMENTAL NON-CONFORMING LOT, BUILDINGS, STRUCTURES OR LAND USE:

A nonconformity that is determined by the County Board to be detrimental to the achievement of the goals and objectives of the comprehensive plan may be acquired by the County Board by purchase.

14-16.3 NONCONFORMING USE:

EXISTING: Non-conforming uses are allowed to exist “as is”.

14-16.4 DISCONTINUED:

If the nonconforming use or occupancy is discontinued for a period of more than one year any subsequent use or occupancy of the land or premises must be a conforming use or occupancy.

14-16.5 ADDITION, ENLARGEMENT, EXPANSION OR INTENSIFICATION:

Addition, enlargement, expansion or intensification of an existing nonconforming use shall require a variance. The Board of Adjustment shall examine the variance to determine if the addition, enlargement, expansion or intensification of the nonconforming use is detrimental to the achievement of the goals, policies and objectives of the comprehensive plan. The Board of Adjustment may deny a variance request; or grant a variance request with or without conditions. Reasonable conditions may be imposed in order to mitigate any newly created impacts on adjacent property, water body or any existing or future public services or investment. This review shall be accomplished through the variance process of the Board of Adjustment as outlined in Section 14-22 of this Ordinance.

NONCONFORMING BUILDINGS OR STRUCTURES

14-16.6 GENERAL MAINTENANCE, UPKEEP, (NOT INCLUDING FIRE OR PERIL, OR EXPANSION):

Allowed. Check with Zoning Office to determine if a permit is required.

14-16.7 GENERAL MAINTENANCE, UPKEEP, INCLUDING FIRE OR PERIL, OR EXPANSION:

50% OR LESS DAMAGE: If any nonconforming building or structure is destroyed by fire or other peril to the extent of 50 percent or less of its market value, as determined by the record of the County Assessor, at the time of damage, the structure may be continued, including repair, replacement, maintenance, or improvement, but not to include expansion. Check with Zoning Office to determine if a permit is required.

14-16.8 50% OR LESS DAMAGE INCLUDING EXPANSION:

If any nonconforming building or structure is destroyed by fire or other peril to the extend of 50 percent or less of its market value, as determined by the record of the County Assessor, at the time of damage, the structure may be considered for reconstruction, including expansion by the Board of Adjustment. The Board of Adjustment shall examine the variance to determine if the addition, enlargement, expansion or intensification of the nonconformity is detrimental to the achievement of the goals, policies and objectives of the comprehensive plan. The Board of Adjustment

may deny a variance request; or grant a variance request with or without conditions. Reasonable conditions may be imposed in order to mitigate any newly created impacts on adjacent property, water body or any existing or future public services or investment. This review shall be accomplished through the variance process of the Board of Adjustment as outlined in Section 14-22 of this Ordinance.

14-16.9 GREATER THAN 50 PERCENT DAMAGE AND A PERMIT REQUEST IS MADE WITHIN 180 DAYS OF PROPERTY DAMAGE:

OPTION A: Subsequent use or occupancy of the land or premises shall be in compliance with the existing ordinance; OR

OPTION B: If a nonconforming building or structure is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and application is made to the zoning office before 180 days have expired since the fire or other peril; the structure or building may be considered for reconstruction as a nonconformity by the Board of Adjustment. The Board of Adjustment shall examine the variance to determine if the reconstruction of the nonconformity, with or without expansion, is detrimental to the achievement of the goals, policies and objectives of the comprehensive plan. The Board of Adjustment may deny a variance request; or grant a variance request with or without conditions. Reasonable conditions may be imposed in order to mitigate any newly created impacts on adjacent property, water body or any existing or future public services or investment. This review shall be accomplished through the variance process of the Board of Adjustment as outlined in Section 14-22 of this Ordinance.

14-16.10 GREATER THAN 50 PERCENT DAMAGE AND BEYOND 180 DAYS OF PROPERTY DAMAGE:

If any nonconforming building or structure is destroyed by fire or other peril to the extent of greater than 50 percent of its market value, as determined by the record of the County Assessor, at the time of damage, and no zoning permit has been applied for within 180 days of when the property is damaged, any subsequent use or occupancy of the land or premises must be conforming.

14-16.11 50% OR LESS DAMAGE TO SHORELAND STRUCTURES OR BUILDINGS WITH LESS THAN 50% OF THE REQUIRED SETBACK – NO EXPANSION

If any nonconforming building or structure is destroyed by fire or other peril to the extent of 50 percent or less of its market value, as determined by the record of the County Assessor, at the time of damage, the structure may be continued, including repair,

replacement, maintenance, or improvement, but not to include expansion. Application shall be made within 180 days of damage/peril.

Application after 180 days: A nonconforming structure in the shoreland district which has less than 50 percent of the required setback from the water is destroyed by fire or other peril to the extent of 50 percent or less of its estimated market value, as indicated in the records of the county assessor at the time of damage may be considered for reconstruction by the Board of Adjustment. The Board of Adjustment shall examine the variance to determine if the reconstruction of the nonconformity is detrimental to the achievement of the goals, policies and objectives of the comprehensive plan. The Board of Adjustment may deny a variance request; or grant a variance request with or without conditions. Reasonable conditions may be imposed in order to mitigate any newly created impacts on adjacent property, water body or any existing or future public services or investment. This review shall be accomplished through the variance process of the Board of Adjustment as outlined in Section 14-22 of this Ordinance.

14-16.12 50% OR LESS DAMAGE TO SHORELAND STRUCTURES WITH LESS THAN 50% OF THE REQUIRED SETBACK – WITH EXPANSION

If any nonconforming building or structure is destroyed by fire or other peril to the extend of 50 percent or less of its market value, as determined by the record of the County Assessor, at the time of damage, reconstruction including expansion may be considered by the Board of Adjustment. The Board of Adjustment shall examine the variance to determine if the addition, enlargement, expansion or intensification of the nonconforming use is detrimental to the achievement of the goals, policies and objectives of the comprehensive plan. The Board of Adjustment may deny a variance request; or grant a variance request with or without conditions. Reasonable conditions may be imposed in order to mitigate any newly created impacts on adjacent property, water body or any existing or future public services or investment. This review shall be accomplished through the Variance process of the Board of Adjustment as outlined in Section 14-22 of this Ordinance. Application must be made within 180 days of damage/peril.

Application after 180 days: Subsequent use or occupancy of the land or premises shall be in compliance with the existing ordinance.

14-16.13 GREATER THAN 50 PERCENT DAMAGE TO SHORELAND STRUCTURES WITH LESS THAN 50% OF THE REQUIRED SETBACK (with or without expansion).

A nonconforming structure in the shoreland district which has less than 50 percent of the required setback from the water is destroyed by fire or other peril to greater than 50 percent of its estimated market value, as indicated in the records of the county assessor

at the time of damage may be considered for reconstruction by the Board of Adjustment. The Board of Adjustment shall examine the variance to determine if the reconstruction, addition, enlargement, expansion or intensification of the nonconformity is detrimental to the achievement of the goals, policies and objectives of the comprehensive plan. The Board of Adjustment may deny a variance request; or grant a variance request with or without conditions. Reasonable conditions may be imposed in order to mitigate any newly created impacts on adjacent property, water body or any existing or future public services or investment. This review shall be accomplished through the variance process of the Board of Adjustment as outlined in Section 14-22 of this Ordinance. Application must be made within 180 days of damage/peril.

Application after 180 days: Subsequent use or occupancy of the land or premises shall be in compliance with the existing ordinance.

14-16.14 NONCONFORMING LOTS:

UN-ESTABLISHED BUILDING SITE:

A nonconforming lot that was created in compliance with the rules or regulations in effect at the time of creation may be used as a buildable site if the site can sustain itself for the intended purposes, by

(a) Meeting the requirements and setbacks of the ordinance, or by a granted variance; and

(b) A Type-1 sewage treatment system consistent with MN Rules, chapter 7080, can be installed or the lot is connected to a public sewer.

ESTABLISHED BUILDING SITE: A nonconforming lot that was created in compliance with the rules or regulations in effect at the time of creation may continued to be used as a building site if the site can sustain itself for the intended purposes by:

(a) Meeting the requirements and setbacks of the ordinance, or by a granted variance; and

(b) A Type-1 sewage treatment system consistent with MN Rules, chapter 7080, can be installed or is currently in compliance with MN Rules 7080 or the lot is connected to a public sewer.

14-16.15 ADDITIONAL SHORELAND REQUIREMENTS–NONCONFORMING LOTS

EXISTING NONCONFORMING LOTS IN SHORELAND AREAS:

This Section 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. A county shall regulate the use of nonconforming lots or record and the repair, replacement, maintenance, improvement, or expansion of nonconforming uses and structures in the shoreland areas according to this Section.

(1) A non-conforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements provided that:

(a) All structure and septic system setback distances can be met; and

(b) A Type-1 sewage treatment system consistent with MN Rules, chapter 7080, can be installed or is currently in compliance with MN Rules 7080, or the lot is connected to a public sewer; and

(c) The impervious surface coverage does not exceed 25 percent of the lot

(2) In a group of two or more contiguous lots of record under common ownership, an individual lot must be considered as a separate parcel of land for the purposes of sale or development, if it meets the following requirements:

(a) The lot must be at least 66 percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120; and

(b) 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, or is currently in compliance with MN Rules 7080, and local government controls; and

(c) Impervious surface coverage must not exceed 25 percent of each lot; and

(d) Development of the lot must be consistent with an adopted comprehensive plan and zoning district.

(3) A lot subject to paragraph 2 not meeting the requirements of paragraph 2 must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.

(4) Not withstanding paragraph 2, contiguous nonconforming lots of record in shoreland areas under 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 compliant sewage treatment system consistent with the requirements of Minnesota Statutes 115.55 and Minnesota Rules, Chapter 7080, or connected to a public sewer.

(5) In evaluating all variances, zoning permit applications, or conditional use requests, the zoning authority 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 system and water supply capabilities, and other conservation-designed actions.

(6) 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.

14-16.16 NONCONFORMITIES GUIDANCE CHART

To be used as guidance tool only. Section 14-16 text overrules this tool, when found to be conflict. Other Sections of the Zoning Ordinance may also apply especially to those parcels that are also located within Shoreland or Floodplain: additional requirements may also apply or restrict uses.

Nonconforming Building or Structures – see definition			
Action:	Applies specifically to Shoreland Areas?	Guidance or Permitting Process Step 1	Step 2, if applicable
General maintenance: no peril, no expansion		Check to see if zoning permit is required	
50% or less damage: no expansion		Check to see if zoning permit is required	
50% or less damage; including expansion		Variance	Zoning Permit; if variance is granted
> 50 % damage; Application within 180 days of damage event		A) Zoning Permit: comply to current ordinance B) Variance & Zoning Permit; variance is granted	
> 50 % damage Application after 180 days of damage event		Subsequent use or occupancy of the land shall apply to the current ordinance.	
50% or less damage with less than 50% of the required setback from shoreland: no expansion *1, *2, *3	Yes	Zoning permit	
50% or less damage with less than 50% of the required setback from shoreland including expansion: *1, *2, *3	Yes	Variance	Zoning Permit, if variance is granted
> 50% damage with less than 50% of the required setback from shoreland with/without expansion 1, *2, *3	Yes	Variance	Zoning Permit, if variance is granted
*1 Application must be made within 180 days of damage event.			
*2 Application made after 180 days of the damage event must comply with the current ordinance.			
*3 – In evaluating all variances zoning permit applications, or conditional use requests, the zoning authority shall require the property owner to address when appropriate, stormwater runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.			

Nonconforming Use or Occupancy – see definition			
Action:	Applies specifically to Shoreland Areas?	Guidance or Permitting Process Step 1	Step 2 if applicable
No change		Allowed to operate "as is"	
Addition, Enlargement, Expansion, or Intensify Use		Variance	Zoning Permit, if variance is granted
Discontinued 1 year or more		Use must comply with current ordinance	

Nonconforming Lot – see definition				
Action:	Applies specifically to Shoreland Area?	Guidance or Permitting Process Step 1	Step 2	Step 3
Un -established building site		"a" & "b" of applicable section must be met	Zoning Permit	
Un-established building site		"a" & "b" of applicable section NOT met	Variance	Zoning permit if Variance is granted
Established building site		"a" & "b" of applicable section must be met	Zoning Permit	
Established building site		"a" & "b" of applicable section NOT met	Variance	Zoning permit if Variance is granted
SINGLE lot	Yes	"a", "b", & "c" of applicable section must be met + **(1)** below	Zoning permit	
SINGLE lot. *3	Yes	"a", "b", & "c" of applicable section NOT met + **(1)** below	Variance	Zoning permit if Variance is granted
Two or more lots under common ownership *1, *2 *3	Yes	"a", "b", "c" & "d" of applicable section must be met + **(1-3)** below	Zoning Permit	
Two or more lots under common ownership *1, *2, *3	Yes	"a", "b", "c" & "d" of applicable section NOT met + **(1-3)** below	Variance	Zoning permit if Variance is granted

*1 – Lots must be combined with one or more contiguous lots so they equal one or more conforming lots. This applies to development and to the sale of shoreland property.

*2 – Contiguous nonconforming lots of record in shoreland areas under 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 consist with the requirements of MN Statutes 115.55 and Minnesota Rules, chapter 7080, or connected to a public sewer.

*3 – In evaluating all variances zoning permit applications, or conditional use requests, the zoning authority shall require the property owner to address when appropriate, stormwater runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.

SECTION 14-17. SITE DEVELOPMENT, LANDSCAPING, SCREENING, AND GREENBELT REQUIREMENTS FOR BUSINESS AND INDUSTRIAL ZONING DISTRICTS

To minimize adverse effects to adjoining properties and to promote orderly development as well as provide open space in harmony with the environment, the following requirements shall apply to all new, expanded or changes in, commercial or industrial development. This shall be interpreted to include new construction or expansion of any building.

(a) Prior to any construction work, the owner, developer or contractor shall submit to the Planning and Zoning Administrator a detailed site development plan which shall include: property lines, complete plans for grading, drainage, landscaping, building location, dimension of all buildings, drive and access to public roadways, display and storage areas, and screening and greenbelts.

(b) A minimum of five (5) percent of the total lot area shall be landscaped with grass cover and trees or shrubs. Grass area shall be no less than ten (10) feet in width and the spacing of trees thereon shall not be greater than fifty (50) feet.

(c) When a zoning district which allows commercial, manufacturing, warehousing and storage activities is located adjacent to any residential zoning district, residential property of 5 acres or less, or is within 100 feet of a dwelling, a multi-row greenbelt as approved by the Planning Commission shall be required.

(d) Outdoor open storage areas except those areas for display of operative and well-kept items shall require a Conditional Use Permit in accordance with the provisions of Division 6 of this Ordinance to determine appropriate locations and type of screening or greenbelts.

(e) All open areas of the lot shall be graded to provide adequate drainage to avoid collection of stagnant water, unnecessary run-off onto adjoining properties or public roadways and to prevent soil erosion.

(f) It shall be the responsibility of the owner or lessee to see that the lot area is maintained in a well-kept condition, including regular maintenance and necessary replacement of plantings and compliance with all other provisions of this Section.

(g) The Planning Commission may approve alternates to the above, provided the alternate is as effective as the provisions specified.

SECTION 14-18.1. ADDITIONAL REQUIREMENTS, EXCEPTIONS, AND MODIFICATIONS

(a) Height limitations set forth elsewhere in this Ordinance may be increased by one hundred (100) percent when applied to the following:

(1) Monuments

(2) Flag Poles

(3) Cooling Towers

(4) Grain Elevators

Note: Height increases must also comply with height limitations/requirements when located in a safety or conical zone of the Austin Municipal Airport. Further review, will be required by the governing authority for compliance with airport zoning.

(b) Height limitations set forth elsewhere in this Ordinance may be increased with no limitations when applied to the following:

(1) Church spires, belfries or domes which do not contain usable space.

(2) Water Towers.

(3) Chimneys or smokestacks.

(4) Radio or television transmitting towers.

(5) Essential service structures.

(6) Wind generators when located in an "A" Agricultural District.

(7) Fertilizer plant or fertilizer plant structure(s)

Note: Height increases must also comply with height limitations/requirements when located in a safety or conical zone of the Austin Municipal Airport. Further review, will be required by the governing authority for compliance with airport zoning.

(c) Yard requirements set forth elsewhere in this Ordinance may be reduced with no limitations when applied to the following:

(1) Essential service lines.

(2) Essential service structures when required to be on line to ensure the proper functioning of the line.

(d) Yard requirements in orderly annexation areas, shall be the applicable setbacks for the community that entered into the orderly annexations agreement.

(e) Yard requirements set forth elsewhere in this Ordinance may be reduced as follows: Outside stairways, fire escapes, fire towers, porches, platforms, balconies, boiler flues and other similar projections shall be considered as part of the building and not allowed as part of the required space for yards, courts or unoccupied space, provided, however, that this provision shall not apply to one (1) fireplace or one (1) chimney, not more than eight (8) feet in length and projecting not more than twelve (12) inches into the allowable yard space nor cornices not exceeding sixteen (16) inches in width nor to platforms, terraces, steps below the first floor level, nor to unenclosed porches or other ground level unenclosed projections not over one (1) story in height which may extend into a front or rear yard not more than (10) feet or into a side yard not more than eight (8) feet.

(f) Sight Triangle. The required front yard of any lot shall not contain any wall, fence or structure, tree or shrub or other growth which may cause danger to traffic on the road by obscuring the view, except that this Section shall not apply to agricultural crops.

SECTION 14-18.2. SPECIAL REQUIREMENTS FOR FEEDLOTS.

(a) All feedlots must obtain a zoning permit from the Mower County Planning Department for the construction of any building or facility.

(b) All feedlots (including existing, new and expansions) of ten (10) or more animal units in shoreland areas and fifty (50) or more animal units in other areas require feedlot permits from the Mower County Feedlot Pollution Control Officer or the Minnesota Pollution Control Agency (MPCA) indicating conformance with *Minnesota Rules, Chapter 7020*, or successor rules.

(c) Feedlots may expand on contiguous land that the feedlot owner owns but the expansion must begin within 500 feet of the existing feedlot. A feedlot expansion that begins further than 500 feet from the existing feedlot would be considered a "new feedlot".

(d) A map shall be submitted to the Feedlot Pollution Control Officer at the time of application for a feedlot permit showing location of the existing or proposed feedlot and conditions of the area within 1/2 mile. It shall depict all existing topography and all existing land uses as described herein and existing property lines.

(e) A good neighbor plan must be submitted to the Feedlot Pollution Control Officer at the time of application for a feedlot permit.

(f) The County Board may charge a fee for feedlots. This fee will be established yearly by a resolution. The fee is non-refundable.

(g) Herd size limitation may not exceed 3,000 animal units per site.

(h) An applicant for a new feedlot or feedlot expansion, including those that do not require a County permit but require an MPCA permit, must provide written notice of intent to the township and all property owners within a one (1) mile radius of the facility. Property owners who reside within the one (1) mile radius in a municipality will not be notified. Notification will then go to the municipality. A certificate of mailing will be provided to the Feedlot Officer.

(i) The producer of a new feedlot or feedlot expansion has 24 months from the date of issuance of a Mower County Feedlot Authorization to start and be making a good faith effort to complete the project. Failure to do so will void the authorization. Producers must reapply if no reasonable progress has been made in that time frame.

(j) New feedlots shall not be located within 1,000 feet of any dwelling, school, church, platted subdivision and/or public park, except for dwelling of the property owner or feedlot operator, or family member based upon the definition of "family"

provided the owner of the dwelling and family member, signs a statement that will be recorded stating that they have no objection to the feedlot being closer than the required 1,000 feet. This exception to the 1,000 foot setback is limited to family members to current owner and all other setback requirements shall be adhered to. All "family related feedlots shall be considered separate feedlots in terms of permitting but shall be considered as one feedlot in terms of animal unit limits in accordance with the feedlot ordinance.

(k) New feedlots shall not be located within $^{1}/_{2}$ mile of an incorporated city limit.

(l) Any new dwelling (except for the dwelling of the property owner or feedlot operator), school, church, platted subdivision and/or public park, must be setback at least 1,000 feet from an existing feedlot.

(m) The setback requirements are to be measured from the outermost boundaries of the feedlot to the existing dwelling, church or school. In the case of residential lots of record, public parks, platted subdivisions and incorporated city limits, the measurement will be from the feedlot to the closest property line.

SECTION 14-18.3. HOME OCCUPATIONS.

(a) Definitions.

(1) Home Occupation: Any activity carried out for financial gain by a resident which is clearly secondary to the principal farming or residential use, when carried on within the principal residence and not in any accessory building and which employs no more than one (1) full time person other than members of the household occupying the premises.

(2) Extended Home Occupation: Any activity carried out for financial gain by a resident which is clearly secondary to the principal use, when carried on within the resident's dwelling unit or accessory building or which employs more than one (1) full time person other than members of the household occupying the premises.

(b) Home Occupations and Extended Home Occupations, where allowed by this Ordinance, shall be subject to the following:

(1) The home occupation shall be incidental and subordinate to the use of the premises for farming and/or residential purposes.

(2) No traffic shall be generated by the home occupation beyond that which is reasonable and normal for the area.

(3) Only one (1) non-illuminated sign, not to exceed twelve (12) square feet in area, shall be allowed in conjunction with the home occupation, as regulated by Section 14-147 (b).

(4) No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable off the premises.

SECTION 14-18.4 RESIDENTIAL DEVELOPMENT AND DENSITY STANDARDS

(a) Permitted Dwellings. Where allowed as a permitted use within a District, but required to follow the requirements of this Section, single family dwellings, or lot splits/subdivisions to create lots for single family dwellings, shall be subject to the following conditions:

(1) Density Factors. For the purposes of this Section, the following shall be the density factors for the respective districts:

(a) "A" Agricultural District: One hundred sixty (160) acres, or one quarter section.

(b) "RM" Rural Management District: Forty (40) acres, or one quarter-quarter section.

(c) "UE" Urban Expansion District: Twenty (20) acres.

(d) The right-of-way of any public road adjacent to and included in the description of the property may be included in the calculation of the density factor.

(2) Minimum Tract Size.

(a) The tract of land involved shall comprise an area at least equal to the density factor for the District.

(b) The tract of land involved shall be contiguous and in common ownership.

(3) Number of Dwellings Allowed. The number of single family dwellings allowed shall be calculated as follows:

(a) The total acreage of the tract shall be calculated.

(b) The density factor for the District shall be subtracted from this total for each existing dwelling unit.

(c) The result from (a) and (b) above shall be divided by the density factor for the District.

(d) The result shall be the maximum number of dwellings allowed on the entire tract.

(e) Additional dwellings may be allowed under certain circumstances by conditional use permit as outlined in 14-18.4.d.

(b) Lot Requirements.

(1) Each new dwelling is to be retained on a separate lot.

(2) The lot shall contain a minimum of one and one-half (1.5) acres. Smaller lot sizes may be achieved through clustering of dwellings with community sewer systems with a conditional use permit in accordance with provisions 1 through 5 of 14-18.4.c.

(3) If the lot is less than the density factor for the District, the property owner(s) shall:

(a) Sign and record a deed restriction to apply to the remainder of the tract from which the dwelling eligibility was derived. The restriction shall limit any further residences, divisions or non-agricultural development of the remainder of the tract, unless it is rezoned; OR

(b) Plat the entire tract. Each dwelling shall be placed on a separately subdivided lot. The remainder of the platted land shall be platted as a/an outlot(s) with a deed restriction which shall limit any further residences, divisions or non-agricultural development unless it is rezoned.

(c) The purpose of these requirements is to ensure that land may only be used once for the purpose of determining residential density. Land already used to calculate allowable density may not be combined or reconfigured with any other land for additional residential development purposes.

(4) Density Transfer/Clustering.

(a) Residential lots may be located anywhere (subject to the siting criteria in this Section) within the entire tract of land being used to calculate the allowed number of dwellings.

(b) However, density transfer of two (2) or more lots/dwellings shall require a conditional use permit as set forth in 14-18.4.c. Density transfer occurs if the residential lot is not located within the 160 (or quarter section), 40 (or quarter-quarter section) or 20 acres, for each District respectively, from which the density eligibility was derived.

(c) In no case shall the number of lots/dwellings transferred exceed 10 units unless rezoned to a Planned Unit Development.

(5) Siting Criteria. Dwellings shall not be permitted:

(a) Within 1,000 feet of an existing feedlot, except for dwellings of the feedlot operator or property owner.

(b) In areas classified as wetlands, floodways, and peat and muck areas.

(c) Density Transfers of More Than Two (2) Residential Lots. Density transfers of more than two (2) residential lots, as provided in 14-18.4.b.4.b, may be allowed by conditional use. Through the conditional use process, the Planning Commission may authorize the following modifications from the requirements of this Ordinance:

(1) Reduction in lot size if a community sewer system is used to service the dwellings.

(2) Reduction in lot width.

(3) Reduction in side or rear yard setbacks.

(4) Other development standards determined to be applicable by the Planning Commission and that the Planning Commission would otherwise have the authority to vary.

(5) Other conditions as appropriate may be placed on the siting of the dwelling(s) to preserve farmland or open space; protect environmental features; manage access; or address other site-specific issues.

(d) Additional Single Family Dwellings. Additional single family dwellings in addition to the number allowed in 14-18.4.a 3 may be allowed by conditional use provided:

(1) Site locations shall be limited to areas which are wooded with healthy and mature trees and not currently used for agricultural purposes, or are unsuitable for economical agricultural uses because of poor soils, rough or steep topography, or other natural features.

(2) Each new dwelling is to be retained on a separate lot.

(3) The lot shall contain a minimum of one and one-half (1.5) acres. Smaller lots and reductions in lot width and side and rear setbacks may be achieved if community sewer systems are used.

(4) This provision is intended to allow landowners with large areas of wooded land or land that is unsuitable for agricultural purposes to accommodate more dwellings than is permitted within the maximum density allowance of the District. It is not intended to be in lieu of the other provisions of this section. Therefore any dwelling built under this provision must count toward the landowner's density allowance and otherwise follow the procedures set forth in this section.

(5) In no case shall the number of dwellings built under this provision exceed 10 units unless rezoned to a Planned Unit Development

Wind Energy

SECTION 14-18.5 SPECIAL REQUIREMENTS FOR WIND ENERGY CONVERSION SYSTEM

Purpose
The purpose of this section is to set forth a process for permitting wind energy facilities with a rated capacity of 100 kW and less.

(a) Definitions.

D→Rotor Diameter – diameter of the disk transcribed by the rotating rotor blades

H→Hub Height – heights of the center of rotation of the rotor above the local ground level

T→Total Height (H + ½ D) – height of the tip of a blade extended at the apex of rotation above the local ground level

Microwave Beam Paths (Aisleway) – An area 500 feet on either side of the center line from the communications tower to the receiving location. The area is required for movement of microwave beams for communication systems.

Residence – means any dwelling for habitation either seasonally, meaning all or a portion of the months of November through April, or permanently by one or more persons. A residence may be part of a multidwelling or multipurpose building, but shall not include buildings such as hotels, hospitals, motels, dormitories, sanitariums, nursing homes, schools or other buildings used for educational purposes, or correctional institutions. A manufactured home as defined in section 168.011, subdivision 8, shall be a residence for purposes of this section.

(b) Permitted Use. These wind turbines are a permitted use in the Agricultural, Rural Management, Freeway Interchange, Business & Industrial zoned areas provided they comply with these standards.

(1) Setback Standards	
Object	**Setback – measured from center of Tower**
Residence	1.25 Total Height (T) of the tower
Project Boundary/Property Line	150 feet unless turbine is a joint venture between adjoining property owner then setback may be reduced to zero
Public Roads right-of-way	150 feet
Other Structures on Owner's Same Parcel	1 rotor diameter

(2) Criteria Standards

(a) All wind turbine towers, turbines and associated appurtenance above and below ground shall be in compliance with all other applicable State and Federal Regulatory Standards.

- Uniform Building Code as adopted by the State of Minnesota.
- The National Electrical Code as adopted by the State of Minnesota.
- Comply with FAA Requirements – Form 7460-1 (submit recommendations from FAA to Mower County and the MN Environmental Quality Board) – only applies to equipment over 200 feet tall or if within two miles of an airport.
- MPCA/EPA Regulations.

(b) Complete and submit to Mower County Environmental Services an Acoustic Analysis to assure compliance with the Minnesota Noise Rules as defined in Minnesota Rules Chapter 7030.

(c) All turbine towers shall be marked with a visible identification number and petitioner will be required to provide the latitude and longitude of each tower and the elevation of the ground and tower height to the Environmental Services Office.

(d) Wind turbines constructed by a property owner as an accessory use to supply power to a single homestead or commercial venture, and located on the same parcel and within 500 feet of a principal use structure(s) on the parcel, petitioner is exempt from obtaining a separate E 9-1-1 address.

(e) The Permittee shall prepare a fire protection plan in consultation with the fire department having jurisdiction over the area prior to construction.

(f) Wind turbines and all associated facilities, including foundations, access roads, underground cable, and transformers, shall not be placed in public waters or wetlands, as defined in Minnesota Statutes section 103G.005 subp. 15a.

(g) Project developer is responsible for remediation of damaged roads upon completion of project or maintenance of turbines.

(h) All solid waste and hazardous waste shall be removed from the site and managed in a manner consistent with all appropriate rules and regulations.

(3) Signage. Signs shall be regulated as set forth in Article V of this ordinance.

(4) Prohibited Locations for Wind Turbines and Associated Electrical Lines Serving Wind Turbines or Wind Farms. These microwave beam paths are based on a 500 foot aisle on either side of the center line. In addition,

electrical lines, wind turbines and wind farms are not allowed in an area that falls within a one-mile radius of the center point.

CENTER POINT
Mower: Elkton 400 Final 020505 (Central Radio Tower)
43 39 30.10 N
92 41 19.30 W

END POINTS
Mower: Racine Water Tank
43 46 28.20 N
92 28 52.00 W
Mower: Waltham Water Tank
43 49 16.00 N
92 52 36.70 W
Mower: Lyle Tank
43 30 27.60 N
92 56 40.90 W
Mower: Leroy Tank
43 30 39.10 N
92 30 16.10 W
Mower: Austin 14th Street Tank
43 40 7.10 N
92 59 32.20 W

Each Aisle is Center Point to End Point

(See Attached Maps– Addendum 3)

Additional Prohibited Locations:

Freeborn County – MN Department of Transportation Tower:

The end points are as follows: Oakland Woods: 43-39-43, 21N 93-06-51.49W

Olmsted County – MN Department of Transportation Tower:

Rock Dell: 43-56-4.86N 92-37-2.45W

SECTION 14-18.6 SPECIAL REQUIREMENTS FOR WIND ENERGY CONVERSION SYSTEM

Purpose
The purpose of this section is to set forth a process for permitting wind energy facilities with a rated capacity of greater than 100 kW but less than 5 MW.

(a) Definitions.

D→Rotor Diameter – diameter of the disk transcribed by the rotating rotor blades

H→Hub Height – heights of the center of rotation of the rotor above the local ground level

T→Total Height (H + ½ D) – height of the tip of a blade extended at the apex of rotation above the local ground level

Residence – means any dwelling for habitation either seasonally, meaning all or a portion of the months of November through April, or permanently by one or more persons. A residence may be part of a multidwelling or multipurpose building, but shall not include buildings such as hotels, hospitals, motels, dormitories, sanitariums, nursing homes, schools or other buildings used for educational purposes, or correctional institutions. A manufactured home as defined in section 168.011, subdivision 8, shall be a residence for purposes of this section.

(b) Conditional Use Permit Required. A conditional use permit shall be required in the Agricultural, Rural Management, Freeway Interchange, Business & Industrial zoned areas. All proposed wind energy facilities must fill out a conditional use permit application provided by the Mower County Environmental Services Office, as regulated in Section 14-51, 14-56 and 14-83.

(1) Setback Standards	
Object	**Setback – measured from center of Tower**
Residence or previously platted subdivision	750 feet
Project Boundary/Property Line	400 feet or 1 Total Height (T) whichever is greater (unless turbine is a joint venture between adjoining property owner then setback may be reduced to zero) or unless a signed wind easement is provided.
Public Roads or Railroad Right-of-Way	400 feet or 1 Total Height (T)
Other Structures on owner's same parcel	1 rotor diameter

(2) Criteria Standards

(a) All wind power towers, turbines and apparatuses shall be in compliance with all other applicable State and Federal Regulatory Standards.

- Uniform Building Code as adopted by the State of Minnesota.
- The National Electrical Code as adopted by the State of Minnesota.
- Comply with FAA Requirements – Form 7460-1 (submit recommendations from FAA to Mower County and the MN Environmental Quality Board)
- MPCA/EPA Regulations.

(b) Complete and submit to Mower County Environmental Services an Acoustic Analysis to assure compliance with the Minnesota Noise Rules as defined in Minnesota Rules Chapter 7030.

(c) All turbine towers shall be marked with a visible identification number and petitioner will be required to provide the latitude and longitude of each tower and the elevation of the ground and tower height to the Environmental Services Office.

(d) All turbine towers must be of tubular construction.

(e) The Petitioner shall be responsible for obtaining 9-1-1 rural address from the Mower County Engineer and for obtaining proper signage for the property. Any and all costs associated with 9-1-1 addressing and signage are the responsibility of the Petitioner.

(f) The Permittee shall prepare a fire protection plan in consultation with the fire department having jurisdiction over the area prior to construction.

(g) Wind turbines and all associated facilities, including foundations, access roads, underground cable, and transformers, shall not be placed in public waters or wetlands, as defined in Minnesota Statutes section 103G.005 subp. 15a.

(h) Project developer is responsible for remediation of damaged roads upon completion of project or maintenance of turbines.

(i) All solid waste and hazardous waste shall be removed from the site and managed in a manner consistent with all appropriate rules and regulations.

(j) The Permittee shall not operate a turbine so as to cause microwave, television, radio, telecommunications or navigation interference contrary to Federal Communications Commission (FCC) regulations or other law. In the event the turbine and its associated facilities or its

operations cause such interference, the Permittee shall take timely measures necessary to correct the problem.

(k) The Permittee shall conduct an assessment of television signal reception prior to construction and an assessment of television reception degradation after construction of the turbines, to determine if the television signal is affected by the presence of the wind turbine and associated facilities. The Permittee shall provide the Environmental Services Office a copy of these studies.

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

(3) Decommissioning. Provisions shall ensure that facilities are properly decommissioned upon end of project life or facility abandonment. Decommissioning shall include: removal of all structures and debris to a depth of 3 feet, restoration of the soil; and restoration of vegetation (consistent and compatible with surrounding vegetation) shall also be required. The decommissioning plan shall include a $3,000 non-refundable fee per turbine to be held in escrow by Mower County. This money would be held in escrow by the County and could only be withdrawn with accumulated interest upon a successful implementation of a decommissioning plan. Should the implementation of decommissioning plan fail to meet the goals and objectives of said plan, then the County can use all or a portion of the money in escrow to implement or finish said plan. If the cost of the decommissioning exceeds the escrow amount, the County has the right to collect or assess the cost to the property owner through property taxes or a special assessment.

The owner or operator must inform Mower County in writing if a wind turbine(s) has been idle for one year. The County shall send a certified letter to property owner or turbine owner. The letter shall ask for details of implementation of a decommissioning plan and allow property owner or turbine owner 60 days to respond. Should the owner not respond or respond but not fulfill the decommissioning plan the County, upon County Board approval can use the money in escrow to pay for the removal of the structures.

(4) Signage. Signs shall be regulated as set forth in Article V of this ordinance.

(5) Aesthetics. The following items are recommended standards to mitigate visual impacts:

- Coatings and colorings: Non-reflective unobtrusive color.
- Lighting: Projects shall utilize minimal lighting. No tower lighting, other than normal security lighting, shall be permitted, except as may be

required by the FAA. It may be appropriate for permits to allow for some infra-red lights or heat lamps to prevent icing of sensors.

(6) Permit Application. The following information shall be required with the conditional use permit application:

- A description of the project, including the number and capacity of turbines, height and rotor diameter and turbine color.
- A site plan detailing the location of the project area boundaries, turbines, roads, transformers, power lines, interconnection point with transmission lines, and other ancillary facilities or structures.
- Topographic map of the project site and surrounding area.
- Current land use on the site and surrounding area.
- Decommissioning plan

(7) Prohibited Locations for Wind Turbines and Associated Electrical Lines Serving Wind Turbines or Wind Farms. These microwave beam paths are based on a 500 foot aisle on either side of the center line. In addition, electrical lines, wind turbines and wind farms are not allowed in an area that falls within a one-mile radius of the counterpoint.

CENTER POINT
Mower: Elkton 400 Final 020505 (Central Radio Tower)
43 39 30.10 N
92 41 19.30 W

END POINTS
Mower: Racine Water Tank
43 46 28.20 N
92 28 52.00 W
Mower: Waltham Water Tank
43 49 16.00 N
92 52 36.70 W
Mower: Lyle Tank
43 30 27.60 N
92 56 40.90 W
Mower: Leroy Tank
43 30 39.10 N
92 30 16.10 W
Mower: Austin 14th Street Tank
43 40 7.10 N 92 59 32.20 W

Each Aisle is Center Point to End Point

(See Attached Maps– Addendum 3)

Additional Prohibited Locations:

Freeborn County – MN Department of Transportation Tower:

The end points are as follows: Oakland Woods: 43-39-43, 21N 93-06-51.49W

Olmsted County – MN Department of Transportation Tower:

Rock Dell: 43-56-4.86N 92-37-2.45W

SECTION 14-18.61 STATE REGULATED WIND TURBINES & WIND FARMS

Wind farms and wind turbines over 5 MW regulated by the State of Minnesota are also prohibited from locating wind turbines within these designated microwave beam paths or in an area that falls within a one-mile radius of the center point.

CENTER POINT
Mower: Elkton 400 Final 020505 (Central Radio Tower)
43 39 30.10 N
92 41 19.30 W

END POINTS
Mower: Racine Water Tank
43 46 28.20 N
92 28 52.00 W
Mower: Waltham Water Tank
43 49 16.00 N
92 52 36.70 W
Mower: Lyle Tank
43 30 27.60 N
92 56 40.90 W
Mower: Leroy Tank
43 30 39.10 N
92 30 16.10 W
Mower: Austin 14th Street Tank
43 40 7.10 N
92 59 32.20 W

Each Aisle is Center Point to End Point

(See Attached Maps– Addendum 3)

<u>Additional Prohibited Locations</u>:

<u>Freeborn County – MN Department of Transportation Tower</u>:

The end points are as follows: Oakland Woods: 43-39-43, 21N 93-06-51.49W

<u>Olmsted County – MN Department of Transportation Tower:</u>

Rock Dell: 43-56-4.86N 92-37-2.45W

DIVISION 4. PLANNING & ZONING ADMINISTRATOR/PLANNING COMMISSION

SECTION 14-19. ENFORCEMENT

(a) The provisions of this Ordinance shall be administered and enforced by the Office of the Planning & Zoning Administrator. The Zoning Administrator and assistants, in the discharge their duties and upon exhibition of proper credentials, shall have the right to enter at any reasonable hour, upon any premises or in any building under construction or alteration. If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he/she shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

(b) When any work has been stopped by the Zoning Administrator for any reason whatsoever, it shall not be resumed until the reason for the work stoppage has been completely removed.

(c) It shall be the duty of the County Attorney and the County Sheriff, when called upon by the County Board, to perform such duties as may be necessary to enforce the provisions of this Ordinance.

SECTION 14-20. DUTIES AND POWERS OF THE OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR.

(a) Determine if applications comply with the terms of this Ordinance.

(b) Maintain permanent and current records of this Ordinance, including but not limited to: maps, amendments, conditional uses, variances, appeals and applications.

(c) Receive, file, and forward all applications for appeals, variances, conditional uses and amendments to the designated official bodies.

(d) Institute in the name of the county any appropriate actions or proceedings against a violator as provided for.

(e) Issue zoning permits and maintain records thereof. A record shall be maintained of finished first floor elevations (including basements) and flood-proofing measures for all new structures in flood districts.

(f) Provide and maintain a public information bureau relative to matters arising out of this Ordinance.

SECTION 14-21. PLANNING COMMISSION

(a) The Mower County Board hereby establishes the Mower County Planning Commission. The Planning Commission shall consist of (5) to (7) members, and every attempt shall be made to obtain a cross Section of the county in appointing members to the commission.

(b) The members of the Planning Commission shall serve for terms of three (3) years each. Each member may be eligible at the discretion of the County Board for re-appointment, but not for more than three (3) consecutive terms.

(c) The members of the Commission may be compensated in an amount determined by the County Board and may be paid their necessary expenses in attending meetings of the Commission and in the conduct of the business of the Commission.

(d) The Planning Commission shall elect a Vice-Chair from among its members. The Zoning Administrator shall act as secretary of the Commission. The Planning Commission shall cooperate with the Planning and Zoning Administrator and other employees of the county in preparing and recommending to the Board for adoption, Comprehensive Plans and recommendations for plan execution in the form of official controls and other measures and amendments thereto. In all instances in which the Planning Commission is not the final authority, the Commission shall review all applications for conditional use permits and plans for subdivisions of land and report thereon to the Board.

(e) The Board may, by ordinance, assign additional duties and responsibilities to the Planning Commission including but not restricted to the conduct of public hearings, the authority to order the issuance of some or all categories of conditional use permits, the authority to approve some or all categories of subdivisions of land. The Planning Commission may be required by the Board to review any Comprehensive Plans and Official Controls and any plans for public land acquisition and development sent to the county for that purpose by any local units of government or any state or federal agency and shall report thereon in writing to the Board.

By-Laws of Mower County Planning Commission

Section I Establishment

The operation of the Mower County Planning Commission is governed by the Mower County Zoning Ordinance and by Roberts Rules of Order except as otherwise provided below. Membership and terms of office will be covered by Section 14-21 of the Mower County Zoning Ordinance.

Section II Purpose

It shall be the function and duty of the Mower County Planning Commission:

- ✓ To assist the local elected officials in developing, reviewing, and analyzing development proposals;
- ✓ To educate the local officials on planning and development matters;
- ✓ To assist in collecting various background data about the County such as populations, employment, housing, land use, and natural features;
- ✓ To assist the local elected officials in developing goals, policies, and programs for future development in the County;
- ✓ To review and/or propose change in local land use ordinances.

Section III Organization

A. Membership - The membership of the Mower County Planning Commission will be determined by the Mower County Board of Commissioners.

B. Term of Office - The term of office will be determined by the Mower County Board of Commissioners.

C. Officers - The officers of the Mower County Planning Commission shall consist of the Chair, Vice-Chair, and a Secretary. The Vice-Chair shall be elected annually at the regular January meeting.

1. Chair: It shall be the duty of the Chair to preside over all meetings of the Mower County Planning. He/She shall have the power to call special meetings at reasonable times with reasonable notice when it is deemed such a meeting is necessary to the conduct of the business of the Planning Commission. The Chair will be the member of the Board of Commissioners and will not vote on matters.

2. Vice-Chair: It shall be the duty of the Vice-Chair to preside over the meeting of the Mower County Planning Commission in the absence of the Chair.

3. Secretary: It shall be the duty of the Secretary to keep a record of all proceedings of the Mower County Planning Commission, and to perform all other duties normally assigned to the secretary of a deliberative body. The Secretary will be the Mower County Zoning Administrator.

D. Voting - Each member of the Mower County Planning Commission will have one (1) vote.

Section IV Meetings

A. The Mower County Planning Commission shall meet in regular session on the last Tuesday of the month at 7:00 p.m. in the Commissioners Conference Room of the Mower County Courthouse.

B. Investigation Committee shall meet the Wednesday before the Planning Commission meeting in the afternoon.

C. Special meetings may be held under circumstances outlined in Section III, C.

D. A quorum shall consist of any three (3) members.

E. The Planning Commission shall have an attendance policy that members, on a yearly basis, shall attend at least 65% of the regular meetings and at least two (2) investigation committee meetings if assigned. If a Planning Commission member fails to achieve this, they will be dropped as a member of the Planning Commission.

Section V Reimbursement

The Planning Commission shall receive a per diem and mileage as established by the Mower County Board of Commissioners.

Section VI Effective Date

The By-Laws shall take effect and be in force after the date of its passage by the Mower County Planning Commission.

DIVISION 5. BOARD OF ADJUSTMENT

SECTION 14-22. CREATION AND MEMBERSHIP

(a) A Board of Adjustment is hereby established and vested with such authority as is hereinafter provided and as by Minnesota Statutes 394.21 through 394.37

(b) The Board of Adjustment shall consist of five (5) members. The members of the Board of Adjustment shall appointed by the County Board for initial terms of three (3), two (2) and one (1) years and thereafter for terms of three (3) years each. Each member may be eligible, at the discretion of the County Board, for re-appointment, but for not more than three (3) consecutive three (3) year terms.

(c) At least one (1) member of such Board of Adjustment shall be from the unincorporated area of the county and one (1) member shall also be a member of the County Planning Commission. No elected official of the County, no employee of the County Board shall serve as a member of the Board of Adjustment. The members of the Board of Adjustment shall be eligible to receive a per diem and mileage expenses as determined by the County Board.

(d) The Board of Adjustment shall elect a Chair and a Vice-Chair from among its members. It shall adopt rules for the transaction of its business and shall keep a public record of its proceedings, findings and determinations. The Zoning Administrator shall act as secretary of the Board.

(e) The meetings of the Board of Adjustment shall be held at the call of its Chair and at such other times as the Board, in its rules of procedures may specify.

SECTION 14-23. POWERS

(a) The Board of Adjustment shall have the authority to order the issuance of variances, hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official charged with enforcing any ordinance adopted pursuant to the provision of Minnesota Statute Sections 394.21 through 394.37, order the issuance of permits for buildings in areas designated for future use on an official map and perform such other duties as required by the official controls. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of a town, municipality, county or state.

(b) The Board of Adjustment shall have the exclusive power to order the issuance of variances from the terms of any official control, including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control in cases when there are practical difficulties or particular (unnecessary) hardship in the way of

carrying out the strict letter of any official control and when the terms of the variance are consistent with the comprehensive plan. “Hardships” as used in

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

SECTION 14-24. APPLICATION

An application for a variance shall be filed with the Zoning Administrator, together with the required fee. The Zoning Administrator shall refer the application to the Board of Adjustment.

SECTION 14-25. NOTIFICATION AND PUBLIC HEARINGS

(a) In accordance with Minnesota State Statute 394.26, the Board of Adjustment shall hold at least one (1) public hearing on any application for a variance or appeal. Notice of the public hearing shall be published in the official newspaper, designated by the County Board, at least ten (10) days prior to the hearing. Written notice of such public hearing shall be mailed to all property owners of record within five hundred (500) feet of the affected property, the affected Town Board, and any municipality within two (2) miles of the affected property.

(b) The petitioner or his representative shall appear before the Board of Adjustment in order to answer questions concerning the proposed variance.

(c) The Board of Adjustment must take action on the application in accordance with MN Statute 15.99. If it grants the variance, the Board of Adjustment may impose conditions it considers necessary to protect the public health, safety, and welfare, and such conditions may include a time limit for the use to exist or operate.

(d) All decisions by the Board of Adjustment in granting variances shall be final except that any aggrieved person or persons, or any department, board of commission of the jurisdiction or of the state shall have the right to appeal within thirty (30) days after receipt of notice of the decision to the district court in the county in which the land is located on questions of law and fact.

(e) No application for a variance which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence or proof of change on conditions found to be valid.

(f) A violation of any condition set forth in granting a variance shall be in violation of this Ordinance and automatically terminates the variance.

SECTION 14-26. VARIANCES WITHIN SHORELAND AND FLOODPLAIN

(a) Upon receipt of an application from the Floodplain or Shoreland regulations, the Zoning Administrator shall forward a copy of the application to the Minnesota Department of Natural Resources at least ten (10) days prior to the public hearing.

(b) A copy of all decisions granting a variance to the provisions of the Floodplain or Shoreland regulations shall be forwarded to the Minnesota Department of Natural Resources within ten (10) days after such decision.

SECTION 14-27. RECORDING

(a) A certified copy of any order issued by the Board of Adjustment acting upon a request for a variance shall be filed with the County Recorder of record. The order issued by the Board of Adjustment shall include the legal description of the property involved. The Zoning Administrator shall be required to meet the requirements of this Subdivision.

(b) The Zoning Administrator shall provide to the applicant a copy of the order issued by the Board of Adjustment stating that it has been filed with the County Recorder's Office.

DIVISION 6. CONDITIONAL USE PERMITS

SECTION 14-28. CONDITIONAL USES

Within the unincorporated areas of the county, all uses except permitted uses shall be required to obtain a Conditional Use Permit approved by the County Board.

SECTION 14-29. APPLICATION

The person applying for a conditional use permit shall fill out and submit to the Zoning Administrator a Conditional Use application form together with the required fee. The Zoning Administrator shall refer the application to the Planning Commission for review.

SECTION 14-30. NOTIFICATION AND PUBLIC HEARING

(a) In accordance with Minnesota State Statute 394.26, the Planning Commission shall hold a public hearing on the proposal. Notice of the public hearing shall be published in the official newspaper, designated by the County Board, at least ten (10) days prior to the hearing.

(b) In incorporated areas, property owners of record within five hundred (500) feet of the affected property shall be notified in writing of the public hearing on the request for a conditional use permit. In unincorporated areas, property owners within one-quarter (1/4) mile of the property in question, or the ten (10) nearest properties, whichever provides the greatest number of owners, shall be notified in writing of the public hearing on the request for a conditional use permit. All municipalities within two (2) miles of the proposed conditional use and the affected Town Board shall be given proper notice.

(c) The petitioner or his representative shall appear before the Planning Commission in order to answer questions concerning the proposed conditional use.

(d) The report of the Planning Commission shall be placed on the agenda of the Mower County Board at its next meeting following referral from the Planning Commission.

(e) The Mower County Board must take action on the application after receiving the report of the Planning Commission in accordance with MN Statute 15.99. If it grants the conditional use permit, the Mower County Board may impose conditions it considers necessary to protect the public health, safety, and welfare, and such conditions may include a time limit for the use to exist or operate.

(f) No application for a conditional use permit shall be resubmitted for a period of one (1) year following the said order of denial.

SECTION 14-31. FINDINGS

No conditional use shall be recommended by the Planning Commission unless said Commission shall find:

(a) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

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

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

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

(e) That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

SECTION 14-32. CONDITIONAL USE PERMITS WITHIN FLOODPLAIN AND SHORELAND AREAS

(a) A copy of an application for a conditional use permit within any designated floodplain or shoreland area shall be forwarded to the Minnesota Department of Natural Resources by the Zoning Administrator at least ten (10) days prior to the public hearing.

(b) A copy of all decision granting any conditional use permit within any designated floodplain or shoreland area shall be forwarded to the Minnesota Department of Natural Resources within ten (10) days after such decision.

SECTION 14-33. COMPLIANCE

Any use permitted under the terms of a conditional use permit shall be established and conducted in conformity to the terms of such permit.

SECTION 14-34. REVIEW

If a time limit or periodic review is included as a condition by which a conditional use permit is granted, the conditional use permit may be reviewed at a public hearing with notice of said hearing published at least ten (10) days prior to the review. It shall be the responsibility of the Zoning Administrator to schedule such public hearings and the owner of the land having a conditional use permit shall not be required to pay a fee for said review. A public hearing for annual review of a conditional use permit may be granted at the discretion of the Mower County Planning Commission.

SECTION 14-35. REVOCATION

A violation of any condition set forth in a conditional use permit shall be a violation of this Ordinance and shall automatically terminate the permit.

SECTION 14-36. DISCONTINUANCE

A conditional use permit shall become void two (2) years from the date of approval by the County Board if no construction has begun or the use has not been established. For the purposes of this provision, construction shall include the installation of footings, slab, foundation, posts, walls or other portions of a building. Site preparation, land clearing or the installation of utilities shall not constitute construction. A conditional use permit shall become void if the use is discontinued for a period of one (1) year.

SECTION 14-37. RECORDING

(a) A certified copy of any conditional use permit shall be filed with the County Recorder for record. The conditional use permit shall include the legal description of the property involved.

(b) The Zoning Administrator shall be responsible for recording with the County Recorder any conditional use permit issued by the Board.

(c) The Zoning Administrator shall provide to the applicant a copy of the order issued by the Board of Commissioners stating that it has been filed with the County Recorder's Office.

DIVISION 7. AMENDMENTS/REZONINGS

SECTION 14-38. AUTHORITY

Whenever the public necessity, convenience, general welfare, or good land use require such amendment, the County Board may, by ordinance, amend, extend, or add to the regulations of this Ordinance in accord with the applicable provisions of Minnesota State Statutes 394.21 - 394.37.

SECTION 14-39. APPLICATION

(a) An application for amendment, extension, or addition to the regulations of this Ordinance shall be filed with the Zoning Administrator by one of the following:

(1) A petition from a resident or residents living within the jurisdiction of this Ordinance.

(2) A recommendation of the Planning Commission.

(3) Action by the County Board.

(b) An application for an amendment not initiated by the Planning Commission shall be referred to the Planning Commission for study and report and may not be acted upon by the County Board until it has received the recommendations of the Planning Commission.

(c) Individuals wishing to initiate an amendment to the zoning ordinance shall fill out a zoning amendment application form and submit it to the Zoning Administrator, together with the required fee.

SECTION 14-40. NOTIFICATION AND PUBLIC HEARING

(a) In accordance with Minnesota State Statute 375.51, a public hearing on the rezoning application shall be held by the Planning Commission in compliance with MN Statute 15.99 after the request for the zoning amendment has been received. Notice of said hearing shall be published in the official newspaper, designated by the County Board, at least ten (10) days prior to the hearing.

(b) Written notice of public hearing on the proposed amendment shall be sent to all property owners of record within five hundred (500) feet of the affected property in incorporated areas. In unincorporated areas, all property owners of record within one-half (1/2) mile shall be notified in writing of the public hearing on the zoning amendment. The affected Town Board and any municipality within two (2) miles of the affected property shall be given proper notice.

(c) The Planning Commission shall make its report to the County Board at the next meeting of the Board following the public hearing, recommending approval, disapproval, or modified approval, of the proposed amendment.

(d) Upon the filing of such report or recommendation, the County Board may hold such public hearings upon the amendment as it deems advisable. After the conclusion of the hearings, if any, the County Board may adopt the amendment or any part thereof in such form as it deems advisable.

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

SECTION 14-41. RECORDING

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

SECTION 14-42. EFFECTIVE DATE

The amended Ordinance shall become effective after adoption by the County Board and due publication thereof.

Article II - Land Use Districts

DIVISION 1. ZONING DISTRICTS AND DISTRICT PROVISIONS

SECTION 14-43. ZONING DISTRICTS

The zoning districts are so designed as to assist in carrying out the intents and purposes of the Comprehensive Plan.

The zoning districts are based upon the Comprehensive Plan which has the purpose of protecting the public health, safety, convenience, and general welfare. For the purposes of this Ordinance, Mower County is hereby divided into the following Zoning Districts which shall be known by the following respective symbols and names:

Symbol	Name
"A"	Agricultural District
"RM"	Rural Management District
"UE"	Urban Expansion District
"R-1"	Rural Residence District
"B"	Business District
"FIM"	Freeway Interchange Management District
"I"	Industrial District
"S"	Shoreland Management Overlay District
"RC"	Rural Service Center District
"PUD"	Planned Unit Development District

SECTION 14-44. ZONING MAP

The areas comprising these zoning districts and the boundaries established by this Ordinance are set forth on the Zoning Map which is hereby incorporated as part of this ordinance, being designated as the County of Mower Official Zoning Map, with all proper notations, references and other information shown thereon. It shall be the responsibility of the Zoning Administrator to maintain and update this map and the amendments to such map shall be recorded on such map within thirty (30) days after official adoption of the zoning amendments. Copies of the Official Zoning Map shall be kept in both the office of the County Auditor and the office of the Zoning Administrator.

SECTION 14-45. DISTRICT BOUNDARIES

The boundaries of zoning districts, as shown on the County of Mower Official Zoning Map accompanying and made a part of this Ordinance, unless otherwise shown, are the center lines of streets, alleys, or the subdividing or boundary lines of recorded plats or the extension thereof, railroad rights-of-way lines, and the corporate limits of cities within Mower County.

Existing residential plats. Whether or not they are so designated on the Official Zoning Map, residential plats which were approved prior to the effective date of this Ordinance shall be considered as though zoned Residential regardless of the primary or underlying zoning district in which they are located Any further subdivision within these residential plats that will increase the residential building site density to a greater level than otherwise allowed in the primary or underlying zoning district shall not be allowed.

SECTION 14-46. ZONING BOUNDARY INTERPRETATION

Appeals from the commissioners or any administrative officer's determination of the exact location of district boundary lines shall be heard by the Board of Adjustment in accordance with the provisions of this Ordinance.

SECTION 14-47. PERMITTED USES

No structure, building or tract of land shall be devoted to any use other than a permitted use in the Zoning District in which such structure, or tract of land shall be located with the following exceptions:

(a) Conditional uses allowed in accordance with the provisions of this Ordinance.

(b) Any structure which will, under this Ordinance, become non-conforming but for which a zoning permit has been lawfully granted prior to be the effective date of this Ordinance and continues to completion within one (1) year after the effective date of this Ordinance, shall be a non-conforming structure.

SECTION 14-48. USES NOT PROVIDED IN ZONING DISTRICT

Whenever, in any zoning district, a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such case, the Planning Commission, on their own initiative or upon request of a property owner, may conduct a study to determine if the use is acceptable and, if so, what zoning district would be the most appropriate and the determination as to conditions and standards relating to development of the use. The County Board or Planning Commission, upon receipt of the study, shall, if appropriate, initiate an amendment to the Zoning Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the County.

DIVISION 2. "A" AGRICULTURAL DISTRICT

SECTION 14-49. PURPOSE

The "A" Agricultural District is intended to provide a district which will allow suitable areas of the county to be retained in agricultural use; regulate scattered non-farm development; regulate wetlands and woodlands, which, because of their unique physical features provide a valuable natural resource; and, secure economy. To provide a district that will retain, conserve, and enhance agricultural land in the County and to protect this land from necessary urban encroachment including scattered residential development.

The County will view the agricultural district as a zone in which land is used for commercial agricultural production. Owners, residents, and other users of property in this zone or neighboring properties may be subjected to inconvenience or discomfort arising from normal and accepted agricultural practices and operation, including but not limited to noise, odors, dust, operation of machinery of any kind including aircraft, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, residents, and users of this property or neighboring property should be prepared to accept such inconveniences or discomfort from normal operations, and are hereby put on official notice that this declaration may prevent them from obtaining a legal judgment against such normal operations.

SECTION 14-50. PERMITTED USES

In the "A" Agricultural District no building, structure or part thereof shall be erected, altered, used or moved upon any premises nor shall any land be used in whole or part for other than one or more of the following uses:

(a) Agricultural uses, including existing feedlots and new feedlots/feedlot expansions up to 2,000 animal units in accordance with Section 14-18.2 of this Ordinance.

(b) Conservation areas including water supply works, flood control or watershed protection works, fish or game hatcheries, or game refuges.

(c) Park or recreation areas operated by a governmental agency.

(d) Home Occupations in accordance with Section 14-18.3 of this Ordinance.

(e) Single Family Dwellings. Dwellings in existence, under construction, permitted for building, or for which a zoning permit has been applied for but not yet granted as of November 1, 1997. Dwellings included above shall be allowed to be sold or separated from the remaining parcel of land without complying with the following conditions. Single-family dwellings, or lot splits/subdivisions to create lots for single-family dwellings, not included above, shall be permitted subject to Section 14-18.4.

(f) Essential Service - Telephone, telegraph and power transmission lines under 35KV and necessary appurtenant structures.

(g) Group or foster home.

SECTION 14-51. CONDITIONAL USES

In the "A" Agricultural District, the following uses may be allowed subject to obtaining a Conditional Use Permit in accordance with the provisions of Article I, Division 6 of this Ordinance.

(a) Aircraft landing fields and associated facilities.

(b) Auction facility or flea market

(c) Commercial outdoor recreation.

(d) Churches, cemeteries, memorial buildings, schools, libraries and museums.

(e) Commercial radio and television towers and transmitters.

(f) Kennels.

(g) Horse stables.

(h) Commercial greenhouses and nurseries.

(i) Mining and gravel extraction.

(j) Demolition landfills.

(k) Solid waste handling or disposal facility.

(l) Campgrounds or tourist homes.

(m) Agriculturally-oriented businesses.

(n) Veterinary clinics.

(o) Alcohol stills.

(p) Junkyards, auto wrecking yards, auto graveyards and body repair.

(q) Extended Home Occupations in accordance with Section 14-18.2 of this Ordinance.

(r) Dams, power plants, switching yards, transmission lines over 35KV, flowage areas and pipelines.

(s) Temporary storage, crushing/recycling of concrete and/or bituminous material.

(t) Mini storage.

(u) Other uses of the same general character as those listed above, provided they are deemed fitting or compatible to the District by the Planning Commission.

(v) Board & Lodging Facilities and Health Care Facilities

(w) Feedlot expansions which will bring the total number of animal units to over 2,000 in accordance with Section 14-18.2 of this Ordinance.

(x) New feedlots over 2,000 animal units in accordance with Section 14-18.2 of this Ordinance.

(y) New earthen lagoons (manure storage areas). The producer has 24 months from the date of issuance of a Mower County Feedlot Authorization to start and be making a good faith effort to complete the project. Failure to do so will void the authorization. Producers must reapply if no reasonable progress has been made in that time frame.

(z) Limited new and used car sales that has no more than ten (10) new or used operational vehicles at any one time on the parcel and employs no people which do not reside on the site. Limitation: Property is one (1) acre or less in size - up to and including five (5) vehicles only. Property is more than one (1) acre - up to and including ten (10) vehicles only.

(aa) Density Transfers of More Than Two (2) Lots, as provided in and in accordance with part c of Section 14-18.4 of this Division.

(bb) Additional Single Family Dwellings, as provided in and in accordance with part d of Section 14-18.4 of this Division.

(cc) Auto raceways.

SECTION 14.51.1 PROHIBITED USES

(1) Planned Unit Development

SECTION 14-52. LOT SIZE, WIDTH, YARD, ACCESS AND HEIGHT REQUIREMENTS

Any lot in an "A" Agricultural District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards:

(a) L**ot Size, Width and Depth.** Any lot shall contain a minimum of one and one-half (1.5) acres and shall have a minimum width of one hundred fifty (150) feet along an existing public dedicated street or privately dedicated 66 foot wide utility and driveway easement, and a minimum depth of two hundred fifty (250) feet. Reduced lot size, width and depth may be achieved for lots serviced by community sewage through a Conditional Use Permit in accordance with provisions 1 through 5 of 14-18.4.c.

(b) **Yard Requirements.** Every permitted, conditionally permitted or accessory building shall meet the following yard requirements:

(1) Front Yard.

(a) There shall be a minimum setback of forty (40) feet from the right-of-way line of any public road or privately dedicated 66-foot wide utility and driveway easement.

(b) In the event any building is located on a lot at the intersection of two (2) or more roads or highways, or privately dedicated utility and driveway easements, such lot shall have a front yard abutting each such road, highway or easement.

(2) Side and Rear Yard.

(a) There shall be a side yard width of not less than twenty (20) feet on each side of the building.

(b) Rear yard setback for all buildings shall be a minimum of twenty (20) feet**.**

(3) **Pipeline Setbacks**

(a) All dwellings shall be setback a minimum distance of 50 feet from all pipeline easements

(b) Buildings other than dwellings shall be setback a minimum distance of 20 feet from all pipeline easements.

(c) Variances may be granted from above standards only after permission

(d) Buildings required to operate or maintain pipeline systems are exempt from these setback requirements.

(4) **Setbacks from Feedlots**. Any new dwelling (except for the dwelling of the property owner or feedlot operator), school, church, platted subdivision and/or public park, must be setback at least 1,000 feet from an existing feedlot.

(c) **Height Requirements.** Every permitted, conditionally permitted or accessory building shall meet the following height requirements

(1) The maximum height of all buildings shall not exceed two and one-half (2 1/2) stories or thirty-five (35) feet.

(2) This height limitation shall not apply to grain elevators, fertilizer plants or fertilizer plant structures, silos, windmills, elevator ~~lags~~ legs, cooling towers, water towers, chimneys, smokestacks and church spires.

Note: Height increases must also comply with height limitations/requirements when located in a safety or conical zone of the Austin Municipal Airport. Further review, will be required by the governing authority for compliance with airport zoning.

(d) **Exceptions**. Certain uses and locations are exempted from meeting the lot size, yard and height requirements. These exceptions are listed in Section 14-18.1.

(e) **Lot Access Requirements.** Every lot on which a single-family dwelling is constructed shall abut and have direct vehicular access to a public road or a privately dedicated 66-foot wide utility and driveway easement.

SECTION 14-53. GENERAL REGULATIONS

Additional requirements for parking, signs, sewage systems, and other regulations are set forth elsewhere in this Ordinance.

SEE ALSO: SECTION 14-12: REGARDING ACCESSORY USES

DIVISION 3. "RM" RURAL MANAGEMENT DISTRICT

SECTION 14-54. PURPOSE

The "RM" Rural Management District is intended to provide a district which will allow suitable areas of the county to be retained in agricultural use; provide opportunities for limited rural non-farm residential development; regulate wetlands and woodlands, which, because of their unique physical features provide a valuable natural resource; and, secure economy. To provide a district that will retain, conserve, and enhance agricultural land in the County while providing areas for rural living.

These areas are primarily intended to maintain agriculture and the rural lifestyle however; they also encompass existing non-farm rural residential development. In addition, these areas are intended to allow for limited residential opportunities in higher growth areas of the county outside of cities and their Urban Expansion Areas. Owners, residents, and other users of property in this zone or neighboring properties may be subjected to inconvenience or discomfort arising from normal and accepted agricultural practices and operation, including but not limited to noise, odors, dust, operation of machinery of any kind including aircraft, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, residents, and users of this property or neighboring property should be prepared to accept such inconveniences or discomfort from normal operations, and are hereby put on official notice that this declaration may prevent them from obtaining a legal judgment against such normal operations.

SECTION 14-55. PERMITTED USES

In the "RM" Rural Management District, no building, structure, or part thereof shall be erected, altered, used or moved upon any premises nor shall any land be used in whole or part for other than one or more of the following uses:

Permitted uses in the RM Rural Management shall be the same as those listed for the "A" Agricultural District.

SECTION 14-56. CONDITIONAL USES

In the "RM" Rural Management District, the following uses may be allowed subject to obtaining a Conditional Use Permit in accordance with the provisions of Article I. Division 6 of this Ordinance.

Conditional Uses for the RM Rural Management District shall be the same as those listed for the “A” Agricultural District (Section 14-51).

SECTION 14-57. LOT SIZE, WIDTH, YARD, ACCESS AND HEIGHT REQUIREMENTS

Any lot in an "RM" Rural Residence District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards:

The lot size, width, yard, setback, access and height requirements for the RM Rural Management District shall be the same as those listed for the “A” Agriculture District.

SECTION 14-58. GENERAL REGULATIONS

Additional requirements for parking, signs, sewage systems, and other regulations in the “RM” Rural Management District are set forth elsewhere in this Ordinance.

SEE ALSO: SECTION 14-12: REGARDING ACCESSORY USES

DIVISION 4. "UE" URBAN EXPANSION DISTRICT

SECTION 14-59. PURPOSE

The "UE" Urban Expansion District is intended to provide areas within the County where urban development can take place and where urban services can be readily extended and provided. This district will be located immediately adjacent to cities with existing sanitary sewer services.

SECTION 14-60. PERMITTED USES

In the "UE" Urban Expansion District, no building, structure or part thereof shall be erected, altered, used or moved upon any premise nor shall any land be used in whole or part for other than or more of the following uses:

(a) Single Family Dwellings. Dwellings in existence, under construction, permitted for building, or for which a zoning permit has been applied for but not yet granted as of November 1, 1997 shall be allowed to be sold or separated from the remaining parcel of land without complying with the following conditions. Dwellings, not included above, shall be permitted subject to the following:

  (1) Dwellings shall be subject to the provisions of Section 14-18.4 of this Division.

  (2) Consistency with City Land Use Planning. Development within the "UE" Urban Expansion District shall be consistent with the adopted land use plan of the adjacent City, if one is adopted.

(b) Any agricultural use already existing at the time of this Ordinance.

(c) New agricultural buildings or structures located within an existing farmyard, including any one-family or two-family dwellings, except feedlots.

(d) Conservation areas including water supply works, flood control or watershed protection works, fish or game hatcheries, forest preserves or game refugees.

(e) Park or recreational areas operated by a governmental agency.

(f) Home occupations in accordance with Section 14-18.3 of this Ordinance.

(g) Essential services - telephone, telegraph, power lines under 35KV and necessary appurtenant structures.

(h) Group or foster home.

SECTION 14-61. CONDITIONAL USES

In the “UE” Urban Expansion District, the following uses may be allowed subject to obtaining a Conditional Use Permit in accordance with the provisions of Article I. Division 6 of this Ordinance:

(a) Any new or expanding agricultural building or structure for the housing of livestock, or feedlot up to 50 animal units in accordance with Section 14-18.2 of this Ordinance, except that portable housing for pastured livestock shall be a permitted accessory use.

(b) Community buildings.

(c) Churches, cemeteries or memorial gardens.

(d) Any change in agricultural practice that marks an intensification of present agricultural use. Such change shall not increase animal units to more than 50.

(e) Commercial recreation.

(f) Public or private schools.

(g) Kennels.

(h) Extended Home Occupations in accordance with Section 14-18.3 of this Ordinance.

(i) Power transmission lines over 35KV.

(j) Density Transfers of More Than Two (2) Lots, as provided for and in accordance with part c of Section 14-18.4 of this Division.

(k) Additional Single Family Dwellings, as provided for and in accordance with part d of Section 14-18.4 of this Division.

SECTION 14-62. LOT SIZE, WIDTH, YARD, ACCESS AND HEIGHT REQUIREMENTS

Any lot in an "UE" Urban Expansion District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards:

(a) **Lot Size, Width and Depth**. Any lot on which a single family dwelling is erected shall contain an area of not less than one and one-half (1.5) acres and shall have a minimum width of one hundred fifty (150) feet along a public road or privately dedicated 66 foot wide utility and driveway easement and a minimum depth of not less than two hundred fifty (250) feet. Reduced lot size, width and depth may be achieved for lots serviced by community sewage through a Conditional Use Permit in accordance with provisions 1 through 5 of 14-18.4.c.

(b) **Yard Requirements**. Every permitted, conditionally permitted or accessory building shall meet the following yard requirements:

(1) **Front Yard.**

(a) There shall be a minimum setback of twenty-five (25) feet from the right-of-way line of any public road or highway or privately dedicated 66-foot wide utility and driveway easement.

(b) In the event any building is located on a lot at the intersection of two (2) or more roads or highways, or privately dedicated utility and driveway easements, such lot shall have a front yard abutting each such road, highway or easement.

(2) Side Yard.

(a) Any building in which the keeping of livestock, fur bearing animals or dogs (when such keeping results in the accumulation of animal wastes) is carried on, shall maintain a minimum side yard of not less than fifty (50) feet and shall maintain a separation of two hundred (200) feet from any dwelling on adjacent property. These setbacks are not intended to be in-lieu of those required for feedlots.

(b) For buildings other than the above, there shall be a minimum side yard of five (5) feet.

(3) Rear Yard.

(a) Any building in which the keeping of livestock, fur bearing animals or dogs (when such keeping results in the accumulation of animal wastes) is carried on, shall maintain a rear yard of not less than fifty (50) feet and shall maintain a separation of two hundred (200) feet from any dwelling on adjacent property. These setbacks are not intended to be in-lieu of those required for feedlots.

(b) For building other than the above, there shall be a minimum rear yard of twenty-five (25) feet.

(4) Pipeline Setbacks.

(a) All dwellings shall be setback a minimum distance of 50 feet from all pipeline easements

(b) Buildings other than dwellings shall be setback a minimum distance of 20 feet from all pipeline easements.

(c) Variances may be granted from above standards only after permission has been received from the Office of Pipeline Safety.

(d) Buildings required to operate or maintain pipeline systems are exempt from these setback requirements.

(5) **Setbacks from Feedlots**. Any new dwelling (except for the dwelling of the property owner or feedlot operator), school, church, platted subdivision and/or public park, must be setback at least 1,000 feet from an existing feedlot.

(c) **Height Requirements.** Every permitted, conditionally permitted or accessory building shall meet the following height requirements:

(1) Agricultural buildings shall be exempt from the height requirements.

(2) Buildings other than agricultural buildings shall not exceed thirty-five (35) feet in height.

Note: Height increases must also comply with height limitations/requirements when located in a safety or conical zone of the Austin Municipal Airport. Further review, will be required by the governing authority for compliance with airport zoning.

(d) **Exceptions.** Certain uses and locations are exempted from meeting the lot size, yard and height requirements. These exceptions are listed in Section 14-18.1 of this Ordinance.

(e) **Lot Access Requirements.** Every lot on which a single-family dwelling is constructed shall abut and have direct vehicular access to a public road or a privately dedicated 66-foot wide utility and driveway easement.

SECTION 14-63. GENERAL REGULATIONS

Any development in this District shall be consistent with the adopted land use plan of the adjacent City. The Zoning Administrator shall notify and send application copies of all zoning, variance, plat, ordinance amendment or conditional use requests within UE Districts to the adjacent City at least ten (10) days prior to the respective meeting or hearing at which the request is to be considered. In addition, a copy of the approved zoning request, amendments, plats, variances and conditional uses shall be sent to the City within ten (10) days of the final decision.

Additional requirements for parking, signs, sewage systems and other regulations in the "U/e" Urban Expansion District are set forth elsewhere in Ordinance.

SEE ALSO: SECTION 14-12: REGARDING ACCESSORY USES

DIVISION 5. "R-1" RURAL RESIDENCE DISTRICT

SECTION 14-64. PURPOSE

The "R-1" Rural Residence District is intended to define and protect existing low density residential areas from the intrusion of uses not performing a function appropriate to the principal use of the land for residential dwellings and related facilities desirable for a residential environment. It is also intended that the district occur in rural areas using on-lot or group utilities to serve the low density, residential uses. This District is intended to provide standards for existing rural development and no new areas are intended to be zoned to R-1.

SECTION 14-65. PERMITTED USES

In the "R-1" Rural Residence District, no building, structure, or part thereof shall be erected, altered, used or moved upon any premises nor shall any land be used in whole or part for other than one or more of the following uses:

(a) One-family or two-family dwellings and their accessory buildings and uses customarily associated with private urban residences.

(b) Public parks and playgrounds.

(c) Home occupations in accordance with Section 14-18.3 of this Ordinance.

(d) Essential Services - Telephone, telegraph, power lines under 35KV, and necessary appurtenant structures.

(e) Group or foster home.

SECTION 14-66. CONDITIONAL USES

In the "R-1" Rural Residence District, the following uses may be allowed subject to obtaining a Conditional Use Permit in accordance with the provisions of Article I. Division 6 of this Ordinance.

(a) Churches, cemeteries, libraries, museums, schools, memorial buildings.

(b) Extended home occupations in accordance with Section 14-18.3 of this Ordinance.

(c) Tourist Home.

(d) Power transmission lines over 35KV.

(e) Board & Lodging Facilities and Health Care Facility.

(f) Platting of Property.

SECTION 14-67. LOT SIZE, WIDTH, YARD AND HEIGHT REQUIREMENTS

Any lot in an "R-1" Rural Residence District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards:

(a) **Lot Size, Width and Depth**. Any lot shall contain not less than one (1) acre of area and shall have a minimum width of one hundred twenty-five (125) feet along a public road or privately dedicated 66-foot wide utility and driveway easement and a minimum depth of two hundred (200) feet.

(b) **Yard Requirements.** Every permitted, conditionally permitted or accessory building shall meet the following yard requirements:

(1) Front Yard.

(a) There shall be a minimum setback of twenty-five (25) feet from the right-of-way line of any public road or highway or privately dedicated 66-foot wide utility and driveway easement.

(b) In the event any building is located on a lot at the intersection of two (2) or more roads or highways, or privately dedicated utility and driveway easement, such lot shall have a front yard abutting each such road, highway or easement.

(2) **Side Yard**. Every building shall have two (2) side yards.
Each side yard shall have a minimum width of five (5) feet.

(3) **Rear Yard**. Every building shall have a rear yard.
The rear yard shall have a minimum depth of twenty (20) feet.

(4) Pipeline Setbacks.

(a) All dwellings shall be setback a minimum distance of 50 feet from all pipeline easements.

(b) Buildings other than dwellings shall be setback a minimum distance of 20 feet from all pipeline easements.

(c) Variances may be granted from above standards only after permission has been received from the Office of Pipeline Safety.

(d) Buildings required to operate or maintain pipeline systems are exempt from these setback requirements.

(c) **Height Requirements.** Every permitted, conditionally permitted or accessory building shall meet the following height requirements:

(1) All permitted or conditionally permitted principal buildings shall not exceed thirty-five (35) feet in height.

(2) Accessory buildings shall comply with regulations set forth in this Ordinance.

(d) **Substandard Lots of Record**. For substandard lots of record in the "R-1" District, each single family dwelling, together with its accessory buildings, thereafter erected on such lot, shall not occupy more than ten (10) percent of the lot area.

(e) **Exceptions**. Certain uses are exempted from meeting the lot size, yard and height requirements. These exceptions are listed in Section 14-18.

SECTION 14-68. GENERAL REGULATIONS

Additional requirements for parking, signs, sewage systems, and other regulations in the "R-1" Rural Residence District are set forth elsewhere in this Ordinance.

SEE ALSO: SECTION 14-12: REGARDING ACCESSORY USES

DIVISION 6. "B" BUSINESS DISTRICT

SECTION 14-69. PURPOSE

The Business District is intended to encourage the concentration of a broad range of individual commercial establishments into appropriate areas of general commercial activity serving the needs of the existing population.

SECTION 14-70. PERMITTED USES

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

(a) Retail Stores. Retail stores primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of such merchandise.

(b) Retail or wholesale establishments.

- (1) Building supply sales.
- (2) Boat sales or repair.
- (3) Eating or drinking establishments

(c) Personal Services and Businesses Services:

- (1) Personal service establishments.
- (2) General business services.
- (3) Eating and drinking places.

(d) Administrative, business or professional offices.

(e) Entertainment and recreation facilities.

(f) Hospitals.

(g) Hotels, motels/tourist homes and bed and breakfasts for any number of guests.

(h) Drive-in businesses.

- (1) Any drive-in establishment including banks and restaurants.

(i) Clubs, fraternities, lodges and meeting places for other organizations.

(j) Auto service stations.

(k) Essential services – telephone, telegraph and power transmission lines under 35KV and necessary appurtenant structures.

(l) Any residence when included and an integral part of the principal building to be occupied by the owner or employee.

(m) Agricultural uses.

(n) Motor vehicle and implement sales and service.

(1) Automotive sales or service, car wash, trailer sales or service, auto repair garage or automobile rental.

(2) Motor fuel stations.

(3) Agricultural equipment sales and service.

(4) Truck sales or service, truck wash or truck repair garage.

SECTION 14-71. CONDITIONAL USES

In the "B" Business District, the following uses may be allowed subject to obtaining a Conditional Use Permit in accordance with the provisions of 14-134 of this Ordinance.

(a) Auction facility or flea market

(b) On and off sale of liquor establishments.

(c) Power transmission lines over 35KV.

(d) Solid waste handling and/or disposal facility.

(e) Mini storage.

(f) Churches.

SECTION 14-72. COMMERCIAL DEVELOPMENT STANDARDS

Uses established in the "B" Business District shall be operated subject to the following conditions:

(a) Any store or business shall be conducted entirely within a building, except by issuance of a conditional use permit.

(b) Any entrance to such store, shop or business shall be from the principal street upon which the property abuts, or within fifty (50) feet thereof, except that a rear entrance from the building from to a public parking area may be provided.

SECTION 14-73. LOT SIZE, WIDTH, YARD AND HEIGHT REQUIREMENTS

Any lot in a "B" Business District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards:

(a) **Lot Size, Width and Depth.**

(1) Any lot used as a business shall contain an area of not less than one and one-half (1.5) acres and shall have a minimum width of one-hundred fifty (150) feet along a public road or privately dedicated 66 foot wide utility and driveway easement and a minimum depth of not less than two hundred fifty (250) feet. Reduced lot size, width and depth may be achieved for lots serviced by community sewage through a Conditional Use Permit.

(b) **Yard Requirements**. Every permitted, conditionally permitted or accessory building shall meet the following yard requirements.

(1) Front Yard.

(a) There shall be a minimum setback of forty (40) feet from the right-of-way line of any public road or highway of privately dedicated 66-foot wide utility and driveway easement; except that the setback from all Trunk Highways, except TH 105, shall be ninety (90) feet.

(b) In the event any building is located on a lot at the intersection of two (2) or more roads of highways, or privately dedicated utility and driveway easements, such lot shall have a front yard abutting each such road, highway or easement.

(2) Side Yard.

(a) A side yard of not less than twenty (20) feet on each side of the building shall be provided.

(b) No building shall be located within forty (40) feet of any side lot line abutting any non-business or non-industrial district.

(3) Rear Yard

(a) A rear yard of not less than forty (40) feet shall be required.

(4) Pipeline Setbacks.

(a) All dwellings shall be setback a minimum distance of fifty (50) feet from all pipeline easements.

(b) Buildings other than dwellings shall be setback a minimum distance of twenty (20) feet from all pipeline easements.

(c) Variances may be granted from the above standard only after permission has been received from the Office of Pipeline Safety.

(d) Buildings required to operate or maintain pipeline systems are exempt from these setback requirements.

(c) **Height Requirements**. Every permitted, conditionally permitted or accessory building shall not exceed thirty-five (35) feet in height.

(d) **Exceptions**. Certain uses here are exempted from meeting the lot size, yard and height requirements. These exemptions are listed in Section 14-18.1 of this Ordinance.

SECTION 14-74. GENERAL REQUIREMENTS

Rezoning to a “B” Business District within any Urban Expansion District shall be consistent with the adopted land use plan of the adjacent City, if one is adopted. The Zoning Administrator shall notify and send application copies of all zoning, variance, plat, ordinance amendments or conditional use requests within UE Districts to the adjacent City at least ten (10) days prior to the respective meeting or hearing at which the request is to be considered. In addition, a copy of the approved zoning request, amendments, plats, variances and conditional uses shall be sent to the City within ten (10) days of the final decision.

Additional requirements for parking, signs, sewage systems and other regulations in the “B” Business District are set forth elsewhere in this Ordinance.

SEE ALSO: SECTION 14-12: REGARDING ACCESSORY USES

DIVISION 7. "FI" FREEWAY INTERCHANGE MANAGEMENT DISTRICT

SECTION 14-75 PURPOSE

The "FI" Freeway Interchange Management District is intended to protect appropriate areas for certain commercial uses within one-quarter (1/4) mile of Interstate 90 interchanges, providing economic development opportunities for freeway/traffic-related commercial uses and ensuring aesthetically pleasing developments in prominent locations. Appropriate commercial uses include those that depend on high volumes of traffic and those that provide services to the motoring public. Commercial uses must produce a relatively low volume of waste water that is capable of being serviced by an on-site well and waste water disposal system. Commercial uses will not be permitted on prime agricultural soils, within shorelands or wetlands.

SECTION 14-76 PERMITTED USES

(a) Agricultural uses, buildings or structures located within the farmyard, including any one-family or two-family dwellings, except feedlots.

(b) Auction facility or flea market

(c) Automobile service stations for the sale of gasoline, oil and accessories and automobile car washes

(d) Automobile, truck, trailer and garden and farm implement establishments for display, hire sales and including sales lots

(e) Automobile and truck service facilities, including sleeping facilities for truck operators

(f) Convenience-type retail outlets with high customer turnover rate

(g) Drive-in restaurants or similar uses that provide goods and services to patrons in automobiles

(h) Drive-in retail stores or service uses

(i) Eating or drinking establishments

(j) Essential Service - Telephone, telegraph and power transmission lines under 35KV and necessary appurtenant structures

(k) Landscape, nursery and garden retail stores

(l) Motels, Hotels and Bed and Breakfasts

SECTION 14-77 CONDITIONAL USES

(a) Campgrounds.

(b) Power transmission lines over 35KV.

(c) Commercial uses on soils possessing a CER greater than 60.

(d) Other business activity of the same general character as the permitted and/or conditional uses as determined by the County Board.

SECTION 14-78 COMMERCIAL DEVELOPMENT STANDARDS

(a) FIM Freeway Interchange Management Districts shall be located within a one-quarter (1/4) mile radius of the center point of a designated Interstate 90 interchange which offers all direction vehicular access.

(b) Commercial uses are not permitted on soils possessing a CER greater than 60, except by conditional use.

(c) All waste water must be serviced by an on-site waste water disposal system

(d) Commercial uses are not permitted within a shoreland or wetland area

(e) Any business, except motor fuel stations, display areas or rental areas shall be conducted entirely within a building.

(f) Any open-air display area shall provide a graveled or aggregate surfaced area, which shall be properly maintained.

SECTION 14-79 LOT SIZE, WIDTH, YARD AND HEIGHT REQUIREMENTS

Any lot in a "FIM" Freeway Interchange Management District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards.

(a) **Lot Size, Width and Depth**. Any lot shall contain an area of not less than one and one-half (1.5) acres and shall have a minimum width of one hundred fifty (150) feet along a public road or privately dedicated 66 foot wide utility and driveway easement and a minimum depth of not less than two hundred fifty (250) feet.

Reduced lot size, width and depth may be achieved for lots serviced by community sewage through a Conditional Use Permit.

(b) **Yard Requirements.** Every permitted, conditionally permitted or accessory building shall meet the following yard requirements:

(1) Front Yard.

(a) There shall be a minimum setback of forty (40) feet from the right-of-way line of any public road or highway or privately dedicated 66-

foot wide utility and driveway easement; except that the setback from all trunk highways shall be ninety (90) feet.

(b) In the event any building is located on a lot at the intersection of two (2) or more roads or highways, or privately dedicated utility and driveway easements, such lot shall have a front yard abutting each such road, highway or easement.

(2) Side Yard

(a) There shall be a side yard width of not less than twenty (20) feet on each side of a building.

(b) No building shall be located within forty (40) feet of any side lot line abutting any non-business or non-industrial District.

(c) Rear Yard. There shall be a minimum rear yard of forty (40) feet.

(3) **Pipeline Setbacks**

(a) All dwellings shall be set back a minimum distance of 50 feet from all pipeline easements.

(b) Buildings other than dwellings shall be set back a minimum distance of 20 feet from all pipeline easements.

(c) Variances may be granted from above standards only after permission has been received from the Office of Pipeline Safety.

(d) Buildings required to operate or maintain pipeline systems are exempt from this setback requirement.

(c) **Height requirements**. Every permitted, conditionally permitted, or accessory building shall not exceed thirty-five (35) feet in height.

(d) **Exceptions.** Certain uses are exempted from meeting the lot size, yard and height requirements. These exemptions are listed in Section 14-18 of this Ordinance.

SECTION 14-80 GENERAL REGULATIONS

Additional requirements for parking, signs, sewage systems, and other regulations are set forth elsewhere in this Ordinance.

DIVISION 8. "I" INDUSTRIAL DISTRICT

SECTION 14-81. PURPOSE

The "I" Industrial District is intended to provide for locations for industrial development adjacent to existing industries and along federal, state or county roads.

SECTION 14-82. PERMITTED USES

In the "I" Industrial District, no building, structure or part thereof shall be erected, altered, used or moved upon any premises nor shall any land be used in whole or part for other than one or more of the following uses:

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

(b) Transportation or motor freight terminal.

(c) Contractor's establishment, storage yard or equipment rental.

(d) Grain elevator; including storage and processing.

(e) Wholesale establishment, including warehousing, storage buildings, commercial laundries or dry cleaning plants.

(f) Public utility and service buildings.

(g) Highway maintenance shops and yards.

(h) Public vehicle garages.

(i) Vehicle repair, vehicle body and painting facilities (garage) not limited to motorized vehicles.

(j) Essential services – telephone, telegraph and power transmission lines under 35KV and necessary appurtenant structures.

(k) All uses permitted in the "I" Industrial District are subject to the performance standards set forth in this Section.

SECTION 14-83. CONDITIONAL USES

In the "I" Industrial District, the following uses may be allowed subject to obtaining a Conditional Use Permit in accordance with the provision of Article I. Division 6 of this Ordinance.

(a) Retail trade.

(b) Mining, extraction, processing and storage of sand, gravel, stone or other raw materials.

(c) Mini storage.

(d) Manufacturing of cement, lime, gypsum or plaster.

(e) Petroleum or asphalt refining or manufacturing.

(f) Fertilizer manufacturing, compact or storage processing of garbage (offal, dead animals, refuse or rancid fats).

(g) Livestock slaughter houses or processing plants.

(h) Smelting or refining of metals from ores.

(i) Storing, curing or tanning of raw, green or salted hides or skins.

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

(k) Other uses of the same general character as those listed, provided they are deemed fitting or compatible to the District by the Planning Commission.

(l) Power transmission lines over 35KV.

(m) Temporary storage, crushing/recycling of concrete and/or bituminous material.

(n) Solid waste handling and/or disposal facility.

(o) Kennels.

(p) Manufacturing, refining and processing of chemicals.

(q) Junk yards or salvage yards.

(r) Adult establishments, as regulated in the County's adult use Ordinance.

SECTION 14-84. PROHIBITED USES.

In the "I" Industrial District, no building, structure or part thereof shall be erected, altered, used or moved upon any premises nor shall any land be used in whole or part for any one or more of the following uses:

(a) Manufacturing of bulk storage of explosives.

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

SECTION 14-85. INDUSTRIAL DEVELOPMENT STANDARDS.

Uses establishes in the "I" Industrial District shall be operated subject to the following conditions:

(a) Any open storage area shall provide a graveled or aggregate surface area which shall be properly maintained.

(b) The County may require the screening or fencing of industrial uses, to prevent visual blight, especially on side yards which face less intensive uses or districts.

SECTION 14-86. LOT SIZE, WIDTH, YARD AND HEIGHT REQUIREMENTS

Any lot in the "I" Industrial District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards:

(a) **Lot Size and Width**. Any permitted or conditional use shall have an area of not less than one and one-half (1.5) acres and shall have a minimum width of one hundred fifty (150) feet along a public road or privately dedicated 66 foot wide utility and driveway easement and a minimum depth of not less than two hundred fifty (250) feet. Reduced lot size, width and depth may be achieved for lots serviced by community sewage through a Conditional Use Permit.

(b) **Yard Requirements.** Every permitted, conditionally permitted or accessory building shall meet the following yard requirements:

(1) Front Yard.

(a) A front yard of not less than forty (40) feet shall be provided as measured from the right-of-way line of any public road or highway or privately dedicated 66-foot wide utility and driveway easement; except that the setback from all Trunk Highways, except TH 105, shall be ninety (90) feet.

(b) In the event any building is located on a lot at the intersection of two (2) or more roads or highways, or privately dedicated utility and driveway and easements, such lot shall have a front yard abutting each such road, highway or easement.

(2) Side Yard.

(a) There shall be side yard of not less than thirty (30) feet on each side of a building.

(b) No building shall be located within seventy-five (75) feet of any side lot line abutting any non-business or non-industrial district.

(3) Rear Yard.

(a) There shall be a rear yard of not less than forty (40) feet.

(b) No building shall be located within fifty (50) feet of any rear lot line abutting a non-business or non-Industrial district.

(4) Pipeline Setbacks.

(a) All dwellings shall be setback a minimum distance of fifty (50) feet from all pipeline easements.

(b) Buildings other than dwellings shall be setback a minimum distance of twenty (20) feet from all pipeline easements.

(c) Variances may be granted from the above standard only after permission has been received from the Office of Pipeline Safety.

(d) Buildings required to operate or maintain pipeline systems are exempt from these setback requirements.

(c) **Height Requirements.** Every permitted, conditionally permitted or accessory building shall not exceed forty-five (45) feet in height.

(d) **Exceptions**. Certain uses are exempted from meeting the lot size, yard and height requirements. These exceptions are listed in Section 14-18.1 of this Ordinance.

SECTION 14-87. GENERAL REGULATIONS.

Rezoning to "I" Industrial District within any Urban Expansion District shall be consistent with the adopted land use plan of the adjacent City, if one is adopted. The Zoning Administrator shall notify and send application copies of all zoning, variance, plat, ordinance amendments or conditional use requests within UE Districts to the adjacent City at least ten (10) days prior to the respective meeting or hearing at which the request is to be considered. In addition, a copy of the approved zoning request, amendments, plats, variances and conditional uses shall be sent to the City within ten (10) days of the final decision.

Additional requirements for parking, signs, sewage systems and other regulations in the "I" Industrial District are set forth elsewhere in this Ordinance.

SEE ALSO: SECTION 14-12: REGARDING ACCESSORY USES

SECTION 14-88.

Reserved.

DIVISION 9. SHORELAND MANAGEMENT OVERLAY REGULATIONS

SECTION 14-89. PURPOSE, INTENT AND POLICY

The purpose of this Section is to regulate the subdivision, use and development of shoreland areas within the unincorporated areas of Mower County as a means to further the policies declared in Minnesota Statutes, Chapters 103A, 103B, 103E to 103G, 115, 116, 394, and to achieve the following:

(a) The protection and enhancement of the quality of surface waters.

(b) The preservation of natural environmental values (steep slopes, vegetation and wildlife).

(c) The wise utilization of waters as related to land resources.

(d) The preservation of historic values.

SECTION 14-90. JURISDICTION

This Section shall apply to all public waters in the unincorporated areas of Mower County as shown on the County's Protected Waters Inventory Map and described in the Commissioner's Order.

SECTION 14-91. SHORELAND CLASSES

The public waters of Mower County have been classified by the Commissioner of the Department of Natural Resources as follows:

(a) Agricultural River Segments:		
	Location	
	From	**To**
(1) North Branch Root River	Sec. 33, T 104, R16	Sec. 7, T 104, R15
(2) Deer Creek	Sec. 4, T102, R15	Sec. 13, T 103, R14
(3) South Branch Root River	Sec. 17, T102, R14	Sec. 13, T 102, R14
4) Cedar River	Sec. 4, T 104, R18	Sec. 33, T 101, R18

(b) Tributary River Segments:

All rivers, creeks and streams not listed in Subsection (a) as shown on the County's Protected Waters Inventory Map and included in the Commissioner's Order dated August 29, 1984.

(c) Natural Environment Lakes:

(1) Ramsey Mill Pond (50-4)

SECTION 14-92. PERMITTED USES IN SHORELAND AREAS

The following uses are either permitted or not permitted in Shoreland Areas (P = Permitted Use, C = Conditional Use, N = Prohibited Use).
Permitted uses are subject to the standards and conditions established by the District and Sections 14-94 through 14-98.

Uses	DISTRICTS						
	A, RM	UE	R-1	R-C	B	FIM	I
Agricultural Operations [1)]	P	P	P	P	P	P	P
Single-Family Dwellings	C	C	C	C	C	N	N
Two-Family Dwellings	N	C	C	C	C	N	N
Multiple-Family Dwellings	N	N	N	N	N	N	N
Conservation Areas	C	C	N	N	N	N	N
Parks, Historic Sites, Campgrounds	C	C	C	C	C	C	C
Alcohol Stills	C	N	N	N	N	N	N
Agricultural Feedlots	C[1]	N	N	N	N	N	N
Home Occupations	P/C	P/C	P	P	P	N	N
Essential Services	C	C	C	C	C	C	C
Public and Semipublic Buildings/Uses [2)]	C	C	C	C	C	C	N
Mining & Gravel Extraction	C	N	N	N	N	N	C
Junkyards, Landfills and Solid Waste Facilities	N	N	N	N	N	N	N
Commercial Uses Per Ordinance	N	C	N	C	C	C	N
Industrial Uses	N	N	N	N	N	N	N
All Other Conditional Uses Permitted by the District	C	C	C	C	C	N	N

[1)] See Section 14-94(c)
[2)] Only those uses permitted by the District

SECTION 14-93. CONDITIONAL USES

All Conditional Uses shall be subject to the following:

(a) The conditions of Sections 14-94 through 14-98 shall be met, and

(b) The site is adequate to accommodate on-site water supply and sewage treatment systems and minimum on-site utility standards are met.

SECTION 14-94. AGRICULTURAL USE STANDARDS

The following standards shall apply to agricultural activities in shoreland areas:

(a) The shore impact zone for parcels with permitted agricultural uses is equal to a line parallel to and 50 feet from the ordinary high water level.

(b) General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted if steep slopes and shore impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local Soil and Water Conservation District or the United States Soil Conservation Service.

(c) Feedlots. Animal feedlots and manure storage shall not be located within 300 feet of an OHWL except that modifications to or expansions of existing feedlots are allowed by CUP provided they: 1) do not further encroach into the established setback and 2) do not encroach into a shore impact zone. When permits are required by parts 7020.0100 to 7020.1900, they must be obtained by the owner or operator of the feedlot.

(d) Chemical and fertilizer use. The use of pesticides, fertilizer or animal wastes within shoreland areas shall be done in such a way as to minimize impacts on shore impact zones by proper application or use of earth or vegetation.

SECTION 14-95. STANDARDS FOR COMMERCIAL, PUBLIC AND SEMIPUBLIC USES

Along the Cedar River, all commercial, public and semipublic uses must either be set back double the normal setback or be substantially screened from view from the water by vegetation or topography assuming summer, leaf-on conditions.

SECTION 14-96. SHORELAND DEVELOPMENT STANDARDS

In addition to the requirements of the applicable zoning district, the following special overlay standards shall apply within shoreland areas to principal and accessory structures:

STANDARDS	LAKE CLASSES	RIVER CLASSES
(a) Minimum Lot Size (applies only to residential) [1)]		
Single-Family	80,000' sq. feet	80,000' sq. feet
Two-Family	120,000 sq. feet	120,000 sq. feet
(b) Minimum Structure Setback From OHWL [2)]		
	150 feet	100 feet
(c) Minimum Lot Width (applies only to residential) [3)]		
Single-Family	200 feet	150 feet
Two-Family	300 feet	200 feet
d) Minimum Floor Elevation above the flood of record[4)]		
	3 feet	3 feet
(e) Maximum Impervious Surface Lot Coverage [5)]		
	25%	25%
(f) Minimum On-site Sewage Treatment System Setback from OHWL		
	150 feet	75 feet
(g) Except for public crossings of public waters, roads, driveways and parking areas shall meet the minimum structure setback. Where no alternative exists, such improvements may be placed within the required structure setback provided: they are designed to adapt to the natural landscape, soil erosion is minimized, and no construction shall occur within the shore impact zone.		

1) Only land above the OHWL shall be used to meet lot area requirements.

2) Exceptions are permitted without a variance in R-1 Districts where structures exist on both lots adjoining a proposed building site, or in other districts where structures exist within 300 feet on both lots adjoining a proposed building site, and the building site is not located on a steep slope or within a shore impact zone. In no case, shall a structure be built closer to the Ordinary High Water Level (OHWL) than the average setback of the two (2) adjoining structures.

3) Lot width requirements must be met at both the OHWL and building line.

4) Or if data are not available, three feet above the OHWL for the lowest floor elevation.

5) Sum of all impermeable surfaces including, but not limited to, building roofs, parking surfaces, sidewalks, driveways, and patios.

SECTION 14-97. SHORELAND ALTERATION STANDARDS

Grading, filling and removal or alteration of vegetation is permitted subject to the application of the following standards:

(a) Permanent Vegetation. Shore impact zones shall be maintained in permanent vegetation or operated under an approved conservation plan consistent with the field office technical guides of the local Soil and Water Conservation District.

(b) Intensive Vegetation Clearing, Conditional Use Permit (CUP) Required. Intensive vegetation clearing within shore impact zones and on steep slopes is prohibited. Intensive vegetation clearing within shoreland areas but outside of shore impact zones is permitted subject to the approval of an erosion and sedimentation control plan and issuance of a CUP by the County.

(c) Limited Clearing. Limited clearing of trees and shrubs in shore impact zones including the cutting, pruning and trimming of live trees to accommodate the placement of access paths, picnic areas and livestock watering areas is permitted provided the shading of existing water surfaces is essentially preserved.

(d) Grading and Filling, CUP Required. Any grading or filling on steep slopes or within a shore impact zone involving the movement of ten (10) or more cubic yards of material or elsewhere in a shoreland area involving more than 50 cubic yards of material shall require an erosion and sedimentation control plan and the issuance by the County of a CUP. Approval shall require that the following conditions are met:

(1) Any filling or grading in any Type 2, 3, 4, 5, 6, 7 or 8 wetland shall be in conformance with the Wetland Conservation Act of 1991 and shall require consideration of how extensively the proposed activity will affect the following functional qualities of the wetland.

(a) Sedimentation and pollution trapping and retention.

(b) Storage of surface runoff to prevent or reduce flood damage.

(c) Fish and wildlife habitat and endangered plants and animals.

(d) Recreational use.

(e) Shoreline or bank stabilization.

(f) Historical significance.

(2) The smallest amount of bare ground is exposed for the shortest time possible;

(3) Ground cover, such as mulch, is used for temporary bare soil coverage and permanent ground cover, such as sod, is established;

(4) Methods to prevent erosion and trap sediment during construction are employed;

(5) Altered areas are stabilized to accepted erosion control standards;

(6) Fill is not placed so as to create unstable slopes;

(7) Plans to place fill or excavated material on steep slopes are certified by qualified professionals as to slope stability;

(8) Alterations below the OHWL are authorized by the Commissioner of the Minnesota Department of Natural Resources per Minnesota Statutes, Section 103G.245.

(9) Placement of natural rock rip-rap, 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 rip-rap is within ten (10) feet of the OHWL and the height of the rip-rap above the OHWL does not exceed three feet.

(10) Alterations of topography shall only be permitted if accessory to a permitted or conditional use.

(e) Excavation of Earth Products. Any use involving the excavation of earth products or materials within shoreland areas shall adhere to the Shoreland Development Standards established in Section 14-96 and the permit requirements of Section 14-140 through 144. In addition, a site development and restoration plan shall be developed by the owner for approval by the County which addresses dust, noise, possible pollutant discharges, hours and duration of operation and anticipated vegetation and topographic alterations. It shall identify actions to be taken during the operation to mitigate adverse environmental impacts, particularly erosion. The plan shall also identify the measures to be used to restore the site after excavation.

SECTION 14-98. SANITARY AND STORMWATER MANAGEMENT PROVISIONS

The following provisions shall apply in shoreland areas:

(a) Sewage treatment. Private on-site sewage treatment systems shall meet the Mower County Sewage Disposal Ordinance requirements and MPCA Chapter 7080 standards. When property is sold in the shoreland area, the on-site sewage treatment system shall be inspected for compliance with the Minnesota Pollution Control Agency regulations 7080. If the system is found not to be in compliance with the regulations, it shall be brought up to 7080 standards within a twelve (12) month period. Publicly owned sewer systems shall be used where available.

(b) Water supply. Any private water supply to be used for domestic purposes shall meet quality standards established by the Minnesota Department of Health and the MPCA. Private wells shall be located, constructed, maintained and sealed in accordance with the Mower County Water Well Construction, Repair and Sealing Ordinance.

(c) Stormwater management. Wherever possible, existing natural drainageways, wetlands, and vegetated soil surfaces shall be used to convey, store, filter and retain stormwater runoff before discharge to public waters.

SECTION 14-99. NONCONFORMING LOTS, LAND USES, BUILDINGS AND STRUCTURES, AND SUBSTANDARD LOTS, AND NON-CONFORMING ON-SITE SEWAGE TREATMENT SYSTEMS

Nonconforming lots, land uses, buildings, structures, and substandard lots are regulated in Section 14-16 of this Ordinance.

Nonconforming On-Site Sewage Treatment Systems.

(1) Systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, Section 103F.201-221, shall be considered as conforming systems unless they are determined to be failing, in which case, they shall be nonconforming.

(2) Cesspools, leaching pits, seepage pits and other deep disposal systems shall be considered as nonconforming systems.

(3) Nonconforming systems shall be reconstructed to meet MPCA standards whenever a permit or variance of any type is required for any improvement on, or use of, the property.

SECTION 14-100. NOTIFICATION REQUIREMENTS

The Zoning Administrator shall send copies of notices of any public hearings to consider variances, plats, ordinance amendments or conditional uses under local shoreland management controls to the Commissioner of the Department of Natural Resources or his designee at least ten (10) days prior to the hearings. In addition, a copy of the approved amendments, plats, variances and conditional uses shall be sent to the Commissioner or his designee within ten (10) days of the final decision.

SECTION 14-101. ADMINISTRATION

The Mower County Zoning Administrator shall be responsible for the administration and enforcement of these Shoreland Management Overlay Regulations. In order to comply with the 1991 Wetland Conservation Act within shoreland areas, the Zoning Administrator will refer applications to the Mower County Soil and Water Conservation District to identify or delineate wetlands within the proposed project area. In addition, the approved wetland impact application issued by the District shall be incorporated as a condition of approval of the Conditional Use Permit.

SECTION 14-102. BLANK

For future use.

SECTION 14-103. BLANK

For future use.

DIVISION 10. "RC" RURAL SERVICE CENTER DISTRICT

SECTION 14-103.1 PURPOSE

The "RC" Rural Service Center District is intended to accommodate existing and new limited commercial, industrial and residential development of the County's established, unincorporated rural town sites/centers. These areas may be appropriate for additional residential development on smaller lots as well as commercial establishments that serve the local market. However, these areas should remain relatively small and low-density so that they do not require public sewer service or County Road improvements beyond normal maintenance. New development should maintain the Rural Service Center's small-scale character. Any commercial uses in these areas shall produce only a relatively low volume of wastewater that is capable of being serviced by an on-site well and waste water disposal system.

SECTION 14-103.2 PERMITTED USES

In the "RC" Rural Service Center District, no building, structure, or part thereof shall be erected, altered, used or moved upon any premises nor shall any land be used in whole or part for other than one or more of the following uses:

(a) Single-family dwellings.

(b) Home occupations in accordance with Section 14-18.3 of this Ordinance.

(c) Park or recreation areas operated by a governmental agency.

(d) Essential Service - Telephone, telegraph and power transmission lines under 35KV and necessary appurtenant structures.

(e) Group or foster homes.

(f) Other uses of the same general character as those listed above, provided they are deemed fitting or compatible to the District by the Planning Commission.

SECTION 14-103.3 CONDITIONAL USES

In the "RC" Rural Service Center District, the following uses may be allowed subject to obtaining a Conditional Use Permit in accordance with the provisions of Article I. Division 6 of this Ordinance.

(a) Churches, cemeteries, memorial buildings, schools, libraries and museums.

(b) Commercial radio and television towers and transmitters.

(c) Commercial uses including those listed in the "B" District under permitted uses, on and off sale liquor establishments and agriculturally-oriented businesses.

(d) Essential Service - Telephone, telegraph and power transmission lines over 35KV and necessary appurtenant structures.

(e) Other uses of the same general character as those listed above, provided they are deemed fitting or compatible to the District by the Planning Commission.

(f) Single family dwellings on lots of less than one and one-half (1.5) acres if serviced with a community sewer system, but in no instance less than the standards contained in Minnesota Rules Part 7080 (MPCA Individual Sewage Treatment Systems Standard).

SECTION 14-103.4 LOT SIZE, WIDTH, YARD AND HEIGHT REQUIREMENTS

Any lot in an "RC" Rural Service Center District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards:

(a) **Lot Size, Width and Depth**. Any lot shall contain a minimum of one and one-half (1.5) acres and shall have a minimum width of one hundred fifty (150) feet along an existing public dedicated street or privately dedicated 66 foot wide utility and driveway easement, and a minimum depth of two hundred fifty (250) feet. Reduced lot size, width and depth may be achieved for lots serviced by community sewage through a Conditional Use permit.

(b) **Yard Requirements.** Every permitted, conditionally permitted or accessory building shall meet the following yard requirements:

(1) Front Yard.

(a) There shall be a minimum setback of forty (40) feet from the right-of-way line of any public road or privately dedicated 66-foot wide utility and driveway easement.

(b) In the event any building is located on a lot at the intersection of two (2) or more roads or highways, or privately dedicated utility and driveway easements, such lot shall have a front yard abutting each such road, highway or easement.

(2) Side and Rear Yard.

(a) There shall be a side yard width of not less than fifteen (15) feet on each side of the building.

(b) Rear yard setback for all building be twenty (20) feet; however.

(3) **Pipeline Setbacks**

(a) All dwellings shall be setback a minimum distance of 50 feet from all pipeline easements.

(b) Buildings other than dwellings shall be setback a minimum distance of 20 feet from all pipeline easements.

(c) Variances may be granted from above standards only after permission has been received from the Office of Pipeline Safety.

(d) Buildings required to operate or maintain pipeline systems are exempt from these setback requirements.

(4) Setbacks from Feedlots. Any new dwelling (except for the dwelling of the property owner or feedlot operator), school, church, platted subdivision and/or public park, must be setback at least 1,000 feet from an existing feedlot.

(c) **Height Requirements**. Every permitted, conditionally permitted or accessory building shall meet the following height requirements:

(1) The maximum height of all buildings shall not exceed two and one-half (2 1/2) stories or thirty-five (35) feet.

(2) This height limitation shall not apply to grain elevators, fertilizer plants or fertilizer plant structures, silos, windmills, elevator ~~lags~~ legs, cooling towers, water towers, chimneys, smokestacks and church spires.

Note: Height increases must also comply with height limitations/requirements when located in a safety or conical zone of the Austin Municipal Airport. Further review, will be required by the governing authority for compliance with airport zoning.

(d) **Exceptions**. Certain uses and locations are exempted from meeting the lot size, yard and height requirements. These exceptions are listed in Section 14-18.1.

SECTION 14-103.5 GENERAL REGULATIONS

Additional requirements for parking, signs, sewage systems, and other regulations are set forth elsewhere in this Ordinance.

SEE ALSO: SECTION 14-12: REGARDING ACCESSORY USES

DIVISION 11. "PUD" PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 14-103.6 PURPOSE

The purpose of the PUD District is to promote flexibility, economy and creativity of site design and architecture in district to preserve open space, scenic views and/or rural character while creating more compact neighborhoods that have strong visual and physical access to open space, distinct identity and a sense of community. This method of development uses the size and shape of the open space as the central organizing element and may provide commonly owned open space areas for active and/or passive recreational use by residents and/or the larger community.

A PUD may be allowed only through a request for rezoning. For PUD developments in shoreland districts, refer also to the Shoreland Management Ordinance.

Planned unit development authorization may allow:

Variety: Within a comprehensive site design concept, a mixture of land uses, housing types, lot sizes and densities to accommodate a variety of age and income groups.

Sensitivity: By departing from the strict application of required setbacks, yard areas, lot sizes, minimum requirements and other performance standards associated with traditional zoning, planned unit development can maximize the development potential of land while remaining sensitive to its unique and valuable natural and cultural characteristics.

Efficiency: The consolidation of areas for recreation, open space and/or agricultural use and reductions in street lengths and other utility related expenses.

Density Clustering: The project density may be clustered on areas that have low agricultural potential and/or natural housing appeal basing density on number of units per acre(s) instead of specific lot dimensions.

District Integration: The combination of uses which are allowed in separate zoning districts such as:

A. Mixed residential allows both densities and unit types to be varied within the project.
B. Mixed use allows commercial, industrial, residential, or institutional land use with the integration of compatible land uses within the project.

SECTION 14-103.7 ALLOWED USES

Uses within the PUD may include only those uses generally associated with the underlying land use category shown for the area on the official Comprehensive Land Use Plan, unless it is determined that there is a public benefit to include other uses.

Specific allowed uses and performance standards for each PUD shall be delineated in an ordinance and in a PUD development plan. The PUD development plan shall identify all the proposed land uses and those uses shall become permitted uses with the acceptance of the development plan. Any change in the uses presented in the development plan will be considered an amendment to the PUD and will follow the procedures specified in Section 14-103.10 of this Ordinance.

SECTION 14-103.8 REQUIRED STANDARDS

(a) The County shall consider the proposed PUD from the point of view of all standards and purposes of the Comprehensive Land Use Plan to:

(1) Achieve maximum coordination between the proposed development and the surrounding uses;

(2) Minimize the impact on natural, scenic and cultural resources of the site including the conservation/protection of historic buildings, prime agricultural lands, endangered species, wetlands, woodlands, hedgerows, mature trees, rare plant communities and other significant vegetation;

(3) Minimize fragmentation of open space;

(4) Whenever possible, connect with existing or potential open space lands on adjoining parcels; and

(5) Protect the health, safety and welfare of the community and residents of the PUD.

(b) To these ends, the County Board of Commissioners shall consider the location of the buildings, compatibility, parking areas and other features with respect to the topography of the area and existing natural features such as streams and large trees; the efficiency, adequacy and safety of the proposed layout of internal streets and driveways; the adequacy and location of green areas; the adequacy, location and screening of parking areas; and such other matters as the Board of Commissioners may find to have a material bearing upon the stated standards and objectives of the Comprehensive Land Use Plan.

SECTION 14-103.9 COORDINATION WITH SUBDIVISION REGULATIONS

Subdivision review under the subdivision regulations shall be carried out simultaneously with the review of the PUD. The plans required under this Division shall be submitted in a form which will satisfy the requirements of the subdivision ordinance for the preliminary and final plat.

SECTION 14-103.10 REVISIONS AND/OR CHANGES

(a) Minor changes in the location, placement and height of structures may be authorized by the Planning Commission if required by engineering or other circumstances not foreseen at the time the Final Plan was approved and filed with the Zoning Administrator.

(b) Changes in uses, significant changes in the location, size, or height of structures, any rearrangement of lots, blocks and building tracts, changes in the provision of common open spaces, and all other changes to the approved final development plan may be made only after a public hearing conducted by the Board of Commissioners. Any changes shall be recorded as amendments to the recorded copy of the final development plan.

(c) All of the provisions of this Ordinance applicable to the original district within which the Planned Unit Development District is established shall apply to the PUD District except as otherwise provided in approval of the Final Plan.

(d) Review: If substantial development has not occurred within a reasonable time after approval of the PUD Zoning District, the County Board of Commissioners may instruct the Planning Commission to initiate rezoning to the original zoning district. It shall not be necessary for the County Board of Commissioners to find that the rezoning was in error.

SECTION 14-103.11 PHASING AND GUARANTEE OF PERFORMANCE

(a) The Planning Commission shall compare the actual development accomplished in the various PUD zones with the approved development schedule.

(b) Upon recommendation of the Planning Commission and for good cause shown by the property owner, the Board of Commissioners may extend the limits of the development schedule.

(c) The construction and provision of all of the common open space and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of dwelling units, if any. The Planning Commission shall review all of the zoning permits issued for the PUD and examine the construction which has taken place on the site. If they find that the rate of construction of dwelling units is greater than the rate at which common open spaces and public and recreational facilities have been constructed and provided, they shall forward this information to the Board of Commissioners for action.

(d) A performance bond or letter of credit shall be required to guarantee performance by the developer. The amount of this bond or letter of credit, and the specific elements of the development program that it is intended to guarantee, will be stipulated in the development agreement.

SECTION 14-103.12 CONTROL OF PLANNED UNIT DEVELOPMENT FOLLOWING COMPLETION

(a) After the land use permit has been issued, the use of the land and the construction, modification or alteration of any buildings or structures within the planned development shall be governed by the final development plan.

(b) After the land use permit has been issued, no changes shall be made in the approved final development plan except upon application as provided below:

(1) Any minor extensions, alterations or modifications of existing buildings or structures may be authorized by the Planning Commission if they are consistent with the purposes and intent of the final development plan. No change authorized by this Section may increase the cubic volume of any building or structure by more than ten percent (10%).

(2) Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved under Section 14-103.10.

(3) Changes in the use of the common open space may be authorized by an amendment to the final development plan under Section 14-103.10.

(4) Any other changes in the final development plan must be authorized by an amendment of the final development plan under Section 14-103.10.

SECTION 14-103.13 PROCEDURE FOR PROCESSING A PLANNED UNIT DEVELOPMENT

There are three stages to the PUD process: Application Conference, Preliminary Concept Plan, and Final Plan, as described below:

(a) Application Conference: Upon filing of an application for PUD, the applicant of the proposed PUD shall arrange for and attend a conference with the Zoning Administrator. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area for which it is proposed and its conformity to the provisions of this Ordinance and the Comprehensive Plan before incurring substantial expense in the preparation of plans, surveys and other data.

(b) Preliminary Concept Plan

(1) Purpose: The Preliminary Concept Plan provides an opportunity for the applicant to submit a plan to the County showing the basic intent and the general nature of the entire development without incurring substantial costs for architectural, planning, engineering, legal or other services. The preliminary concept plan shall include the following:

(a) Specific location of residential and nonresidential land uses with lot layouts and approximate type and intensities of development.

(b) Overall maximum PUD density.

(c) Specific location of major streets and pedestrian ways.

(d) Location and extent of public and common open space.

(e) Staging and time schedule of development.

(f) Areas proposed for stormwater management and on- or off-site sewage treatment.

(g) Other special criteria for development.

(2) Schedule:

(a) Developer meets with the Zoning Administrator to discuss the proposed developments.

(b) The applicant shall file the Preliminary Concept Plan application and preliminary plat, together with all supporting data.

(c) Within thirty (30) days after verification by the Zoning Administrator that the required plan and supporting data is adequate, the Planning Commission shall hold a public hearing.

(d) The Planning Commission shall conduct the hearing and report its findings and make recommendations to the County Board of Commissioners. Notice of the hearing shall consist of a legal property description, description of request, and be published in the official newspaper at least ten (10) days prior to the hearing and written notification of the hearing shall be mailed at least ten (10) days prior thereto to owners of land within three hundred fifty feet (350') of the boundary of the property in question.

(e) The County may request additional information from the applicant concerning operational factors or retain expert testimony at the expense of the applicant concerning operational factors.

(f) The Board of Commissioners may hold a public hearing after the receipt of the report and recommendations from the Planning Commission. If the Planning Commission fails to make a report within sixty (60) days after receipt of the application, then the County Board of Commissioners may proceed without the report. The Board of Commissioners may approve the concept plan and attach such conditions as it deems reasonable. Approval shall require a four-fifths (4/5) vote of the entire Board of Commissioners.

(3) Applications: Ten (10) copies of the following exhibits, analysis and plans shall be submitted to the County for Preliminary Concept Plan stage:

(a) Preliminary plat and information required by subdivision Ordinance.

(b) A written statement generally describing the proposed PUD and the market which it is intended to serve and its demand showing its relationship to the County's Comprehensive Plan and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the County.

(c) Schematic drawing of the proposed development concept including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses.

(d) General Information:

(1) The landowner's name and address and his/her interest in the subject property.

(2) The applicant's name and address if different from the landowner.

(3) The names and addresses of all professional consultants who have contributed to the development of the PUD plan

being submitted, including attorney, land planner, engineer and surveyor.

(e) Present Status:

(1) The address and legal description of the property.

(2) The existing zoning classification and present land use of the subject property and all lands within one thousand feet (1,000') of the property.

(3) A map depicting the existing development of the property and all land within one thousand feet (1,000') thereof and indicating the location of existing buildings, streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within five hundred feet (500') of the property.

(f) Site Conditions: Graphic reproductions of the existing site conditions at a scale of one inch equals one hundred feet (1" = 100').

(1) Contours; minimum two-foot (2") intervals.

(2) Location, type and extent of tree and other vegetative cover.

(3) Slope analysis.

(4) Location and extent of water bodies, wetlands, streams and flood plains within five hundred feet (500') of the property.

(5) Significant rock outcroppings.

(6) Existing drainage patterns.

(7) Vistas and significant views.

(8) Soil conditions as they affect development.

(9) Historic and cultural resources.

(g) A calculation of the maximum potential number of dwelling units. The potential number of dwelling units shall be determined by the maximum density shown in Table 1.

(h) A statement of the estimated total number of dwelling units proposed for the PUD. The total number of units proposed shall not exceed the maximum potential calculated in (g) above.

(i) A tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area shall also be submitted, which shall include at least the following:

(1) Area devoted to residential uses.

(2) Area devoted to residential use by building type.

(3) Area devoted to common open space.

(4) Area devoted to public open space.

(5) Approximate area devoted to streets.

(6) Approximate area devoted to, and number of, off-street parking and loading spaces and related access.

(7) Approximate area, and floor area, devoted to commercial uses.

(8) Approximate area, and floor area, devoted to industrial or office use.

(j) When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such state and overall chronology of development to be followed from stage to stage.

(k) When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.

(l) Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or registered property report, and such other

evidence as the County Attorney may require to show the status of title or control of the subject property.

(m) Any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.

(n) Schematic utilities plans indicating placement of any water, sanitary and storm sewers.

(o) All of the graphics should be the same scale as the Final Plan to allow easy cross-reference. The use of overlays is recommended for clear reference.

(p) Urban Overlay Plat (Ghost Plat). The County may require, at its option, an urban overlay plat for any development within an Urban Expansion Area or Rural Management Area as identified on the officially adopted Land Use Plan that involves a rezoning to a residential PUD or for the residential portion of a mixed use PUD. The overlay plat shall show in concept the following:

(1) How the land within the subdivision will be subdivided into urban lots in the future.

(2) The layout of future streets or extensions.

(q) Easements for the extension of municipal sewer and water, and drainage and utility easements.

(r) The County may excuse an applicant from submitting any specific item of information or document required in this stage which it finds to be unnecessary to the consideration of the specific proposal.

(s) The County may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.

(c) Final Plan

(1) Purpose: The Final Plan stage submissions should depict and outline the proposed implementations of the general concept stage for the PUD.

(2) Schedule: Following preliminary plat approval, if given, the applicant shall submit the Final Plan stage application and final plat. The application shall proceed and be acted upon in accordance with Article 1, Division 7 of this Ordinance for zoning district changes. If appropriate because of the

limited scale of the proposal, the Preliminary Concept Plan stage and Final Plan stages may proceed simultaneously.

(3) Application: Information from the general concept stage may be included for background and to provide a basis for the submitted plan. The development stage submissions shall include but not be limited to:

(a) A final plat and information required by the County Subdivision Ordinance.

(b) Ten (10) sets of preliminary plans drawn to a scale of not less than one inch equals one hundred feet (1"=100') (or scale requested by the Zoning Administrator containing at least the following information):

(1) Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat theretofore recorded in the county where the subject property is situated).

(2) Property boundary lines and dimensions of the property and any significant topographical or physical features of the property.

(3) The location, size use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area of proposed buildings, including mobile homes, and existing buildings which will remain, if any.

(4) Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all circulation elements.

(5) Location, designation and total area of all common open space.

(6) Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities.

(7) Proposed lots and blocks, if any, and numbering system.

(8) The location, use and size of structures and other land uses on adjacent properties.

(9) Detailed sketches and provisions of proposed landscaping.

(10) General grading and drainage plans for the developed PUD.

(11) Any other information that may have been required by the Planning Commission or Board of Commissioners in conjunction with the approval of the Preliminary Concept Plan.

(12) An accurate legal description of the entire area within the PUD for which Final Development Plan approval is sought.

(13) A tabulation indicating the number of residential dwelling units and expected population.

(14) A tabulation indicating the gross square footage, if any, of commercial and industrial floor space by type of activity (e.g. drug store, dry cleaning, supermarket).

(15) Preliminary architectural "typical" plans indicating use, floor, plan, elevations and exterior wall finishes of proposed building, including mobile homes.

(16) A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights of way, utility lines and facilities, lots, block, public and common open space, general landscaping plan, structure, including mobile homes, and uses.

(17) Preliminary grading and site alteration plan illustrating changes to existing topography and natural site vegetation. The Plan should clearly reflect the site treatment and its conformance with the approved concept plan.

(18) A soil erosion control plan acceptable to watershed districts, Department of Natural Resources, Soil Conservation Service, or any other agency with review authority clearly illustrating erosion control measures to be used during construction and as permanent measures.

Table 1

	A	RM	UE	RC
Maximum residential density under conventional zoning in units per acre	1 unit per 160 acres	1 unit per 40 acres	1 unit per 20 acres	N/A
Minimum lot size under conventional zoning	1.5	1.5	1.5	1.5
Maximum residential density in units per acre	16 units per 40 acres	16 units per 40 acres	16 units per 40 acres	N/A

Section 14-103.14 GENERAL REGULATIONS

Additional requirements for parking, signs, sewage systems and other regulations in are set forth elsewhere in this Ordinance. In addition, where not explicitly addressed in this Section or negotiated as part of the PUD agreement, PUD developments shall follow all requirements for the most similar zoning district(s).

SEE ALSO: SECTION 14-12: REGARDING ACCESSORY USES

Article III. Mower County Floodplain Management Ordinance

DIVISION 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

SECTION 14-104. STATUTORY AUTHORIZATION

The Legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Minnesota Statutes Chapter 394, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses.

SECTION 14-105. FINDINGS OF FACT

The flood hazard areas of Mower County, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

SECTION 14-106. PURPOSE

(a) It is the purpose of this Ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Section 14-105 by provisions contained herein.

(b) National Flood Insurance Program Compliance. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.

DIVISION 2. GENERAL PROVISIONS

SECTION 14-107. LANDS TO WHICH ORDINANCE APPLIES

This ordinance shall apply to all lands within the jurisdiction of Mower County shown on the Official Zoning Map and/or the attachments thereto as being located within the boundaries of the Floodway, Flood Fringe, or General Floodplain Districts.

The Floodway, Flood Fringe and General Floodplain Districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts shall be in addition to any other requirements set forth in this ordinance. In case of a conflict, the more restrictive standards shall apply.

SECTION 14-108. ESTABLISHMENT OF OFFICIAL ZONING MAP

Incorporation by Reference: The Official Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this ordinance. The attached material includes the Flood Insurance Study Mower County, Minnesota and Incorporated Areas; Flood Insurance Rate Map Index Mower County, Minnesota and Incorporated Areas with map number 27099CINDOA; and all Flood Insurance Rate Map panels on the Flood Insurance Rate Map Index that apply to the unincorporated areas of Mower County, Minnesota; all of the aforementioned documents being dated September 4, 2013 and prepared by the Federal Emergency Management Agency. The Official Zoning Map shall be on file in the Office of the County Zoning Administrator.

SECTION 14-109. REGULATORY FLOOD PROTECTION ELEVATION

The regulatory flood protection elevation shall be an elevation no lower than two foot above the elevation of the regional flood.

SECTION 14-110. INTERPRETATION

The boundaries of the zoning districts shall be determined by scaling distances on the Flood Insurance Rate Map.

(a) Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Flood Insurance Rate Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator, the Board of Adjustment shall make the necessary interpretation.

(b) All decisions will be based on elevations on the regional (1% chance) flood profile, the ground elevations that existed on the site at the time Mower County adopted its initial floodplain ordinance or on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, if earlier, and other available technical data.

(c) Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Board of Adjustment and to submit technical

evidence.

SECTION 14-111. ABROGATION AND GREATER RESTRICTIONS

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

SECTION 14-112. WARNING AND DISCLAIMER OF LIABILITY

This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of the County or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

SECTION 14-113. DETACHMENTS AND SEVERABILITY

The Flood Insurance Rate Map panels adopted by reference into 14-108 above will include floodplain areas that lie inside the corporate boundaries of municipalities at the time of adoption of this ordinance. If any of these floodplain land areas are detached from a municipality and come under the jurisdiction of Mower County after the date of adoption of this ordinance, the newly detached floodplain lands shall be subject to the provisions of this ordinance immediately upon the date of detachment.

DIVISION 3. ESTABLISHMENT OF ZONING DISTRICTS

SECTION 14-115. DESIGNATION OF DISTRICTS

The flood plain areas within the jurisdiction of this ordinance are hereby divided into three districts:

(a) Floodway District. The Floodway District shall include those areas designated as floodway on the Flood Insurance Rate Map adopted in Section14-108.

(b) Flood Fringe District. The Flood Fringe District shall include those areas designated as floodway fringe. The Flood Fringe District shall include those areas shown on the Flood Insurance Rate Map as adopted in Section 14-108 as being within Zones AE but being located outside of the floodway.

(c) General Floodplain District. The General Floodplain District shall include those areas designated as Zone A or Zones AE without a floodway on the Flood Insurance Rate Map adopted in Section14-108.

SECTION 14-116. COMPLIANCE

No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations which apply to uses within the jurisdiction of this ordinance. Within the Floodway, Flood Fringe and General Floodplain Districts, all uses not listed as permitted uses or conditional uses in Division 4, 5 and 6, respectively, shall be prohibited. In addition, a caution is provided here that:

(a) New manufactured homes, replacement manufactured homes, and certain travel trailers and travel vehicles are subject to the general provisions of this ordinance and specifically Section 14-130.

(b) Modifications, additions, structural alterations, normal maintenance and repair or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this ordinance and specifically Section 14-16 of the Mower County Zoning Ordinance and Section14-135 of this ordinance.

(c) As-built elevations for elevated or flood proofed structures must be certified by ground surveys and flood-proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this ordinance and specifically as stated in Division 8 of this ordinance.

(d) Critical facilities as defined in Section 14-7 of the Mower County Zoning Ordinance shall be prohibited in the Floodway (FW), Flood Fringe (FF) or General Floodplain (GFP) Overlay District.

DIVISION 4. FLOODWAY DISTRICT (FW)

SECTION 14-117. PERMITTED USES - FLOODWAY

The following uses, subject to the standards set forth in Section 14-118, are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:

(a) General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting including farm fencing as defined in Section 14-7 of the Mower County Zoning Ordinance.

(b) Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails. Open space shall not include target ranges, trap and skeet ranges due to possible intensive lead accumulation in the floodway district.

(c) Residential lawns, residential parking areas, gardens, and play areas.

(d) Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least ten (10) days prior to issuance of any permit, and that the standards in Sections 14-120(a), 14-120(b)(1) and 14-120(e) of this ordinance are met.

SECTION 14-118. STANDARDS FOR FLOODWAY PERMITTED USES

(a) The use shall have a low flood damage potential.

(b) The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

SECTION 14-119. CONDITIONAL USES - FLOODWAY

The following uses may be allowed as conditional uses following the procedures set forth in Section 14-134 of this ordinance and further subject to the standards set forth in Section 14-120, if otherwise allowed in the underlying zoning district or any applicable overlay district.

(a) Structures accessory to the uses listed in Section 14-117 above and the uses listed as b-f below.

(b) Extraction of sand, gravel and other materials. (Storage of sand gravel and other materials are prohibited in the floodway).

(c) Marinas, boat rentals, docks, piers, wharves, and water control structures.

(d) Placement of fill or construction of fences that obstruct flood flows.

(e) Road-ready recreational vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of Section 14-130(b) of this ordinance.

(f) Levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

SECTION 14-120. STANDARDS FOR FLOODWAY CONDITIONAL USES

(a) All Uses. No conditional use shall be permitted that will cause any increase in the stage of the 1% chance or regional flood or cause an increase in flood damages in the reach or reaches affected. This provision applies to structures (temporary or permanent), fill (including fill for roads and levees), deposits, obstructions, and all other uses.

All floodway conditional uses shall be subject to the procedures and standards contained in Section 14-134 of this ordinance.

(b) Fill

(1) Fill, dredge spoil, and all other similar materials deposited in the floodplain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.

(2) Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.

(c) Accessory Structures

(1) Accessory structures shall not be designed for human habitation.

(2) Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters:

(i) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and

(ii) So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

(3) Accessory Structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. All flood proofed accessory structures must meet the following standards:

(i) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;

(ii) Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly flood proofed.

(4) As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 576 square feet in size at its largest projection, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. The structure must meet the following standard:

(i) To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.

(ii) There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

(5) The structure’s design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the building code.

(a) Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute, Chapter 103G.

(b) A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

(c) Floodplain developments shall not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

DIVISION 5. FLOOD FRINGE DISTRICT (FF)

SECTION 14-121. PERMITTED USES – FLOOD FRINGE

Permitted uses are those uses of land or structures listed as permitted uses in the underlying zoning district(s). All permitted uses shall comply with the "Standards for Flood Fringe Permitted Uses" listed in Section 14-122 and the "Standards for all Flood Fringe Uses" listed in Section 14-125.

SECTION 14-122. STANDARDS FOR FLOOD FRINGE PERMITTED USES

(a) All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.

(b) As an alternative to elevation on fill, an accessory structure that constitutes a minimal investment and that does not exceed 576 square feet at its largest projection may be internally flood proofed in accordance with Section 14-120(c).

(c) The cumulative placement of fill in excess of two hundred fifty (250) cubic yards of fill on a parcel shall only be allowed as a conditional use, unless the fill is specifically intended to elevate a structure in accordance with Section 14-122(a) of this ordinance, or if allowed as a conditional use permit under Section 14-123(d).

(d) The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.

(e) The provisions of Section 14-125 of this ordinance shall apply.

SECTION 14-123. CONDITIONAL USES – FLOOD FRINGE

The following uses may be allowed as conditional uses following the procedure set forth in Section 14-134 of this ordinance and further subject to the standards in Section 14-125.

(a) Any structure that is not elevated on fill or flood proofed in accordance with Section 14-122(a) – 14-122(b) of this ordinance.

(b) Accessory structures exceeding the 576 square feet, as specified in Section 14-122(a), in accordance with the flood proofing standards of Section 14-120(c)(4).

(c) Storage of any material or equipment below the regulatory flood protection elevation.

(d) The cumulative placement of more than two hundred fifty (250) cubic yards of fill when the fill is not being used to elevate a structure.

SECTION 14-124. STANDARDS FOR FLOOD FRINGE CONDITIONAL USES

(a) Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These

alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if:

- the enclosed area is above-grade on at least one side of the structure
- it is designed to internally flood and is constructed with flood resistant materials
- it is used solely for parking of vehicles, building access or storage

(b) The above-noted alternative elevation methods are subject to the following additional standards:

(1) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

(2) Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages, must be designed to internally flood and the design plans must stipulate:

(i) The minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. When openings are placed in a structure's walls to provide for entry of flood waters to equalize pressures, the bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(ii) That the enclosed area will be designed of flood resistant materials accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

(c) Basements, as defined by Section 14-7 of the Mower County Zoning Ordinance, shall be subject to the following:

(1) Residential basement construction is not allowed below the regulatory flood protection elevation.

(2) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry flood proofed in accordance with (d) below.

(d) All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the State Building Code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural

components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.

(1) The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the building code.

(e) When at any one time more than 250 cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted.

(1) The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 1% or regional flood event.

(2) The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the County Board.

(3) The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.

(f) Storage of Materials and Equipment:

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

(2) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the County Board.

(g) The provisions of Section 14-125 of this ordinance shall also apply.

SECTION 14-125. STANDARDS FOR ALL FLOOD FRINGE USES

(a) All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the regulatory flood protection elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

(b) Commercial Uses - accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted unless a flood warning system is in place that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four (4) upon occurrence of the regional (1% chance) flood.

(c) Manufacturing and Industrial Uses - measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be

at lower elevations subject to requirements set out in (b) above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in floodplain areas.

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

(e) Floodplain developments shall not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

(f) Standards for recreational vehicles are contained in Section 14-130.

(g) All manufactured homes and those recreational vehicles not meeting the exemption criteria of Section 14-130(b)(1) of this ordinance must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

DIVISION 6. GENERAL FLOOD PLAIN DISTRICT (GFP)

SECTION 14-126. PERMITTED USES – GENERAL FLOOD PLAIN DISTRICT

(a) The uses listed in Section 14-117 of this ordinance, Floodway District, shall be permitted uses.

(b) All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to Section 14-127 below. Division 4 shall apply if the proposed use is in the Floodway District and Division 5 shall apply if the proposed use is in the Flood Fringe District.

SECTION 14-127. PROCEDURES FOR FLOODWAY AND FLOOD FRINGE DETERMINATIONS WITHIN THE GENERAL FLOOD PLAIN DISTRICT

(a) Upon receipt of an application for a permit or other approval within the General Floodplain District, Zoning Administrator must obtain, review and reasonably utilize any regional flood elevation and floodway data available from a federal, state, or other source. In the absence of such data, the applicant must furnish such of the following information as is deemed necessary by the Zoning Administrator for the determination of the regulatory flood protection elevation and whether the proposed use is within the Floodway or Flood Fringe District.

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

(2) Plan (surface view) showing elevations or contours of the ground, pertinent structure, fill, or storage elevations, the size, location, and spatial arrangement of all proposed and existing structures on the site, and the location and elevations of streets.

(3) Photographs showing existing land uses, vegetation upstream and downstream, and soil types.

(4) Profile showing the slope of the bottom of the channel or flow line of the stream for at least five hundred (500) feet in either direction from the proposed development.

(b) The applicant is responsible for submitting one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to beginning the analysis. The designated

engineer or expert shall:

(1) Estimate the peak discharge of the regional flood.

(2) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.

(3) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half (0.5) foot. A lesser stage increase than 0.5 foot shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.

(c) The Zoning Administrator or his or her designee shall review the technical evaluation and findings of the designated engineer or expert, in conformance with accepted engineering practices. Based on this review, the Zoning Administrator may formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary or deny the permit application. If questions remain, the Zoning Administrator may present the technical evaluation and findings of the designated engineer or expert to the County Board for acceptance or denial. The Zoning Administrator, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources or the Planning Commission for review and comment.

(d) Once the Floodway and Flood Fringe District Boundaries have been determined, the Zoning Administrator shall process the permit application consistent with the applicable provisions of Division 4 and 5 of this ordinance.

DIVISION 7. GENERAL REGULATIONS

SECTION 14-128. SUBDIVISIONS

(a) Land Suitability Review Criteria: No land shall be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.

(1) All lots within the floodplain districts shall be able to contain a building site outside of the Floodway and Flood Fringe. Lots of Record recorded prior to adoption of this ordinance shall be exempt from this provision.

(2) All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this ordinance.

(3) All subdivisions shall have road access both to the subdivision and to the individual building sites no lower than two (2) feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by the County Board. The plan shall be prepared by a registered engineer or other qualified individual, and shall demonstrate that adequate time and personnel exist to carry out the evacuation.

(b) For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

(c) Floodway/Flood Fringe Determinations in the General Floodplain District: In the General Floodplain District, applicants shall provide the information required in Section 14-127 of this ordinance to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.

SECTION 14-129. PUBLIC UTILITIES, RAILROADS, AND BRIDGES

(a) Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain shall be flood proofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation.

(b) The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the building code.

(c) Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the floodplain shall comply with Division 4 and 5 of this ordinance. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public

health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

(d) On-site Water Supply and Sewage Treatment Systems: Where public utilities are not provided:

(1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and

(2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.

SECTION 14-130. MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND PLACEMENT OF TRAVEL TRAILERS AND TRAVEL VEHICLES

(a) Manufactured Homes: New manufactured home parks, expansions to existing manufactured home parks, and new or replacement manufactured home units on lots of record are prohibited in the Floodway District. If allowed in the Flood Fringe District, these uses shall be subject to the requirements of Section 5 of this ordinance and the following standards:

(1) Existing, new, and replacement manufactured homes must comply with the following standards:

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

(ii) New or replacement manufactured homes in existing manufactured home parks or lots of record must have vehicular access at or above an elevation not more than two (2) feet below the regulatory flood protection elevation, unless the property owner has a flood warning/emergency evacuation plan acceptable to the County Board, as specified in Section 14-128(a)(3).

(iii) If vehicular road access for pre-existing manufactured home parks is not provided in accordance with Section 14-125(a), then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the County Board.

(b) Recreational Vehicles: Recreational vehicles that do not meet the exemption criteria specified in Section below shall be subject to the elevation and anchoring provisions of this ordinance for new structures and as specifically spelled out in Sections 14-

122(a), 14-130(a)(1)(i), and 14-130(3) and 14-130(4).

(1) Recreational vehicles are exempt from the provisions of this ordinance if they are placed in any of the following areas and meet the criteria listed in Section 14-130(b)(2)(i-vi) below.

  (i) Individual lots or parcels of record

  (ii) Existing commercial recreational vehicle parks or campgrounds

  (iii) Existing condominium-type associations

(2) Criteria for Exempt Recreational Vehicles:

  (i) Vehicles must have current licenses required for highway use

  (ii) Vehicles must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks

  (iii) No permanent structural type additions may be attached to the vehicle

  (iv) The recreational vehicle and associated use must be permissible in any pre-existing, underlying zoning district

  (v) Accessory structures are not permitted within the Floodway District. Any accessory structure must be constructed of flood-resistant materials and be securely anchored as specified in Section 14-130(a)(1)(i)

  (vi) Cost of an accessory structure shall not exceed $500

(3) Recreational vehicles that are exempt in Section 14-130(b)(1) lose this exemption when development occurs on the site exceeding five hundred (500) dollars for an accessory structure such as a garage or storage building. The recreational vehicle and all accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the land use standards specified in Division 5 of this ordinance. No development or improvement on the parcel or attachment to the recreational vehicle is allowed that would hinder the removal of the vehicle to a flood-free location should flooding occur.

(4) New commercial recreational vehicle parks or campgrounds, subdivisions or condominium associations, and the expansion of any similar existing use exceeding five (5) units or dwelling sites may be allowed subject to the following:

  (i) On any new or replacement recreational vehicle site in the Flood Fringe District, the recreational vehicle and its contents must be placed on fill above the regulatory flood protection elevation and proper elevated road access to the site must be provided in accordance with Section 14-125(a) of this ordinance. No fill placed in the floodway to meet the requirements of this Section shall increase flood stages of the 1% chance or regional flood.

  (ii) Any new or replacement recreational vehicle site located in the Floodway District or as an alternative to (i) above in the Flood Fringe District, may be allowed as a conditional use in accordance with the following provisions and

the provisions of Section 14-134 of the ordinance.

(1) The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the regional flood. The plan shall be prepared by a registered engineer or other qualified individual, and shall demonstrate that adequate time and personnel exist to carry out the evacuation, and that the provisions of Section 14-130(b)(2) of this ordinance will be met; and

(2) All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Section 14-129(d) of this ordinance.

DIVISION 8. ADMINISTRATION

SECTION 14-131. ZONING ADMINISTRATION

A Zoning Administrator or other official designated by the County Board shall administer and enforce this ordinance. If the Zoning Administrator finds a violation of the provisions of this ordinance, the Zoning Administrator shall notify the person responsible for such violation in accordance with the procedures stated in Section 14-136 of the ordinance.

SECTION 14-132 PERMIT REQUIREMENTS

(a) Permit Requirements: Permit Required. A permit issued by the Zoning Administrator in conformity with the provisions of this ordinance must be secured prior to any of the following activities:

(1) The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair shall also require a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this ordinance

(2) The change of use of a building, structure, or land

(3) The construction of a dam, fence, or on-site septic system, although a permit is not required for a farm fence as defined in this ordinance

(4) The change or extension of a nonconforming use

(5) The repair of a structure that has been damaged by flood, fire, tornado, or any other source

(6) The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain

(7) Any other type of “development” as defined in this ordinance

(b) Application for Permit. Application for a permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.

(1) State and Federal Permits. Prior to granting a permit or processing an application for a conditional use permit or variance, the Zoning Administrator shall determine that the applicant has obtained all necessary state and federal permits.

(2) Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure shall be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this

ordinance

(3) Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Flood proofing measures shall be certified by a registered professional engineer or registered architect.

(4) Record of First Floor Elevation. The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The Zoning Administrator shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood proofed.

(5) Notifications for Watercourse Alterations. The Zoning Administrator shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statute, Chapter 103G.245, this shall suffice as adequate notice to the Commissioner. A copy of the notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

(6) Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. As soon as is practicable, but not later than six (6) months after the date such supporting information becomes available, the Zoning Administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.

SECTION 14-133. BOARD OF ADJUSTMENT

Board of Adjustment/Variances:

(a) Administrative Review. An application for a variance to the provisions of this ordinance shall be processed and reviewed in accordance with applicable state statutes and Section 14-22 through 14-27 of the Mower County Zoning Ordinance.

(b) No variance request shall allow a use that is not allowed in that district.

(c) Adherence to Regulatory Flood Protection Elevation/State Floodplain Management Standards. No variance shall permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.

(d) Additional variance criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied.

(1) Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

(2) Variances shall only be issued by a community upon

(i) a showing of good and sufficient cause; and

(ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(e) Submittal of Hearing Notices to the Commissioner of the Department of Natural Resources. The Zoning Administrator shall submit to the Commissioner of the Department of Natural Resources (DNR) a copy of the application for proposed variance sufficiently in advance so that the Commissioner will receive at least ten days' notice of the hearing. Such notice shall specify the time, place, and subject matter of the hearing and shall be accompanied by such supporting information as is necessary to indicate the nature and effect of the proposed use. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

(f) Submittal of Final Decisions to the Commissioner of the Department of Natural Resources. A copy of all decisions granting variances shall be forwarded to the Commissioner of the Department of Natural Resources within ten (10) days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

(g) Flood Insurance Notice and Record Keeping. The Zoning Administrator shall notify the applicant for a variance that:

(1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and

(2) Such construction below the base or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and shall report such variances in its annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

(h) Appeals. Appeals from any decision of the Board may be made, and as specified in the County's Official Controls and also Minnesota Statutes.

SECTION 14-134. CONDITIONAL USES

(a) Administrative Review. An application for a conditional use permit under the provisions of this ordinance shall be processed and reviewed in accordance with this Section and Division 6 of the Mower County Zoning Ordinance.

(b) Factors upon Which the Decision of the County Board Shall Be Based. In passing

upon conditional use applications, the County Board shall consider all relevant factors specified in other sections of this Ordinance; and:

(1) The danger to life and property due to increased flood heights or velocities caused by encroachments

(2) The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures

(3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions

(4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner

(5) The importance of the services provided by the proposed facility to the community

(6) The requirements of the facility for a waterfront location

(7) The availability of alternative locations not subject to flooding for the proposed use

(8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future

(9) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area

(10) The safety of access to the property in times of flood for ordinary and emergency vehicles

(11) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site

(12) Such other factors which are relevant to the purposes of this Ordinance

(c) Procedures to be followed for Conditional Use Permit Applications within all Flood Plain Districts.

(1) Require the applicant to furnish all of the following information and additional information as deemed necessary by the Mower County Board of Commissioners for determining the suitability of the particular site for the proposed use:

(i) Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the stream channel.

(ii) Specifications for building construction and materials, flood-proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

(2) Transmit one (1) copy of the information described above to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and

velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.

(d) Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above and the purpose of this Ordinance, the County Board shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

(1) Modification of waste treatment and water supply facilities

(2) Limitations on period of use, occupancy, and operation

(3) Imposition of operational controls, sureties, and deed restrictions

(4) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures

(5) Flood proofing measures, in accordance with the State Building Code and this Ordinance

(i) The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

(e) Submittal of Hearing Notices to the Commissioner of the Department of Natural Resources. The Zoning Administrator shall submit to the Commissioner of the Department of Natural Resources (DNR) a copy of the application for proposed conditional uses sufficiently in advance so that the Commissioner will receive at least ten days' notice of the hearing. Such notice shall specify the time, place, and subject matter of the hearing and shall be accompanied by such supporting information as is necessary to indicate the nature and effect of the proposed use. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

(f) Submittal of Final Decisions to the Commissioner of the Department of Natural Resources. A copy of all decisions granting conditional uses shall be forwarded to the Commissioner of the Department of Natural Resources (DNR) within ten (10) days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

(g) Expiration of Conditional Use Permit. The approval of the conditional use permit shall expire and be considered null and void two (2) years from the date of such approval if no construction has begun or the use has not been established. A conditional use permit shall become void if the use is discontinued for a period of one (1) year.

SECTION 14-135. NON-CONFORMING USES

(a) A structure or the use of a structure or premises which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 14-7 of the Mower County Zoning Ordinance, shall be subject to the provisions of Sections 14-135(a)(1-5) of this ordinance.

(1) No such use shall be expanded, changed, enlarged, or altered in a way that increases its nonconformity.

(2) Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 thru FP-4 flood proofing classifications) allowable in the State Building Code, except as further restricted in 14-135(a)(3) and 14-135(a)(6) below.

(3) The cost of all structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed fifty (50) percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds fifty (50) percent of the market value of the structure, then the structure must meet the standards of Section 4.0 or 5.0 of this ordinance for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

(4) If any nonconforming use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this ordinance. The Assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses that have been discontinued for a period of twelve (12) months.

(5) If any ‘nonconforming use’ or structure is substantially damaged, as defined in Section 14-7 of the Zoning Ordinance, it shall not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new structures in Divisions 4, 5 or 6 will apply depending upon whether the use or structure is in the Floodway, Flood Fringe or General Floodplain District, respectively.

(6) If a ‘substantial improvement’ occurs, as defined in Section 14-7 of the Zoning Ordinance, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition and the existing nonconforming building must meet the requirements of Division 4 or 5 of this ordinance for new structures, depending

upon whether the structure is in the Floodway or Flood Fringe District.

(7) If any non-conforming structure experiences a repetitive loss, as defined in Section 14-7 of the Mower County Zoning Ordinance, it shall not be reconstructed except in conformity with the provisions of this Section. The applicable provision for establishing new uses or new structures in Divisions 4 & 5 the Floodway or Flood Fringe District applies respectively.

SECTION 14-136. PENALTIES FOR VIOLATION

(a) Violation Constitutes a Misdemeanor: Violation of the provisions of this ordinance 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.

(b) Other Lawful Action: Nothing in this ordinance restricts the County from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this ordinance and shall be prosecuted accordingly.

(c) Enforcement: Violations of the provisions of this ordinance shall be investigated and resolved in accordance with the provisions of this ordinance and Section 14-19 of the Mower County Zoning Ordinance.

(d) In responding to a suspected violation, the Zoning Administrator and County may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measure or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The County must act in good faith to enforce these official controls and to correct violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

(1) When a violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the County's plan of action to correct the violation to the degree possible.

(2) The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use are under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the County. If the construction or development is already completed, then the Zoning Administrator may either:

(i) Issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the

official controls, or

(ii) Notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30 days.

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

SECTION 14-137. AMENDMENTS

The floodplain designation on the Official Zoning Map shall not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.

All amendments to this ordinance, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must approve the amendment prior to community approval.

Article IV. Excavation of Earth Products

DIVISION I. PURPOSE

SECTION 14-138.

It is the purpose of this Article to minimize the adverse effect mining operations may have on adjacent properties, to insure certain safety measures during operations and to insure restoration measures before such areas are abandoned.

DIVISION 2. GENERAL REQUIREMENTS

SECTION 14-139. DEFINITIONS

Excavation, as used in this Article, shall mean by artificial excavation of the earth, dug, excavated or made by the removal from the natural surface of the earth of sod, soil, sand, gravel, stone or other matter, or made by tunneling, breaking or undermining the surface of the earth.

SECTION 14-140.1 PERMIT REQUIRED

(a) Conditional Use Permits.

(1) Mining is permitted where listed as an allowed use within a zoning district upon issuance of a permit by the County Board of Commissioners.

(b) Zoning Permits for Small Scale Mining Operations. In lieu of a conditional use permit, persons, firms, partnerships, associations, corporations or other entities may secure a zoning permit from the Planning and Zoning Office for projects in association with a public project provided the following conditions apply:

(1) A maximum of 20,000 cubic yards of material shall be removed from, and/or processed in the mining operation;

(2) The mining operation will be commenced, completed, and restored within a twelve (12) month period;

(3) All other conditions as required by this article shall apply to the permittee. Owners and operators of any mining operations commencing on or after the adoption of this ordinance shall obtain a conditional use permit.

(c) In lieu of a conditional use permit, a Zoning Permit shall be required for any new or existing mining operation that wishes to have a temporary asphalt or concrete paving plant. Temporary asphalt plants associated with a permitted mining operation or temporary road project may be allowed if the following conditions are met:

(1) The asphalt plant shall not be on the property for more than 180 calendar days.

(2) All standards as set forth in this article shall be met.

(3) In the absence of a definitive plan to prevent surface and groundwater contamination, asphalt plants shall be equipped so there is no water discharge from the unit.

(4) No materials, outside of the designated right-of-way, shall be excavated or removed from the site without a conditional use permit.

(5) A bond, in an amount determined by the County Board, shall be posted to assure restoration of the site.

(d) Exceptions. Excavation associated with building construction is exempt from the provisions of this Article if a permit has been issued for such construction. Excavations not exceeding fifty (50) square feet of surface area or two (2) feet in depth and excavations including impounding of water for agricultural purposes are exempted.

SECTION 14-140.2 APPLICATION

(a) Application. Any owner, lessee, or other person, firm or corporation having an interest in mining any earth product shall file with the Planning and Zoning Administrator an application for a Conditional Use Permit or a Zoning Permit in accordance with the provisions of this Ordinance.

(b) Application Requirements. The following information shall be provided by the person requesting the permit:

(1) Name and address of person requesting the permit and owner of the property to be mined.

(2) The exact legal property description and acreage of area to be mined.

(3) The following maps of the entire site to include all areas within five hundred (500) feet of the site. All maps shall be drawn at a scale of one hundred (100) feet to one (1) inch unless otherwise stated below. The maximum maps size is not to exceed thirty-six (36) inches by twenty-four (24) inches. Maps may be made available to be presented by personal computer programs or other digital options.

(a) Map A - Existing conditions to include:

(1) Contour lines at reasonable intervals.

(2) Existing vegetation.

(3) Existing drainage and permanent water areas.

(4) Existing structures.

(5) Existing wells.

(b) Map B - Proposed operations to include:

(1) Structures to be erected.

(2) Locations of sites to be mined showing depth and amount of proposed excavation.

(3) Location of tailings deposits showing maximum height of deposits.

(4) Location of machinery to be used in the mining operation.

(5) Location of storage of mined materials, showing height of storage deposits.

(6) Location of vehicle parking.

(7) Location of storage of explosives.

(8) Erosion or sediment control structures.

(9) Access routes.

(c) Map C - End use plan to include:

(1) Final grade of proposed site showing elevations and contour lines at reasonable intervals.

(2) Location and types of vegetation to be replanted.

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

(4) A soil erosion and sediment control plan.

(5) A plan for dust and noise control.

(6) A full and adequate description of all phases of the proposed operation to include an estimate of the duration of the mining operation.

(7) Any other information requested by the Planning Commission or County Board.

SECTION 14-141. USE RESTRICTIONS

(a) The crushing, washing, refining or processing other than the initial removal of material shall be considered a conditional use.

(b) In stone quarries the production or manufacturing of veneer stone sills, lintels, cut flagstone, hearthstones, paving stone and similar architectural or structural stone and the storing or stockpiling of such products on the site shall be considered a conditional use.

(c) The manufacture of concrete building blocks or other similar blocks, the production or manufacture of lime products, the production of ready-mixed concrete and any similar production or manufacturing processes which might be related to the mining operation shall be considered a conditional use.

SECTION 14-142. PERFORMANCE STANDARDS

The governing body may impose additional performance standards as part of the conditional use or zoning permit. These performance standards may include the following:

(a) General Provisions

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

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

(b) Water Resources.

(1) The mining operation shall not be allowed to interfere with surface waste drainage beyond the boundaries of the mining operation.

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

(3) Surface water originating outside and passing through the mining district shall, as its point of departure from the mining site, be of equal quality to the water at the point where it enters the mining site. The mining operator shall perform any water treatment necessary to comply with this provision, such as culverts, berms, etc.

(c) Safety Fencing. Any mining operation adjacent to a residential zone or within three hundred (300) feet of two (2) or more residential structures shall be bound by the following standards:

(1) Where collections of water occur that are one and one-half (1-1/2) feet or more in depth existing for any period of at least one (1) month, and occupy an area of seven hundred (700) square feet or more, all access to such collections of water shall be barred by a fence or some similarly effective barrier such as snow fence of at least four (4) feet in height.

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

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

(e) Screening Barrier. To minimize problems of dust and noise and to shield mining operations from public view, a screening barrier may be maintained between the mining site and adjacent residential and commercial properties. A screening barrier shall also be maintained between the mining site and any public road within five hundred (500) feet of any mining or processing operations. The screening barrier shall be planted with a type of fast growing trees such as green ash. Existing trees and ground cover along a public frontage road shall be preserved, maintained (and supplemented) for the depth of the roadside setback except where traffic safety requires cutting and trimming.

(f) Setback. Processing of minerals shall not be conducted closer than one hundred (100) feet to the property line nor closer than five hundred (500) feet to any residential or commercial structures located prior to commencement of processing operations without the written consent of all owners and residents of said structure. Mining operations shall not be conducted closer than thirty (30) feet to the boundary of any zone where such operations are not permitted, nor shall such production or processing be conducted closer than thirty (30) feet to the boundary of any adjoining property unless it is first secured in writing. Mining operations shall not be conduced closer than thirty (30) feet to the right-of-way line of any existing or platted street, road or highway, except that excavating may be conducted within such limits in order to reduce the elevation thereof in conformity to the existing or platted street, road or highway.

(g) Appearance. All buildings, structures and plants used for the production or processing of sand and gravel shall be maintained in such a manner as is

practicable and according to acceptable industrial practice as to assure that such buildings, structures and plants will not become dangerously dilapidated.

(h) Erosion Control. All materials to be used for erosion control such as seed mixtures and so forth are to be approved by the County. Culverts, berms, etc. may also be required for erosion control.

(i) Dust and Dirt. All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as is

practicable, dust conditions which are injurious or substantially annoying to persons living within six hundred (600) feet of the mining operations lot line.

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

SECTION 14-143. LAND REHABILITATION

All mining sites shall be rehabilitated immediately after mining operations cease. Rehabilitation shall be complete within one (1) calendar year after operation ceases. The following standards shall apply:

(a) Within a period of three (3) months after the termination of a mining operation, or within three (3) months after the abandonment of such operation for a period of six (6) months, or within three (3) months after expiration of a mining permit, all buildings, structures and plants incidental to such operation shall be dismantled and removed by, and at the expense of, the mining operator last operating such building, structures and plants.

(b) The peaks and depressions of the area shall be graded and backfilled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding and which will minimize erosion due to rainfall.

(c) Banks of all excavations shall be sloped at a rate which shall not be less than three (3) feet horizontal to one (1) foot vertical, unless a plan has been submitted which indicates special consideration is needed, and if said plan, with special consideration, has been approved by the County.

(d) Reclaimed areas shall be sodded or surfaced with soil of a quality at least equal to the topsoil of the land area immediately surrounding and to a depth of a least three (3) inches. Such required topsoil shall be planted with legumes and grasses. Trees and shrubs may also be planted but not as a substitute for legumes and grasses. Such planting shall adequately retard soil erosion.

Excavations completed to a water producing depth need not be backfilled if the water depth is at least ten (10) feet and if banks shall be sloped to the water in at a slope no greater than three (3) feet horizontal to one (1) foot vertical.

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

(f) After the applicant has completed the reclamation project, he shall notify the County. Upon notifications, the Zoning Administrator shall inspect the site to determine if it is in accordance with the approved reclamation plan. If the site is not in accordance with the reclamation, the County shall notify the applicant of its

deficiencies and the applicant shall correct the deficiencies. If the site is in accordance with the plan, the County shall issue a letter of acceptance of the site to the applicant.

SECTION 14-144. PERFORMANCE BOND

The County Planning Commission and the County Board of Commissioners, before giving final approval for the extraction of minerals, may require a contract, secured by a cash deposit, certified check or a bond in an amount, and with surety and conditions satisfactory to the County Board of Commissioners. The County Board of Commissioners may enforce such contract by appropriate legal action.

Article V. Outdoor Advertising

DIVISION 1. GENERALLY

SECTION 14-145. PURPOSE

It is the purpose of this Article to protect and promote the general welfare, health, safety, and order within the County through the establishment of standard regulations and procedures governing the erection, use, and display of billboards, signs, symbols, and devices serving as visual communicative media to persons upon public rights-of-way.

SECTION 14-146. GENERAL REGULATIONS

(a) All flashing, revolving, and intermittently lighted signs, or signs containing a rotating beam are prohibited.

(b) No advertising sign or business sign shall be posted, erected, or maintained which simulates any official, directional or warning sign erected or maintained by the state, county, municipality, or other governmental subdivision, or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

(c) No sign shall be posted, painted, or otherwise affixed to any rock, fence, tree, or other perennial plant, public utility pole, or any mobile device normally intended for a non-sign use.

(d) When a sign is illuminated from an external source, the light source shall be so shielded as to prevent any light rays from directly shining into a residential zone or property or into a public right-of-way.

(e) No sign shall be constructed in any manner as to interfere with public utility facilities (phone, gas, power, etc.).

(f) Upon creation of any service road, marginal access road, or the widening or extending of existing right-of-way, signs encroaching upon such newly created road or right-of-way shall be relocated behind the new right-of-way line at the sign owner's expense.

(g) No sign shall be permitted to obstruct any window, door, fire escape, stairway, or opening essential to provisions of light, air, ingress or egress for any building. No roof signs shall be permitted.

(h) All ground signs and the property immediately surrounding them shall be maintained by the owner of the sign in a clean, sanitary, and inoffensive condition, and free of obnoxious rubbish and weeds. Failure to clean up such area shall be sufficient cause for revocation of the sign permit.

(i) A sign which lawfully existed at the time of the passage of this Ordinance or amendment thereto, but which does not conform to the regulations of this Ordinance shall be considered a nonconforming sign. A legal nonconforming sign may not be: changed to another nonconforming sign; structurally altered except into compliance with this Ordinance; expanded or re-established after its discontinuance for ninety (90) days.

SECTION 14-147. SIGN DESIGN, CONSTRUCTION, AND MAINTENANCE

(a) Required marking on signs.

(1) Every sign, for which a permit is required, shall have painted in a conspicuous place thereon, in letters not less than one (1) inch in height, the date of issuance, the permit number, and voltage of any electrical apparatus used in connection therewith.

(2) Every outdoor advertising sign erected under the provisions of this Ordinance shall be plainly marked with the name of the person or firm erecting such sign.

(b) Projecting Signs. Except for marquee signs, signs shall in no case project from a building or structure to any point within two (2) feet upward from the building. No projecting sign shall be less than nine (9) feet above the sidewalk or the ground level. All projecting signs for which a permit is required shall be constructed entirely of fire resistant materials approved by the Zoning Administrator for this purpose. All metal supports and braces shall be galvanized or be of corrosive resistant material.

(c) Ground signs.

(1) No ground sign shall be erected, constructed, altered, rebuilt, or relocated to a height exceeding thirty-five (35) feet above the average level of the ground.

(2) No ground sign for which a permit is required shall be erected to a height of more than twelve (12) feet above the ground unless the face is constructed of sheet metal or other noncombustible facing materials.

(3) The bottom of the facing of every ground sign shall be at least three (3) feet above the ground, which space may be filled with platform or decorative trim of light wood or metal construction.

(4) No private sign shall be erected, constructed, or maintained within the boundary of any street, avenue, highway, alley, or public ground of the town, county, or state in which it is to be located.

(5) The soil used for the dug-in type of anchor or post support shall be carefully placed and thoroughly compacted. The anchors and supports shall penetrate to a depth below ground greater than that of the frost line.

(d) Wall Signs. Wall signs attached to exterior walls of solid masonry or concrete shall be safely and securely attached to the same by means of metal anchor, bolts or expansion screws of not less than three eighths (3/8) inch in diameter

which shall be embedded at least five (5) inches. No wooden blocks or anchorage with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of wall signs attached to buildings with walls of wood. No wall sign shall be entirely supported by an unbraced parapet wall.

(e) Sign Maintenance.

(1) All signs shall be maintained in a safe, presentable and good structural condition at all times. Maintenance shall include painting, repainting, cleaning, replacement or repair of defective parts, and other necessary acts.

(2) Any sign which is found in a dangerous or defective condition shall be removed or repaired by the owner of the sign or the owner of the premise on which the sign is located.

SECTION 14-148. ENFORCEMENT OF ARTICLE

(a) The provision of this Article may be enforced by the County Board of Commissioners, the County Planning Commission, the Zoning Administrator, or any interested property owner by mandamus, injunction, or any other appropriate remedy in any court having jurisdiction thereof.

(b) In the case of noncompliance by the holder with the provisions of this Article, the county Zoning Officer is hereby authorized and empowered to give notice to the permit holder by registered mail of such noncompliance. Thirty (30) days after giving such notice to the permit holder, the County Zoning Officer is hereby authorized and empowered to revoke any permit because of noncompliance. The permit holder will have the right to appeal to the County Board by filing a notice of appeal with the County Auditor within thirty (30) days of the revocation of this permit.

SECTION 14-149. PERMITS

(a) Application. A permit shall be required for all signs classified as business or advertising signs and such signs shall be subject to annual inspection. A permit shall be issued by the Zoning Administrator upon payment of the required permit fee, and shall remain valid unless revoked for cause.

(b) Fees. There shall be a permit fee for signs having between twelve (12) square feet in surface area and three hundred (300) square feet in surface area and for those signs in excess of three hundred (300) square feet in surface area. The fees shall be established by resolution of the County Board and shall be paid to the County Treasurer to the credit of the General Revenue Fund.

(c) There shall be an annual inspection fee for all signs requiring a permit. This fee will be due on July 1, and payable to the County Treasurer to the credit of the General Revenue Fund; except that church signs and/or cemetery signs shall be

exempted from the annual inspection fee. This fee shall be established by resolution of the County Board.

(d) Business License. Any person, firm, or corporation engaged in the business of erecting, operating, or maintaining business or advertising signs in the County shall be required to secure a business license from the County Auditor. The annual license fee shall be paid to the County Treasurer to the credit of the General Revenue Fund. This fee shall be established by resolution of the County Board. Application for such license shall be made annually on a form furnished by the Zoning Officer and all licensees are renewable on or before July 1.

(e) Special Permits. Upon application by the candidate or disclaimer of a political campaign, a special permit will be issued by the Zoning Officer for the posting of temporary political signs and posters. No sign or poster shall be displayed longer than thirty (30) days after the corresponding election. No fee will be required for these special permits.

SECTION 14-150. PERMITTED SIGNS

The following signs are allowed without a permit, but shall comply with any other applicable provisions of this Section.

(a) Government Signs. Signs of a public, non-commercial nature, to include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, when signs are erected by or on the order of a public officer or employee in the performance of official duty.

(b) Directory Signs. A wall sign which identifies the business, owner, manager, or resident occupant and sets forth the occupation or other address information but contains no advertising. There may be one (1) directory sign per zoning lot not to exceed two (2) square feet per business or resident occupant.

(c) Directional and Parking Signs (on site). On site directional and parking signs intended to facilitate the movement of vehicles and pedestrians. Signs shall not exceed six (6) square feet.

(d) Holiday Signs. Signs or displays which contain or depict messages pertaining to a national or state holiday and no other material. Such signs may be displayed for a period not exceeding thirty (30) days.

(e) Construction Signs. A non-illuminated sign announcing the names of architects, engineers, contractors, future use, and other individuals or firms involved with the construction, alteration, or repair of a building (but not including any advertisement of a product). Such signs shall be confined to the site of construction, alteration, or repair and shall be removed when the project has been completed. No sign shall exceed thirty-two (32) square feet in area.

(f) Real Estate Signs. Any on-premise sign announcing the owner, manager, Realtor, or other person directly involved in the sale or rental of the property. In the case of sale, signs shall be removed ten (10) days after the sale. Signs shall

not measure more than six (6) square feet in a residential zone or platted residential subdivision, nor more than thirty-two (32) square feet in the other zones. There may be only one (1) sign per frontage of the property.

(g) Service Organization Signs. A non-illuminated sign announcing the names of community service organizations. Such signs shall not measure more than twelve (12) square feet in area, and one (1) sign shall be allowed per zoning lot.

(h) Political Signs.

SECTION 14-151. ADVERTISING SIGNS

Advertising signs located on Interstate and primary systems of highways shall follow the Minnesota Outdoor Advertising Control Act - Chapter 173 except as herein regulated. In the Commercial and Industrial Zones only the following signs are permitted subject to the following limitations:

(a) Area. Advertising signs shall not exceed six hundred fifty (650) square feet in total area per facing, including double faced and V-type signs, nor less than thirty-two (32) square feet on all Interstate, trunk highway, county, or township roads.

(b) Height. Advertising signs shall not exceed thirty (30) feet above the grade (grade refers to the elevation of the ground directly below the sign).

(c) Spacing. No advertising signs shall be located closer than one thousand (1,000) feet from any other advertising sign on the same side of an Interstate, trunk highway, county, or township road.

(d) Distance. No advertising signs shall be located within one hundred (100) feet of all parks and residential, public and semi-public structures on all county and township roads.

(e) Distance from Intersection. No advertising sign shall be permitted within the entire area of three hundred (300) feet outwardly as measured along the roadway from the center point of two (2) intersecting roadways including county and township roads. Devices may be affixed on or located adjacent to a building at such an intersection but in such a manner as to cause no greater visual obstruction than the building itself.

(f) Setback. No part of any advertising sign shall be erected within or be encroaching upon any right-of-way of all county and township roads.

DIVISION 2. AGRICULTURAL, RURAL MANAGEMENT AND URBAN EXPANSION DISTRICTS

SECTION 14-152. PERMITTED SIGNS

In the Agricultural, Rural Management and Urban Expansion Districts, no sign, business sign, or advertising sign shall be erected except for the following uses:

(a) Permitted signs as regulated in Section 14-145 of Division 1.

(b) Home Occupation Signs. Such signs indicating the occupation may be free standing and shall not exceed twelve (12) square feet in area.

(c) Agricultural Products Signs indicating that the proprietor of a farm is a dealer in seeds, fertilizer, and other agricultural products only when such dealership is incidental to the primary agriculture business of the farm. Such signs may be freestanding not to exceed twelve (12) square feet in area.

(d) Area Identification Signs. One (1) freestanding sign which identifies a subdivision or multiple residential complex, not to exceed ninety-six (96) square feet in area, and not higher than fifteen (15) feet above grade.

(e) Institutional Signs to designate churches, schools, museums, libraries, memorial buildings, and public parks. Two (2) signs are allowed of which one (1) may be freestanding, but not higher than fifteen (15) feet, and the total area shall not exceed thirty-two (32) square feet.

(f) Business Signs. The gross area in square feet of all business signs on a zoning lot shall not exceed two hundred fifty (250) square feet. The total number of business signs on a zoning lot shall not exceed two (2) in number, of which one (1) may be freestanding. No signs shall exceed thirty (30) feet in height above grade.

(g) Directional Signs. Directional signs containing information about attractions, whether publicly or privately owned, deemed to be in the interest of the traveling public. To qualify for directional signs these attractions must be of outstanding interest to the traveling public and fit into one of the following categories. Qualifying categories for directional signing are: public places; natural phenomena; historic, cultural, scientific, educational and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation.

(1) Directional signs must be authorized under Section 131 of Title 23, United States Code and Minnesota Statutes 173 as it applied to Directional Signs.

(2) Signs must be located within 75 miles of the attraction they are representing.

DIVISION 3. RESIDENTIAL DISTRICTS

SECTION 14-153. PERMITTED SIGNS

In the Rural Residence District, or in a residential portion of the Rural Service Center Districts, only the following signs are permitted subject to the following limitations:

(a) Permitted signs as regulated by Section 14-145 of Division 1.

(b) Area identification signs as regulated by Section 14-147(d).

(c) Institutional signs as regulated by Section 14-147(e).

(d) Home Occupation Signs. Such signs indicating the occupation may be free standing and shall not exceed two (2) square feet in area.

DIVISION 4. BUSINESS DISTRICTS

SECTION 14-154. PERMITTED SIGNS

In the Business Districts, or business uses in the Rural Service Center District, only the following signs are permitted subject to the following limitations:

(a) Permitted signs as regulated by Section 14-145 of Division 1.

(b) Business Signs. The gross area in square feet of all business signs on a zoning lot shall not exceed two (2) times the lineal feet of frontage on such zoning lot. The total business sign area shall not exceed four hundred (400) square feet. The total number of business signs on the zoning lot shall not exceed three (3) in number, of which not more than two (2) shall be freestanding. No single business sign area shall exceed two hundred (200) square feet. No signs shall exceed thirty (30) feet in height above grade.

(c) Advertising signs as regulated by Section 14-146 of Division 1.

DIVISION 5. INDUSTRIAL DISTRICTS

SECTION 14-155. PERMITTED SIGNS

In the Industrial Districts, or industrial uses in the Rural Service Center District, only the following signs are permitted subject to the following limitations:

(a) Permitted signs as regulated by Section 14-145 of Division 1.

(b) Business signs as regulated by Section 14-149(b) of Division 5.

(c) Advertising signs as regulated by Section 14-146 of Division 1.

Article VI. Agricultural Soil Erosion

DIVISION 1. GENERAL PROVISION

SECTION 14-156. FINDING OF FACT

The Mower County Board of Commissioners hereby finds that protection of the water and soil resources found within Mower County is necessary for public good. Uncontrolled and inadequately planned use of natural resources adversely affects the public health, safety, and general welfare by contributing to pollution, erosion, flooding, and other environmental problems, and be creating nuisances, impairing the local tax base, and hindering the ability of Mower County to provide adequate community services.

SECTION 14-157. PURPOSE

The purposes of this Ordinance are to encourage and guard the agricultural use of land in accordance with its capabilities and to provide for:

(a) Control erosion of land disturbing activities associated with the agricultural use of land to rates no greater than soil loss tolerances;

1/1/94 to 12/31/96	Performance Standard = 2T and over
1/1/97 to 12/31/00	Performance Standard = 1-1/2T and over
1/1/01 to 12/31/07	Performance Standard = 1T and over
1/1/08	Performance Standard = T

(b) Protect wetlands, lakes, streams, and ditches from excessive sedimentation resulting from land disturbing activities associated with agricultural use of land;

(c) Abate or minimize impacts of excessive sedimentation from agricultural use of land to adjoining lands; and

(d) Ensure proper maintenance of agricultural erosion control practices.

SECTION 14-158. SCOPE

This Ordinance and the performance standards described herein shall apply to agricultural use of land within Mower County for the control of excessive erosion, excessive sedimentation, and their associated impacts. Land occupiers conducting

land-disturbing activities on lands under agricultural use are encouraged to seek technical assistance from the conservation district and to apply necessary agricultural erosion control practices. Furthermore, alleged violation of this Ordinance may be addressed through any of the following procedures:

(a) Voluntary initiation by a land occupier who desires an agricultural erosion control plan to be prepared and implemented for any lands under agricultural use which are under his/her control; or

(b) Initiation of a complaint (as described in Section 14-162) by any person; or

(c) Notification of the Administrator by any appointed or elected county, township or conservation district official suspecting a violation upon conducting routine official business; or

(d) By notifying the Administrator if an erosion assessment conducted by Mower County or the conservation district indicates that a potential violation is occurring. This erosion assessment may be conducted by the county or the conservation district as part of ongoing programs.

DIVISION 2. RULES AND STANDARDS

SECTION 14-159. SPECIAL CONSIDERATIONS

Erosion, sedimentation, or their associated impacts resulting from agricultural use of lands shall be given special consideration regarding potential enforcement actions pursuant to this Ordinance if any of the following conditions existed during the alleged violation of this Ordinance:

(a) “Excessive erosion” due to gully erosion resulted from a rainfall event of an intensity equal to or greater than a 10-year, 24-hour return interval (4.4 inch rainfall); or

(b) “Excessive sedimentation” due to sheet and/or rill erosion resulted from a rainfall event of an intensity equal to or greater than a 10-year, 24-hour return interval (4.4 inch rainfall); or

(c) “Excessive sedimentation” due to gully erosion resulted from a rainfall event of an intensity equal to or greater than a 10-year, 24-hour return interval (4.4 inch rainfall); or

(d) “Excessive sedimentation” due to wind erosion resulted from a wind event of an intensity or duration deemed by the Administrator to be beyond the control of the alleged violator.

SECTION 14-160. ADOPTION OF HANDBOOK STANDARDS

Mower County hereby adopts the following handbooks:

- Wischmeir, W.H. and Smith, D.D., 1978. "Predicting Rain Fall Erosion Losses - A Guide to Conservation Planning." U.S. Dept. of Agriculture, Agriculture Handbook No. 537.
- "Soil and Soil Loss Limit Value", U.S. Dept. of Agriculture, 1975. Soil Taxonomy: A basic system of soil classification for making and interpreting soil surveys; Mower County Soil Survey, page 101.
- "Estimating Wind Erosion", U.S. Dept. of Agriculture, 1988. National Agronomy Manual (Section 502.21 of Subpart C of Part 502, Estimating Wind Erosion), Title 190, Part 502, March, 1988.
- Guidelines for "T" values and estimating soil loss from wind and water erosion. U.S. Dept. of Agriculture, Natural Resource Conservation Service, Minnesota Technical Guide, "Section 1-C Part 1 July 2000, Austin Field Office".
    - 2000 Revised Universal Soil Loss Equation (RUSLE)
    - 1990 I-C Erosion Prediction, Part II - Wind
- "Prodex Field Estimate". Rust, Dr. Richard, 1989. "Acres of each soil type by township in Mower County, Southeastern Minnesota: University of Minnesota, Dept. of Soil Survey." Recorded 2/90 University of Minnesota.

And as amended thereafter, as the minimum acceptable set of practice specifications and planning procedures for implementing the provisions of this Ordinance.

SECTION 14-161. EXCESSIVE EROSION AND EXCESSIVE SEDIMENTATION PROHIBITED

A land occupier may not cause, conduct, contract for, or authorize a land disturbing activity on lands in agricultural use that results in excessive erosion or excessive sedimentation. Violations of this Ordinance shall constitute a misdemeanor (as described in Section 14-171) and shall be punishable as allowed by law.

DIVISION 3. GENERAL REGULATIONS

SECTION 14-162. COMPLAINTS

Any person may initiate a written complaint to the Administrator if conditions exist that would indicate any of the following:

(a) Excessive erosion is occurring as the result of land disturbing activities associated with agricultural use of land, or

(b) Excessive sedimentation is occurring as the result of land disturbing activities associated with agricultural use of land, or

(c) The results of either (a) or (b) have adversely affected another individual's welfare or safety or property.

Any complaint should include the following information:

(1) The name, address and date of the complainant;

(2) The name and address of the allegedly offending land occupier(s);

(3) The location of the tract of land under agricultural use upon or from which excessive erosion, excessive sedimentation, or their associated adverse effects are occurring or have resulted;

(4) The water or adjoining land that is affected by the land disturbing activities associated with the agricultural use of land controlled by the allegedly offending land occupier(s); and

(5) A description of the nature of those land-disturbing activities and the resulting adverse effects.

The district staff shall first review the complaint for completeness and substantiation within 30 calendar days of the receipt. When the complaint is field checked for substantiation, the district staff shall notify the land occupier in writing. If the district staff determines the complaint lacks substantiation, the complaint may be dismissed. If the complaint is dismissed, the district board shall notify the complainant, Planning staff, and the alleged offender(s) that the complaint has been dismissed within 75 calendar days of the receipt of the complaint.

If the district staff determines the complaint is legitimate, the district staff shall, within 30 calendar days of its receipt prepare a report (as described in Section 14-163) on the land disturbing activity associated with the agricultural use of land in question and the associated erosion or sedimentation or alleged adverse effects from the land disturbing activity. The district board shall also notify the complainant and the alleged offender(s) of these actions within 75 calendar days.

SECTION 14-163. CONSERVATION DISTRICT REPORT

The conservation district shall determine the rate of erosion or sedimentation that is occurring or has occurred, or to identify any adverse effect that is resulting or have resulted due to erosion or sedimentation from the land disturbing activity. The conservation district staff shall prepare a report of its findings and recommendations and submit it to the district board and the Administrator. The district staff, acting on a delegation agreement, may enter public or private land to make an inspection to complete the report. The alleged offender must be notified by certified mail and be given an opportunity to be present when the inspection is made. The alleged offender(s) has the right to be present when the completed report is presented to the district board.

SECTION 14-164. DETERMINATION OF VIOLATION

If the Administrator determines, based upon the report of the conservation district, that the land disturbing activities associated with the agricultural use of land in question are not in compliance with the provisions of this Ordinance, the Planning Office or district staff shall notify the allegedly offending land occupier, to develop an agricultural erosion control plan pursuant to Section 14-165 of this Ordinance. The notification to land occupier or owner must be by certified or registered mail within five (5) calendar days of the Administrator's review of the completed conservation district's report. If, within a time frame set by the Administrator, the land occupier refuses to develop such a plan, the Administrator shall treat the matter as a zoning violation and proceed according to provisions of Section 14-171 of this Ordinance.

When, after receiving the report from the conservation district, the Administrator determines that a violation of this Ordinance exists, the Planning staff and the County Attorney shall be instructed to enforce the provisions of the Ordinance through district court. The attorney may seek injunctive relief, or a court order, or civil and/or criminal penalties (as described in Section 14-171).

If the Administrator specifically determines, based upon the report of the conservation district, that any roadway, right-of-way (township, county, state or federal), or any drainage conveyance under the jurisdiction of the county or township is adversely effected by the results of excessive sedimentation and erosion, the Planning staff and the County Attorney shall be instructed to seek remediation (as described in Section 14-172).

SECTION 14-165. AGRICULTURAL EROSION CONTROL PLAN

Upon intent of a land occupier to address alleged impacts pursuant to Section 14-164 or upon voluntary initiation by a land occupier pursuant to Section 14-158(a), the Administrator shall direct the land occupier to have prepared an agricultural erosion control plan within 60 calendar days of their mutual consent to do so or the

Administrator's receipt of the conservation district's report, whichever period of time is lessor. The plan must outline the agricultural erosion control practices to be installed which will prevent excessive erosion, or abate or minimize excessive sedimentation, or abate the adverse effects to an adjoining individual's welfare, safety, or property resulting from land disturbing activities associated with the agricultural use of land by the land occupier.

The agricultural erosion control plan shall be consistent with the approved local water management plan of Mower County and shall not be contrary to the goals of any existing land use control relating to agricultural land preservation, or shoreland, or floodplain, or wild and scenic river management.

(a) The agricultural erosion control plan shall address the following criteria:

(1) Prevention of excessive erosion and excessive sedimentation damages;

(2) Scheduling of agricultural erosion control practices;

(3) Control of stormwater discharge to minimize downstream erosion potential;

(4) Stabilization of waterways and outlets;

(5) Proper methods of working in or crossing water body(ies);

(6) Proper maintenance of agricultural erosion control practices; and

(7) If applicable, irrigation water shall be managed to provide for adequate plant growth and production without causing excessive erosion, excessive sedimentation, or their associated adverse effects.

(b) The agricultural erosion control plan shall include:

(1) Location map;

(2) Location and description of agricultural erosion control practices to be installed;

(3) Property boundary and designation of applicable whole fields, including their individual boundaries;

(4) Soils mapped;

(5) Existing and final contours (if applicable);

(6) Existing and final drainage flow patterns and receiving water body(ies);

(7) Existing protected waters;

(8) Proposed cropping rotations, pasture lands, and other lands designated, as applicable;

(9) Critical erosion area(s);

(10) Marginal cropland area(s);

(11) Above-ground and underground utilities; and

(12) Description of the necessary maintenance of each prescribed agricultural erosion control practice.

SECTION 14-166. REVIEW OF AGRICULTURAL EROSION CONTROL PLAN

The Administrator shall consult with and seek the approval of the conservation district in review of the agricultural erosion control plan for determination of the technical adequacy and effectiveness of the proposed plan. The conservation district board shall review the plan within 45 calendar days of receiving the plan from the Administrator. The Administrator shall notify the land occupier(s) of its decision after receipt of comments from the conservation district, but in no case shall the decision be made any later than 60 calendar days after receiving the plan from the land occupier(s).

SECTION 14-167. APPROVAL OF AGRICULTURAL EROSION CONTROL PLAN

If the Administrator determines that the agricultural erosion control plan meets the requirements of this Ordinance, the Administrator shall, within 15 calendar days of its receipt, notify the land occupier of the county's approval of the plan, contingent upon the satisfactory implementation and completion of the approved plan. The land occupier must submit an agricultural erosion control plan, as approved by the conservation district, to the Administrator's within 15 calendar days of the land occupier's receipt of the Administrator's notification of non-compliance. The approved plan or approved revision(s) thereof shall contain provisions deemed necessary to ensure the proper maintenance of all required agricultural erosion control practices.

After approval of the agricultural erosion control plan, a notice shall be recorded in the office of the Mower County Recorder giving notice an agricultural erosion control plan was approved under this Ordinance and is in effect.

SECTION 14-168. DENIAL OF AGRICULTURAL EROSION CONTROL PLAN

If the Administrator determines that the agricultural erosion control plan proposed by the land occupier, and as approved by the conservation district, does not meet the requirements of this Ordinance, the Administrator shall not approve the proposed plan.

The land occupier(s) may seek to revise the plan and resubmit a request for plan approval. The proposed revisions to the plan must be compatible with the provisions of this Ordinance. The revised plan must be sent to the Administrator for review pursuant to Section 14-166. The revised plan must be resubmitted within 60 calendar days of the receipt of denial of the original plan.

SECTION 14-169. REVIEW OF PLAN IMPLEMENTATION

The Administrator, in cooperation with the conservation district, shall make reviews of the land occupier's progress to implement the agricultural erosion control plan.

If the Administrator should find that insufficient progress is occurring, the Administrator shall immediately notify the land occupier(s) in writing by certified mail of the problem and request compliance. If the land occupier(s) refuses to comply with this Ordinance, the Administrator shall treat the matter as a violation of this Ordinance and proceed pursuant to Section 14-171.

SECTION 14-170. CERTIFICATION OF COMPLETION OF AGRICULTURAL EROSION CONTROL PLAN

After all of the required agricultural erosion control practices described in the plan have been installed by the land occupier(s), the Administrator, in consultation with the conservation district, shall conduct a review to ensure that all required practices have been properly installed and maintained.

(a) If the Administrator determines that the plan has been adequately executed, the Administrator shall issue a certificate of completion within ten (10) calendar days of the Administrator's on-site review.

(b) If the Administrator determines that the land occupier(s) has not adequately executed the plan, as approved, the Administrator shall require the land occupier(s) to initiate the agricultural erosion control practices within 180 calendar days to rectify the deficiencies and to bring the land disturbing activities into compliance with the provisions of this Ordinance. If the land occupier(s) refuses to initiate or complete the agricultural erosion control practices as required by the Administrator, the Administrator and attorney shall seek injunctive relief or civil and/or criminal penalties (as described in Section 14-171).

SECTION 14-171. PENALTIES

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Penalties shall be the same as those listed in Division 8, Section 14-136, of the Mower County Zoning Ordinance.

SECTION 14-172. REMEDIATION REQUIRED

Whenever the Administrator has determined, based upon a report prepared by the conservation district pursuant to Section 14-164, that any roadway, right-of-way, or drainage conveyance under the jurisdiction of the county or townships has been adversely affected by sedimentation resulting from land disturbing activities associated with the agricultural use of land under the control of an offending land occupier, the

Administrator and the county and/or township's attorney shall seek remediation of the adverse effects. Remediation shall consider, but not be limited to, any of the following actions or combinations of actions:

(a) Requesting the County Engineer to direct or oversee the excavation of the resultant sediment deposited due to land disturbing activities from the land in question and under the control of the offending land occupier and adjacent to the adversely affected county or township roadway, right-of-way, or drainage conveyance;

(b) Requesting the County Engineer to direct or oversee the restoration of the adversely affected county or township roadway, right-of-way, or drainage conveyance to its intended design specifications;

(c) Requesting the County Engineer to direct or oversee the transport of the excavated sediment to a mutually agreed-to location on the offending land occupier(s) land; and/or

(d) Billing all costs for remediation directly to the offending land occupier with notification that costs are to be paid in full to the county or township treasurer within 180 calendar days.

If the offending land occupier does not remit full payment to the county or township treasurer within the specified time limit, the county or township shall determine the land so benefited and assess the land the cost of the remediation. Such assessments shall be made only against that portion of the tract of land on which the remediation order pertained and shall not be an amount so as to result in an unnecessary economic hardship on the land occupier.

Determination of unnecessary economic hardship shall consider only the actual costs of remediation treatment. The determination of unnecessary economic hardship shall not consider any perceived or documented opportunity costs to the land occupier as a result of being required to restore the adversely affected site to conditions as they existed prior to the excessive sedimentation occurrence.

SECTION 14-173. VARIANCES

In accordance with Article I, Division 5 of the Mower County Zoning Ordinance.

SECTION 14-174. APPEALS

In accordance with Article I, Division 5 of the Mower County Zoning Ordinance.

SECTION 14-175. SEVERABILITY

In accordance with Article I, Division 3, Section 14-9, of the Mower County Zoning Ordinance.

Article VII Adult Use Ordinance

(Approved by the Mower County Board of Commissioners by Resolution No. 03-02, September 10, 2002)

DIVISION 1. BACKGROUND, INTENT AND PURPOSE

SECTION 14-176. BACKGROUND, INTENT AND PURPOSE

1. The Minnesota State Attorney General prepared a report entitled "Report of the Attorney General's Working Group on Regulation of Sexually Oriented Businesses," dated June 6, 1989. The Report considered evidence from studies conducted in Minneapolis and St. Paul and in other cities throughout the country relating to sexually oriented businesses, also called adult establishments.

2. The Attorney General's Report, based upon the above referenced studies and the testimony presented to it, concluded "that sexually oriented businesses are association with high crime rates and depression of property values." In addition, the Attorney General's Working Group". . . heard testimony that the character of a neighborhood can dramatically change when there is a concentration of sexually oriented businesses adjacent to residential property." The Report concluded that:

   (a) adult uses have an impact on the neighborhoods surrounding them which is distinct from the impact caused by other commercial uses;

   (b) residential neighborhoods located within close proximity to adult theaters, bookstores and other adult uses experience increased crime rates (sex-related crimes in particular), lowered property values, increased transience, and decreased stability of ownership;

   (c) the adverse impacts which adult uses have on surrounding areas diminish as the distance from the adult use increases;

   (d) studies of other cities have shown that among the crimes which tend to increase either within or in the near vicinity of adult uses are rapes, prostitution, child molestation, indecent exposure and other lewd and lascivious behavior;

   (e) the City of Phoenix, Arizona study confirmed that the sex crime rate was on the average 500 percent higher in areas with sexually oriented businesses;

   (f) many members of the public perceive areas within which adult uses are located as less safe than other areas which do not have such uses;

   (g) studies of other cities have shown that the values of both commercial and residential properties either are diminished or fail to appreciate at the rate of other comparable properties when located in proximity to adult uses;

   (h) the Indianapolis, Indiana study established that professional real estate appraisers believe that an adult bookstore would have a negative effect on the

value of both residential and commercial properties within a one to three block area of the store;

(i) the adverse impacts of adult uses are exacerbated when the uses are located near each other; and

(j) the presence of liquor establishments in the immediate vicinity of adult uses also compounds the adverse impacts on the neighborhood.

The Mower County Board finds that the characteristics of Mower County are similar to those of the cities cited by the Report when considering the effects of adult uses.

The Mower County Board finds, based upon the Report and the studies cited therein, that adult uses will have secondary effects upon certain pre-existing land uses within the County.

DIVISION 2. DEFINITIONS

SECTION 14-177. DEFINITIONS

(1) Adult Establishments. An adult establishment is any establishment in which an adult use comprises more than 10 percent of the floor area of the establishment in which it is located, or more than 20% of the gross receipts in any month for the entire business operation.

(2) Adult Use. An adult use is any of the activities and businesses described below:

(a) Adult Use - Body Painting Studio: An establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to the body of a patron when such body is wholly or partially nude in terms of "specified anatomical areas."

(b) Adult Use - Bookstore: A building or portion of a building used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, or motion picture film if such building or portion of a building excludes minors by reason of age, and if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas."

(c) Adult Use - Cabaret: A building or portion of a building for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age and if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, or depiction of "specified sexual activities" or "specified anatomical areas."

(d) Adult Use - Car Wash: A wash facility for any type of motor vehicle that allows employees, agents, independent contractors, or other persons to appear in a state of partial or total nudity in terms of "specified anatomical areas."

(e) Adult Use - Companionship Establishment: A companionship establishment which excludes minors by reason of age, and which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

(f) Adult Use - Conversation/Rap Parlor: A conversation/rap parlor which excludes minors by reason of age, and which provides the service of engaging in or listening to conversation, talk, or discussion, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

(g) Adult Use - Health/Sport Club: A health or sport club which excludes minors by reason of age, if such club is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

(h) Adult Use - Hotel or Motel: A hotel or motel where minors are specifically excluded from patronage by reason of age and where material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

(i) Adult Use - Massage Parlor, Health Club: A massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

(j) Adult Use - Miscellaneous: Any establishment, business, or service whose products or services are substantially or significantly distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

(k) Adult Use - Mini-Motion Picture Theater: A building or portion of a building with a capacity for less than 50 persons used for presenting material if such material is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas." The phrase "used for" in this definition means a regular and substantial course of conduct and not a one-time presentation of such material.

(l) Adult Use - Modeling Studio: An establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in "specified sexual activities" or display "specified anatomical areas"

while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

(m) Adult Use - Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled or operated still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas." The phrase "used for" in this definition means a regular and substantial course of conduct and not a one-time presentation of such material.

(n) Adult Use - Motion Picture Theater: A building or portion of a building with a capacity of 50 or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by reason of age and if such material is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

(o) Adult Use - Novelty Business: A business which has as a principal activity the sale of devices which stimulate human genitals or devices which are designed for sexual stimulation.

(p) Adult Use - Sauna: A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

(q) Adult Use - Steam Room/Bathhouse Facility: A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

DIVISION 3 GENERAL REGULATIONS

SECTION 14-178 SPECIFIED ANATOMICAL AREAS:
Specified anatomical areas:

(a) Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SECTION 14-179 SPECIFIED SEXUAL ACTIVITIES:
Specified Sexual Activities:

(a) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts of conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or

(b) Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence; or

(c) Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or

(d) Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s); or

(e) Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such persons; or

(f) Erotic or lewd touching, fondling, or other sexually oriented contact with an animal by a human being; or

(g) Human excretion, urination, menstruation, vaginal or anal irrigation.

SECTION 14-180 LOCATION OF ADULT USES.
An adult establishment may be located only in industrial zoning districts, but not less than 500 (five hundred) feet from the nearest property line of any land in a residential zone or in a planned unit development or rural service center zone developed for residential use or an existing residential use, or of any day care center, school, establishment with a liquor license, library, park, religious institution, playground or other public recreational facility in any zoning district, whether within Mower County or not.

Further, no adult establishment may be located less than 500 feet from any other adult establishment, whether within the limits of Mower County or not. Measurements shall be made in a direct line from the property line of the premises where each use is located.

SECTION 14-181 ENFORCEMENT

The County may enforce any provision of this ordinance by mandamus, injunction or any other appropriate civil remedy in any court of competent jurisdiction.

Addendum 1

Ordinance Changes

ORDINANCE NO	DATE	DESCRIPTION
01-01	04/03/2001	Erosion Ordinance Amendment
02-02	09/10/2002	Comprehensive Zoning Ordinance: effective 1/1/03
03-02	09/10/2002	Adult Use Amendment
02-03	06/24/2003	Sec 14-66 Conditional Use Amendment
01-03	06/24/2003	Sec. 14-140.2 Amendment – Excavation of Earth Products.
03-03	11/25/2003	Sec 14-12, (b) 4 Amendment
01-04	01/13/2004	Sec 14-21 Planning Commission Amendment
3-04	04/13/2004	Sec 14-18.5 Amendment – Wind Conversion
02-05	05/24/2005	Sec 14-13; 14-51 Amendments
05-05	07/05/2005	14-18.5 14-18.6 Amendment – Wind Conversion
06-05	12/27/2005	Sec 14-18.5, 14-18.6 Amendments
01-06	03/28/2006	14-7 (definition of family; 14-18.2 Amendments (Feedlot) item (j)
01-08	06/10/2009	Sec 14-18.5, 14-18.6 and 14-18.61 Wind Energy Conservation
01-09	10/13/2009	Sec 14-16, Amendments
01-13	08/28/2013	Article III Flood Plain Ordinance – repealed and replaced; Section 14-7 definitions added.
01-15	05/26/2015	Interim Ordinance: 1 year Moratorium RE: Solid Waste Facilities
02-15	06/02/2015	Section 14-7 (definition of zoning permit); 14-16.10, 14-20, 14-103.11 RE: changed to “zoning permit”; Section 14-18.1 & 14-52 RE: Fertilizer plant or fertilizer plant structures; Sec 14-62 & 14-103.4 RE: height increases in safety or conical zones of the Austin Municipal Airport.

Zoning Map Amendments (REZONE)

RESOLUTION OR ORDINANCE NO.	DATE	DESCRIPTION
04-05 ORD	06/14/2005	Rezone Frankford Twp. Sections 7-18 & the N1/2 of Sections 1-24 from Rural Management to Agricultural
49-07 RES	060/5/2007	Rezone 6.5 acres from Agricultural to Industrial; Section 34, Grand Meadow Twp, High Prairie Windfarm II, LLC for Operations and Maintenance Building
50-07 RES	06/05/2007	Rezone 5 acres from Agricultural to Industrial; Section 10, Clayton Twp, High Prairie Windfarm II, LLC for 161 KV substation
83-07 RES	11/06/2007	Rezone 2712 acres from Agricultural to Industrial; Section 9, Red Rock Township (26.27 acres PID 16.009.0153 & 0.85 acres PID 16.009.0155)

Addendum 2: Homeowners Assumption of Risk

(Next Page)

TO BE FILLED OUT & RECORDED IN THE OFFICE OF THE COUNTY RECORDER BY APPLICANTS BUILDING NEW HOMES

RURAL AND AGRICULTURAL HOME OWNERS ASSUMPTION OF RISK ASSESSMENT

(1) Name _____

(2) Parcel Number _____ (3) Legal Description _____
_____
_____
_____

The area in which you propose to build a dwelling is located in or near property, which is used or zoned for agricultural purposes. This means that land, which you are about to purchase or upon which you intend to erect a dwelling, is located in an area where land is used for the purpose of raising livestock, raising crops, producing agricultural commodities, and various other agricultural purposes. You are likely to be exposed to odors, sights, chemicals, noises, conditions, and activities, which are prevalent in an agricultural zone. Such things include, but are not limited to:

(1) odors associated with animal excrement and waste;

(2) the sight, sound and odor of tractors, grain dryers, agricultural equipment and machinery operating at any time of the day, including night;

(3) the use of herbicides, pesticides, and other chemicals for agricultural purposes;

(4) the sight and sound of sheep, pigs, cattle, horses, and other livestock;

(5) the sight, sound and odor of manure or other waste products being spread on or injected into nearby fields;

(6) slow moving vehicles on roadways, including tractors, combines and other heavy equipment;

(7) cattle or other livestock getting loose from their pens or fields and possibly entering upon your land;

(8) mud, manure, fertilizer, grain and other agricultural products on roadways as a result of said agricultural equipment moving down those roadways; and

(9) barbed wire, fence lines, and other agricultural structures that need to be maintained.

YOU ARE HEREBY NOTIFIED AND UNDERSTAND that your presence in such an agricultural area or zone will expose you and your family to many of these conditions. These conditions and activities may be offensive, inconvenient, distracting and disturbing at times. You may also not agree with the nature of the farming process, size of the farm, or the treatment of animals. However, you agree to waive any objections to the continued agricultural activities and conditions, which may surround your property and which may have a negative impact on your lifestyle and land values. You further waive any objections to the nature of the agricultural activities and conditions as long as those agricultural activities are performed in a husband-like and responsible manner.

You agree and understand that agriculture is a vital part of the rural economy and that your decision to erect a dwelling in a rural or agricultural zone should not have a negative impact on the continued agricultural operations, which are vital to the Mower County economy. By building a dwelling in an agricultural area and zone, you, your family members, successors and assigns, agree to the continued agricultural activities and waive any further or future objection to those conditions and activities. I certify that I have read and understand the above notice and with this knowledge do hereby assume the risks, inconveniences, and potential negative impacts discussed above.

Names and Signatures of all Landowners _____
(please print or type name):

Signature: _____
(Signature)

Subscribed and sworn before me this _____(date) day of _____(month) of 20___(year)

_____
Notary signature

Notary Stamp:

Names and Signatures of all Landowners _____
(please print or type name):

Signature: _____
(Signature)

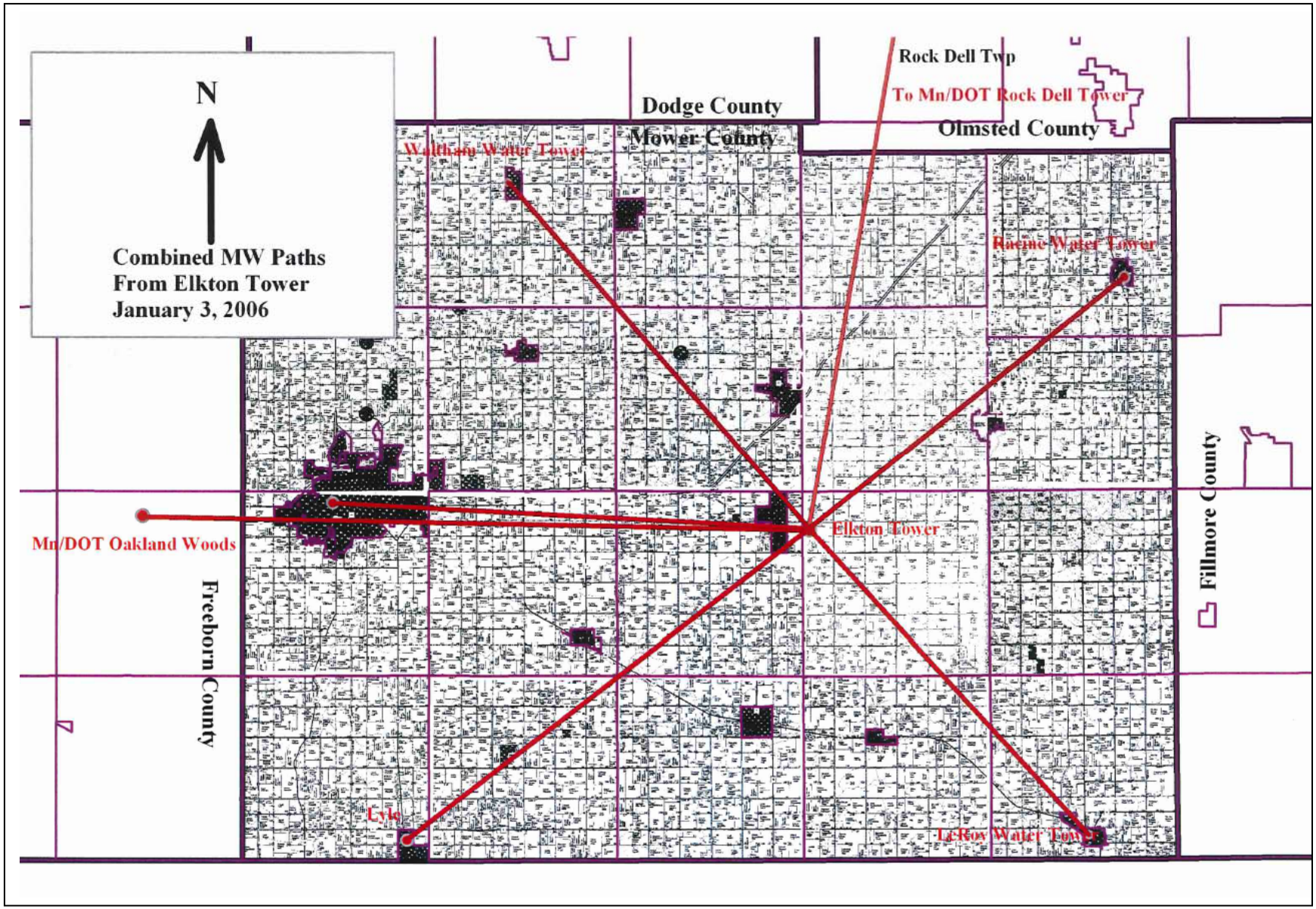
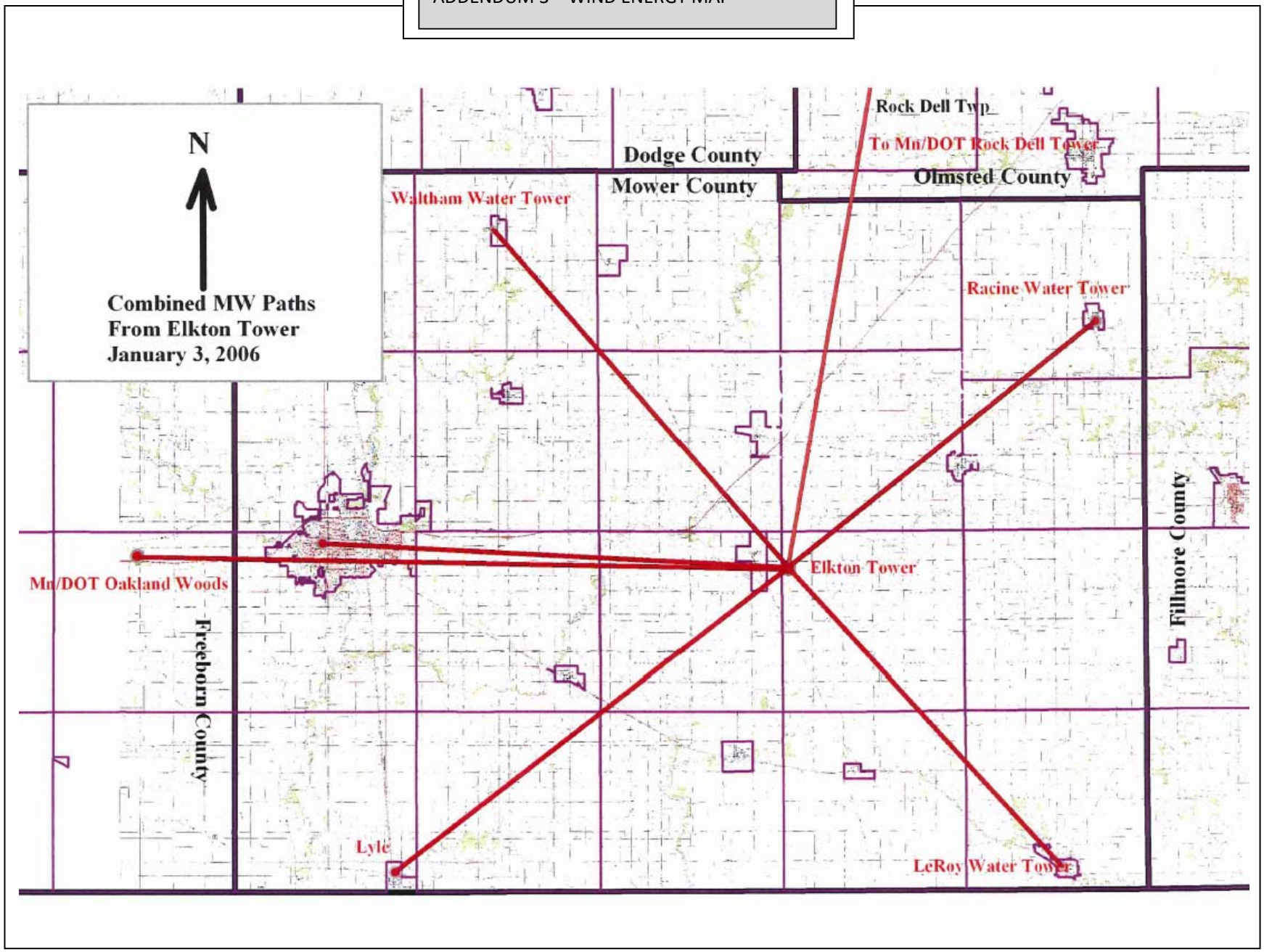
Subscribed and sworn before me this _____(date) day of _____(month) of 20___(year)

_____
Notary signature

Notary Stamp:

DRAFTED BY:
Mower County Board of Commissioners
201 1st Street N.E.
Austin, MN 55912

ADDENDUM 3 – WIND ENERGY MAP



ADDENDUM 3 – WIND ENERGY MAP