

PROPOSED REVISIONS TO:
MOWER COUNTY
ZONING ORDINANCE
2003

(LAST AMENDMENT ADDED: 6.2.2015)

FOR CONSIDERATION BY MOWER COUNTY PLANNING COMMISSION ON 10/26/2021

DIVISION 2. RULES AND DEFINITIONS

SECTION 14-7. DEFINITIONS

Deck: A deck is an open platform with or without railings generally designed for outside enjoyment. A deck is a structure which is not enclosed by a wall exceeding 36 inches in height from the floor of the platform in an upward direction. The total area of a deck shall include the square footage of stairs, landings, ramps or any extension or expansion of an existing deck structure. A deck shall not be enclosed by screening, windows or a roof. A deck is allowed to have a canopy or awning to provide shading on all or a portion of the deck.

Minor Structures: Self-standing storage or utility structure 200 square feet or less and less than 14 feet in height at peak per property; Decks which total 200 sq. ft. or less; Playground equipment / playhouses, swimming pools (both in-ground and above); Greenhouses 200 sq. ft. or less.

DIVISION 3. GENERAL REGULATIONS

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.

(6) One Minor Structure may be placed within 5 feet of a side or rear yard property line per parcel following a Zoning Review in accordance with 14-13(f) Zoning Permit.

- (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, 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.

(f) Minor Structures do not require a Zoning Permit; Zoning Review is required. Minor Structures in Shoreland Overlay, Floodplain zones, and on nonconforming lots do not qualify for Zoning Review; Zoning Permits are required. One minor structure may be placed per parcel in accordance with 14-12 (b)(6). Minor Structures include:

(1) Self-standing storage, utility, or greenhouse structure, which is 200 sq. ft. or less and less than 14 feet in height at peak. Additions to existing structures which accumulate to more than 200 sq. ft. will require a Zoning Permit, and are subject to all associated zoning and septic requirements and fees. Note: The side and rear yard setbacks for minor structures may be reduced to 5ft for the placement of one minor storage, utility, or greenhouse structure per parcel when used for storage of landowner’s personal items or equipment, but not for the housing of animals. Structures which house animals are subject to the setback of the underlying zoning district.

(2) Decks, 200 sq. ft. or less. A deck is allowed to have a canopy or awning to provide shading on all or a portion of the deck without permit if 200 sq. ft. or less. Additions to existing decks which accumulatively provide a deck structure larger than 200 square feet will require a Zoning Permit, and are subject to all associated zoning and septic requirements and fees.

(3) Playground equipment / playhouses, swimming pools (both in-ground and above).

Zoning Review is an application with map provided to Mower County which provides Staff the opportunity to check for possible conflicts with Zoning, Septic, Shoreland Overlay, or other relevant ordinance subsections and provide possible solutions for a landowner to resolve before a property transfer, application for land use permit, or similar action. The Review is conducted in accordance with the Ordinance and regulations in effect at the time of the request; it is not a guarantee of outcomes and may not identify all possible requirements; the review does not secure the conditions at the time of the review. The Zoning Review is provided to a landowner as information for use in planning.