



ZONING ORDINANCE #209

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**STEARNS COUNTY
LAND USE AND ZONING ORDINANCE
NUMBER 209**

THE COUNTY BOARD OF STEARNS COUNTY ORDAINS:

SECTION 1 PURPOSE, AUTHORITY AND JURISDICTION

1.1 Title

This Ordinance shall be known, cited, and referred to as the “Stearns County Land Use and Zoning Ordinance”. When referred to herein, it shall be known as “this Ordinance”.

1.2 Statement of Purpose

This Ordinance is adopted for the purpose of:

- A. Protecting and promoting the public health, safety, welfare and morals.
- B. Promoting and providing for the orderly development of agricultural, residential, commercial, industrial, recreational and public areas and land uses.
- C. Preserving agricultural land and animal agriculture.
- D. Conserving natural and scenic areas of the County.
- E. Conserving natural resources and open space.
- F. Providing official controls to implement the goals and policies included in the Stearns County Comprehensive Plan.

1.3 Statutory Authorization

This Ordinance is adopted pursuant to the authorization and policies contained in *Minnesota Statutes, chapter 394, Minnesota Statutes chapter 103B, Minnesota Statutes, chapter 116 and Minnesota Statutes, chapter 103F; or successor statutes and Minnesota Rules, chapter 7020; or successor rules.*

1.4 Jurisdiction

This Ordinance shall apply to all areas in Stearns County, Minnesota:

- A. Except areas within the incorporated limits of any city, however organized, except as provided by law; and
- B. Except as otherwise provided by law.

SECTION 2 GENERAL PROVISIONS

2.1 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.

2.2 Severability

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

2.3 Interpretation

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

2.4 Compliance

No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose or in any manner which is not in conformity with this Ordinance.

SECTION 3 DEFINITIONS

3.1 Rules of Interpretation

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

- 3.1.1** The word “shall” is mandatory and not discretionary; the word “may” is permissive.
- 3.1.2** The word “person” includes any individual, firm, partnership, corporation, company, association, joint stock association or body politic: includes any trustee, receiver, assignee or other similar representative thereof.
- 3.1.3** Words used in the present tense shall include the future; and words used in the singular shall include the plural and the plural the singular.
- 3.1.4** Words shall be given their common usage if not defined herein.

3.2 Definitions

For the purposes of this Ordinance, the following definitions shall apply:

3.2.1 Accessory Structure

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

3.2.2 Accessory Use

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

3.2.3 Active Cemetery

A cemetery that has had a burial occur within the past twelve (12) months.

3.2.4 Addition

A structure added laterally to an existing building and occupying ground without the limits of the building to which it constitutes an addition. The addition of minor structural elements such as chimneys, bay windows and roof overhangs of two (2) feet or less shall not be considered as an addition. The enclosure or partial enclosure of an existing screened porch, deck, roofed deck, patio or roofed patio shall be considered an addition.

3.2.5 Adult Uses

Adult uses include adult bookstores, adult motion picture theatres, adult motion picture sales/rental, adult mini-motion picture theatres, adult massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas” which are capable of being seen by members of the public. Activities classified as

obscene as defined by *Minnesota Statutes 617.241*; or successor statutes, are not included.

- A. Specified Anatomical Areas include, but are not limited to:
 - (1) 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,
 - (2) Exposed or opaquely covered human male genitals.
- B. Specified Sexual Activities include, but are not limited to:
 - (1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or,
 - (2) Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence; or,
 - (3) Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; or,
 - (4) Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or,
 - (5) Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such persons; or,
 - (6) Touching, fondling or other sexually-oriented contact with an animal by a human being; or,
 - (7) Human excretion, urination, menstruation, vaginal or anal irrigation.
- C. Adult Uses - Accessory – The offering of retail or whole sale goods which are classified as adult uses and which are incidental to the primary activity and goods and/or services offered by the establishment. Examples of such items include, but are not limited to, the sale of adult magazines, the sale or rental of adult motion pictures, the sale of adult novelties, and the like.
- D. Adult Uses – Principal – The offering of goods and/or services which are classified as adult uses as a primary or sole activity of a business or establishment and include but are not limited to the following:
 - (1) 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 or on the body of a patron when such body is wholly or partially nude.
 - (2) 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 films, if such building or portion of a building is not open to the public generally, but only to one or more classes of the public,

excluding any minor by reason of age or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction of description of, including but not limited to, “specified sexual activities” or “specified anatomical areas”.

- (3) Adult Use – Cabaret. A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of, including but not limited to, “specified sexual activities” or “specified anatomical areas”.
- (4) Adult Use – Companionship Establishment. A companionship establishment which excludes minors by reason of age, or 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, including but not limited to, “specified sexual activities” or “specified anatomical areas”.
- (5) Adult Use – Conversation/Rap Parlor. A conversation/rap parlor which excludes minors by reason of age, or 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, including but not limited to, “specified sexual activities” or “specified anatomical areas”.
- (6) Adult Use – Health/Sport Club. A health/sport club that excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on, including but not limited to, “specified sexual activities” or “specified anatomical areas”.
- (7) Adult Use – Hotel or Motel. Adult hotel or motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to, including but not limited to, “specified sexual activities” or “specified anatomical areas”.
- (8) Adult Use – Massage Parlor, Health Club. A message parlor or health club that restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on, including but not limited to, “specified sexual activities” or “specified anatomical areas”.
- (9) Adult Use – Mini-Motion Picture Theatre. A building or portion of a building with a capacity for less than 50 persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on, including but not limited to, “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

- (10) Adult Use – Modeling Studio. An establishment whose major business is the provision, to customers, of figure modes who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in, including but not limited to, “specified sexual activities” or display “specified anatomical areas” while being observed, painted, painted upon, sketched, drawn, sculptured, photographed or otherwise depicted by such customers.
- (11) 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 motor 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, including but not limited to, “specified sexual activities” or “specified anatomical areas”.
- (12) Adult Use – Motion Picture Theatre. 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 virtue of age or if such material is distinguished or characterized by an emphasis on, including but not limited to, “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
- (13) 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.
- (14) 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, including but not limited to, “specified sexual activities” or “specified anatomical areas”.
- (15) 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, including but not limited to, “specified sexual activities” or “specified anatomical areas”.

3.2.5A Aggregated Project

Aggregated projects are those WECS projects which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated

infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.

3.2.6 Agricultural Operation

Real or personal property used for the production of crops including, but not limited to, fruit and vegetable production, tree farming, livestock, poultry, dairy products or poultry products, but not a facility primarily engaged in processing agricultural products. An agricultural operation shall also include certain farm activities and uses as follows:

- A. Chemical and fertilizer spraying
- B. Farm machinery noise
- C. Extended hours of operation
- D. Storage and spreading of manure and biosolids under state permit
- E. Open storage of machinery
- F. Odors produced from normal farm activities
- G. On farm marketing of farm products
- H. Yard waste and leaf composting site
- I. Contaminated soils disposal

3.2.7 Agriculturally Oriented Business

A business including, but not limited to commercial storage and blending of liquid and dry fertilizers; grain and feed sales; general repair and installation services for agricultural equipment; custom meat processing; agricultural supplies and products sales or warehousing; livestock sales barns and accessory facilities; agriculture-related compost facilities; greenhouse and nursery sales; petting zoos; and riding stables.

3.2.8 Airstrip, Private

An area of land designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

3.2.9 Alteration

An increase in the height or depth of a building. (See also Structural Alteration)

3.2.10 Alternative Shoreland Management Standards

An optional set of Shoreland Management Standards developed pursuant to the Governor's 2003 Clean Water Initiative and offered for use by local governmental units to compliment and enhance their existing shoreland management regulations. These Alternative Shoreland Management Standards are referenced herein as *part ALT6120 et. seq.*, dated December 12, 2005.

3.2.11 Animal Feedlot

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

feedlots. For purposes of these parts petting zoos, horse stalls and open lots and mink farms shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under this section. Animal feedlot shall include any Manure Storage Structure.

3.2.12 Animal Manure

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

3.2.13 Animal Unit or A.U.

“Animal unit” means a unit of measure used to compare differences in the production of Animal Manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer for an animal feedlot or a manure storage area, calculated by multiplying the number of animals of each type in items A to I by the respective number of animal units. For purposes of this Ordinance, the following multiplication factors shall apply:

- A. Dairy cattle:
 - (1) one mature cow (whether milked or dry);
 - (a) over 1,000 pounds, 1.4 animal unit; or
 - (b) under 1,000 pounds, 1.0 animal unit
 - (2) one heifer (> or equal to 500 pounds including springing heifers), 0.7 animal unit; and
 - (3) one calf (<500 pounds), 0.2 animal unit;
- B. Beef cattle:
 - (1) one slaughter steer, slaughter heifer or stock cow, 1.0 animal unit;
 - (2) one feeder cattle (stocker or backgrounding) or heifer, 0.7 animal unit;
 - (3) one cow and calf pair, 1.2 animal unit; and
 - (4) one calf, 0.2 animal unit;
- C. One head of swine:
 - (1) over 300 pounds, 0.4 animal unit;
 - (2) between 55 pounds and 300 pounds, 0.3 animal unit; and
 - (3) under 55 pounds, 0.05 animal unit;
- D. One horse, 1.0 animal unit;
- E. One sheep or lamb, 0.1 animal unit;
- F. Chickens:
 - (1) One laying hen or broiler if the facility has a liquid manure system, 0.033 animal unit; or
 - (2) One chicken if the facility has a dry manure system:
 - (a) over 5 pounds, 0.005 animal unit; or
 - (b) under 5 pounds; 0.003 animal unit;
- G. One turkey:
 - (1) over 5 pounds, 0.018 animal unit; or
 - (2) under 5 pounds., 0.005 animal unit;
- H. One duck, 0.01 animal units; and
- I. For animals not listed in items A to H, the number of animal units is the average weight of the animal in pounds divided by 1,000 pounds. Animal

Unit changes made on May 22, 2001 shall not allow Animal Unit increases to any permitted Animal Feedlot without a reapplication for a County or State feedlot permit.

3.2.14 Animals, Domestic Farm

Cattle, hogs, horses, sheep, goats, chickens and other animals commonly kept for food producing or other purposes.

3.2.15 Animals, Domestic Pets

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

3.2.16 Antenna, Personal Wireless Service

A device consisting of a metal, carbon filter or other electromagnetically conductive rods or elements on a single supporting pole or other structure, and used for the transmission and reception of wireless communication radio waves including cellular, personal communication service (PCS), enhanced specialized mobilized radio (ESMR), paging and similar services and including the wiring, related ground equipment and supporting structure thereof.

3.2.17 Antenna, Microwave

A parabolic dish or cornucopia shaped electromagnetically reflective or conductive element used for the transmission and/or reception of point to point UHF or VHF radio waves in wireless communications, and including the wiring, related ground equipment and the supporting structure thereof.

3.2.18 Antenna, Radio and Television Broadcast Transmitting

A wire, set of wires, metal or carbon fiber rod or other electromagnetic element used to transmit public or commercial broadcast radio, or television programming, and including the wiring, related ground equipment and the support structure thereof.

3.2.19 Antenna, Radio and Television Receiving

A wire, set of wires, metal or carbon filter element(s) other than satellite dish antennas, used to receive radio, television or electromagnetic wave, and including the supporting structure thereof.

3.2.20 Antenna, Satellite Dish

A device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device is used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition shall include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television, receive only) and satellite microwave antennas and the wiring, related ground equipment and support structure thereof.

3.2.21 Antenna, Short-Wave Radio Transmitting and Receiving

A wire, set of wires or a device, consisting of a metal, carbon fiber, or other electromagnetically conductive element used for the transmission and reception of radio waves used for non-commercial short-wave radio communications, and including the supporting structure thereof.

3.2.22 Antenna Support Structure

Any pole, telescoping mast, tower, tripod or any other structure that supports a device used in the transmitting or receiving of electromagnetic energy.

3.2.23 Attached

Shall mean structurally affixed to, contiguous to and sharing a common wall with, i.e. an attached garage. For the purposes of this Ordinance, a breezeway or other similar addition connecting one structure to another structure or part of a structure shall not be deemed to attach that structure to the other structure or part of a structure.

3.2.24 Aquaculture

The culture of private aquatic life for consumption or sale.

3.2.25 Averaging Method

A method of determining the building line whereby the distances between the OHWL and the principal structures on either side of a proposed or existing principal structure are measured and averaged. The resulting product is the allowable building line. Where one or more of the principal structures is located in the shore impact zone, the shore impact zone, where it intersects the property line, shall be used to calculate the setback from the OHWL.

3.2.26 Basement

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

3.2.27 Bed and Breakfast Inn

An owner-occupied single family dwelling unit in which not more than five (5) rooms are rented on a nightly basis for a period of seven (7) or less consecutive days by the same person. Meals may or may not be provided to residents or overnight guests.

3.2.28 Bluff

A topographic feature such as a hill, cliff or embankment having the following characteristics (an area with an average slope of less than eighteen (18%) percent over a distance of fifty (50) feet or more shall not be considered part of the bluff):

- A. Part or all of the feature is located in a shoreland area;
- B. The slope rises at least twenty-five (25) feet above the ordinary high water level of the water body;

- C. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high water level averages thirty (30%) percent or greater; and
- D. The slope must drain toward the water body.

3.2.29 Bluff Impact Zone

A bluff and the land located within twenty (20) feet from the top of a bluff.

3.2.30 Board

Stearns County Board of Commissioners or County Board.

3.2.31 Boathouse

A structure designed and used solely for the storage of boats.

3.2.32 Buffer

A strip of land intended to create a physical separation between potentially incompatible uses of land.

3.2.33 Buildable Lot Area

The minimum contiguous area remaining on a lot or parcel of land after all setback requirements, bluffs, areas with slopes greater than twenty-five (25) percent, all easements and rights-of-way, historic sites, wetlands, floodway, land below the ordinary high water level of public waters are subtracted for the purpose of placement of structures.

3.2.34 Building line

A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

3.2.35 Campground

A development that is used for the purpose of providing sites for non-permanent overnight use by campers using tents, trailers, recreation camping vehicles, or other temporary shelters.

3.2.36 Change in Operation

Shall have the meaning given in *Minnesota Rules, part 7020.0300, subpart 7; or successor rules.*

3.2.37 Clear-cutting

Clear-cutting means the removal of an entire stand of vegetation.

3.2.38 Cluster Development

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

3.2.39 Clustering or Clustered

A development pattern and technique whereby structures or building sites are arranged in close proximity to one another in non-linear groups, adjacent to permanently preserved common open space, so as to make efficient and visually aesthetic use of the natural features of the landscape and maximize visualization of permanently preserved open space.

3.2.40 Commercial Use

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

3.2.41 Commissioner

Commissioner means the Commissioner of the Department of Natural Resources.

3.2.42 Common Interest Community

Means contiguous or noncontiguous real estate that is subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for real estate taxes levied against, insurance premiums payable with respect to, maintenance of, or construction, maintenance, repair or replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies.

3.2.43 Common Open Space

A portion of a development site that is permanently set aside for public or private use, is held in common ownership by all individual owners within a development, and will not be developed. Common open space shall include wetlands, upland recreational areas, wildlife areas, historic sites, and areas unsuitable for development in their natural state.

3.2.44 Community Water and Sewer Systems

Utility systems serving a group of buildings, lots or an area of the County, with the design and construction of such utility systems as approved by the County.

3.2.45 Comprehensive Plan

The policies, statements, goals and interrelated plans for private and public land and water use, transportation and community facilities including recommendations for plan execution, documented in texts, ordinances and maps which constitute the guide for the future development of the County or any portion of the County.

3.2.46 Conditional Use

A conditional use shall have the meaning given in *Minnesota Statutes, section 394.22, subdivision 7; or successor statutes.*

3.2.47 Condominium

A common interest community in which portions of the real estate are designated as units and the remainder of the real estate is designated for common ownership

solely by the owners of the units. In addition, undivided interests in the common elements are vested in the unit owners.

3.2.48 Contiguous Tract

The following rules shall apply when determining contiguous property:

- A. Tracts that are geometrically touching at any one point are contiguous.
- B. Contiguous tracts which cross political subdivision boundaries remain contiguous.
- C. Tracts purchased under separate documents remain individual and unique.
- D. Except when determining lot coverage, property that would be contiguous under these rules, but for the fact that the property is separated by a public or private road, driveway, thruway etc., shall be deemed to be contiguous.

3.2.49 Cooperative

A common interest community in which the real estate is owned by an association, each of whose members is entitled by virtue of the member's ownership interest in the association to a proprietary lease.

3.2.50 Corner Lot

A lot situated at the junction of and fronting on two or more roads or highways.

3.2.51 County

Stearns County, Minnesota.

3.2.52 Deck

A horizontal, unenclosed platform with or without attached railings, seats, trellises and attached or functionally related to a principal use or site and at any point extending more than one foot above ground.

3.2.53 Department

Stearns County Environmental Services Department.

3.2.54 Designated Trout Stream

Officially designated trout streams designated as such by order of the Commissioner of the Department of Natural Resources.

3.2.55 Director

The Director of the Stearns County Environmental Services Department.

3.2.56 Discontinued Animal Feedlot

An animal feedlot nonconforming as to use that has not been stocked with a minimum of one (1) animal unit (of the same animal type as present April 21, 2000 or as stated in a more recent permit) within 12 consecutive months.

3.2.57 Disposal Facility

A facility for the storage, reduction, recycling, processing or disposal of solid waste.

3.2.58 District

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

3.2.59 Ditch

Any depression two (2) feet or more below the surrounding land serving to give direction to a current of water and having a bed and well-defined bank. A ditch is generally not able to be plowed or tilled due to its depth or width.

3.2.60 Domestic Fertilizer

Shall have the meaning given in *Minnesota Rules, part 7020.0300, subpart 11; or successor rules.*

3.2.61 Dormer

A projection built out from a sloping roof that may house a vertical window, ventilating louver or door.

3.2.62 Drive in Facility

Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers while occupying or facilitated by drive through or drive-up in a motor vehicle.

3.2.63 Duplex, Triplex and Quad

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

3.2.64 Dwelling Site

A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites. For the purposes of administering this Ordinance this definition shall apply to *Section 10.2.23.*

3.2.65 Dwelling Unit

Any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins. For the purposes of administering this Ordinance, this definition shall apply to *Section 10.2.23.*

3.2.66 Easement, Utility

A grant by a property owner for the use of a strip of land for the purposes of constructing and maintaining utilities, including, but not limited to, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

3.2.67 Eating and Drinking Establishments

An establishment that serves food and/or beverages including liquor and includes establishments such as taverns, clubs, lodges, restaurants, bars, pubs or nightclubs.

3.2.68 Encroachment

An advancement beyond the usual or proper limits. When used for determining animal feedlot setback requirements, encroachment is determined by measuring from the closest point of the existing permitted or registered animal feedlot.

3.2.69 Energy Recovery Facility

Energy recovery means a facility or process to capture the heat value of solid waste for conversion to steam, electricity or immediate heat by direct combustion or by first converting the solid waste into an intermediate fuel product. Municipal solid waste combustors shall be included in the definition of energy recovery.

3.2.70 Equal Degree of Encroachment

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

3.2.71 Equivalent Land Area

An area of land that is set aside for non-residential purposes as a part of the subdivision process. The equivalent land area is determined by subtracting the development area (land being subdivided) from the total acreage required by the primary zoning district. Only limited agricultural, trail, government administration and service buildings and accessory land uses permitted in the primary zoning district are allowed to be used to calculate the equivalent land area.

3.2.72 Essential Services

Underground or overhead gas, electrical, communication, steam or water distribution systems by public or private utilities or governmental agencies or commissions, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, substations, telephone booths and accessories in connection therewith; but not including buildings.

3.2.73 Existing Animal Feedlot

An Animal Feedlot, as defined by *Section 3.2.10 of this Ordinance*, that was operational on April 21, 2000 including permitted Modifications or Expansions of those livestock operations since April 21, 2000.

3.2.74 Expansion

A change to an Animal Feedlot which results in an increase in the maximum number of Animal Units of the facility.

- 3.2.75 Exterior Storage**
The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed in a building.
- 3.2.76 Extractive Use**
The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals and peat not regulated under *Minnesota Statutes, sections 93.44 to 93.51; or successor statutes.*
- 3.2.77 FAA**
Federal Aviation Administration.
- 3.2.78 Family**
An individual, or two or more persons each related by blood, marriage, adoption, foster care arrangement or court order, living together as a single housekeeping unit, or a group of not more than six persons not related, maintaining a common household, exclusive of servants.
- 3.2.79 Family Day Care**
A day care for no more than ten (10) children at one time of which no more than six are under school age. The licensed capacity must include all children of any caregiver when the children are present in the residence.
- 3.2.79A Feeder Line**
Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the WECS.
- 3.2.80 Flood**
A temporary increase in the flow or stage of a stream or in the state of a wetland or lake that results in the inundation of normally dry areas.
- 3.2.81 Flood Frequency**
The frequency for which it is expected that a specific flood state or discharge may be equaled or exceeded.
- 3.2.82 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 Stearns County.
- 3.2.83 Flood Plain**
Shall have the meaning given in *Minnesota Statutes, section 103F.111, subdivision 4; or successor statutes.*

3.2.84 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.

3.2.85 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.

3.2.86 Forestland Conversion

The clear cutting of forested lands to prepare for a new land use other than re-establishment of a subsequent forest stand.

3.2.87 Forestry

Means the use and management, including logging of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of woodroads, skidways, landings and fences.

3.2.88 Funeral Home

A building or part thereof used for funeral services and activities. Such buildings may contain space and facilities for embalming, crematoria, the storage of caskets, urns, and other related funeral supplies, funeral vehicles and a funeral chapel.

3.2.89 Greenhouse

An enclosure used for the cultivation or protection of plants.

3.2.90 Gross Floor Area

The sum of the areas of several floors of a building as measured from the exterior faces of the walls.

3.2.91 Group Family Day Care

A day care for no more than 14 children at any one time. The total number of children includes all children of any caregiver when the children are present in the residence.

3.2.92 Guest Cottage

A structure containing sleeping spaces. A guest cottage may also contain a kitchen and/or bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

3.2.93 Hard Surfaced

A surface that is improved and maintained with an asphalt or portland cement binder material or such other surface as may be approved by the County, to provide a durable and dust free surface.

3.2.94 Hardship

Shall have the meaning given in *Minnesota Statutes, section 394.27, subdivision 7; or successor statutes.*

3.2.95 Height of Building

The vertical distance between the highest adjoining ground level at the building or ten (10) feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or height of the top of the highest gable of a pitched or hipped roof.

3.2.96 Home Extended Business

An occupation or profession engaged in by the occupant of a dwelling unit, within said unit or accessory structure, which involves the storage of a limited amount of vehicles and equipment; repair; service or assembly requiring equipment other than customarily found in a home; or the storage of stock in trade incidental to the performance of a service. The proposed activity shall be clearly incidental and secondary to the residential use of the premise, and shall only include the sale of merchandise incidental to the Home Extended Business.

3.2.97 Home Occupation

Any occupation or profession engaged in by the occupant of a dwelling, which is clearly secondary to the principal use, when carried on within the dwelling unit and not in any accessory building, and which shows no activity other than activity normally present in a residential dwelling unit.

3.2.98 Impervious Surface

A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, limerock or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

3.2.99 Incorporated

Manure is surface applied and mechanically incorporated within twenty-four (24) hours of application.

3.2.100 Individual Sewage Treatment System

An individual sewage treatment system shall have the meaning give in *Minnesota Rules, part 7080.0020, subpart 21; or successor rules.*

3.2.101 Industrial Solid Waste

Industrial Solid Waste means all solid waste generated from an industrial or manufacturing process and solid waste generated from non-manufacturing activities such as service and commercial establishments. Industrial solid waste does not include office materials, restaurant and food preparation waste, discarded machinery, demolition debris, municipal solid waste combustor ash or household refuse.

3.2.102 Industrial Use

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

3.2.103 Injected

Manure is mechanically injected or tilled into the soil during the Manure application.

3.2.104 Intensive Vegetation Clearing

The complete removal of trees or shrubs in a contiguous patch, strip, row or block or the removal of greater than 25% of the trees 5" diameter breast height (DBH) and/or 25% of the trees/shrubs less than 5" DBH.

3.2.105 Interim Permit

Shall have the meaning given in *Minnesota Rules, part 7020.0300, subpart 13; or successor rules.*

3.2.106 Interim Use

A use that is allowed for a limited period of time subject to the conditions set forth in this Ordinance.

3.2.107 Interim Use Permit

A permit that allows a use that is neither a permitted, provisional or conditional use, for a limited period of time subject to conditions set forth in this Ordinance.

3.2.108 Irrigation

For purposes of manure management, irrigation is the aerial application of liquid manure through the use of pumps, hoses and nozzles beyond a 50 foot radius.

3.2.109 Junk and Salvage Operation

A place 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 junk and salvage operation includes an auto wrecking yard but does not include uses established entirely within enclosed buildings.

3.2.110 Kennel, Commercial

Any place where four (4) or more dogs and/or domestic pets over six (6) months of age are boarded, bred, trained or offered for sale.

3.2.111 Kennel, Private

Any place where four (4) or more dogs and/or domestic pets over six (6) months of age are owned by any member of the household. Private kennels are an accessory to the principal use of the property.

3.2.112 Land Evaluation Site Assessment (LESA)

A numeric rating system or tool found in Appendix A of this Ordinance and used for determining the suitability of land for conversion from agricultural uses to other uses.

3.2.113 Light Manufacturing

The manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products. Such uses include, but are not limited to, the following: lumber yards, machine shops, products assembly, sheet metal shops, plastics, electronic, motor vehicle repair, body work shops, painting contractor shops and storage yards.

3.2.114 Limited Agriculture

Land whose use is for the production of horticulture or nursery stock, fruit of all kinds, vegetables, forage, grains, bees and apiary products. This activity does not need to be the principal source of income.

3.2.115 Limited Rural Business

An opportunity for property owners, engaged in a home extended business, to employ up to a maximum of four persons who are not family members residing on the premises.

3.2.116 Liquid Manure

Animal Manure that is handled, stored or applied using methods conventionally considered applicable to liquid material and Manure which flows or cannot be effectively stacked or handled with a loader.

3.2.117 Lot, Parcel or Tract

An area of land designated by metes and bounds, registered land survey, plat or other accepted means, and separated from other parcels or portions by said description for the purpose of sale, lease, transfer or separation thereof. For the purpose of this Ordinance, a lot, parcel or tract shall be considered to be an individual building site that shall be occupied by no more than one single family dwelling unit.

3.2.118 Lot Area

The lot area is the land area contained within the lot lines.

3.2.119 Lot Coverage

Determined by dividing that area of a lot that is covered by impervious surface or roofed areas by the gross area of that lot.

3.2.120 Lot Depth

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

3.2.121 Lot Lines

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

3.2.122 Lot of Record

Any lot that was recorded by deed or filed as a separate parcel in the office of the County Recorder on or before the effective date of this Ordinance, unless otherwise established in this Ordinance.

3.2.123 Lot Width

The shortest distance between lot lines measured at the midpoint of the building line.

3.2.124 Manufactured Home

Manufactured home shall have the meaning given in *Minnesota Statutes, section 327.31, subdivision 6; or successor statutes*. No manufactured home shall be moved into the unincorporated areas of Stearns County that does not meet the *Manufactured Home Building Code as defined in Minnesota Statutes, section 327.31, subdivision 3; or successor statutes*.

3.2.125 Manufactured (Mobile) Home, Pre-Code

Manufactured homes built prior to *HUD CFR 3280 Standards*, effective June 15, 1976, or built prior to Minnesota inspection and certification requirements in accordance with *ANSI Standards A119.1, July 1, 1972; or successor standards*.

3.2.126 Manure Storage Area, Structure or Facility

An area where animal manure or process wastewaters are stored or processed. Short-term and permanent stockpile sites and composting sites are manure storage areas. Animal manure packs or mounding within the animal holding area of an animal feedlot that are managed so that a pollution hazard is not created or maintained, are not manure storage areas.

3.2.127 Market Value

The value of any structure determined by the current records of the Stearns County Assessor for the year in which the damage was done.

3.2.128 Meteorological Towers

Those towers of a predominantly temporary nature which are erected primarily to measure wind speed and direction and other data relevant to siting wind energy conversion systems. Meteorological towers do not include towers and equipment used by airports, the Minnesota Department of Transportation or other similar applications for the purpose of monitoring weather conditions. Meteorological towers are subject to the approval process and requirements of *Section 6.48 of this Ordinance*.

3.2.129 Metes and Bounds

A method of property description by means of direction and distance from an easily identifiable point.

3.2.129A Micro-WECS

Micro-WECS are WECS of 1kw nameplate generating capacity or less and utilizing supporting towers of 40 feet or less.

3.2.130 Mining Operation

The removal of stone, sand and gravel, coal, salt, iron, copper, nickel, petroleum or other materials from the land for commercial, industrial or governmental purposes.

3.2.131 Modification

Means a change in manure handling facilities, livestock type or operation of an Animal Feedlot that does not result in an increase in the number of Animal Units of the facility. Modification may include new construction; new construction which is physically attached to an existing facility; or the remodeling of existing facilities that does not result in an increase in Animal Units at the facility that is part of the existing Animal Feedlot.

3.2.132 Motel

A building or group of buildings used primarily for the temporary residence by customers, motorists or travelers.

3.2.133 Motor Vehicle Repair Facility

Major or general repair, rebuilding or reconditioning of engines or other motor vehicle parts including body work, frame work, welding and painting services.

3.2.134 MPCA

Minnesota Pollution Control Agency.

3.2.135 NPDES

National Pollutant Discharge Elimination System permit shall have the meaning given in *Minnesota Rules, part 7020.0300, subpart 16; or successor rules.*

3.2.136 NRCS

Natural Resources Conservation Service.

3.2.137 New Animal Feedlot

An animal feedlot or manure storage area:

- A. Constructed, established or operational at a site where no animal feedlot or manure storage area existed previously;
- B. That existed prior to September 18, 1998 but has not had at least ten (10) animal units at some time within a five (5) year period, except as provided in *Minnesota Statutes, section 116.0711; or successor statutes;*
- C. Shall include animal feedlots that did not register by January 1, 2002 but were operational on that date.

3.2.138 Non-Conforming Use

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

3.2.139 Nonconformity

Nonconformity shall have the meaning given in *Minnesota Statutes, section 394.22, subdivision 8; or successor statutes.*

3.2.140 Non Residential Program

Shall have the meaning given in *Minnesota Statutes, section 245A.02, subdivision 10; or successor statutes.*

3.2.141 Nursery

An area where plants are grown for transplanting, for use as stocks for budding or grafting.

3.2.142 Obstruction

Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory flood plain which may impede, retard or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water.

3.2.143 Odor Reducing Technologies

Technologies that will reduce odor emissions from a feedlot. Examples include biofilters, synthetic covers, natural crusts, pit additives, non-thermal plasma reactors, feed additives or total confinement.

3.2.144 Open Space

Land used for agriculture, natural habitat, pedestrian corridors and/or recreational purposes, that is undivided and permanently protected from future development.

3.2.145 Ordinary High Water Level or "OHWL"

Ordinary high water level shall have the meaning give in *Minnesota Statutes, section 103G.005, subdivision 14; or successor statutes.*

3.2.146 Outdoor Recreational Facility

A facility in which athletic activities such as softball, soccer and baseball would be played, and uses oriented to utilizing the outdoor character of an area including hiking and biking trails and interpretive areas.

3.2.147 Owner, Feedlot

Feedlot Owner shall have the meaning given in *Minnesota Rules, part 7020.0300, subpart 17; or successor rules.*

3.2.148 Park Trailer

A trailer that:

- A. Exceeds 8.5 feet in width in travel mode but is not larger than 400 square feet when the collapsible components are fully extended or at maximum horizontal width;
- B. Is used as temporary living quarters; and
- C. A park model shall have the same meaning as a park trailer.

3.2.149 Pasture

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

3.2.150 Patio

An open recreation area that is often paved and within one foot of pre-existing grade. A patio may not have attached railings, trellises, seats or other features that extend more than one foot above pre-existing or natural grade.

3.2.151 Permitted Use

A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements and performance standards (if any) of such district.

3.2.152 Persons

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

3.2.153 Planned Unit Development

A method of land use or development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and that incorporates clustering of these units or sites to provide areas of common open space, and a mix of structure types and land uses. These developments may be organized and operated as residential or commercial enterprises such as individual dwelling units, townhouses, condominiums, time-share condominiums, cooperatives, common interest communities, shared-interest communities, apartment buildings, non-resort campgrounds and youth camps, recreational vehicle parks, manufactured home parks, hotels, motels, or any combination of these. Planned unit developments shall also include any conversion of pre-existing structures and land uses in order to utilize this method of development.

3.2.154 Portable Livestock Hutch

A structure that is used to house livestock species in temporary locations for the purpose of providing shelter from the elements. A portable livestock hutch is a structure that may be constructed of sheet metal, molded plastic or wood, is not

attached to a permanent foundation, is on skids and is less than 433 square feet in size.

3.2.155 Post-Development

Conditions that may reasonably be expected or anticipated to exist after completion of the land development activity on a specific site or property.

3.2.156 Potential Pollution Hazard

Shall have the meaning given in *Minnesota Rules, part 7020.0300, subpart 20; or successor rules.*

3.2.157 Pre-Development

Conditions that exist at the time that plans for the land development activity are submitted. Where phased development or plan approval occurs the existing land use at the time the first item is submitted shall establish predevelopment conditions.

3.2.158 Pre-Settlement

Land conditions as they occurred before settlement by Europeans.

3.2.159 Principal Use or Structure

All uses or structures that are not accessory uses or structures.

3.2.160 Private Road or Driveway

Private road or driveway means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other parties.

3.2.161 Provisional Use

A use that is permitted subject to applicable performance standards.

3.2.162 Public Waters

Public waters shall have the meaning given in *Minnesota Statutes, section 103G.005, subdivision 15a; or successor statutes.*

3.2.163 Public Waters Wetlands

Shall have the meaning given in *Minnesota Statutes, section 103G.005, subdivision 15a; or successor statutes.*

3.2.164 Putrescible Material

Solid waste that is capable of becoming rotten or which may reach a foul state of decay or decomposition.

3.2.165 Reach

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

3.2.166 Recreational Camping Area

Recreational camping area shall have the meaning given in *Minnesota Statutes, section 327.14, subdivision 8; or successor statutes.*

3.2.167 Recreational Camping Vehicle

A recreational vehicle. Recreational camping vehicle or recreational vehicle shall have the meaning given in *Minnesota Statutes, Section 327.14, subdivision 7; or successor statutes.* A recreational camping vehicle or recreational vehicle is considered a structure and a Residential Dwelling Unit for the purposes of this Ordinance. A travel trailer shall have the same meaning as a recreational camping vehicle.

3.2.168 Recreational Playground Equipment

Play apparatus such as a swing set and slide, sandbox, poles for nets, picnic table, lawn chair, barbecue stand and similar apparatus.

3.2.169 Recreation Use Area

The area allowed within the shore impact zone for residential lots, conservation subdivisions, planned unit developments, and new resorts.

3.2.170 Recycling Center

A facility at which materials are prepared for reuse in their original form or for use in manufacturing processes that do not cause the destruction of the materials in a manner that precludes further use.

3.2.171 Redevelopment

The reconstruction or modification to any existing, previously developed land. Redevelopment is distinguished from new development in that new development refers to construction on land where there had not been previous construction.

3.2.172 Refuse

Refuse means putrescible and nonputrescible solid waste, including garbage, rubbish, ashes, incinerator ash, incinerator residue, waste combustor ash, street cleanings and market and industrial solid waste and municipal treatment wastes which do not contain free moisture.

3.2.173 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.

3.2.174 Residential Dwelling Unit

A residential accommodation which may include sleeping, kitchen or bathroom facilities, and which is arranged, designed, used or intended for use as living quarters at any time. A residential dwelling is a structure.

3.2.175 Residential Planned Unit Development

Residential Planned Unit Development means a use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented.

3.2.176 Residential Program

Shall have the meaning given in *Minnesota Statutes, section 245A.02, subdivision 14; or successor statutes.*

3.2.177 Resort

A commercial establishment, that includes buildings, campgrounds, lodges, structures, dwelling units/sites, enclosures or any part thereof kept, used, maintained or advertised as, or held out to the public to be a place where sleeping accommodations are furnished to the public and primarily to those seeking recreation, for periods of one (1) day, one (1) week, or longer, and having for rent one (1) or more cabins, rooms, campsites, or enclosures. These establishments must be primarily service-oriented for transient lodging of guests. All cabins, rooms, dwelling units/sites, or enclosures must be included in the resort rental business. Resorts allow no residential use of a dwelling unit/site for more than thirty (30) days within a calendar year, except dwellings used as residences for the service providers or dwelling units/sites for renters. In order to qualify as a resort pursuant to this definition, a resort shall also be fully licensed and permitted under appropriate state and local regulations. The entire parcel of land must be controlled and managed by the licensee.

3.2.178 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, lane, service road, place or however otherwise designated.

3.2.178A Rotor Diameter

The diameter of the circle described by the moving rotor blades of a WECS.

3.2.179 Rubbish

Rubbish means nonputrescible solid waste consisting of both combustible and non-combustible wastes, including ashes, cardboard, tin cans, yard waste, wood, glass, crockery, bedding or litter of any kind.

3.2.180 SWCD

The Stearns County Soil and Water Conservation District.

3.2.181 Salvage or Repairable Vehicle

A vehicle for repair, reconstruction or used as a parts source to repair other vehicles, consisting of all integral and body parts of a vehicle of a type for which a certificate of title or registration is required.

3.2.182 School

Public school as defined under *Minnesota Statutes, section 120A.05; or successor statutes*, or a private school excluding home school sites.

3.2.183 Selective Cutting

The removal of individual or small groups of trees or shrubs.

3.2.184 Sensitive Resource Management

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

3.2.185 Service Facility

A facility or business that is service oriented such as a bank, barbershop, beauty salon or laundry.

3.2.186 Setback

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

3.2.187 Shared-Interest Community

Real estate that is subject to an instrument which obligates persons owning a separately described parcel of the real estate and occupying a part of the real estate pursuant to a proprietary lease or covenant for residential use for more than thirty (30) days within a year, by reason of their ownership or occupancy, to pay for real estate taxes levied against, insurance premiums payable with respect to, maintenance of, or construction, maintenance, repair or replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies.

3.2.188 Shore Impact Zone

The land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty (50) percent of the required structure setback for the applicable lake or river classification, except for lakes classified as General Development, which shall have a shore impact zone of fifty (50) feet.

3.2.189 Shoreland

Shall have the meaning given in *Minnesota rules, part 6120.2500, subpart 15; or successor rules*.

3.2.190 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.

3.2.191 Sign, Off-premise (Billboard)

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.

3.2.192 Significant Historic Site

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

3.2.193 Single Family Dwelling Unit

A residential building containing one residential dwelling unit.

3.2.194 Soil Treatment Area

Soil treatment area shall have the meaning given in *Minnesota Rules, part 7080.0020, subpart 43; or successor rules*.

3.2.195 Solid Manure

Animal Manure that does not flow and which can be effectively stacked or handled using a loader equipped with forks. This shall not include frozen liquid manure.

3.2.196 Solid Waste

Solid waste means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semisolid, liquid or contained gaseous form, resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under *Section 402 of the Federal Water Pollution Control Act, as amended*, dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by *The Atomic Energy Act of 1954, as amended*.

3.2.197 Solid Waste Composting Facility

A site used to compost or co-compost solid waste, including all structures or processing equipment used to control drainage, collect and treat leachate, and storage areas for the incoming waste, the final product and residuals resulting from the composting process.

3.2.198 Solid Waste Management Facility

Solid waste management facility means a facility for the collection, transportation, processing or reuse, conversion or disposal of solid waste. As it pertains to this definition, facility means the land, structures, monitoring devices and other improvements on the land used for monitoring, treating, processing, storing or disposing of solid waste, leachate or residuals from solid waste processing.

3.2.199 Solid Waste Storage

Solid waste storage means the holding of solid waste in quantities of ten (10) or more cubic yards for more than 48 hours.

3.2.200 Solid Waste Transfer

Solid waste transfer means a process or facility in which solid waste from collection vehicles is compacted or rearranged for subsequent transport to another location.

3.2.201 State Feedlot Permit

An Interim Permit, General or Five-year Permit, Certificate of Compliance or any other permit developed by the State to regulate feedlots.

3.2.202 Steep Slope

Steep slopes are lands having average slopes of twelve (12) percent or greater, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.

3.2.203 String Line Method

A method of determining the building line where a string connects both corners of adjacent dwelling units:

- A. For new dwelling units, the string connects the waterward corner of the adjacent dwelling units on both sides of the proposed dwelling unit.
- B. For additions to existing dwelling units, the string connects the waterward corner of the adjacent dwelling unit with the waterward corner of that side of the dwelling unit to which the addition is being attached.

The building line determined under Either A. or B. above becomes the established building line and structures shall not extend waterward of the established building line.

In instances when an adjacent principal structure is located partly or wholly within the shore impact zone, that point where the landward extension of the shore impact zone intersects the property line shall be used as the point of reference to determine the established building line rather than the dwelling unit.

3.2.204 Structure

Any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles and other supporting facilities and fences.

3.2.205 Structural Alteration

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

3.2.206 Subdivision

Improved or unimproved land which is divided for the purpose of sale, transfer, rent or lease, into two or more lots or parcels including planned unit developments.

3.2.207 Suitable Area

Suitable area is the area remaining on a lot or parcel of land after bluffs, areas with slopes greater than 25%, all easements and rights-of-way, historic sites, wetlands, land below the ordinary high water level, and all setback requirements, except the ordinary high water level structure setback, are subtracted.

3.2.208 Surface Water-Oriented Commercial Use

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

3.2.209 Tillable Farmland

Land that meets one or more of the following criteria:

- A. Land planted to a crop to be carried through to harvest; or
- B. Land which is currently being tilled to produce a crop for harvest; or
- C. Land which is not currently tilled, but has been tilled at any time since 1985; or
- D. Land enrolled in the Conservation Reserve Program (CRP), Reinvest in Minnesota (RIM), Conservation Reserve Enhancement Program (CREP); or successor programs.

3.2.210 Toe of the Bluff

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

3.2.211 Top of the Bluff

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

3.2.211A Transmission Line

Those electrical power lines that carry voltages of at least 69,000 volts (69KV) and are primarily used to carry electric energy over medium to long distances

rather than directly interconnecting and supplying electric energy to retail customers.

3.2.212 Unclassified Road

A road that is not defined as a principal arterial, minor arterial, major collector or minor collector road according to the functional classification system in the *Stearns County Transportation Plan; or successor plan.*

3.2.213 Unincorporated Area

The area outside a city.

3.2.214 Use

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

3.2.215 Vacation/Private Home Rental

A single family dwelling and/or related structure that is rented out on a transient basis for a charge. A transient basis shall be any period of time less than 30 consecutive days.

3.2.216 Variance

Shall have the meaning given in *Minnesota Statutes, section 394.22, subdivision 10; or successor statutes.*

3.2.217 Water-Oriented Accessory Structure or Facility

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

3.2.218 Watershed Management or Flood Control Structure

A dam, floodwall, wingdam, dike, diversion channel or an artificially deepened or widened stream channel following the same or approximately the same course as the natural channel, or any other structure for altering or regulating the natural flow of a river or stream. The term “watershed management or flood control structure” does not include pilings, retaining walls, gabion baskets, rock riprap or other facilities intended primarily to prevent erosion and which must be authorized by permit from the Commissioner of the Department of Natural Resources.

3.2.218A WECS – Wind Energy Conversion System

An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy maybe used on-site or distributed into the electrical grid.

3.2.219 Wellhead Protection Plan

A plan developed for the protection of a public water supply.

3.2.220 Wetland

Wetland shall have the meaning given in *Minnesota Rules, part 8420.0110, subpart 52; or successor rules.*

3.2.220A Wind Turbine

A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

3.2.221 Yard

The open space on an occupied lot that is not covered by a structure.

3.2.222 Yard, Front

A yard extending across the front of the lot between the side yard lines and lying between the right-of-way line of the road or highway and the nearest line of the building.

3.2.223 Yard, Rear

An open space unoccupied except for accessory buildings on the same lot with a building between the rear lines of the building and the rear lot line of the lot, for the full width of the lot.

3.2.224 Yard, Side

An open, unoccupied space on the same lot with a building between the building and the side line of the lot and extending from the front line to the rear of the back yard.

3.2.225 Yard Waste

Yard waste means garden waste, leaves, lawn cuttings, weeds and tree or shrub prunings generated at residential or commercial properties.

3.2.226 Yard Waste Facility

Yard waste facility means a site used to compost or dispose of yard waste and includes all structures, processing equipment, drainage control systems, collection areas, storage areas and processing areas for incoming yard waste or any subsequent product thereof.

SECTION 4 ADMINISTRATION

4.1 Authority for Administration

This Ordinance shall be administered pursuant to *Minnesota Statutes, chapter 394; or successor statutes.*

4.2 Administrator

4.2.1 Environmental Services Department

The Environmental Services Department and its Director shall administer the provisions of this Ordinance.

4.2.2 Powers and Duties

The Director shall have the following powers and duties and may delegate them to Department staff as necessary:

- A. To receive and review applications for permits and issue permits if such permit applications are in full compliance with the provisions of this Ordinance.
- B. To receive and review applications for action by the Shoreland Technical Panel, Board of Adjustment and/or Planning Commission and to provide additional information, recommendations, data, and testimony as may be necessary for action to be taken.
- C. To conduct compliance and other inspections. If violations of this Ordinance are discovered, the Director shall notify the violator(s) and take such other steps as are necessary to ensure compliance with this Ordinance.
- D. To maintain records of all actions taken pursuant to the provision of this Ordinance.
- E. To assist the public in complying with and understanding their responsibilities and rights under this Ordinance.

4.3 Board of Adjustment

The Stearns County Board of Adjustment, as presently established in *Stearns County Ordinance Number 172; or successor ordinances*, shall have the following powers:

- A. To order the issuance or denial of variances for the provisions of this Ordinance.
- B. To hear and decide appeals from and review any order, requirement, decision or determination made by the Director with respect to the administration of this Ordinance.
- C. To hear appeals from the Director's determination of the exact location of a zoning district boundary line.

4.4 Planning Commission

The Stearns County Planning Commission "Planning Commission", as presently established in *Stearns County Ordinance Number 168; or successor ordinances*, shall have the following duties:

- A. Conduct public hearings for Conditional Use Permits and zoning district boundary changes and recommend their approval or denial to the County Board of Commissioners.

- B. Review and recommend to the Board, all amendments to this Ordinance, including zoning district boundary changes.

4.5 Shoreland Review Panel

4.5.1 Establishment and Purpose

A Shoreland Review Panel is hereby established for the purpose of authorizing or denying shoreland alterations through a major shoreland alteration permit. The Shoreland Review Panel shall consist of representatives of the following, subject to appointment by the Board:

- A. Township Officer nominated by the Stearns County Township Officers Association.
- B. Soil and Water Conservation District
- C. Stearns County Planning Commission
- D. One at large citizen member
- E. Watershed District technical staff person.

4.5.2 Administration

The Board shall, by resolution, adopt a policy for the administration of *Section 10.2.14 of this Ordinance* by the Shoreland Review Panel.

4.6 Feedlot Review Committee

A Feedlot Review Committee is hereby established and shall be appointed by the Board. The Feedlot Review Committee shall review applications for Conditional Use Permits relating to Animal Feedlots and shall make recommendations to the Planning Commission based on the criteria for granting a conditional use permit pursuant to *Section 4.8 of this Ordinance*. Additionally, the Public Works Director shall review all permit applications to ensure that road and access issues are addressed. The members of the Feedlot Review Committee shall consist of one person from each of the following:

- A. Environmental Services Department
- B. Soil and Water Conservation District
- C. County Resident
- D. An Agricultural Producer
- E. Agricultural Banking/Lending Industry
- F. Minnesota Extension Service
- G. A Township Officer Representative recommended by the Township Officer's Association
- H. A representative recommended by the Stearns County Municipal League

4.7 Appeals

An appeal from any decision of the Director may be requested by any aggrieved party in accordance with *Section 8, Stearns County Ordinance Number 172; or successor ordinances*. The appeal shall be in writing and signed by the appellant and include the following information:

- A. The particular order, requirement, decision, or determination from which the appeal is requested.
- B. The name and address of the appellant.
- C. The grounds for the appeal.

- D. The relief requested by the appellant.

4.8 Conditional Use

The Board recognizes that certain uses, while generally not suitable in a particular zoning district, may under some circumstances be allowed if conditions are attached. When such circumstances exist, a conditional use permit may be granted and appropriate conditions attached. A conditional use permit shall be required in the following instances:

- A. Proposed Uses. Only those uses listed as conditional uses within the applicable primary district or overlay district may be allowed through issuance of a conditional use permit.
- B. Existing Uses. All uses existing at the time of adoption of this Ordinance that now require a conditional use permit may continue subject to the performance standards contained in *Section 6 of this Ordinance* and the general development standards contained in *Section 7 of this Ordinance*. Any enlargement, structural alteration, modification or addition, or intensification of the use shall require a conditional use permit and the use shall be subject to the criteria and procedures for issuance of a conditional use permit set forth in *Section 4.8 of this Ordinance*.

4.8.1 Application for Conditional Use Permit

An application for a conditional use permit shall be signed and in writing on forms provided by the Department. In instances where the request is for a conditional use permit for an animal feedlot, the following additional information shall be provided:

- A. Completion of the Joint Stearns County and State of Minnesota Construction Short-Form and Interim Permit Application for an Animal Feedlot or Manure Storage Area;
- B. A site sketch completed on either a map or aerial photograph showing the proposed animal feedlot and manure storage facility location in relation to any of the applicable setbacks established in *Section 6.7.9 D of this Ordinance*;
- C. Soil and hydrogeological conditions at the proposed animal feedlot site, including soil type, depth to water table and depth to bedrock;
- D. A copy of the deed or abstract for the property on which the conditional use permit is proposed, that lists the current property owners and the comprehensive legal description of the property;
- E. Applications for conditional use permits will only be accepted from the owner of the property for which the application is made; and
- F. A Tier II manure management plan as required in *Section 6.7.9 D of this Ordinance*.

4.8.2 Criteria for Considering Conditional Use Permits

The Board may grant a conditional use permit, provided the proposed use is listed as a conditional use for the district and upon a showing by the applicant that the requirements and standards of this Ordinance or any other applicable ordinance, rule or statute will be met, the use conforms to the comprehensive plan, and is compatible with the existing neighborhood. In determining whether the proposed use is in harmony with the general purpose and intent of this Ordinance and the

comprehensive plan, the Planning Commission and Board shall consider, but not be limited to, the following:

- A. The effect of the proposed use on the Comprehensive Plan; and
- B. The ability of the proposed use to meet the standards of this Ordinance or any applicable Ordinance, Rule or Statute; and
- C. The ability of the use to be compatible or separated by distance or screening from adjacent land; and
- D. The effect of the proposed use on groundwater, surface water and air quality; and
- E. The effect of the proposed use on property values and scenic views in the surrounding area; and
- F. Whether the proposed use is allowed with a conditional use permit in the applicable zoning district in which the property is located; and
- G. The effect that the proposed use will have on existing parks, schools, roads and other public facilities; and
- H. The general health, safety and welfare of the residents; and
- I. In addition to the above, the following additional criteria shall be evaluated when the Planning Commission and Board considers a conditional use permit for an Animal Feedlot:
 - (1) The effectiveness of the Manure Management Plan;
 - (2) The number and type of animals;
 - (3) The recommendation of Feedlot Review Committee;
 - (4) Prevailing wind direction and topography;
- J. Financial assurance mechanisms to guarantee reclamation or cleanup.

4.8.3 Notice of Hearing

Notice of hearing for all applications for Conditional Use Permits shall be given in accordance with *Minnesota Statutes, chapter 394; or successor statutes*.

Additional notice shall be given in the following instances:

- A. **Shoreland Overlay District.** In instances where the affected property is located within the Shoreland Overlay District, a copy of the notice of hearing shall be forwarded to the Department of Natural Resources and postmarked at least 10 days before the hearing date.
- B. **Scenic River District.** In instances where the affected property is located within the Scenic River District, a copy of the notice of hearing, together with a copy of the conditional use permit application, shall be received by the Department of Natural Resources at least 30 days prior to the hearing date.
- C. **Township Notice.** Prior to acting on a conditional use permit application, the Director shall submit the application to the Township Board of Supervisors of the Township in which the application is being made. The Township Board of Supervisors may review the application and submit written comments or provide verbal testimony to the Planning Commission at the time of public hearing.

4.8.4 Notice and Certification of Final Action

- A. **Findings of Fact.** In conducting a public hearing on a conditional use permit application, the Planning Commission and Board shall make a written

finding of fact on each application using the form identified in *Appendix B or successor appendix of this Ordinance*.

- B. **Recording.** After acting on a conditional use permit application, the Board shall forward to the Director the written findings of fact and their order regarding the application. The Director shall then file a certified copy of the Board's order with the Stearns County Recorder. After recording, a copy of the Board's order shall be sent to the Township Board of Supervisors of the Township in which the application was made.
- C. **Shoreland Overlay District.** In instances where the affected property is located within the Shoreland Overlay District, a copy of the final decision granting a conditional use permit shall be sent to the Department of Natural Resources and postmarked within 10 days of the final action.
- D. **Scenic River District.** In instances where the affected property is located within the Scenic River District, a copy of the decision shall be forwarded to the Department of Natural Resources within 10 days of such action.

4.8.5 Conditions Attached to Conditional Uses

The Board, upon consideration of the criteria for granting a Conditional Use Permit in *Section 4.8.2 of this Ordinance*, may impose such additional restrictions and conditions that it deems necessary to protect the public interest, including but not limited to matters relating to appearance, lighting, hours of operation, performance characteristics, and requiring performance or surety bonds.

In addition to the above, the Board may impose conditions upon granting a Conditional Use Permit for an Animal Feedlot which may include, but not be limited to, the following:

- A. A limitation on the number and kinds of animals allowed at a site;
- B. A limit on the size and location of Manure storage structures;
- C. A limit on Manure application sites and Manure application techniques;
- D. An increase in required setbacks;
- E. Additional requirements, such as odor controls, that the Board deems necessary to safeguard the health, safety and welfare of residents of Stearns County.

4.8.6 Status of Conditional Use Permit

Any use permitted under the terms of any conditional use permit shall be established and conducted in conformity with the terms and conditions designated in connection with such permit and all other applicable provisions of this Ordinance. Except as provided in *Section 4.8.7 of this Ordinance*, Conditional use permits shall remain in effect so long as the conditions agreed upon are observed. Nothing in this section shall prevent the Board from enacting this Ordinance or any other ordinance to change the status of conditional uses. Additionally, in instances where the conditional use permit is for the operation of an animal feedlot, the animal feedlot owner shall also maintain sufficient land owned, leased or under written contract, or other contracts suitable to the County for purposes of manure management.

4.8.7 Expiration of Conditional Use Permit

A conditional use permit shall expire and be considered null and void one (1) year after the Board's final decision to grant the conditional use permit if no construction has begun or if the use has not been established. For the purposes of this Section, 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. One administrative extension of up to one (1) year may be granted by the Director upon written request of the property owner, provided there is reasonable cause for the request and further provided that the written request is made no less than thirty (30) days prior to expiration of the conditional use permit.

4.8.8 Revocation of Conditional Use Permit

- A. A violation of any condition set forth in a conditional use permit shall be a violation of both the permit and this Ordinance.
- B. Failure to correct a violation within thirty (30) days of written notice from the Director shall be grounds to revoke a conditional use permit through the following procedure:
- (1) The Director shall give written notice to the permit holder, advising that the conditional use permit may be revoked upon the conclusion of a public hearing. The written notice shall also contain the nature of the violation and the facts that support the conclusions that a violation exists.
 - (2) The Planning Commission shall hold a public hearing in the same manner to that required for a new conditional use permit.
 - (3) Within 60 days of closing the Planning Commission's public hearing, the Board shall revoke the conditional use permit, make a finding that a violation does not exist, or modify the conditions of the conditional use permit so that a violation no longer exists. The Director shall give written notice of the Board's decision to the permit holder.

4.8.9 Reapplication

No application for the same conditional use permit for a particular use on a particular parcel of land shall be resubmitted for a period of twelve (12) months from the date of the decision of the previous application unless there has been a change in circumstances as it relates to the request.

4.8.10 Amended Conditional Use Permits

Amended conditional use permits shall be requests for changes in conditions of the existing permit or modifications of any approved plan. An amended conditional use permit shall be administered in the same manner to that required for a new conditional use permit.

4.9 Variances

4.9.1 Right of Application

- A. An application for variance shall be signed and in writing on forms to be provided by the Department. In instances where the request for variance is from the Animal Feedlot provisions of *Section 6.7 of this Ordinance*, the following additional information shall be provided:
- (1) If applicable, completion of the Joint Stearns County and State of Minnesota Construction Short-Form and Interim Permit Application for an Animal Feedlot or a Manure Storage Area; and
 - (2) A site sketch completed on either a map or aerial photograph showing the proposed animal feedlot and manure storage location in relation to any of the applicable setbacks established in *Section 6.7.5 of this Ordinance*; and
 - (3) Soil and hydrogeological conditions at the proposed animal feedlot site, including soil type, depth to water table and depth to bedrock; and
 - (4) A copy of the deed or abstract for the property on which the variance is proposed, that lists the current property owners and the comprehensive legal description of the property.
- B. Except as provided in *Section 4.9.6 of this Ordinance*, a variance shall run with the land and remain in effect so long as any condition imposed by the Board of Adjustment is met. Nothing in this section shall prevent the Board from enacting this Ordinance or any other Ordinance to change the status of the variance. Additionally, in instances where a variance is granted from the Animal Feedlot provisions of *Section 6.7 of this Ordinance*, the variance shall remain in effect so long as sufficient land is owned, leased, or under written contract by the Animal Feedlot Owner for the purpose of Manure application.
- C. Applications for variances will only be accepted from the owner of the property for which the application is made.
- D. Complete applications for a variance involving a structure, the use of which involves protected expression, shall be processed and a public hearing scheduled within thirty (30) days of their receipt.

4.9.2 Criteria for Considering Variances

Variances may only be granted in accordance with *Minnesota Statutes, chapter 394; or successor statutes*.

4.9.3 Notice of Hearing

Notice of hearing for all applications for variance shall be given in accordance with *Minnesota statutes, chapter 394; or successor statutes*. Additional notice shall be given in the following instances:

- A. **Shoreland Overlay District.** In instances where the affected property is located within the Shoreland Overlay District, a copy of the notice of hearing shall be forwarded to the Department of Natural Resources and postmarked at least 10 days before the public hearing date.

- B. **Scenic River District.** In instances where the affected property is located within the Scenic River District, a copy of the notice of hearing, together with a description of the requested variance, shall be forwarded to the Department of Natural Resources at least 30 days prior to the hearing date.
- C. **Township Notice.** Prior to acting on a variance application, the Director shall submit the application to the Township Board of Supervisors of the Township in which the application is being made. The Township Board of Supervisors may review the application and submit written comments or provide verbal testimony to the Board of Adjustment at the time of public hearing.

4.9.4 Notice and Certification of Final Action

- A. **Findings of Fact.** In conducting a public hearing on a variance application, the Board of Adjustment shall make a written findings of fact on each application using the form identified in *Appendix B or successor appendix of this Ordinance*.
- B. **Recording.** After acting on a variance application, the Board of Adjustment shall forward to the Director the written findings of fact and their order regarding the application. The Director shall then file a certified copy of the Board of Adjustment's order with the Stearns County Recorder. After recording, a copy of the Board of Adjustment's order shall be sent to the Township Board of Supervisors of the Township in which the application was made.
- C. **Shoreland Overlay District.** In instances where the affected property is located within the Shoreland Overlay District, a copy of the final decision granting a variance shall be sent to the Department of Natural Resources and postmarked within 10 days of the final action.
- D. **Scenic River District.** In instances where the affected property is located within the Scenic River District, the Department of Natural Resources shall be notified within 10 days of the final action. Action by the Board of Adjustment shall become final only when the provisions of *Minnesota Rules, part 6105.0230, subpart 3; or successor rules*, have been satisfied.

4.9.5 Flood Insurance Notice

Notice regarding the issuance of a variance to construct below the base flood level shall be given in accordance with *Section 10.1.17 of this Ordinance*.

4.9.6 Expiration of Variance

A variance shall expire and be considered null and void one (1) year after the Board of Adjustment's final decision to grant the variance if no construction has begun. For the purposes of this Section, 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. One administrative extension of up to one (1) year may be granted by the Director upon written request of the property owner, provided there is reasonable cause for the request and further provided that the written request is made no less than thirty (30) days prior to expiration of the variance.

4.9.7 Reapplication

No application for the same variance, as ruled upon by the Board of Adjustment, shall be resubmitted for a period of twelve (12) months from the date of the decision of the previous application unless there has been a change in circumstances as it relates to the request.

4.9.8 Appeals

All decisions by the Stearns County Board of Adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision or determination shall be final except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right to appeal within 30 days, after receipt of notice of the decision, to the Stearns County District Court pursuant to *Minnesota Statutes, section 394.27, subdivision 9; or successor statutes.*

4.10 Zoning Ordinance Amendments**4.10.1 Criteria**

The Board may adopt amendments to the text of this Ordinance, the primary zoning district maps as adopted by reference in *Section 8.2 of this Ordinance*, and the Flood Boundary and Floodway Maps and Flood Insurance Rate Maps as adopted by reference in *Section 10.1.3 of this Ordinance*. Amendments may be adopted to reflect changes in the goals and policies of the County Comprehensive Plan. Any change in this Ordinance or to any zoning map shall be in compliance with the County Comprehensive Plan.

4.10.2 Procedure

- A. An amendment to the text of this Ordinance may be initiated by the Board, the Planning Commission or by application of a property owner. An amendment to the zoning map may be initiated by the Board, the Planning Commission or by application of the property owner. An amendment not initiated by the Planning Commission shall be referred to the Planning Commission for their review and recommendation.
- B. Before the enactment of any ordinance amending the text of this Ordinance or any zoning map, a public hearing shall be held in the manner provided in *Minnesota Statutes, sections 394.26 and 375.51; or successor statutes.*

4.10.3 Public Hearings

- A. Public hearings regarding any amendment to the zoning maps shall be held by the Planning Commission. Upon completion of the public hearing, the Planning Commission shall forward the application for final action together with their findings and recommendation of either approval or non-approval to the Board.
- B. Public hearings regarding any amendment to the text of this Ordinance shall be held by the Board.

4.10.4 Application for Change of Text

An application to change the wording of this Ordinance shall include:

- A. Reason for the requested change;
- B. Statement regarding compatibility with the County Comprehensive Plan;
- C. Text portion of the existing language to be amended; and
- D. Proposed amended text.
- E. Complete applications for a change of text submitted by a property owner of an establishment, the use of which involves protected expression, shall be processed and a public hearing scheduled within ninety (90) days of their receipt.

4.10.5 Application for Change in District Boundary (Rezoning)

An application to change district boundaries shall include the following:

- A. The name and address of owner/owners;
- B. A specific description of the area proposed to be rezoned;
- C. The present zoning district and the proposed zoning district;
- D. Proposed use of the land to be rezoned; and
- E. A statement describing how the proposed change in district boundary will be compatible with the County Comprehensive Plan.
- F. A recommendation of the appropriate Township Board of Supervisors, provided that the township has planning and zoning authority.
- G. Complete applications for a change in district boundary (rezoning) submitted by the property owner and involving a current or proposed use which involves protected expression, shall be processed and a public hearing scheduled within thirty (30) days of their receipt.
- H. No application for a change in zoning district boundary on the same parcel of land and for the same zoning district shall be resubmitted for a period of twelve (12) months from the date of the decision on the previous application unless growth boundaries for the applicable township have been established or modified to include said parcel of land; or unless an adjoining parcel of land has been rezoned during the twelve (12) months since the initial application; or unless, in the opinion of the Director, the request is substantially changed from the original request.

4.10.6 Floodplain Map Amendments and Revisions

The County recognizes that new data may become available that better defines the floodplain areas within the County and further recognizes that the original flood maps and profiles may be in error. For these reasons it is expected that the floodplain maps and profiles may periodically need revision or amendment. The map amendments and revisions are issued by the Federal Emergency Management Agency (FEMA). There are three basic types of floodplain map amendments or revisions that may occur as follows:

- A. **Map Amendment.** A map amendment will exclude an individual structure and/or legally described parcel of land that was inadvertently included in the Special Flood Hazard Area shown on the floodplain maps. If FEMA determines that a structure or parcel has been inadvertently included in the Special Flood Hazard Area they will issue a Letter of Map Amendment (LOMA). A LOMA can not be issued for fill or other floodplain changes

that have taken place after the initial effective date of the County's Flood Insurance Rate Map. A Letter of Map Amendment clarifies that a property is "naturally" out of the Floodplain and the floodplain standards set forth in *Section 10.1 of this Ordinance* do not apply. A LOMA can be used to waive the requirements for flood insurance.

- B. **Map Revision.** A map Revision will change an effective floodplain map. FEMA may issue a map revision due to a physical change such as filling or the availability of better technical data. Map revisions may change base flood elevations, floodways and other risk information contained on the flood plain maps or in the Flood Insurance Study. Map revisions such as a Letter of Map Revision (LOMR) shall not change the floodplain overlay zone requirements for the subject property for which the Letter of Map Revision was issued until the Board enacts an ordinance adopting the revised map.
- C. **Conditional Letter of Map Revision.** In some instances, FEMA will issue a Conditional Letter of Map Revision (CLOMR) which describes the effect of a proposed project on the effective floodplain map and Flood Insurance Study.

A Conditional Letter of Map Revision shall not change the floodplain overlay zone requirements unless the Board enacts an ordinance adopting the revised map.

4.10.7 Notice of Hearing

Notice of hearing for all amendments to the text of this Ordinance or all amendments to the zoning district boundaries shall be given in accordance with *Minnesota Statutes, sections 394.26 and 375.51; or successor statutes.*

Additional notice shall be given in the following instances:

- A. **Shoreland Overlay District.** In instances where the purpose of the proposed Ordinance is to amend the Shoreland Overlay District standards, a copy of the notice of hearing shall be forwarded to the Department of Natural Resources and postmarked at least 10 days before the hearing date.
- B. **Scenic River District.** In instances where the purpose of the proposed Ordinance is to amend the Scenic River District standards, a notice of the hearing, together with a copy of the proposed Ordinance shall be received by the Department of Natural Resources at least 30 days prior to the hearing date.
- C. **Floodplain Overlay District.** In instances where the purpose of the proposed Ordinance is to amend the Floodplain Overlay District standards, a copy of the proposed Ordinance shall be submitted to the Department of Natural Resources for their approval before final adoption by the County.

4.10.8 Notice and Certification of Final Action

- A. **Shoreland Overlay District.** In instances where an Ordinance amends the Shoreland Overlay District standards, a copy of the Ordinance shall be sent to the Department of Natural Resources and postmarked within 10 days of final action.
- B. **Scenic River District.** In instances where an Ordinance amends the Scenic River District standards, the Department of Natural Resources shall be notified within 10 days of enactment of the Ordinance. Action by the

County Board shall become final only when the provisions of *Minnesota Rules, part 6105.0230, subpart 3; or successor rules*, have been satisfied.

- C. **Floodplain Overlay District.** In instances where an Ordinance amends the Floodplain Overlay District standards, certification of final action by the County Board shall be in accordance with *Minnesota Statutes, section 103F.121, subdivision 1; or successor statutes*.

4.11 Construction Site Permit

4.11.1 Permit Required

Except as provided in *Section 6.2.1 D of this Ordinance*, no person shall erect, alter or move any structure or part thereof without first securing a construction site permit. Additionally, no excavation for footings, foundations, slabs, posts, basements, walls or other parts of a structure shall be conducted without first securing a construction site permit.

4.11.2 Permit Application

Application for a construction site permit shall be made to the Department on forms to be furnished by the Department. Each application for permit to construct, alter or move a structure shall be accompanied by a plan drawn to scale showing the dimensions of the lot to be built upon, and the size and location of the structure to be erected or moved onto the lot. An application for a construction site permit shall contain such other information as may be deemed necessary for the proper enforcement of this Ordinance. The application shall include all information necessary to enable the Department to determine the suitability of the site for its intended use and to ensure that a conforming sewage treatment system will be provided. Complete construction site applications for a structure, the use of which involves protected expression, shall be reviewed and a construction site permit issued within sixty (60) days, provided all the requirements of this Ordinance and other applicable ordinances, statutes and rules are met.

4.11.3 Expiration of Construction Site Permit

Except as provided in *Section 6.7.4 of this Ordinance*, a construction site permit shall expire and be considered null and void after one (1) year if construction has not begun. If construction has begun within one (1) year of the date of permit issuance, the permit issued by the Department shall be valid for one (1) additional year in order to complete construction. For the purposes of this Section, construction shall include the installation of footings, slabs, foundations, posts, walls or other portions of a structure and the excavation for the same. Site preparation, land clearing or the installation of utilities shall not constitute construction.

4.12 Sewage Treatment System Permit

In areas without public sewer facilities, no construction site permit, conditional use permit, interim use permit or provisional use permit for any use requiring on site sewage treatment shall be issued until a sewage treatment system permit has first been issued. Designs for an on site sewage treatment system serving an establishment, the use of which involves

protected expression, shall be reviewed and a permit issued within sixty (60) days of their receipt, provided the design meets the standards of *Minnesota Rules, Chapter 7080; or successor rule, and Stearns County Ordinance Number 198*; or successor ordinance. Inspections for the installation of an on site sewage treatment system permitted for an establishment, the use of which involves protected expression, shall be conducted within twenty four (24) hours of the request.

4.13 Driveway Access Permit

Accesses onto County roads shall require an access permit from the County Public Works Department. This permit shall be issued prior to the issuance of any construction site permit, conditional use permit, interim use permit or provisional use permit when the proposed use involves the installation of a new or additional access onto a County Road. The Public Works Director shall determine the appropriate location, size and design of such accesses and may limit the number of accesses in the interest of public safety and efficient traffic flow. Additionally, accesses on any township road shall, if required, require the approval and/or permit of the appropriate Township Board of Supervisors.

4.14 Animal Feedlot Permits

4.14.1 Permits

When required, pursuant to *Section 6.7 of this Ordinance*, no person shall operate a new animal feedlot, or modify or expand an existing animal feedlot without first securing either a Feedlot Construction Site Permit or Conditional Use Permit for such Animal Feedlot. For the purpose of this Section, a manure storage facility shall be considered a part of any animal feedlot.

4.14.2 Application

Applications for permits for animal feedlots shall be submitted in accordance with the requirements set forth in *Section 6.7.3 of this Ordinance*.

4.14.3 Notice Requirement

Pursuant to the requirements of *Minnesota Statutes, section 116.07, subdivision 7a; or successor statutes*, a person who applies to the MPCA or the Department for a permit to construct or expand an animal feedlot with a capacity of 500 animal units or more shall, not less than twenty (20) business days before the date on which the permit is issued, provide notice to each resident and owner of real property within 5,000 feet of the perimeter of the proposed feedlot. Notification under *Minnesota Statutes, section 116.07, subdivision 7a; or successor statutes*, is satisfied under an equal or greater notification requirement of a county or town permit process.

- A. The notice may be delivered by first class mail, in person or by the publication in a newspaper of general circulation within the affected area and shall include information on the location, the type of livestock and the proposed capacity of the feedlot.
- B. A copy of the notice shall be delivered by first class mail to the clerk of the town in which the feedlot is proposed not less than twenty (20) business days before the date on which a permit is issued.

- C. The County shall not act upon any permit application unless the Department is provided documentation that proper notice has been delivered or published. Failure to provide the appropriate documentation shall constitute an incomplete permit application.

4.15 Shoreland Alteration Permits

The grading, filling, excavation or any alteration of the natural topography in the Shoreland Overlay District, unless such activity is specifically excluded in *Section 10.2.14 A of this Ordinance*, shall first be authorized by a Minor or Major Shoreland Alteration Permit pursuant to *Section 10.2.14 of this Ordinance*.

4.16 Land Spreading of Petroleum Contaminated Soil Permit

A permit to spread contaminated soils shall be obtained from the Board and may be granted when the standards contained in the Board's *Policy for the Spreading of Contaminated Soils in Stearns County; or successor policy* are met.

4.17 Sign, Off-Premise (Billboard) Permits

A permit shall be required whenever an off-premise sign (billboard) is erected, altered or relocated. Specific requirements, application procedures and exceptions are set forth in *Section 7.20 of this Ordinance*.

4.18 Interim Use Permits

The purpose of an interim use permit is to allow a use that is not a permitted, provisional or conditional use, for a limited period of time subject to conditions set forth in this Ordinance.

4.18.1 Application for Interim Use Permit

The application for an interim use permit shall be the same as for a conditional use permit as provided for in *Section 4.8.1 of this Ordinance*.

4.18.2 Criteria for Considering an Interim Use Permit

The criteria for considering an interim use permit shall be the same as for a conditional use permit as provided for in *Section 4.8.2 of this Ordinance*.

4.18.3 Notice of Public Hearing

The notice of public hearing for an interim use permit shall be the same as for a conditional use permit as provided for in *Section 4.8.3 of this Ordinance*.

4.18.4 Standards for Issuing an Interim Use Permit

The Board may issue an interim use permit only if it finds that such use at the proposed location:

- A. Meets the standards of a conditional use permit contained in *Section 4.8.2 and Section 4.8.5 of this Ordinance*;
- B. Will terminate upon a date or event that can be identified with certainty;
- C. Will be subject to, by agreement between the owner and the Board, any conditions that the Board deems appropriate for permission of the use, including a condition that the owner will provide an appropriate financial

- surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit; and
- D. Will be subject to review by the Board upon change of ownership.

4.18.5 Notice and Certification of Final Action

The notice of final action for an interim use permit shall be the same as for a conditional use permit as provided for in *Section 4.8.4 of this Ordinance*.

4.18.6 Termination

An interim use permit shall terminate upon the occurrence of any of the following events, whichever occurs first:

- A. The termination date or event stated in the permit; or
- B. The interim use permit is revoked following the same procedures for the revocation of a conditional use permit pursuant to *Section 4.8.8 of this Ordinance*; or
- C. The use has been discontinued for a minimum period of one (1) year.

4.19 Essential Service, Transmission Service and Utility Substation Permits

Specific requirements, application procedures and exceptions are set forth in *Section 7.6 of this Ordinance*.

4.20 Licensing

- A. License Required. No person, firm or corporation shall engage in the business of excavating, landscaping, grading or hauling fill within shoreland areas of Stearns County without first having a license from the County, paying the license fee established by Board resolution and furnishing a bond as hereinafter provided.
- B. Bond Requirement. Before a license is granted, the applicant shall furnish a bond, approved by the Board, in the sum of \$10,000.00, duly executed by the applicant, as principal and by a corporation authorized to issue such bond in the State of Minnesota, as surety. Such bond shall provide that all work done or performed by said principal shall fully conform to, and comply with, the requirements of this Ordinance.
- C. License Application. Application for license shall be made annually on a form provided by the County, and such license shall expire on December 31st following issuance.
- D. License Revocation. A license issued under the provisions of *Section 4.20 of this Ordinance* may be revoked or renewal refused by the Board for cause. Any work performed by a licensee, in violation of the provisions of this Ordinance or the refusal of the licensee to correct defective work performed by such licensee shall be cause for revocation of, or refusal to, renew a license. Prior to the revocation or refusal to renew a license issued under the provisions of *Section 4.20 of this Ordinance*, a hearing shall be given the licensee before the Board. Notice of the time, place and purpose of such hearings shall be given the licensee in writing.
- E. Training Requirement. Within one (1) year of the date of initial licensing or renewal after adoption of this Ordinance, each contractor licensed under this Section shall attend a County sponsored shoreland workshop. Thereafter,

each contractor licensed under this Section shall attend a County sponsored shoreland workshop once every two years.

4.21 Compliance

4.21.1 Construction

No structure shall be erected, moved or altered unless in conformity with the standards set forth in this Ordinance.

4.21.2 Use

No structure or land shall be used or occupied for any purpose or in any manner that is not in conformity with the standards set forth in this Ordinance.

4.21.3 Compliance with Approved Plans

Construction and use shall be in accordance with the application, plans, permit, and any applicable variance. Permits, conditional use permits, interim use permits, provisional use permits and certificates of compliance issued on the basis of approved plans and applications authorize only the use and construction set forth in such approved plans and applications and no other use or construction. Any use or construction not in conformance with that authorized shall be deemed a violation of this Ordinance.

4.21.4 Applications

All application required to be submitted under the provisions of this Ordinance shall be valid for a period of one year once they are considered complete and have been accepted by the Department.

4.22 Registration of Provisional Uses

Registration shall be required for any use listed as a provisional use in the primary zoning districts.

4.23 Abatement Orders

4.23.1 Abatement Orders

An abatement order may be issued by the Director when the Director refuses to issue a permit or when the Planning Commission refuses to issue a Conditional or Interim Use Permit or when the Board of Adjustment refuses to grant a Variance for a project that was started or completed prior to consideration of the application. An abatement order may also be issued by the Director to correct or abate any violation of the provisions of this Ordinance. The abatement order shall be delivered personally or by certified mail to the owner of record of the property on which the violation exists and shall specify the following:

- A. A date by which the landowner shall complete abatement and obtain a letter of satisfaction from the Environmental Services Department.
- B. The action on the part of the property owner to eliminate or resolve the violation.
- C. Advise the landowner that the failure to comply with the restoration order is a violation of this Ordinance.

- D. Advise the property owner of their right to appeal the abatement order to the Board of Adjustment within ten (10) business days of receipt of the abatement order.

4.24 LESA and the Resource Suitability Model

Both the LESA system and the Resource Suitability Model may be used as a land use and zoning tool by staff of the Environmental Services Department, the Platting Committee, the Planning Commission, the Board of Adjustment, the Shoreland Review Panel, the Feedlot Review Committee and the Board to enable the County to determine the suitability of land for the purposes of rezoning, permitted uses, accessory uses, conditional uses, interim uses, variances, development, plats, conversion of uses, shoreland alterations or any other land use or zoning decision required to administer any County ordinance. Based upon the use of these tools, staff of the Environmental Services Department, the Platting Committee, the Planning Commission, the Board of Adjustment, the Shoreland Review Panel, the Feedlot Review Committee and the Board may recommend approval or denial, approve, deny modify or impose conditions upon, any land use application, permit or document associated with any County ordinance.

4.25 Stop Work Order

The Director may issue a written stop work order upon the determination by the Department that construction, excavation or any other activity regulated by this Ordinance is taking place without authorization by the County. This order shall detail the violations, the remedies necessary to correct the violations and the time frame allowed in which the property owner is to correct the violations. The order shall also indicate that the property owner has ten (10) business days from the receipt of the stop work order to appeal the order to the Board of Adjustment. Upon receipt of a stop work order, the person conducting the construction, excavation or other activity regulated by this Ordinance shall immediately cease the activity until authorization for such activity is granted by the Department. Each day that a violation continues shall constitute a separate offense.

SECTION 5 NONCONFORMITIES

5.1 Nonconforming Uses, Structures and Lots

Within the primary and overlay districts established in this Ordinance or amendments that may later be adopted, certain situations may occur in which an existing use, structure, or lot does not comply with the requirements contained in this Ordinance. It is the intent of this Ordinance to regulate nonconforming situations in such a way that any such nonconformity is managed in accordance with *Sections 5.1.1, 5.1.2, 5.1.3 and 5.1.4 of this Ordinance*.

5.1.1 Nonconforming Uses

Nonconforming Use Standards for all Districts

Unless provided otherwise in *Section 5.1 of this Ordinance*, any use existing on the effective date of this Ordinance which is not in conformity with the standards contained in this Ordinance shall only be allowed to continue subject to the following conditions:

- A. No such use shall be expanded, enlarged or altered, including any increase in volume, intensity or frequency of use of the property where a nonconforming use exists. Except as provided in *Section 5.1.4 of this Ordinance*, structural alterations, expansions and additions to a structure devoted in whole or part to a nonconforming use are prohibited.
- B. A change from one nonconforming use to another nonconforming use is prohibited.
- C. A nonconforming use of a parcel of land may not be extended to cover more land than was occupied by that use when it became nonconforming, except a use involving the removal of natural materials such as granite, sand or gravel and solid waste management facilities, provided the expansion takes place within the boundaries of the facility permitted by the MPCA and during the term of the MPCA permit. A use involving the removal of natural materials may be expanded within the boundaries of the parcel where the use was established at the time it became nonconforming, subject to the standards for mining contained in *Section 7.12 of this Ordinance*.
- D. A nonconforming use that has been discontinued for a period of twelve (12) consecutive months shall not be re-established, and any further use shall be in conformity with this Ordinance, except as provided in *Minnesota Statutes, section 116.0711; or successor statutes*.
- E. If a structure used for a nonconforming use is destroyed by fire or other peril to the extent of 50 percent of its market value, any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

5.1.2 Nonconforming Structures

- A. Nonconforming Structure Standards for all Districts. Unless provided otherwise in *Section 5.1 of this Ordinance*, any structure existing on the effective date of this Ordinance which is not in conformity with the setback, size or height requirements contained in this Ordinance is a nonconforming structure and may be allowed to continue subject to the following conditions:

- (1) Alterations or Expansions are allowed only in accordance with the Ordinance and are specifically limited by *Sections 5.1.2 and 5.1.4 of this Ordinance*.
 - (2) Normal maintenance, including non-structural maintenance and repair, except structural alteration of a non-conforming structure, is permitted. However, a non-conforming structure which is destroyed by fire or other peril to the extent of 50 percent of its market value, shall not be restored, repaired or replaced.
 - (3) Additions or alterations to, and replacements of any residential dwelling unit or Animal Feedlot that was in existence on or before April 21, 2000 and which does not meet the residential setback from an Animal Feedlot or Animal Feedlot setback from a residential dwelling unit may be allowed on a one-time basis, provided the residential dwelling unit or Animal Feedlot does not encroach into the non-conforming setback by more than 24 feet and further provided that all other setback provisions of this Ordinance are met.
- B. Nonconforming Structure Standards in the Floodplain Overlay District. In addition to the standards for nonconforming structures set forth in *Section 5.1.2 of this Ordinance*, the following additional requirements shall apply in the Floodplain Overlay District.
- (1) Additions and alterations to nonconforming structures shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or floodproofing techniques allowable in the State Building Code.
 - (2) The cost of all structural alterations or additions to a nonconforming structure shall not exceed 50 percent of the market value of the structure at the time of the damage unless the conditions of this Section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the County's initial floodplain controls shall be calculated into today's current cost which shall include all costs such as construction materials and a reasonable cost placed on all labor. If the current cost of all previous alterations and additions exceeds 50 percent of the market value of the structure, then the entire structure shall comply with the standards contained in *Section 10.1 of this Ordinance* for new structures.
- C. Nonconforming Structure Standards in the Shoreland Overlay District. In addition to the standards for nonconforming structures set forth in *Section 5.1.2 of this Ordinance*, the following additional requirements shall apply in the Shoreland Overlay District.
- (1) Additions or alterations to a nonconforming accessory structure shall not be allowed unless the addition or alteration meets the minimum setback requirement for the applicable lake or river classification.
 - (2) Additions or alterations to a nonconforming principal structure that is partially or wholly lakeward or riverward of an established building line, determined pursuant to *Section 10.2.11 A (2) of this Ordinance*, may be allowed provided any addition or alteration is landward of the established building line, the provisions of *Section 5.1.2 C (3) of this Ordinance* are met, and all other provisions of this Ordinance are met.

In instances where an established building line cannot be determined, additions or alterations shall not be allowed to a nonconforming principal structure unless the addition or alteration meets the minimum setback requirement for the applicable lake or river classification.

- (3) Any addition or alteration to a nonconforming structure that is located wholly or partly within the shore impact zone shall not be allowed.
- (4) Decks constructed in compliance with *Section 10.2.11 A (3) of this Ordinance* may be allowed provided all other provisions of this Ordinance are met.

5.1.3 Nonconforming Lots

A. Parcel of Record

All lots or tracts, the plat or deed to which has been recorded in the Office of the County Recorder on or before the effective date of this Ordinance shall be considered a Parcel of Record. A Parcel of Record shall be a legally buildable parcel even though such parcel may not conform to the lot area, lot width or residential density requirements of the applicable primary or overlay district, provided all of the following are met:

- (1) The use is permitted in the applicable zoning district; and
- (2) In the Shoreland Overlay District, the lot or tract has been in separate ownership from abutting lands at all times since it became nonconforming; and
- (3) The lot was created compliant with the official controls in effect at the time; and
- (4) The applicable setback requirements of this Ordinance are met; and
- (5) The sewage treatment system standards contained in Stearns County Ordinance Number 198; or successor ordinances are met.

B. Residual Parcels

A parcel of record, as defined in *Section 5.1.3 A of this Ordinance*, that is subsequently reduced to a residual parcel because of a taking or dedication for a public purpose or public right of way shall continue to be considered a parcel of record and shall be considered a legally buildable parcel provided the applicable setback requirements of this Ordinance and the sewage treatment standards contained in *Stearns County Ordinance Number 198; or successor ordinances*, are met.

C. Combined Lots or Parcels in Shoreland Overlay District

If, in a group of two (2) or more contiguous lots or parcels under the same ownership, any individual lot or parcel does not meet the lot area or width requirements set forth in *Section 10.2.8 or Section 10.2.9 of this Ordinance*, the lot or parcel shall not be considered as a separate lot or parcel for the purposes of sale, transfer or development. The lot or parcel shall be combined with one or more contiguous lots or tracts so that together, they equal one or more lots or tracts, each meeting the requirements of this Ordinance.

D. Combined Lots or Parcels in the Scenic River District

Lots or parcels of record at the County Recorders Office on or before June 21, 1977 which do not meet the lot size requirements of *Section 9.14.10 of this Ordinance* may be allowed as a building site provided the use is

permitted in the Scenic River District, the lot was recorded in separate ownership from abutting lands at the County Recorders Office on or before June 21, 1977, and all setback requirements of this Ordinance and the standards for sewage treatment systems contained in *Stearns County Ordinance Number 198; or successor ordinances*, are met.

5.1.4 Nonconforming Animal Feedlots

- A. In instances where more than one nonconformity exists and standards conflict, the more restrictive standard will be applied.
- B. **Shoreland Overlay**
Existing Animal Feedlots located in the Shoreland Overlay District shall be managed in accordance with the underlying or primary zoning district, except as provided in *Minnesota Statutes, section 116.0711; or successor statutes*.
- C. **Not Registered with Non-Conforming Setback(s)**
An Animal Feedlot that was not registered by January 1, 2002 or has not maintained registration shall be subject to all requirements of this Ordinance for Expansions or Modifications including setback requirements for New Animal Feedlots and Manure Storage Areas, Structures or Facilities provided for in *Section 6.7.5 D of this Ordinance*.
- D. **R-5, R-1 or RT District**
An Existing Animal Feedlot that would not otherwise be allowed as either a Permitted or Conditional Use in the underlying or primary zoning district is a Non-Conforming Use, and except for Modifications to improve Manure management and storage, shall be managed in accordance with *Section 5.1.1 of this Ordinance*.
- E. **T-20, R-20 and R-10 District**
An Animal Feedlot that existed on April 21, 2000 and is located in a T-20, R-20 or R-10 zoning district, but does not meet the setback requirements in *Section 6.7.5 of this Ordinance*, or the number of Animal Units exceeds the maximum number allowed in *Section 6.7.6 of this Ordinance* is Nonconforming as to setback and/or animal unit density and shall be managed as follows:
- (1) **Setback non-conforming**
Replacement structures and facilities, and Expansions or Modifications to an Animal Feedlot which is Nonconforming because of the setback provisions of this Ordinance, may be allowed, provided all of the following are met:
- (a) An Animal Feedlot Permit is granted pursuant to *Sections 4.8 and 6.7.3 of this Ordinance*;
 - (b) The Animal Feedlot was registered by January 1, 2002 and has maintained registration pursuant to *Section 6.7.2 of this Ordinance*;
 - (c) The Animal Feedlot shall not further encroach into the Nonconforming setback closer than the closest point of the existing feedlot. A one-time exception shall be given to the Residential Dwelling setback but not by more than 24 feet.

- (d) The structural setbacks established in *Section 10.2.11 A (1) and (4) of this Ordinance* shall be met;
 - (e) The number of Animal Units shall not exceed the maximum number of Animal Units allowed in *Section 6.7.6 of this Ordinance*; however, changes to animal type may be allowed if best management practices and Odor Reducing Technologies are incorporated.
- (2) **Animal Unit Density Nonconforming – Primary Zoning District Non-Agricultural**

An Animal Feedlot that is located in the T-20, R-20 or R-10 District, except as provided in *Section 5.1.4 E (3) of this Ordinance*, and is Nonconforming because the number of animal units exceeds the maximum number allowed in *Section 6.7.6 of this Ordinance* shall be managed in accordance with *Section 5.1.1 of this Ordinance*. However, Modifications to improve Manure management may be allowed, provided the applicable permit is granted pursuant to *Section 6.7.4 of this Ordinance*.

F. **Agricultural District**

An Existing Animal Feedlot that existed on April 21, 2000 and is located in an A-160, A-80 or A-40 zoning district, but does not meet the setback requirements of this Ordinance shall be allowed Replacement structures or facilities and Expansions or Modifications, provided all of the following are met:

- (1) The Animal Feedlot was registered by January 1, 2002 and has maintained registration pursuant to *Sections 4.8 and 6.7.2 of this Ordinance*;
- (2) The Animal Feedlot shall not further encroach into any Nonconforming setback closer than the closest point of the existing feedlot. A one-time exception shall be given to the Residential Dwelling setback but not by more than 24 feet.
- (3) The setbacks from the Ordinary High Water Level and bluff established in *Section 10.2.11 A (1) and (4) of this Ordinance* shall be met;
- (4) An Animal Feedlot Permit is granted pursuant to *Section 6.7.3 of this Ordinance*.

SECTION 6 PERFORMANCE STANDARDS

6.0 Purpose

The purpose of this section is to provide standards for specific uses listed as permitted, accessory, provisional, interim or conditional within the primary district or any applicable overlay district. The performance standards contained in *Section 6 of this Ordinance* apply to specific uses and are requirements that are in addition to any other requirement of this Ordinance for a specific use.

6.1 Accessory Buildings – Agricultural

6.1.1 Performance Standards

An agricultural accessory building shall comply with the following standards:

- A. All setback and building height requirements for the primary and overlay districts shall be met.
- B. There is no limit to the number of agricultural accessory buildings per agricultural parcel.
- C. Agricultural accessory buildings shall be used for agricultural use only. No commercial use or commercial related storage is allowed in these structures, except as otherwise allowed with the operation of a home extended business or with a conditional use permit for a limited rural business.
- D. Agricultural accessory buildings used to shelter domestic farm animals shall also meet the animal feedlot standards contained in *Section 6.7 of this Ordinance*.
- E. Accessory buildings on property that is not classified as an agricultural property under the County's tax classification system shall be considered a residential accessory building and shall meet the performance standards of *Section 6.2 of this Ordinance*.
- F. A conditional use permit, subject to the standards of *Sections 4.8 and 7.29 of this Ordinance*, is required for agricultural accessory structures in the A-160, A-80 and A-40 zoning district when the parcel upon which the proposed accessory structure is to be built has a Land Evaluation Site Assessment score of 65 or above, unless 1) the proposed agricultural accessory structure will be located wholly or partly within 150 feet of an existing structure on the parcel on which the agricultural accessory structure is being proposed; or 2) unless, after evaluating site conditions, the Department determines that the location of the proposed agricultural accessory structure will have no or minimal impact upon the underlying tillable farmland and is conformance with the general development standards of *Section 7.29 of this Ordinance*.

6.2 Accessory Buildings – Residential

6.2.1 Performance Standards

All residential accessory buildings, except those located in a Residential Manufactured Home District, shall comply with the following standards:

- A. The total number of residential accessory buildings that may be constructed on a lot of 9.5 acres or less in the Shoreland District is two and the total

cumulative area that residential accessory buildings may occupy on a lot in the Shoreland District and maximum side wall height that shall be allowed is as follows:

Lot size in acres*	Maximum Accessory <u>Building Area</u>	Sidewall <u>Height</u>	Building <u>Height</u>
0 -.49	900 Square Feet	10 Feet	16 Feet
.5 - .99	1,200 Square Feet	10 Feet	16 Feet
1 – 1.99	1,500 Square Feet	12 Feet	20 Feet
2 – 4.49	1,800 Square Feet	14 Feet	22 Feet
4.5- 9.49	2,400 Square Feet	14 Feet	24 Feet
9.5 or greater	Unlimited**		

*Only land above the ordinary high water level shall be used to calculate lot size

** Lots 9.5 acres or greater will only be limited by the total lot coverage

- B. Except as provided in *Section 6.2.1 A and Section 6.2.1 C of this Ordinance*, the maximum residential accessory building area shall be 5% of the total lot area.
- C. One garage of up to 900 square feet, whether detached or attached to the principal residential structure shall not be considered in the calculation of the cumulative residential accessory building area. However, in the RT, R-1, R-5, R-10, R-20 and T-20 zoning districts, an attached garage shall not exceed the square footage of the outside dimension of the principal residential structure.
- D. Any accessory building equal to or less than 150 square feet in area and without a foundation shall not be considered in the calculation of accessory building area or in calculating the number of accessory buildings allowed. Outside of the shoreland district, a construction site permit shall not be required for any accessory building equal to or less than 150 square feet, however all applicable setbacks shall be met.
- E. Except as provided in *Section 7.24 of this Ordinance*, no residential accessory building shall be used as a residential dwelling unit.
- F. All setback and building height requirements for the primary and overlay districts shall be met.
- G. Residential accessory buildings shall be used for residential accessory uses only and shall not be used at any time as a residential dwelling unit. No commercial use or commercial related storage is allowed in these structures, except as otherwise allowed with the operation of a home extended business or with a conditional use for a limited rural business.
- H. No residential accessory building shall be located closer than 10 feet to the principal residential building on the lot.
- I. In the Residential (R-1) District, the exterior color, design and/or materials of a residential accessory building shall be similar to the principal residential building on the lot. Galvanized metal siding and galvanized metal roofs shall not be allowed.

- J. Decks are not allowed on any detached accessory structures.
- K. A conditional use permit, subject to the standards of *Sections 4.8 and 7.29 of this Ordinance*, is required for residential accessory structures in the A-160, A-80 and A-40 zoning district when the parcel upon which the proposed accessory structure is to be built has a Land Evaluation Site Assessment score of 65 or above, unless 1) the proposed residential accessory structure will be located wholly or partly within 150 feet of an existing structure on the parcel on which the residential accessory structure is being proposed: or 2) unless, after evaluating site conditions, the Department determines that the location of the proposed residential accessory structure will have no or minimal impact upon the underlying tillable farmland and is conformance with the general development standards of *Section 7.29 of this Ordinance*.
- L. Dormers meeting all of the following standards shall not be calculated in the sidewall height of a building: the total horizontal dimension of a dormer facing a given side of a building, as measured parallel to that side, shall not exceed twenty-five (25) percent of the length of the exterior wall(s) and collectively shall not total greater than fifty (50) percent of the width of the wall below it.

6.3 Accessory Buildings – Commercial/Recreation, Limited Industrial and General Industrial Districts

6.3.1 Performance Standards

An accessory building shall comply with the following standards:

- A. Gate houses, guard shelters and similar accessory buildings less than or equal to 120 square feet in area may be located one-half the required setback from a roadway with approval of the township or Public Works Director.
- B. All other commercial and industrial buildings shall meet the principal structure requirements for the district in which it is located.

6.4 Adult Uses (Sexually Oriented Uses)

6.4.1 Purpose

The nature of adult uses is such that they are recognized as having adverse secondary effects, particularly when they are accessible to minors and located near residential property or related residential uses such as schools, day care centers, libraries or parks. Furthermore, the concentration of adult uses has an adverse effect upon the use and enjoyment of adjacent areas. The nature of adult uses requires that they not be allowed within certain zoning districts, or within minimum distances from each other or residential uses. Special regulation of adult uses is necessary to ensure that the adverse secondary effects would not contribute nor enhance criminal activity in the area of such uses, nor contribute to the blighting or downgrading of the surrounding property and the lessening of the property values.

Adult uses as defined in this Chapter shall be subject to the following general provisions:

- A. Activities classified as obscene as defined by *Minnesota Statutes, section 617.241; or successor statutes*, are not permitted and are prohibited.
- B. Adult uses, either principal or accessory, shall be prohibited from locating in any building that is also utilized for residential purposes.
- C. Adult uses, either principal or accessory, shall be prohibited from being located in any place that is also used to dispense or consume alcoholic beverages.
- D. An adult use that does not qualify as an accessory use shall be classified as an adult use-principal.
- E. All adult uses shall be conducted wholly within the principal structure.

6.4.2 Adult Uses – Principal

Principal adult uses are allowed as a provisional use in the Limited Industrial district and General Industrial district.

A. Performance Standards

Principal adult uses shall comply with the following standards:

- (1) Any Adult Uses-Principal shall be located at least one thousand five hundred (1,500) radial feet, as measured in a straight line from the closest point of the property line of the building upon which the Adult Use-Principal is located, to the property line of:
 - (a) Residentially zoned property and/or residential dwelling unit(s);
 - (b) A licensed day care center;
 - (c) A public or private education facility classified as an elementary, middle school, junior high, senior high or home school;
 - (d) A public library;
 - (e) A public or private park;
 - (f) Another Adult Use-Principal; or
 - (g) An on-sale liquor establishment.
- (2) Adult Use-Principal activities, as defined in this Ordinance, shall be classified as one use. No two Adult Uses-Principal shall be located in the same building or upon the same property and each use shall be subject to *Section 6.4.2 A (1) and (2) of this Ordinance*.
- (3) Signage shall be subject to the sign regulations in *Section 7.20 of this Ordinance* and the following regulations:
 - (a) Signs shall be generic in nature and shall only identify the business;
 - (b) Shall not contain material classified as advertising;
 - (c) Shall comply with the requirements of size and number for the district in which they are located; and
- (4) Adult Use-Principal activities shall be prohibited at any public show, movie, caravan, circus, carnival, theatrical or other performance or exhibition presented to the general public where minors are permitted.
- (5) Parking shall meet the requirements of *Section 7.15 of this Ordinance*.
- (6) The applicant seeking approval of a construction site permit for a structure housing an Adult Use-Principal or a registrant proposing to

use an existing structure for an Adult Use-Principal shall provide evidence certified by a professional land surveyor that the proposed Adult Use-Principal is in conformity with the setback requirements of *Section 6.4.2 A.(1) of this Ordinance*.

- (7) Exterior display. No Adult Use-Principal shall be constructed or operated in any manner that permits the observation of any person or material depicting, describing or relating to specified sexual activities or specified anatomical areas, from any public way or from any property not registered as an Adult Use-Principal. This provision shall apply to any display, decoration, sign, show window or other opening.
- (8) Adult Uses-Principal shall only be open from the hours of 4:00 p.m. to 12:00 a.m. (midnight), Monday through Saturday each week.

6.4.3 Adult Uses – Accessory

Performance Standards

Accessory adult uses shall comply with the following standards:

- A. Adult accessory uses shall comprise no more than ten percent (10%) of the floor area of the establishment in which it is located and no more than twenty percent (20%) of the gross receipts of the entire business operation on the premises, or involve or include any activity except the sale or rental of merchandise.
- B. Adult accessory uses shall be restricted from, and prohibit access to, minors by the physical separation of such items from areas of general public access:
 - (1) Movie Rentals. Display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view and under the control of the persons responsible for the operation. Doorways shall have doors removed.
 - (2) Magazines. Publications classified or qualifying as adult uses shall not be accessible to minors and shall be covered with a wrapper or other means to prevent display of any material other than the publication title.
 - (3) Other Uses. Adult uses-accessory not specifically cited shall comply with the intent of this Section subject to the approval of the Director.
- C. Adult use-accessory shall be prohibited from both internal and external advertising of adult materials and products.
- D. Adult use-accessory activities shall be prohibited at any public show, movie, caravan, circus, carnival, theatrical or other performance or exhibition presented to the general public where minors are permitted.
- E. Parking shall meet the requirements of *Section 7.15 of this Ordinance*.

6.4.4 Amortization.

An Adult Use-Principal established prior to the enactment of this Ordinance shall be permitted and regulated as a non-conforming use until December 31, 2003, at which time such use shall become unlawful, unless it conforms to the requirements of *Sections 6.4.2 and 6.4.3 of Stearns County Ordinance Number 209; or successor ordinance*.

6.5 Agriculturally Oriented Business

6.5.1 Performance Standards

An agriculturally oriented business shall be subject to the administrative requirements of *Section 4.8 of this Ordinance* and the following standards:

- A. The site shall be served by a minor collector or higher functional classification of roadway.
- B. The use shall comply with all applicable Federal, State and County rules and regulations.
- C. The business shall be an agriculturally-oriented business.
- D. All structures, including temporary structures, shall meet the minimum setback requirements of the district in which it is located.
- E. Outdoor storage and display areas may be allowed as an accessory use to the agriculturally-oriented business provided they meet the structural setbacks for the applicable zoning district and the performance standards contained in *Sections 6.37 and 6.38 of this Ordinance*.
- F. Adequate parking for employees and customers shall be provided on site and shall meet the parking standards of *Section 7.15 of this Ordinance*.
- G. The grounds and all structures shall be maintained in a clean and safe manner.
- H. Signs shall meet the requirements of *Section 7.20 of this Ordinance*.

6.6 Air Strips, Private

6.6.1 Performance Standards

A private airstrip shall be subject to the administrative requirements of *Section 4.8 of this Ordinance* and the following standards:

- A. The private airstrip shall not be held out for public use nor shall it be displayed on aeronautical charts except as a restricted facility.
- B. A private airstrip shall be subject to all applicable provisions of *Minnesota Rules, chapter 8800; or successor rules*.

6.7 Animal Feedlot Standards

6.7.1 Intent

- A. An efficient and profitable livestock industry is an economic benefit to Stearns County and to the State of Minnesota. Stearns County recognizes the economic, social and cultural importance of a healthy livestock industry. It provides a value-added opportunity to our crop based Agriculture and creates service industries, which provide employment and further economic activity. An efficient industry also produces high quality food and fiber for consumers at reasonable prices.
- B. The wastes produced in livestock production have the potential, when improperly stored, transported or disposed of, to contribute to air, surface water and ground water pollution. When properly utilized, such wastes contribute to soil fertility and structure and enhance efficient crop production. The following standards are promulgated to reduce the risk of

pollution of natural resources from Animal Feedlots and the land application of Manure.

- C. At all times, all Animal Feedlots, Manure Storage Areas, Structures, Facilities and Manure application sites in the County shall be operated and maintained in a manner consistent with their Registration, Feedlot Construction Short-form Permit, Conditional Use Permit, Variance, State Disposal System Permit, National Pollutant Discharge Elimination System Permit, this Ordinance and *Minnesota Rules, chapter 7020; or successor rules*.

6.7.2 Registration

- A. Registration and re-registration shall be required for Animal Feedlots with ten (10) or more Animal Units or a Manure Storage Area, Structure or Facility with the Manure produced by ten (10) or more Animal Units using a form provided by the Department every four years following the provisions of *Minnesota Rules, part 7020.0350; or successor rules*. Re-registration shall be for the maximum number of animals in the most recent four year period on an Animal Feedlot which is not considered a Discontinued Animal Feedlot.
- B. **Registration and Non-Conforming Use**
An Animal Feedlot in a T-20, R-20 or R-10 zoning district that is registered by January 1, 2002 shall be re-registered for no more than the animal units which were registered by January 1, 2002 or re-registered since, whichever is less.
- C. When an Animal Feedlot is considered a Discontinued Animal Feedlot or a New Animal Feedlot the structure(s) and premises, in combination, shall not thereafter be used except in conformance with this ordinance except as provided in *Minnesota Statutes, section 116.0711; or successor statutes*.

6.7.3 Animal Feedlot Permits

- A. **Feedlot Approval.** No person shall permit or allow their land or property under their control to be used for Animal Feedlots, and no animal Manure from any Animal Feedlot shall be disposed of within the County of Stearns, except at an operation which has been approved in accordance with the provisions of this Ordinance and *Minnesota Rules, chapter 7020; or successor rules*.
- B. **Potential Pollution Hazard.**
 - (1) No Animal Feedlot, Manure Storage Area, Structure, Facility or Manure application site shall be constructed, located, operated or maintained so as to create a Potential Pollution Hazard.
 - (2) The Owner of any Animal Feedlot will be required to apply for a County or State Feedlot Permit if the Animal Feedlot creates or maintains a Potential Pollution Hazard regardless of the size of the Animal Feedlot unless the Owner or operator has enrolled in and continues to meet the conditions for the Open Lot Certification Program found in *Minnesota Rules, part 7020.2003; or successor rules*.
- C. **County Permit Requirements.**
An Animal Feedlot permit shall be required for New Animal Feedlots and all

Modifications or Expansions to Existing Animal Feedlots. The type of Animal Feedlot permit required shall be determined based on the following except as provided in *Sections 6.7.3 C (2) and 6.7.3 D of this Ordinance*:

Animal Feedlot Type	Zoning District					
	A-160	A-80	A-40	T-20	R-20 & R-10	All other districts <small>(including shoreland and floodplain overlay districts)</small>
1 - 9 Animal Units	CSF / I	CSF / I	CSF / I	CSF, AUD, 49 AU max.	CSF, AUD, 6 AU max.	New Prohibited ²
10 – 49 Animal Units	CSF / I	CSF / I	CSF / I	CUP, AUD, 49 AU max.	New Prohibited	New Prohibited ²
50 – 499 Animal Units						
20% or more are swine (10 – 99.8 AU)	CSF	CSF	CUP ¹	New Prohibited ²	New Prohibited ²	New Prohibited ²
less than 20% are swine	CSF / I	CSF / I	CSF / I	New Prohibited ²	New Prohibited ²	New Prohibited ²
500 – 699 Animal Units						
20% or more are swine (100 – 139.8 AU)	CSF	CUP ¹	CUP ¹	New Prohibited ²	New Prohibited ²	New Prohibited ²
less than 20% are swine	CSF / I	CSF / I	CUP ¹	New Prohibited ²	New Prohibited ²	New Prohibited ²
700 or more Animal Units	CUP	CUP	CUP	New Prohibited ²	New Prohibited ²	New Prohibited ²
CSF – Construction Short-Form Permit CUP – Conditional Use Permit I – Interim Permit AUD – Animal Unit Density AU – Animal Unit	¹ CUP may not be required – See Section 6.7.3 D ² Existing sites may require CUP – See Section 6.7.3 D					

- (1) **Moving Fences.** Moving permanent or temporary fences to relocate or expand an Existing Animal Feedlot shall be considered a Modification and a permit shall be required pursuant to the provisions of this Ordinance.
- (2) **Portable Livestock Hutches.** Individual Construction Short-form Permits, Interim Permits or Conditional Use Permits shall not be required for Portable Livestock Hutches of less than 433 square feet. Portable Livestock Hutches shall be considered a part of the overall Animal Feedlot operation and shall meet all applicable Setback requirements of this Ordinance.
- (3) **Concrete Open Lots.** Individual Construction Short-form Permits shall not be required for converting one (1) acre or less of an existing earthen open lot to concrete.
- (4) **Prior Permits.** Interim Permits, National Pollutant Discharge Elimination System Permits, State Disposal System Permits, SW-A Permits and State Certificates of Compliance issued prior to October 23, 2000 shall be subject to the provisions of *Minnesota Rules, part 7020.0355; or successor rules.*
- (5) **Signage.** Signs shall meet the requirements of *Section 7.20 of this Ordinance.*

D. **Conditional Use Permits** subject to the administrative requirements of *Section 4.8 of this Ordinance* shall be required based on the above table and based on the following conditions:

- (1) **Shoreland.** Expansions or Modifications to Existing Animal Feedlots and Existing Manure Storage Areas, Structures or Facilities within Shoreland shall only be permitted as a Conditional Use according to *Minnesota Rules, part 6120.3300, subpart 7* and *Minnesota Rules, part 7020.2005, subpart 2; or successor rules*, except as provided in *Section 6.7.3 C (2) of this Ordinance*. Expansions or modifications to an Animal Feedlot partially located in shoreland shall not require a Conditional Use Permit if the proposed expansion or modification is located completely outside of Shoreland.
 - (2) **Manure Management Improvements.** A Conditional Use Permit shall not be required for Modifications that improve Manure management when the improvement is located outside Shoreland and when the number of Animal Units is not increased or when animal type is not changed.
 - (3) **Replacement in Agricultural Zoning District.** A Conditional Use Permit shall not be required for a Replacement when located outside of Shoreland, the number of Animal Units is not increased, the animal type is not changed and the structure dimensions are not changed.
 - (4) **City Limits Within One (1) Mile.** New Animal Feedlots or Modifications or Expansions to Existing Animal Feedlots where the cumulative number of Animal Units exceeds 300 and proposed within one (1) mile of the corporate limits or established annexation zone of any city shall only be permitted as a Conditional Use.
 - (5) **Manure Management Plan.** Animal Feedlot Owners or operators required to apply for a Conditional Use Permit shall be responsible for the development of a Manure management plan as provided in *Section 6.7.9 D of this Ordinance*. The resulting Manure management plan shall be reviewed and approved by the Department in conjunction with the Feedlot Review Committee.
- E. **Interim Permit.** An Interim Permit for an Animal Feedlot shall be issued, denied, modified, have conditions imposed upon it or be revoked by the Department in conformance with *Minnesota Rules, part 7020.1600, subpart 4a*, and *Minnesota Rules, part 7020.0535; or successor rules*. Interim Permits shall allow the Animal Feedlot Owner or operator up to 24 months to correct Pollution Hazards for an individual site. Interim Permits may be extended by no more than ninety (90) days if the Animal Feedlot Owner or operator requests an extension from the Department ninety (90) days prior to the expiration date of the original Interim Permit.
- F. **Construction Short-form Permits.** A Construction Short-Form Permit for an Animal Feedlot shall be issued, denied, modified, have conditions imposed upon it or be revoked by the Department in conformance with *Minnesota Rules, part 7020.1600, subpart 4a*, and *Minnesota Rules, part 7020.0535; or successor rules*. Construction Short-Form permits shall allow the Animal Feedlot Owner or operator up to 24 months to construct buildings; Manure Storage Areas, Structures, or Facilities and other related facilities. Feedlot Construction Short-Form Permits may be extended by no more than 24 months if work has not been completed and if the Animal Feedlot Owner or operator requests an extension from the Department ninety

(90) days before the expiration date of the original Feedlot Construction Short-form Permit.

- G. **Open Lot Certification Program.** All Animal Feedlot Owners and operators that have Animal feedlots that are enrolled in the Open Lot Certification Program shall meet the requirements set forth by *Minnesota Rules, part 7020.2003; or successor rules.*

6.7.4 County Permit Application Requirements and Procedures

- A. Permit applications shall be processed in accordance with *Minnesota Rules, part 7020.0505; or successor rules* and the provisions of this Ordinance.
- B. When any application is submitted to the Department for review, the application information shall include, but not be limited to, the following:
- (1) A completed permit application form listing the names, addresses and phone numbers of all Owners and signed by at least one of the Owners;
 - (2) A map or aerial photograph showing the location of all wells, buildings, surface drainage tile inlets, roads, Public Waters, Public Waters Wetlands, Wetlands Type 3, 4 and 5 and watercourses within 1,000 feet of the proposed Expansion or Modification of an Existing Animal Feedlot or the creation of a New Animal Feedlot;
 - (3) Soil and hydrogeological conditions at the proposed Expansion or Modification of an Existing Animal Feedlot or the creation of a New Animal Feedlot, including soil type, depth to water table and depth to bedrock;
 - (4) When applicable, township approval shall be required for the construction of New Animal Feedlots, Expansions or Modifications of Existing Animal Feedlots.
 - (5) A Manure management plan, if required, shall include all information in *Section 6.7.9 D of this Ordinance* and shall be approved by the Department.
 - (6) Construction inspection and design plans for new Manure Storage Areas, Structures, or Facilities or modifications or expansions to existing Manure Storage Areas, Structures or Facilities;
 - (7) An odor management plan may be required for New Animal Feedlots and Expansions and Modifications of Existing Animal Feedlots. If required, the plan shall be submitted to the Department for review by the Department or MPCA. The odor management plan shall contain management methods that will significantly reduce odor leaving the Animal Feedlot, Manure Storage Area, Structure or Facility and Manure application sites.
 - (8) A dead animal disposal plan, as specified in *Section 6.7.12 of this Ordinance*;
 - (9) A written biosecurity plan, if developed by the Animal Feedlot Owner or operator; and
 - (10) Submittal of any other additional information to facilitate processing of the application.
- C. **Notification Requirement.** Pursuant to the requirements of *Minnesota Statutes, section 116.07, subdivision 7a; or successor statutes*, a person who applies to the MPCA or the Department for a permit to construct or expand

an Animal Feedlot with a capacity of 500 Animal Units or more shall, not less than twenty (20) business days before the date on which the permit is issued, provide notice to each resident and owner of real property within 5,000 feet of the perimeter of the proposed Animal Feedlot.

- (1) **Notice.** The notice may be delivered by first class mail, in person or by the publication in a newspaper of general circulation within the affected area and shall include information on the location, the type of animals and the proposed capacity of the Animal Feedlot.
- (2) **Township Clerk.** A copy of the notice shall be delivered by first class mail to the clerk of the town in which the feedlot is proposed not less than 20 business days before the date on which a permit is issued.
- (3) **Documentation.** The County shall not act upon any Animal Feedlot permit application unless the Department is provided documentation that proper notice has been delivered or published. Failure to provide documentation shall constitute an incomplete Animal Feedlot permit application.

D. Procedure for Issuance of Permits

- (1) **Manure Not Used as Fertilizer.** For Animal Feedlots where Manure is not being used as Domestic Fertilizer, the application shall be forwarded to the MPCA with Department comments and recommendations pursuant to *Minnesota Rules, part 7020.1600, subpart 4a B.(2); or successor rules.*
- (2) **Drinking Water Supply Management Areas.**
 - (a) Applications for any Animal Feedlot of 500 Animal Units or greater within a Vulnerable Drinking Water Supply Management Area, as delineated pursuant to *Minnesota Rules, part 4720.5205; or successor rules,* within a Minnesota Department of Health approved Drinking Water Supply Management Area, shall be forwarded to the MPCA and the Minnesota Department of Health for review and comment.
 - (b) The Department may forward applications of less than 500 Animal Units for Animal Feedlots in Vulnerable Drinking Water Supply Management Area to the MPCA and the Minnesota Department of Health for review and comment.
- (3) **Water Appropriations.** The Department shall make animal feedlot operators aware of the Minnesota Department of Natural Resources requirements for water appropriations.

6.7.5 Setback Provisions

- A. **Residential Setbacks.** A new Residential Dwelling unit shall be setback 700 feet from an Animal Feedlot consisting of ten (10) or more Animal Units when the Animal Feedlot is located in an A-160, A-80 or A-40 underlying or primary zoning district.
- B. **Residential Subdivisions or Divisions.**
 - (1) **New Residential Subdivision or Parcel.** The boundary of any new lot, parcel or tract where the intended use is for a Residential Dwelling site, shall be located such that any proposed Residential Dwelling unit is located at least 700 feet from any Animal Feedlot consisting of ten

- (10) or more Animal Units when the Animal Feedlot is located in an A-160, A-80 or A-40 zoning district.
- (2) **Animal Feedlot to Platted Lot.** In the A-160, A-80 and A-40 zoning districts, New Animal Feedlots or Expansions or Modifications to Existing Animal Feedlots shall be located a minimum of 700 feet from any platted lot line that is in existence at the time of application, except as provided for in *Section 6.7.5 B (3) of this Ordinance*.
- (3) **Animal Feedlot to Residential Dwelling in Plat.** The residential dwelling Setback for any New Animal Feedlot or Expansion or Modification to an Existing Animal Feedlot in the A-160, A-80 and A-40 zoning district shall be a minimum of 700 feet upon establishment of residential dwelling unit(s) on any potentially affected lot(s) within a plat.
- C. **Rezoned Property.** Property that is rezoned from any A-160, A-80 or A-40 District to any T-20, R-20, R-10, R-5, R-1 or RT District shall only be approved if Residential Dwelling Units constructed thereon can be located at least 700 feet from any Existing Animal Feedlot consisting of ten (10) or more animal units when the Animal Feedlot is located in an A-160, A-80 or A-40 zoning district.
- D. **New and Existing Animal Feedlot Setbacks.** For New Animal Feedlots with ten or more animal units or Existing Animal Feedlots with ten (10) or more animal units within the most recent five (5) year period located in an Agricultural or Transitional Zoning District, the following shall be the minimum Setback requirements for Replacement, Expansion or Modification including a Manure Storage Area, Structure or Facility except as provided in *Section 6.7.5 D (2) of this Ordinance and Minnesota Rules, part 6120.3300, subpart 7; or successor rules*:

Animal Feedlot Setback Measured From:	Distance (ft):
Public Parks (not including trails), Recreational Camping Areas, or other similar public uses ¹	1000
Cities (official boundaries)	1000
Churches, Schools, or FAA approved Airports ¹	1000
Shoreland (Classified ² Lake, Stream, or River) – New Animal Feedlot	Prohibited ³
Shoreland (Classified ² Lake, Stream, or River) – Existing Animal Feedlot	No encroachment
Stream, River or Ditch OHWL (Not classified ²) – New Animal Feedlot	300
Stream, River or Ditch OHWL (Not classified ²) – Existing Animal Feedlot	100
PWI Wetland or Basin OHWL (Not classified as Shoreland) ⁴ (PWI is the Minnesota Department of Natural Resources Public Waters Inventory)	500
Wetland types 3, 4, and 5 not on the PWI ^{4,5}	200
Floodplain (New Animal Feedlots or Replacements or Expansions)	Prohibited
Property lines	100
Non-Agricultural District Boundary	350
Residential Dwelling, not on the same parcel as the Animal Feedlot ^{1,6}	700
Platted Lot Line (without establishment of a dwelling)	700
Roads	See chart below

Road Classification	Setback from Road Centerline	Setback from Road Right-of-Way (R.O.W.)
Principal Arterial	150	75
Minor Arterial	120	60
Major Collector	100	50
Minor Collector	100	50
Un-Classified Roads	Setback from Road Centerline	Setback from Road Right-of-Way (R.O.W.)
County Road	100	50
Township Road	63	30
Private Road Esmt.	63	30

¹ The Setback shall be reciprocal.

² Shoreland classification as determined by Section 10.2.3 of this Ordinance.

³ Except as allowed by Minnesota Statute 116.0711, or successor statutes.

⁴ The Setback may be reduced whenever the waters or wetlands involved are bounded by topographic divides which extend landward from the waters or wetlands for a distance less than the prescribed if minimum Structural Setbacks are met. Additionally, the Department may reduce the Setback when best management practices are being implemented as a part of a plan approved by the Stearns County Environmental Services Department.

⁵ Expansions or Modifications to Existing Animal Feedlots shall meet the minimum Structural Setbacks from OHWL and bluff in Section 10.2.11 A(1) and (4) of this ordinance.

⁶ A one-time 24-foot encroachment may be allowed. See Sections 5.1.2A (3) and 5.1.4 of this Ordinance.

- (1) In instances where Setback distances conflict, the more restrictive Setback shall apply.
 - (2) **Short-term manure stockpiles.** Short-term manure stockpile sites shall be required to meet setbacks as provided in *Section 6.7.5 D of this Ordinance* except for property line setbacks and, if exempted in writing by the affected landowner, Manure may be stockpiled within 700 feet of a residence. This section shall not preclude an Animal Feedlot Owner or operator from stockpiling Manure within or directly adjacent to an Existing Animal Feedlot. Where allowed, short-term manure stockpile sites shall be required to meet a minimum setback of ten (10) feet from a property line.
 - (3) Setbacks may be reduced for filter strips, pump houses, settling basins, or other structures not storing manure provided, minimum Setbacks for the OWHL and bluff in *Section 10.2.11 A(1) and (4) of this Ordinance* are met. Sunny-day release pits shall meet Setbacks.
 - (4) **Portable livestock structures.** All portable livestock structures are required to meet setbacks unless the Animal Feedlot is less than ten (10) animal units. Any portable livestock structure associated with an Animal Feedlot with less than ten (10) animal units shall meet the Setback requirements as provided in *Section 9 of this Ordinance*.
- E. Animal Feedlots with less than ten (10) animal units shall meet the minimum building setback requirements as provided in *Section 9 of this Ordinance* and shall meet a setback of ten (10) feet from property line for open lots or manure storage areas.

- F. **Water well setbacks.** Animal Feedlot Owners or operators shall adhere to the water supply well isolation distances set forth by *Minnesota Rules, part 4725.4450* and *Minnesota Rules, part 7020.2005*; or *successor rules*. For purposes of this Ordinance, the more restrictive water supply well isolation distance shall apply.
- G. **Manure application setbacks** shall be as follows and according to *Minnesota Rules, part 7020.2225*; or *successor rules* unless further restricted by a wellhead protection plan. Manure application setbacks not specified in *Minnesota Rules, part 7020.2225*; or *successor rules* may be reduced or modified by a Manure management plan reviewed and approved by the Department.

PHYSICAL FEATURE	Irrigation	WINTER SETBACKS Frozen or Snow Covered Soils	NON-WINTER SETBACKS Not Incorporated Within 24 Hours		NON-WINTER SETBACKS Incorporation Within 24 Hours	
			Inadequate Vegetated Buffer	With Vegetated Buffer	No Phosphorus Mgmt.	With Phosphorus Mgmt.
Lake or Stream	300'	300'	300'	100'	300'	25'
Intermittent Stream ¹ DNR Protected Wetland ² Drainage Ditch Without Berms ¹	200'	300'	300'	50'	300'	25'
Open Tile Intake	300'	300'	300'		0'	
Well, Mine, or Quarry ³	100'	50'	50'		50'	
Floodplain	Prohibited	Prohibited	Prohibited		Prohibited	
City Limits	1 mile	-	-		-	
Structure ⁴ within City Limits or Active Cemetery	-	1000' ⁴	1000' ⁴		400' unless immediate incorporation, then property line' ⁴	
Residential Dwelling (other than residences owned by the Animal Feedlot operator or Owner) <i>Non-agricultural district</i> <i>Agricultural zoned district</i>	1000' 1000'	400' property line ³	400' property line ³		50' property line ³	
Public Roads (ROW line) ⁵	5	5	5		5	

¹ Intermittent streams and ditches pertain to those identified on United States Geological Survey quadrangle maps, excluding drainage ditches with berms that protect from runoff into the ditch and segments or intermittent streams which are grassed waterways.

² Wetland setbacks pertain to all protected wetlands identified on Minnesota Department of Natural Resources protected waters and wetland maps.

³ This provision shall not supersede the water well setbacks in Section 6.7.5 F of this Ordinance or the manure application setbacks in Section 6.7.5 G of this Ordinance.

⁴ A structure means a building occupied by one or more persons (ie. hospital, school, church, dwelling, or park building, eating establishments etc).

⁵ Manure may be applied up to the ROW unless environmental conditions indicate Potential Pollution Hazards or unless other Setbacks apply.

- (1) In instances where Setback distances conflict, the more restrictive Setback shall apply.

- (2) Manure application within ¼ mile (1320 feet) of a FAA approved Airport shall be injected or incorporated within 24 hours.
- (3) Manure shall not be applied directly into gullies, grass waterways or ditches.
- (4) Application of manure to frozen or snow-covered soils shall be applied to slopes less than seven (7) percent unless runoff is prevented from reaching a water of the state as defined by *Minnesota Rules, part 7020.0300; or successor rules.*

6.7.6 Animal Unit Density Requirements. The following animal density regulations shall apply in the Agricultural zoning districts in which a parcel is less than 10 acres and T-20, R-20 and R-10 zoning districts for New Animal Feedlots and all Modifications or Expansions to Existing Animal Feedlots except as provided for in Section 6.7.2 B or 5.1.4 E (3) of this Ordinance

- A. On parcels of less than 2 acres, only dogs, cats and other animals customarily kept as pets are permitted.
- B. On parcels of at least 2 acres, but less than 3 acres, one (1) animal unit is permitted.
- C. On parcels of at least 3 acres, one (1) animal unit may be permitted for the first 3 acres and one (1) additional animal unit may be permitted for each additional 2 acres to a maximum of 6 animal units when the parcel is located in a R-20 or R-10 zoning district.
- D. On parcels of at least 3 acres, one (1) animal unit may be permitted for the first 3 acres and one (1) additional animal unit may be permitted for each additional 2 acres to a maximum of 49 animal units when the parcel is located in a T-20 zoning district.

Zoning District	Acres / Animal Unit Density (AUD)									
Ag										
Acres	2 – 2.99	3 – 4.99	5 – 6.99	7 – 8.99	9 – 9.99					
AUD	1	1	2	3	4					
T-20										
Acres	2 – 2.99	3 – 4.99	5 – 6.99	7 – 8.99	9 – 10.99	11 – 12.99	13 – 14.99	15 – 16.99	17 – 19.99	
AUD	1	1	2	3	4	5	6	7	8	
Acres	19 – 20.99	21 – 22.99	23 – 24.99	25 – 26.99	27 – 28.99	29 – 30.99	31 – 32.99	33 – 34.99	35 – 36.99	
AUD	9	10	11	12	13	14	15	16	17	
Acres	37 – 38.99	39 – 40.99	41 – 42.99	43 – 44.99	45 – 46.99	47 – 48.99	49 – 50.99	51 – 52.99	53 – 54.99	
AUD	18	19	20	21	22	23	24	25	26	
Acres	55 – 56.99	57 – 58.99	59 – 60.99	61 – 62.99	63 – 64.99	65 – 66.99	67 – 68.99	69 – 70.99	71 – 72.99	
AUD	27	28	29	30	31	32	33	34	35	
Acres	73 – 74.99	75 – 76.99	77 – 78.99	79 – 80.99	81 – 82.99	83 – 82.99	85 – 86.99	87 – 88.99	89 – 90.99	
AUD	36	37	38	39	40	41	42	43	44	
Acres	91 – 92.99	93 – 94.99	95 – 96.99	97 – 98.99	99 or >					
AUD	45	46	47	48	49					

R-20 or R-10									
Acres	2 – 2.99	3 – 4.99	5 – 6.99	7 – 8.99	9 – 10.99	11 – 12.99	13 or >		
AUD	1	1	2	3	4	5	6		

6.7.7 Inspections

- A. **Conducting Inspections.** The Department shall be responsible for conducting review, compliance and complaint inspections.
 - (1) The Department shall contact the Animal Feedlot Owner or operator prior to conducting field work on an Animal Feedlot.
 - (2) If, at the time of contact by the Department, the Animal Feedlot is infected with any contagious disease, it shall be the duty of the Animal Feedlot Owner or operator to notify the Department.
- B. **Biosecurity Guidelines.** Department staff shall carry out inspections within the biosecurity guidelines established by the Animal Feedlot Owner or operator. A copy of any written biosecurity guidelines shall be submitted by the Animal Feedlot Owner or operator to the Department and will be kept on file by the Department.
- C. **Compliance Inspections.** The purpose of a compliance inspection is to determine whether an Animal Feedlot creates or maintains a Potential Pollution Hazard. The Department shall develop a procedure for scheduling compliance inspections to assure that Animal Feedlots with a high risk for Potential Pollution Hazards are given high priority for scheduling of a compliance inspection.
- D. **Complaint Inspections.** The Department shall have the right to conduct complaint inspections without notice, but at a reasonable time, based upon a complaint or the reasonable belief of the existence of a violation of this Ordinance or *Minnesota Rules, chapter 7020; or successor rules.*

6.7.8 Manure Transportation and Storage

- A. **Transportation of Manure.** All vehicles used to transport Manure on Township, County, State or other public roadways shall be leak proof. Manure spreaders with end gates shall be considered to be in compliance with this provision provided the end gate works effectively to restrict leakage and the Manure spreader is leak proof. Transportation of Manure shall be conducted in accordance with *Minnesota Rules, part 7020.2010; or successor rules.*
- B. **Stockpiling of Manure.** Manure stockpiling shall only be allowed when in conformance with MPCA Technical *Guidelines for Stockpiling of Manure; or successor guidelines,* and *Minnesota Rules, part 7020.2125; or successor rules.*
- C. **Manure Storage Area Design.**
 - (1) **Professional Engineer.** Plans for any Liquid Manure Storage Area of 20,000 gallons capacity or more shall be prepared or approved by a Professional Engineer registered by the State of Minnesota or a Natural Resource Conservation Service staff person having approval authority in accordance with *Minnesota Rules, part 7020.2100; or successor rules.*

- (2) **Department Review.** Plans for any Manure Storage Areas shall be reviewed by the Department as part of the permitting process as set forth in *Sections 6.7.3, 6.7.4, and 6.7.7 of this Ordinance* and pursuant to *Minnesota Rules, part 7020.2100; or successor rules.*
- D. **New open air swine basins.** New open air swine basins are not allowed according to *Minnesota Statutes, section 116.0714; or successor statutes,* except that existing facilities may use one (1) basin of less than 1,000,000 gallons as part of a permitted waste treatment program for resolving pollution problems. In addition, any Expansion or Modification to Existing Animal Feedlots involving swine and proposing reuse of an open air swine basin shall be prohibited.
- E. **Poultry barns and floors.** New poultry barn floors or Expansions or Modifications to existing poultry barns and floors shall be constructed according to *MPCA Technical Guidelines for Poultry Barn Floors, dated February 2001; or successor guidelines,* and *Minnesota Rules, part 7020.2120; or successor rules.*
- F. **Earthen Manure Storage Areas.** Earthen Manure Storage Areas, Structures or Facilities shall only be allowed and inspected in accordance with *MPCA Technical Guidelines for Design of Cohesive Soil Liners for Manure Storage Structures, dated February 1998; or successor guidelines,* which are hereby incorporated by reference.
- G. **Concrete Manure Storage Areas.** Concrete Manure Storage Areas, Structures or Facilities shall only be allowed when in conformance with *MPCA Technical Concrete Manure Storage Structure Construction Guidelines, dated January 2007; or successor guidelines,* which are hereby incorporated by reference.
- H. **Inspection Form.** Engineers and contractors shall complete the Construction Inspection Form for Liquid Manure Storage Areas, and the Owner shall submit the form to the Department in accordance with *Minnesota Rules, part 7020.2100, subpart 6; or successor rules.*
- I. **Unpermitted or non-certified Manure Storage.** All unpermitted or non-certified Liquid Manure Storage Areas, Structures or Facilities, including slurry stores, shall meet the technical standards, specifications and timelines pursuant to *Minnesota Rules, part 7020.2110; or successor rules.*
- J. **Manure compost areas.** Manure compost areas, Structures, Facilities or sites shall be constructed, inspected and operated pursuant to *Minnesota Rules, part 7020.2150; or successor rule.*

6.7.9 Land Application and Manure Management Planning

A. Land Area Requirements for Manure Utilization.

- (1) **Spreading Agreements.** The Animal Feedlot Owner or operator shall own or have sufficient land under written lease or contract to meet the Manure utilization requirements for spreading Manure produced in the Animal Feedlot. The Department shall retain copies of all written spreading agreements. Such agreements shall be a condition of any Feedlot Construction Short-form Permit, Interim Permit, Conditional Use Permit, Variance, State Disposal System Permit, or National

Pollutant Discharge Elimination System Permit. All such agreements shall include descriptions and maps of the spreading areas.

(2) **Sales Contracts.** Sales contracts for land application of Manure may be substituted for the additional land requirements for the Animal Feedlot operation. Manure sold under a sales contract shall be subject to the requirements of this Ordinance including all land application, storage standards, Setback requirements and applications rates. In addition, when manure ownership is transferred, the *Records When Manure Ownership is Transferred form*, or equivalent, shall be completed and maintained onsite for three (3) years.

B. **Transfer of Manure Into the County.** Any person who accepts Manure from outside the jurisdiction of Stearns County for the purpose of storing or spreading said Manure in Stearns County shall first have a Manure management plan approved in accordance with *Section 6.7.9.D of this Ordinance*.

C. **Land Application of Manure.** Manure management and land application shall be in accordance with *Minnesota Rules, part 7020.2225; or successor rules*.

D. **Manure management plans.** Manure management plans, as required in *Minnesota Rules, part 7020.2225, subpart 4; or successor rules*, shall be based on *MPCA Manure Application Guidelines; or successor guidelines, United States Department of Agriculture – Natural Resources Conservation Service Waste Utilization Code 633; or successor codes, or equivalent*. The type of Manure management plan shall be required of Animal Feedlot Owners and operators according to the following table:

Type of Permit	Type of Manure Management Plan Required				
	1 to 10 Animal Units:	11 to 99 Animal Units:	100 to 299 Animal Units:	300 to 999 Animal Units:	1,000 or more Animal Units:
Construction Short Form Permit	Not applicable	Tier I	Tier II	Tier II	*
Interim Permit	Tier I	Tier I	Tier II	Tier II	*
Conditional Use Permit	Not applicable	Tier II	Tier II	Tier II	Tier II
National Pollutant Discharge Elimination System Permit or State Disposal System Permit *	*	*	*	*	*

* The MPCA requires and shall approve the Manure management plan for these types of permits.

- (1) **Tier I.** Manure management plans shall include the following:
- (a) Animal Feedlot Owners or operators shall submit aerial photographs with all manure application acres highlighted;
 - (b) Animal Feedlot Owners or operators shall adhere to the manure application setbacks according to *Sections 6.7.5 F and G of this Ordinance*.
 - (c) The MPCA or Stearns County may require additional information.

- (2) **Tier II.** Manure management plans shall be developed according to *Minnesota Rules, Section 7020.2225; or successor rules*, and shall also include the following:
- (a) Type and number of animals on site;
 - (b) Location and type of Manure Storage Area, Structure or Facility;
 - (c) Nutrient content of Manure, utilizing University of Minnesota Extension Service Guidelines or Manure nutrient test from an accredited laboratory according to *Minnesota Rules, part 7020.2225, subpart 2; or successor Rules*;
 - (d) Copy of soil fertility test(s) less than four years old;
 - (e) Number of acres available for spreading of Manure;
 - (f) Aerial photographs showing the location of Manure application sites;
 - (g) A spreadsheet which shows the manure generated at the facility and the nutrients available following storage and application losses, in comparison to the nutrient needs of the planned crop rotation.
 - (h) The MPCA or Stearns County may require additional information.
- E. **Manure Management Plan Review.** The Department as part of the permitting process shall review and approve plans for Manure management. The Feedlot Review Committee may further review Manure management plans for Conditional Use Permits.

6.7.10 Closure and Abandonment

- A. Owners or operators of abandoned or closed Animal Feedlots shall have all liability for clean up, closure or remediation of the Animal Feedlot site.
- B. The closure and abandonment of a Manure Storage Area, Structure or Facility shall be completed in accordance with *Minnesota Pollution Control Agency Guidelines for Closure and Abandonment of Manure Storage Areas, dated February 1, 2001; or successor guidelines*, and *Minnesota Rules, part 7020.2025; or successor rules*.
- C. Owners or operators proposing to close a liquid Manure Storage Area or permanent stockpile shall notify the Department at least three (3) days prior to commencing closure. The Department shall review and approve all Animal Feedlot and Manure Storage Area, Structure or Facility closure and abandonment requests for animal feedlots with less than 1,000 Animal Units.
- D. Concrete from Manure Storage Areas, Structures or Facilities, feed bunkers, barns or buildings that are part of an Animal Feedlot shall be disposed of according to the Resolution Adopting Policy to Deal with the Disposal of Demolition Material in Stearns County, *Stearns County Policy dated April 18, 2006; or successor resolution*, and *Minnesota Rules, chapter 7035; or successor rules*, as part of an Animal Feedlot abandonment or closure Interim Permit.

6.7.11 Unregistration

The following process shall be implemented for unregistration of existing, registered Animal Feedlots:

- A. A request to unregister an existing, registered Animal Feedlot shall be made in writing by the property owner on a form provided by the Department.
- B. A property owner proposing to unregister an existing, registered Animal Feedlot shall first meet the closure and abandonment requirements of *Minnesota Rules, part 7020.2025; or successor rules, and Section 6.7.10 of this Ordinance.*
- C. Department staff shall conduct a site visit to determine the status of the Animal Feedlot and to verify if the closure and abandonment requirements of *Minnesota Rules, part 7020.2025; or successor rules, Section 6.7.10 of this Ordinance and Section 6.7.11 of this Ordinance* have been met prior to unregistration.
- D. The unregistration form and related documents shall be recorded in the office of the Stearns County Recorder for the property subject to the unregistration.
- E. An existing, registered Animal Feedlot shall be considered unregistered the date that the unregistration form is recorded by the Stearns County Recorder's Office.
- F. Property owners proposing to repopulate an unregistered Animal Feedlot shall:
 - (1) Be subject to the provisions of *Section 4.9 of this Ordinance* if applicable Setbacks set forth in *Section 6.7.5 of this Ordinance* cannot be met.
 - (2) Be required to obtain the appropriate permit and shall operate the Animal Feedlot in accordance with this Ordinance and applicable State Rules and Regulations.
- G. Except as provided in *Minnesota Statutes, section 116.0711; or successor statutes*, property owners proposing to repopulate an Animal Feedlot that is considered a New Animal Feedlot shall:
 - (1) Be subject to the provisions of *Section 4.9 of this Ordinance* if applicable Setbacks set forth in *Section 6.7.5 of this Ordinance* cannot be met;
 - (2) Be required to obtain the appropriate permit; and
 - (3) Shall operate the Animal Feedlot in accordance with this Ordinance and all other applicable Federal, State, and local rules and regulations.

6.7.12 Disposal of Animal Carcasses

Upon request, the Animal Feedlot Owner or operator shall provide a plan indicating the method to be used for the disposal of animal carcasses.

- A. The plan for dead animal disposal, composting, burial or rendering shall be consistent with the Minnesota Board of Animal Health regulations found in *Minnesota Rules, chapter 1719; or successor rules.*
- B. A site plan shall be included which identifies the composting site or burial area, distance to neighboring Residential Dwellings, wells, lakes and watercourses and the distances to ground water and/or bedrock.

- C. Any site plan which includes a proposal for composting or on-site burial shall be designed to adequately protect the ground water from contamination by nitrates, bacteria and other substances characteristic of decomposing organic material.
- D. Animal carcasses, whole, partial or ground up shall not be disposed of in a Manure Storage Area, Structure or Facility or on the surface of the land except as allowed for composting in accordance with *Minnesota Rules, chapter 1719; or successor rules.*
- E. All dead animal disposal sites shall be operated at all times to prevent pollution of the air, land and water resources of the County and in a manner which limits odors, precludes scavenging and controls vectors.

6.7.13 Catastrophic Loss of Animals

It shall be the duty of any Animal Feedlot Owner or operator to notify the Environmental Services Department and the Minnesota Board of Animal Health immediately in the event of a catastrophic loss of animals from fire, natural disaster or disease.

6.7.14 Manure Spills

- A. **Release of Manure.** It shall be the duty of any Animal Feedlot Owner or operator to notify the Environmental Services Department and the State Duty Officer within 24 hours in the event of a release of Manure from any Manure Storage Area, Structure or Facility or when it appears that the spillage or application of Manure could reasonably be expected to cause contamination of surface or ground water supplies.
- B. **Roadway Cleanup.** The Owner or operator of an Animal Feedlot who spills manure on a Federal, State or County road shall be responsible for cleaning the roadway as soon as practical after a spill to ensure the safe passage of traffic. If the Owner or operator of an Animal Feedlot does not clean the roadway in a timely manner, the County's Public Works Department may clean the roadway with their own equipment and assess the Animal Feedlot Owner or operator for their services.
- C. **Cleanup Cost.** If the cost of cleanup is not paid, the County Board may certify to the County Auditor-Treasurer by November 30 all unpaid, outstanding costs of cleanup, including staff costs, costs of operating machinery and materials needed to complete a cleanup and a description of the lands against which the costs arose. It shall be the duty of the County Auditor-Treasurer, upon order of the County Board, to extend the assessments with interest not to exceed the interest rate provided for in *Minnesota Statutes, section 279.03, Subd. 1; or successor statutes,* upon the tax roles of the County for the taxes of the year in which the assessment is filed. For each year ending November 30, the assessment with interest shall be carried into the tax becoming due and payable in January of the following year, and shall be enforced and collected in the manner provided for the enforcement and collection of real and/or personal property taxes in accordance with the provisions of the laws of the State of Minnesota. The assessment, if not paid, shall become delinquent and be subject to the same

penalties and the same rate of interest as the taxes under the general laws of the State of Minnesota.

6.8 Standards for Aquaculture

- 6.8.1** All aquaculture operations shall comply with the standards set forth in *Minnesota Statutes, sections 17.46 to 17.4999; or successor statutes.*
- 6.8.2** Aquaculture operations shall be licensed by the State according to *Minnesota Rules, part 7050.0216; or successor rules.*
- 6.8.3** In order to protect surface and ground water resources, aquaculture operations may be required to include wastewater treatment or to be closed loop systems with no discharge.

6.9 Attached Single Family Residential Dwellings

6.9.1 Performance Standards

Attached single family dwellings shall comply with the following standards:

- A. The building shall contain no more than four dwelling units.
- B. The building shall meet the setback and height requirements of any applicable zoning district.
- C. Attached single family residential dwellings shall be generally compatible with the surrounding land uses in scale and appearance.
- D. On-site sewage treatment systems shall be sized to accommodate each unit within a building with a single soil treatment area. Additionally, each building shall be provided with an additional soil treatment area which shall be retained in a natural and undisturbed condition.
- E. Parking shall meet the requirements *Section 7.15 of this Ordinance.*

6.10 Bed and Breakfast Inns

6.10.1 Performance Standards

Bed and Breakfast Inns shall comply with the following standards:

- A. A bed and breakfast inn shall be part of an owner-occupied residential structure, except that one guestroom may be located outside the owner occupied structure.
- B. The use shall comply with all applicable Federal, State and County rules and regulations.
- C. The bed and breakfast inn shall be owner-operated.
- D. The exterior appearance of the structure shall not be altered from its single family character.
- E. All guestrooms, except as provided in *Section 6.9.1 A of this Ordinance,* shall be located within the principal residential structure.
- F. The total number of guestrooms shall be limited to 5.
- G. Primary entrance to all guestrooms shall be from within the dwelling.
- H. A guest register shall be maintained and available for County inspection.
- I. Guests are limited to a length of stay of no more than 14 consecutive days.
- J. No food preparation or cooking shall be conducted within any of the guestrooms.

- K. Food service shall be limited to breakfast.
- L. No other commercial use shall occur on the property, including home occupations. Activities including luncheons, banquets, parties, weddings, meetings, fund raising events or other gatherings for direct or indirect compensation, are prohibited in a bed and breakfast inn.
- M. Parking shall be accommodated on the property and parking requirements for guests are in addition to those required for the principal residential use. Additionally, parking shall meet the requirements of *Section 7.15 of this Ordinance*.
- N. Signs shall meet the requirements of *Section 7.20 of this Ordinance*.

6.10.2 License Required

A Bed and Breakfast Inn shall be licensed by the County and shall meet the requirements of *Stearns County Ordinances Numbers 114 and 204; or successor ordinances*.

6.11 Cemeteries

6.11.1 Performance standards

- A. A cemetery shall be subject to the following standards:
- B. The use shall comply with all applicable Federal, State and County rules and regulations.
- C. Burial plots, grave markers, monuments and building shall meet the building and setback requirements of any applicable zoning district.
- D. Grave sites and structures used for burial or entombment shall be setback 50 feet from wells or surface water bodies.
- E. Cemeteries are prohibited below the regulatory flood protection elevation as defined in *Section 10.1.4 of this Ordinance*.
- F. Crematoria are prohibited.
- G. Signs shall meet the requirements of *Section 7.20 of this Ordinance*.
- H. Parking shall meet the requirements of *Section 7.15 of this Ordinance*.

6.12 Churches

6.12.1 Performance standards

A church shall be subject to the following standards:

- A. The facility shall be served by a minor collector or higher functional classification of roadway.
- B. The parcel shall have a lot area no less than four times the area of the building footprint.
- C. Parking shall meet the requirements of *Section 7.15 of this Ordinance*.
- D. A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways
- E. The grounds and all structures shall be maintained in a clean and safe manner.
- F. To the extent possible, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the

surroundings, and exterior materials shall be compatible with those used in the immediate neighborhood.

- G. Signs shall meet the requirements of *Section 7.20 of this Ordinance*.
- H. All accessory residential, school or day care uses shall be subject to the provisions of this Ordinance.

6.13 Community Buildings

6.13.1 Performance standards

A community building shall be subject to the following standards:

- A. Community buildings shall be served by a minor collector or higher functional classification of roadway.
- B. The parcel shall have a lot area no less than four times the area of the building footprint.
- C. The buildings and parking areas shall be buffered from adjacent residential uses with landscaping, fencing or other acceptable methods of screening in accordance with *Section 7.19 of this Ordinance*.
- D. Parking shall meet the requirements of *Section 7.15 of this Ordinance*.
- E. A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
- F. The grounds and all structures shall be maintained in a clean and safe manner.
- G. To the extent possible, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings, and exterior materials shall be compatible with those used in the immediate neighborhood.
- H. Signs shall meet the requirements of *Section 7.20 of this Ordinance*.

6.14 Drive-in Facilities

6.14.1 Performance Standards

Drive-in facilities shall be subject to the administrative provisions of *Section 4.8 of this Ordinance* and the following performance standards:

- A. The drive-in function shall be accessory to a conforming restaurant or service facility.
- B. Drive-in facilities shall be served by a minor collector or higher functional classification of roadway.
- C. A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
- D. The site shall accommodate a car stacking distance of at least six (6) cars without infringing upon the local roadways.
- E. A speaker system, if provided, shall not be audible from any residential parcel.
- F. The drive-in facility shall be buffered from adjacent residential uses with landscaping, fencing or other acceptable methods of screening in accordance with *Section 7.19 of this Ordinance*.

- G. Parking shall meet the requirements of *Section 7.15 of this Ordinance*
- H. Signs shall meet the requirements of *Section 7.20 of this Ordinance*.

6.15 Eating and Drinking Establishments

6.15.1 Performance Standards

Eating and drinking establishments shall be subject to the following performance standards:

- A. The parcel shall have a lot area no less than four times the area of the building footprint.
- B. The use shall comply with all applicable Federal, State and County rules and regulations.
- C. A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
- D. Parking shall meet the requirements of *Section 7.15 of this Ordinance*.
- E. All parking areas and access drives to the parking areas shall be hard surfaced.
- F. The building and parking area shall be buffered from adjacent residential uses with landscaping, fencing or other acceptable methods in accordance with *Section 7.19 of this Ordinance*.
- G. To the extent possible, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings, and exterior materials shall be compatible with those used in the immediate neighborhood.
- H. Signs shall meet the requirements of *Section 7.20 of this Ordinance*.

6.15.2 License Required

Eating and drinking establishments shall be licensed by the County and meet the provisions of *Stearns County Ordinance Number 114; or successor ordinance*.

6.16 Golf Courses

6.16.1 Performance standards

A golf course shall be subject to the following standards:

- A. Storage of pesticides and fertilizers shall follow the standards of the Minnesota Department of Agriculture. A plan shall be submitted for storage and use of pesticides and fertilizers at the facility.
- B. Accessory uses shall be limited to a driving range, putting greens, pro shop, club house and locker facilities, maintenance buildings, course shelters, and cart storage facilities.
- C. Golf courses shall be designed with environmental resources in mind. Performance standards to this effect include:
 - (1) Water recycling and conservation through on-site storage and use facilities,
 - (2) Use of landscaped buffers and other Best Management Practices (BMP's) to minimize fertilizer runoff and other chemicals from entering surface water bodies

- (3) Use of landscaping and careful layout of golf course to preserve and enhance wildlife habitat through preservation of existing vegetation and habitat as well as the creation of new habitat opportunities.
- D. A planted buffer may be required to screen adjacent residential and other uses with potential conflicts with golf course activities in accordance with *Section 7.19 of this Ordinance*.
- E. Parking shall meet the requirements of *Section 7.15 of this Ordinance*.
- F. A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
- G. Signs shall meet the requirements of *Section 7.20 of this Ordinance*.
- H. A caretaker residence may be allowed. The residence is to be used strictly for the caretaker and his/her family members. The caretaker residence shall be accessed via the access road to the golf course.

6.16.2 License Required

Club houses that serve food and beverages shall be licensed by the County and meet the requirements of *Stearns County Ordinance 114; or successor ordinance*.

6.17 Government Administration and Service Buildings

6.17.1 Performance Standards

A government administration or service building shall be subject to the following provisions:

- A. The parcel shall have a lot area no less than four times the area of the building footprint.
- B. The building and parking areas shall be buffered from adjacent residential uses with landscaping, fencing or other acceptable methods of screening in accordance with *Section 7.19 of this Ordinance*.
- C. Parking shall meet the requirements of *Section 7.15 of this Ordinance*.
- D. A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
- E. The grounds and all structures shall be maintained in a clean and safe manner.
- F. To the extent possible, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings, and the exterior materials shall be compatible with those used in the immediate neighborhood.
- G. Signs shall meet the requirements of *Section 7.20 of this Ordinance*.

6.18 Greenhouses and Nurseries

6.18.1 Performance Standards

A greenhouse or nursery shall be subject to the following performance standards:

- A. All structures, including temporary structures, shall meet the setback and height requirements of the district in which it is located.

- B. The retail sale of products or materials is prohibited in the R-5 and R-1 Districts.
- C. The exterior storage of landscaping equipment and storage areas shall be screened from view of adjacent residential uses in accordance with *Section 7.19 of this Ordinance*. Screening shall be a least 6 feet in height, 80% opaque year around and of neutral colored material and/or vegetation.
- D. Signs shall meet the requirements of *Section 7.20 of this Ordinance*.

6.19 Greenhouse and Nursery Sales

6.19.1 Performance standards

A greenhouse or nursery engaging in sales activities shall comply with the following standards:

- A. The retail sales activity shall be accessory to the principal nursery, greenhouse or tree farm use.
- B. No sale of product shall take place in the public right-of-way of any Federal, State, County or Township roadway.
- C. Parking shall meet the requirements of *Section 7.15 of this Ordinance*.
- D. All structures, including temporary structures, shall meet the minimum setback requirements of the district in which it is located.
- E. The exterior storage of landscaping equipment and storage areas shall be screened from view of adjacent residential uses and Federal, State, County or Township roadways in accordance with *Section 7.19 of this Ordinance*.
- F. Greenhouse and nursery sales in the T-20, R-20, R-10, R-5 and RT Districts are subject to the administrative provisions of *Section 4.8 of this Ordinance*.
- G. Signs shall meet the requirements of *Section 7.20 of this Ordinance*.

6.20 Grocery Stores

6.20.1 Performance Standards

A grocery store shall be subject to the following performance standards:

- A. The site shall be served by a minor collector or higher functional classification of roadway
- B. The parcel shall have a lot area no less than four times the area of the building footprint.
- C. A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
- D. Parking shall meet the requirements of *Section 7.15 of this Ordinance*.
- E. The building and parking areas shall be buffered from adjacent residential uses with landscaping, fencing or other acceptable methods of screening in accordance with *Section 7.19 of this Ordinance*.
- F. All areas used for trash disposal shall be fully screened from adjacent land uses and public roadways in accordance with *Section 7.28 of this Ordinance*. Screening shall be at least 6 feet in height, 80% opaque year around and of neutral colored material and/or vegetation.
- G. To the extent possible, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the

surroundings, and exterior materials shall be compatible with those used in the immediate neighborhood.

- H. Signs shall meet the requirements of *Section 7.20 of this Ordinance*.

6.21 Guest Cottages

6.21.1 Performance Standards

A guest cottage shall comply with the following standards:

- A. The site shall be located within the Shoreland Overlay district.
B. The guest cottage shall meet the requirements for guest cottages contained in *Section 10.2.12 B of this Ordinance*.

6.22 Home Extended Businesses

6.22.1 Performance standards

A home extended business shall comply with the following standards:

- A. The home extended business shall be clearly incidental and subordinate to the residential use of the property.
B. The home extended business shall be conducted only by persons residing on the premises. No person other than the residents of the premises shall be employed or engaged in such home extended business.
C. Operation of the home extended business shall be limited to the residential dwelling and accessory or agricultural buildings on the same parcel.
D. Areas used for the outdoor display or storage of goods, equipment, vehicles, or other materials used for the home extended business shall be located to the rear of the structure and further buffered from adjacent residential uses with landscaping, fencing or other acceptable methods of screening in accordance with *Section 7.19 of this Ordinance*.
E. The home extended business shall not generate excessive customer or client traffic that is detrimental to the character of the surrounding properties.
F. There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line.
G. The home extended business shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.
H. The home extended business at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.
I. Signs shall meet the requirements of *Section 7.20 of this Ordinance*.
J. Parking shall meet the requirements of *Section 7.15 of this Ordinance*.

6.23 Home Occupations

6.23.1 Performance standards

A Home occupation use shall comply with the following standards:

- A. The home occupation shall be clearly incidental and subordinate to the residential use of the property.

- B. The home occupation shall be conducted only by persons residing on the premises. No person other than the residents of the premises shall be employed or engaged in such home occupation.
- C. Operation of the home occupation shall be limited to the residential dwelling and any attached garage.
- D. The use of any accessory or agricultural buildings for storage or business activity is prohibited.
- E. The outdoor display or storage of goods, equipment or other materials used for the home occupation is prohibited.
- F. The home occupation shall not generate excessive customer or client traffic that is detrimental to the character of the surrounding properties.
- G. There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line.
- H. The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.
- I. The home occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.
- J. Signs shall meet the requirements of *Section 7.20 of this Ordinance*.
- K. Parking shall meet the requirements of *Section 7.15 of this Ordinance*.

6.24 Hunting Clubs, Shooting Preserves and Shooting Ranges

6.24.1 Performance Standards for Shooting Ranges

- A. Shooting ranges shall be subject to the administrative provisions of *Section 4.8 of this Ordinance*.
- B. The minimum size lot for each type of shooting range is listed below, including direct fire zone and/or shotfall zone, safety zone and ricochet zone, subject to the installation of additional baffles.
 - (1) High power Rifle.
 - (a) Minimum range length: 5,500 yards
 - (b) Minimum range width: 3,500 yards
 - (c) Minimum acreage: 3,800 acres
 - (2) Shotgun
 - (a) Minimum range length: 300 yards
 - (b) Minimum range width: 400 yards
 - (c) Minimum acreage: 40 acres
 - (3) Other range types are subject to the *National Rifle Association Range Sourcebook, 1997; or successor sourcebook*.
- C. The range sizes listed in *6.23.1 A of this Ordinance* may be lessened through the use of baffles and berms along the sides, the end and throughout the firing range and/or shotfall zone. Baffles and berms shall meet or exceed the standards listed in the *NRA Range Sourcebook 1997; or successor sourcebook*, to qualify for a reduction in range size.
- D. No part of any shooting range may be located within 500 feet of any residential dwelling, commercial or industrial building or other structure used for human occupancy.
- E. Signs shall meet the requirements of *Section 7.20 of this Ordinance*.

- F. Parking shall meet the requirements of *Section 7.15 of this Ordinance*.
- G. All shooting ranges shall comply with the minimum standards for range design, location, management, operation, noise abatement and safety listed in the *National Rifle Association Range Sourcebook, 1997; or successor sourcebook*.

6.24.2 Performance Standards for Hunting Clubs and Shooting Preserves

- A. Hunting clubs and shooting preserves shall be subject to the administrative provisions of *Section 4.8 of this Ordinance*.
- B. Hunting clubs and shooting preserves shall be subject to the standards set forth in *Minnesota Statutes, section 97A.115; or successor statutes*, and *Minnesota Rules, chapter 6242; or successor rules*.
- C. A detailed site plan showing the following features shall be submitted with any application for a hunting club or shooting preserve:
 - (1) Property lines
 - (2) Wetland boundaries for wetlands within the property.
 - (3) Adjacent residences and structures within 500 feet of the property line.
 - (4) A topographic map of the property at a scale to be determined by the Department.
 - (5) Proposed parking areas, locations of proposed signs and the location of existing and proposed structures.
 - (6) Layout of proposed hunting areas.
- D. Firearms shall not be discharged within 500 feet of a residential dwelling.
- E. There shall be no discharge of lead shot into any wetland.
- F. Signage shall be subject to *Section 7.20 of this Ordinance* and parking shall be subject to *Section 7.15 of this Ordinance*.
- G. The Planning Commission may establish such other conditions it deems necessary to protect the public health, safety and welfare including, but not limited to, hours and days of operation, sanitation requirements, screening, landscaping, fencing, setbacks and density of uses.

6.25 Junk and Salvage Operations

6.25.1 MPCA Motor Vehicle Salvage Facility Environmental Compliance Manual Adopted by Reference

All junk and salvage operations shall comply with the minimum standards for operation, safety, storage and all waste management as listed in the *MPCA Motor Vehicle Salvage Facility Environmental Compliance Manual, Second Addition, April 1998; or successor manual*.

6.25.2 Performance Standards

New junk and salvage operations shall be subject to the administrative provisions of *Section 4.8 of this Ordinance*. Both new and existing junk and salvage operations shall be subject to the following performance standards:

- A. The facility shall be served by a minor collector or higher functional classification of roadway.
- B. The use shall comply with all applicable Federal, State and County rules and regulations.

- C. Buildings, parking areas, loading areas and any exterior storage, including but not limited to, vehicles, hulks, salvaged materials, salvaged parts, waste materials, items for resale or items for disposal, shall meet the setback requirements of the applicable zoning district.
- D. Parking shall meet the requirements of *Section 7.15 of this Ordinance*.
- E. A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
- F. No vehicles or vehicle parts may be placed within the public right-of-way or on public property.
- G. The facility shall be fenced and fully screened from adjacent land uses and public roadways in accordance with *Section 7.19 of this Ordinance*. Screening shall be at least 8 feet in height, 80% opaque year around.
- H. Exterior storage of vehicles, hulks, salvaged materials, salvaged parts, waste materials, items for resale or items for disposal shall be limited to a maximum height of 12 feet above grade provided that screening in accordance with *Section 7.19 of this Ordinance* to a height of 12 feet is also provided.
- I. The County shall be notified of any hazardous materials stored on site. Storage of hazardous materials shall comply with all local, state and federal requirements.
- J. An environmental management plan, including a storm water and drainage plan shall be submitted to address the impact of the facility on the environment.
- K. Any outdoor lighting system shall comply with the requirements of *Section 7.10 of this Ordinance*.
- L. The grounds and all structures shall be maintained in a clean and safe manner.
- M. One caretaker residence may be allowed. The residence is to be used strictly for the caretaker and his/her family members. The caretaker residence shall be accessed via the access road to the junk and salvage operation.
- N. The salvage facility operator shall keep a written record of all vehicles received, date when received, date when fluids were removed and date when vehicles were removed from the facility. The record shall also include the Vehicle Identification Number (VIN) and manufacturer's name. Each record shall be initiated the day that the vehicle is received at the site.
- O. All fluids, including but not limited to motor oil, transmission and/or transfer case lubricants, differential lubricants, fuel, antifreeze, refrigerants and window washing fluids shall be removed from the vehicle, within three (3) days of receipt of the vehicle at the salvage facility.
- P. All lead acid batteries, mercury containing devices and other hazardous materials shall be removed from the vehicle, within three (3) days of receipt of the vehicle at the salvage facility.
- Q. Vehicles that are not to be used for salvage and are kept intact for resale, and recorded in the facility records for such purposes, are exempt from the requirements of *Sections 6.24.2 O and P of this Ordinance*, for 180 days of receipt of said vehicle.

- R. Onsite disposal or burning of trash, refuse, garbage or other waste materials is prohibited. Salvage of materials by, fire, burning, explosives or chemical decomposition is prohibited.
- S. Owners of a vehicle salvage facility shall submit a written report to the Department by March 1 of each year. The report shall include the number of vehicles stored onsite for salvage, vehicles stored onsite for resale, an inventory of fluids, lead acid batteries, refrigerants, mercury containing devices and other hazardous materials collected and how the materials collected were disposed of. A copy of the facility's written record for vehicles as required in *Section 6.24.2 N of this Ordinance* shall be attached to the report.
- T. Junk yards and salvage operations shall be subject, as a minimum, to an annual inspection by the Department.
- U. Signs shall meet the requirements of *Section 7.20 of this Ordinance*.
- V. Holding or Staging Areas. Vehicles stored in holding or staging areas shall be exempt from *Sections 6.24.2 O. and P. of this Ordinance* for a period of 120 days. The holding or staging area designated to temporarily store vehicles before processing shall not exceed storage for a maximum of 85 vehicles. The holding or staging area shall have an impervious surface constructed of concrete, bituminous surface or eight (8) inches of compacted Class 5 gravel. The area shall be curbed or diked to a minimum of six (6) inches above the impervious surface to prevent precipitation from running off the holding or staging area. As an option to curbing, the holding or staging area may be sloped so that all precipitation is directed to the center of the holding or staging area. The center of the area shall be a minimum of eight (8) inches lower in elevation than the lowest edge of the holding or staging area.

6.26 Keeping of Animals

6.26.1 Performance Standards

- A. Dogs, or domestic pets over six (6) months of age, will be limited to four (4) in the T-20, R-20, R-10, R-5, RT and R-1 districts.
- B. The keeping of Regulated Animals as defined in *Minnesota Statutes 2006, 346.155; or successor statutes* shall only be allowed in accordance with *Minnesota Statutes 2006, section 346.155; or successor statutes*. Owners of Regulated Animals shall register with the Stearns County Sheriff.
- C. Owners of Petting Zoos shall be licensed and registered by the USDA Animal and Plant Health Inspection Service as required by the *Federal Animal Welfare Act Title 7 Chapter 54 §2133*.

6.27 Kennels, Commercial

6.27.1 Performance standards

A kennel may be allowed as a conditional use subject to the administrative requirements of *Section 4.8 of this Ordinance* and the following standards:

- A. The use shall comply with all applicable Federal, State and County rules and regulations.

- B. Structures used for animal confinement require a minimum 100 foot setback from any property line and 500 feet from any residential dwelling, other than the applicants, that is existing at the time of application.
- C. On-site waste facilities shall be designed to accommodate all waste generated from kennels including hosing and cleanup.
- D. Kennel facilities shall be designed to accommodate winter boarding including adequate heating, ventilation and lighting.
- E. All outdoor kennel facilities shall provide adequate shelter from the elements including sunlight, rain, snow and cold weather.
- F. Kennel facilities shall be adequately drained and maintained in a healthful manner.
- G. Signs shall meet the requirements of *Section 7.20 of this Ordinance*.

6.28 Kennels, Private

A kennel may be allowed as an accessory use subject to the following standards:

6.28.1 Performance Standards:

- A. Structures used for animal confinement shall meet the setback requirements of the applicable zoning district.
- B. Kennel facilities shall be designed to accommodate winter boarding including adequate heating, ventilation and lighting
- C. All outdoor kennel facilities shall provide adequate shelter from the elements including sunlight, rain, snow and cold weather.
- D. Kennel facilities shall be adequately drained and maintained in a healthful manner.

6.29 Licensed Day Care Facilities (Nonresidential Programs)

6.29.1 Performance Standards

A licensed day care facility shall comply with the following standards:

- A. The building and any exterior fenced areas shall meet the setback standards for a single family residence in the district in which it is located.
- B. The use shall comply with all applicable Federal, State and County rules and regulations.
- C. For child day care facilities, at least 50 square feet of outside play area shall be provided for each child under care. The play area location and fencing is subject to the licensing requirements of Stearns County Human Services Department.
- D. For adult day care facilities, at least 150 square feet of outdoor area for seating or exercise shall be provided for each adult under care.
- E. The grounds and building shall be maintained in a clean and safe manner.
- F. When the day care facility is located in a church or school building originally constructed for use as a church or school, the use shall be treated as an accessory use.
- G. Signs shall meet the requirements of *Section 7.20 of this Ordinance*.

6.29.2 Additional Standards for Commercial Recreation district

A licensed day care facility in a Commercial Recreation district may be allowed as a conditional use subject to the administrative requirements of *Section 4.8 of this Ordinance* and the following standards:

- A. The building and any exterior fenced areas shall meet the setback standards for a principal building.
- B. The parcel shall have a lot area no less than four times the area of the building footprint.
- C. The building, parking areas and play areas shall be buffered from adjacent residential uses with landscaping, fencing or other acceptable methods of screening in accordance with *Section 7.19 of this Ordinance*.
- D. An off-street passenger loading area shall be provided in order to maintain vehicular and pedestrian safety and meet the requirements of *Section 7.15 of this Ordinance*.

6.29.3 License Required

The facility shall be licensed by the appropriate State and/or County agencies.

6.30 Licensed Group Family Day Care Facility (Nonresidential Program)**6.30.1 Performance Standards**

A licensed group family day care facility shall comply with the following standards:

- A. The building and any exterior fenced areas shall meet the setback standards for a single family residence in the district in which it is located.
- B. The use shall comply with all applicable Federal, State and County rules and regulations.
- C. The exterior appearance of the structure shall not be altered from its single-family character.
- D. For child day care facilities, at least 50 square feet of outside play area shall be provided for each child under care.
- E. For adult day care facilities, at least 150 square feet of outdoor area for seating or exercise shall be provided for each adult under care.
- F. Signs shall meet the requirements of *Section 7.20 of this Ordinance*.
- G. Parking shall meet the requirements of *Section 7.15 of this Ordinance*.

6.30.2 License Required

The facility shall be licensed by the appropriate State and/or County agencies.

6.31 Licensed Residential Care Facility (Residential Program)**6.31.1 Performance Standards**

A licensed residential care facility shall comply with the following standards:

- A. The building and any exterior fenced areas shall meet the setback standards for a single family dwelling in the district in which it is located.
- B. The exterior appearance of the structure shall not be altered from its single family residential character.

- C. The use shall comply with all applicable Federal, State and County rules and regulations.
- D. The primary purpose of the facility cannot be 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.
- E. The facility shall not provide accommodations to treat persons whose tenancy would constitute a direct threat to the health and safety of other individuals.
- F. The facility cannot accept court ordered referrals for treatment in lieu of incarceration without adequate security.
- G. Signs shall meet the requirements of *Section 7.20 of this Ordinance*.
- H. Parking shall meet the requirements of *Section 7.15 of this Ordinance*.

6.31.2 License Required

The facility shall be licensed by the appropriate State agency.

6.32 Limited Rural Business

6.32.1 Performance Standards

A limited rural business shall be subject to the administrative requirement of *Section 4.8 of this Ordinance* and the following standards:

- A. The limited rural business shall be clearly incidental and subordinate to the residential use of the property.
- B. The limited rural business shall be operated primarily by a person or persons residing on the premises. No more than four non-resident employees may be engaged in the conduct of the limited rural business on the premises at any one time on a regular basis. For purposes of this provision, non-resident employees shall only include employees, business partners, independent contractors or other persons affiliated with the limited rural business working at the site as part of the limited rural business.
- C. Operation of the limited rural business shall be limited to the residential dwelling and accessory or agricultural buildings on the same parcel.
- D. The outdoor display or storage of goods, equipment or other materials used for the limited rural business may be allowed, subject to the provisions of *Sections 6.37 and 6.38 of this Ordinance*.
- E. The limited rural business shall not generate excessive customer or client traffic that is detrimental to the character of the surrounding properties.
- F. There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line.
- G. The limited rural business shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.
- H. The limited rural business on a site with an on-site sewage treatment system shall only generate normal domestic household waste. All other wastes shall be subject to local, state and federal laws, rules, regulations and ordinances.
- I. Off-street parking shall be provided for any non-resident employees in a manner that does not significantly change the agricultural or residential

character of the property. In addition, the parking requirements of *Section 7.15 of this Ordinance* shall be met.

- J. Signs shall meet the requirements of *Section 7.20 of this Ordinance*.

6.33 Manufacturing, General

6.33.1 Performance Standards

A general manufacturing facility shall be subject to the following standards:

- A. The site shall be served by a minor arterial or higher functional class of roadway, except that the proposed use may be served by a lesser functional class of roadway if the responsible road authority grants written permission for such use at the proposed location.
- B. The parcel shall have a lot area no less than four times the area of the building footprint.
- C. The use shall comply with all applicable local, state and federal laws, rules, regulations and ordinances.
- D. Buildings, parking areas, loading areas and any exterior storage shall meet the setback requirements of this Ordinance.
- E. Parking shall meet the requirements of *Section 7.15 of this Ordinance*.
- F. All parking areas, loading areas and access drives to parking and loading areas shall be hard surfaced.
- G. A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
- H. The facility shall comply with local, state and federal laws, rules, regulations and ordinances.
- I. Outdoor storage areas may be allowed as an accessory use provided they are located to the rear of the structure, fenced and adequately screened from adjacent land uses and public roadways in accordance with *Section 7.19 of this Ordinance*. Screening shall be at least 8 feet in height, 80% opaque year round, and of neutral colored material and/or vegetation.
- J. There shall be no hazardous waste runoff. Storage of hazardous waste shall comply with all applicable local, state and federal laws and regulations.
- K. All loading and unloading facilities shall be located on the rear or side of the structure and be screened from view from all public roadways and adjacent residential uses in accordance with *Section 7.19 of this Ordinance*.
- L. An environmental management plan, including a water and sewer management plan to address the use of water and the treatment of waste on-site and a storm water and drainage plan shall be submitted to address the impact of the facility on the environment.
- M. The hours of operation shall not have a adverse impact on adjacent property owners.
- N. Signs shall meet the requirements of *Section 7.20 of this Ordinance*.

6.34 Manufacturing, Light

6.34.1 Performance standards

A light manufacturing facility shall be subject to the following standards:

- A. The site shall be served by a minor arterial or higher functional class of roadway, except that the proposed use may be served by a lesser functional class of roadway if the responsible road authority grants written permission for such use at the proposed location.
- B. The parcel shall have a lot area no less than four times the area of the building footprint.
- C. The facility and use shall comply with all local, state and federal laws, rules, regulations and ordinances.
- D. Buildings, parking areas, loading areas and any exterior storage shall meet the setback requirements of this Ordinance.
- E. Parking shall meet the requirements of *Section 7.15 of this Ordinance*.
- F. All parking areas, loading areas, and access drives to parking and loading areas shall be hard surfaced.
- G. A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
- H. There shall be no hazardous waste runoff. Storage of hazardous waste shall comply with all local, state and federal laws, rules, regulations and ordinances.
- I. Outdoor storage areas may be allowed as an accessory use provided they are located to the rear of the structure, fenced and adequately screened from adjacent land uses and public roadways in accordance with *Section 7.19 of this Ordinance*. Screening shall be at least 8 feet in height, 80% opaque year around, and be of neutral colored material and/or vegetation.
- J. All loading and unloading facilities shall be located on the rear or side of the structure and be screened from view from all public roadways and adjacent residential uses in accordance with *Section 7.19 of this Ordinance*.
- K. A retail sales area may be allowed as an accessory use provided that sales are limited to the sale of goods produced on-site and the retail sales area does not occupy more than 20 percent of the structure.
- L. An environmental management plan, including a water and sewer management plan to address the use of water and the treatment of waste on-site and a storm water and drainage plan shall be submitted to address the impact of the facility on the environment.
- M. The hours of operation shall be reasonable and shall not have an adverse impact on adjacent property owners.
- N. Signs shall meet the requirements of *Section 7.20 of this Ordinance*.

6.35 Migrant and/or Seasonal Worker Temporary Dwelling Unit

A Migrant and/or Seasonal Worker Temporary Dwelling Unit may be allowed as an interim use subject to the administrative provisions of *Section 4.18 of this Ordinance* and the following standards:

6.35.1 Performance Standards

- A. A Migrant and/or Seasonal Worker Temporary Dwelling Unit shall be located upon the property that employs the migrant and/or seasonal worker.
- B. Occupancy is limited to 8 months of each year.

- C. Migrant and/or Seasonal Worker Temporary Dwelling Unit, whether site built or manufactured dwelling unit shall meet all requirements of this Ordinance and applicable State of Minnesota manufactured housing codes, and any applicable local building codes in effect at the time of construction.
- D. All buildings used for migrant and/or seasonal temporary dwelling units shall have a permanent, continuous perimeter foundation.
- E. Occupancy per unit is limited to standards established by the State of Minnesota and the local Fire Department Official.
- F. Sanitary sewage disposal facilities and potable water systems shall be subject to review and approval by the Department. Such facilities shall comply with all local, state and federal laws, rules, regulations and ordinances.
- G. Severe weather shelters shall be provided and designed in accordance with *Section 4.20 of Stearns County Ordinance Number 203; or successor ordinance.*
- H. Site and structural improvements (parking, recreation space, site layout, etc.) as applicable, shall be determined by the Planning Commission.
- I. A Migrant and/or Seasonal Worker Temporary Dwelling Unit shall not be considered in the calculation of any residential density determination as set forth in this Ordinance.

6.36 Motor Vehicle Repair

6.36.1 Performance standards

Except as provided in *Section 9.11.2 and Section 9.12.2 of this Ordinance*, a motor vehicle repair facility may be allowed as a conditional use subject to the administrative provisions of *Section 4.8 of this Ordinance*, and the following standards:

- A. The use shall comply with all applicable local, state, and federal, laws, rules, regulations and ordinances.
- B. Buildings and vehicle storage areas shall meet the setback requirements of this Ordinance.
- C. There shall be no hazardous waste runoff. Storage of hazardous waste shall comply with all applicable local, state and federal laws, rules, regulations and ordinances.
- D. Only vehicles owned by employees or customers awaiting service are allowed to be parked on site. Parking shall meet the requirements of *Section 7.15 of this Ordinance.*
- E. The storage of salvage vehicles is only permitted when the salvage vehicles are stored in an area screened in accordance with the requirements of *Section 6.24.2 G of this Ordinance.*
- F. All areas used for storage or trash disposal shall be fully screened from adjacent land uses and public roadways in accordance with *Section 7.19 and 7.28 of this Ordinance.* Screening shall be at least 6 feet in height, 80% opaque year round, and of neutral colored material and/or vegetation.
- G. Any outdoor lighting system shall comply with the requirements of *Section 7.10 of this Ordinance.*
- H. The outdoor storage of hazardous materials shall be prohibited.

- I. The grounds and all structures shall be maintained in a clean and safe manner.
- J. An environmental management plan, including a water and sewer management plan to address the use of water and the treatment of waste on-site and a storm water and drainage plan shall be submitted to address the impact of the facility on the environment.
- K. Signs shall meet the requirements of *Section 7.20 of this Ordinance*.
- L. The owner or operator may be required to submit a financial guarantee to the County to ensure compliance with the conditional use permit and the closure requirements.
- M. The outdoor storage of motor vehicle parts is prohibited, unless the vehicle parts are stored in an area screened in accordance with the requirements of *Section 6.24.2 G of this Ordinance*. Vehicle parts shall not be stored for a period longer than 90 days in an area screened in accordance with the requirements of this Section.

6.37 Outdoor Paintball Courses

6.37.1 Performance Standards

Outdoor paintball course are subject to the administrative provisions of *Section 4.8 of this Ordinance* and the following standards:

- A. Paintball shall be defined as any game or event that involves using guns or devices that shoots capsules of paint or dye.
- B. The parcel shall have a minimum lot size of 10 acres.
- C. The outdoor paintball course shall be setback a minimum of 200 feet from all property lines and a minimum of 300 feet from any residential dwellings.
- D. Paint and balls used shall be non-toxic and of a type non-harmful to the environment.
- E. Screening of the facility from neighboring homes shall be required in accordance with *Section 7.19 of this Ordinance*.
- F. Information shall be submitted to the Department regarding the paintball course, sanitary facilities and waste disposal, lighting and hours of operation and other issues relevant to the proposed use.
- G. A transportation management plan shall be submitted to address off-street parking, the mitigation of overflow parking, traffic circulation, traffic control and the impact of the facility on surrounding roadways.
- H. All structures shall meet the setback requirements of this Ordinance.
- I. Parking shall meet the requirements of *Section 7.15 of this Ordinance*.
- J. Signs shall meet the requirements of *Section 7.20 of this Ordinance*.
- K. The use shall comply with all applicable local, state and federal laws, rules, regulations and ordinances.

6.38 Outdoor Recreation Facilities

6.38.1 Performance Standards

Outdoor recreation facilities are subject to the following standards:

- A. Information shall be submitted to the Department regarding the recreational facility, sanitary facilities and waste disposal, lighting and hours of operation, and other issues identified as relevant to the proposed use.
- B. The site shall adequately accommodate the recreational use.
- C. A transportation management plan shall be submitted to address off-street parking, the mitigation of overflow parking, traffic circulation, traffic control, and the impact of the facility on surrounding roadway.
- D. All buildings and structures shall meet the setback requirements of this Ordinance.
- E. No overnight accommodations shall be provided.
- F. A grading and drainage plan shall be submitted.
- G. Parking shall meet the requirements of *Section 7.15 of this Ordinance*.
- H. A water and sewer management plan shall be submitted to address the use of water and the treatment of waste on-site and the impact on the environment.
- I. One caretaker residence may be allowed. The residence is to be used strictly for the caretaker and his/her family members. The caretaker residence shall be accessed via the access road to the recreation facility.
- J. Signs shall meet the requirement of *Section 7.20 of this Ordinance*.

6.39 Outdoor Sales and Display

6.39.1 Performance standards

An outdoor sales and display use shall comply with the following standards:

- A. The outdoor sales and display use shall be accessory to a commercial use.
- B. Outdoor sales and display areas shall meet all setback requirements of this Ordinance.
- C. All goods or materials shall be displayed in a designated area.
- D. The grounds and any structures shall be maintained in a clean, orderly and safe manner.
- E. The outdoor sales and display area shall not reduce the amount of parking provided on site below the level required for the principal use.
- F. Hazardous materials cannot be stored in an outdoor sales and display area.

6.40 Outdoor Storage

6.40.1 Performance standards

An outdoor storage use shall comply with the following standards:

- A. The outdoor storage use shall be accessory to a limited rural business, an agriculturally oriented business, a commercial use or an industrial use.
- B. Outdoor storage areas shall meet all setback requirements of the underlying zoning district.
- C. Outdoor storage areas shall be limited to the rear or side yard locations and at no time shall storage material extend beyond the front building line of the principal structure.
- D. The grounds and any structures shall be maintained in a clean, orderly and safe manner.
- E. Hazardous materials cannot be stored in an open and outdoor storage area.

- F. The storage area shall be fenced and adequately screened from adjacent land uses and public roadways in accordance with *Section 7.19 of this Ordinance*. Screening shall be at least 8 feet in height, 80% opaque year round, and of neutral colored material and/or vegetation.

6.41 Recreational Vehicle Parks

6.41.1 Performance Standards

Recreational vehicle parks are subject to the administrative provisions of *Section 4.8 of this Ordinance* and the following standards:

- A. The site shall be served by a minor collector or higher functional classification of roadway.
- B. The use shall comply with all applicable local, state and federal laws, rules, regulations and ordinances.
- C. A transportation management plan shall be submitted to address off-street parking, traffic control and the impact of the facility on surrounding roadway. In addition, parking shall meet the requirements of *Section 7.15 of this Ordinance*.
- D. A water and sewer management plan shall be submitted to address the use of water and the treatment of waste on-site and the impact on the environment.
- E. Recreational vehicle site density shall be subject to the limitations contained in *Stearns County Ordinance Number 187; or successor ordinance* and *Section 10.2 of this Ordinance*.
- F. All recreational vehicle/camp sites shall have direct access to an internal circulation roadway.
- G. The storage, use or occupancy of manufactured homes in a recreational vehicle park is prohibited.
- H. At least 25% of the Recreational Vehicle Park area shall be dedicated as permanent open space which may be used for passive or active recreation. Roads shall not be used to calculate the required open space.
- I. All buildings, structures, recreational vehicles and parking areas shall meet the setback requirement of the applicable zoning district.
- J. Recreational vehicle parks located within the Shoreland Overlay district shall also meet the provisions of *Section 10.2 of this Ordinance*.
- K. One caretaker residence may be allowed. The residence is to be used strictly for the caretaker and his/her family members. The caretaker residence shall be accessed via the access road to the recreation facility.
- L. Signs shall meet the requirements of *Section 7.20 of this Ordinance*.

6.41.2 License Required

Recreational vehicle parks shall be licensed by the Department and shall meet the requirements of *Stearns County Ordinance 187; or successor ordinance*.

6.42 Recycling Centers

6.42.1 Performance Standards

A new recycling center shall be subject to the administrative provisions of *Section 4.8 of this Ordinance*. Both new and existing recycling centers are subject to the following standards:

- A. The site shall be served by a minor arterial or higher functional class of roadway.
- B. The parcel shall have a lot area no less than four times the area of the building footprint.
- C. The use shall comply with all applicable local, state and federal laws, rules, regulations and ordinances.
- D. All processing equipment shall be enclosed within a structure.
- E. Outdoor storage of non-putrescible and recyclable materials may be allowed provided the materials are stored in a covered container.
- F. Outdoor storage areas shall be hard surfaced and screened from view of public roadways and adjacent uses in accordance with *Section 7.19 of this Ordinance*. Screening shall be at least 8 feet in height, 80% opaque year round, and of neutral colored material and/or vegetation.
- G. There shall be no hazardous material runoff.
- H. An all-weather hard surfaced road shall be provided from the entrance gate of the facility to loading and unloading areas.
- I. Parking shall meet the requirements of *Section 7.15 of this Ordinance*.
- J. All parking areas and access drives to parking areas shall be hard surfaced.
- K. A water and sewer management plan and stormwater management plan shall be submitted to address the use of water and the treatment of waste on-site and the impact on the environment
- L. Access to the site shall be controlled to prevent unauthorized dumping.
- M. In the event the business ceases operation, the owner or operator shall close the recycling center in a manner that prevents the escape of pollutants to ground water or surface waters, to soils or to the atmosphere during post closure periods and in accordance with all local, state and federal laws, rules, regulations and ordinances.
- N. The owner or operator may be required to submit a financial guarantee to the County to ensure compliance with any conditional use permit or closure requirement. A financial guarantee in the form of a bond, insurance policy, escrow account or other accepted alternative.
- O. Signs shall meet the requirements of *Section 7.20 of this Ordinance*.

6.43 Schools – Public or Private

6.43.1 Performance Standards

A school use shall be subject to the following performance standards:

- A. The site shall be served by a minor arterial or higher functional class of roadway.
- B. The parcel shall have a lot area no less than four times the area of the building footprint.
- C. The use shall comply with all applicable local, state and federal laws, rules, regulations and ordinances.

- D. A transportation management plan shall be submitted to address off-street parking, bus loading and unloading, traffic control and the impact of the facility on surrounding roadways.
- E. An environmental management plan, including a water and sewer management plan to address the use of water and the treatment of waste on-site and a storm water and drainage plan shall be submitted to address the impact of the facility on the environment.
- F. Parking shall meet the requirements of this *Section 7.15 of this Ordinance*.
- G. All parking areas, bus loading and unloading areas, delivery areas and access roads to any of these areas shall be hard surfaced.
- H. To the extent possible, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings, and exterior materials shall be compatible with those used in the immediate neighborhood.
- I. All accessory residential or day care uses are subject to the provisions of this Ordinance.
- J. Signs shall meet the requirements of *Section 7.20 of this Ordinance*.

6.44 Seasonal Produce Sales Stands

6.44.1 Performance Standards

Seasonal produce sales stands shall comply with the following standards:

- A. No sale of product shall take place in the public right-of-way of any Federal, State, County or Township roadway.
- B. Any temporary structure placed on the property for seasonal produce sales shall be removed at the end of the selling season. The size of the temporary structure shall not exceed 120 square feet.
- C. All structures, including temporary structures, shall meet the minimum setback requirements of the district in which it is located.

6.45 Service Station and/or Convenience Store

6.45.1 Performance standards

Service stations and/or convenience stores shall be subject to the administrative provisions of *Section 4.8 of this Ordinance* and the following standards:

- A. The parcel shall have a lot area no less than four times the area of the building footprint.
- B. The use shall comply with all applicable local, state and federal laws, rules, regulations and ordinances.
- C. Buildings, canopies and pump islands shall meet the setback requirements of the applicable zoning district.
- D. A minimum landscape buffer of 25 feet in width shall be planted and maintained along all abutting public rights-of-way.
- E. There shall be no hazardous material runoff.
- F. Wherever fuel pumps are installed, pump islands shall be installed.
- G. A transportation management plan shall be submitted to address off-street parking, loading and unloading, traffic control, and the impact of the facility on surrounding roadways.

- H. An environmental management plan, including a water and sewer management plan to address the use of water and the treatment of waste on-site and a storm water and drainage plan shall be submitted to address the impact of the facility on the environment.
- I. Only vehicles owned by employees or customers awaiting service are allowed to be parked on site. Parking shall meet the requirements of *Section 7.15 of this Ordinance*.
- J. The storage of salvage vehicles is prohibited.
- K. Any outdoor lighting system shall be designed so as to prevent any undue light from being directly visible from a public right-of-way or an adjacent residential use and meet the requirements of *Section 7.10 of this Ordinance*.
- L. All areas used for storage or trash disposal shall be fully screened from adjacent land uses and public roadways in accordance of *Section 7.19 and 7.28 of this Ordinance*.
- M. The storage of hazardous materials and/or motor vehicle parts shall be prohibited.
- N. The grounds and all structures shall be maintained in a clean and safe manner.
- O. Signs shall meet the requirements of *Section 7.20 of this Ordinance*.

6.46 Solar Farms

6.46.1 Comprehensive Plan Reference

The purpose of this section is to set forth a process for permitting large solar energy conversion systems or solar energy farms. Stearns County has determined that development of solar energy is in the public interest and consistent with the Comprehensive Plan, including the following goals:

- A. Natural Resource Plan, Goal 2, Objective 4: Encourage use of renewable energy systems, including wind energy and solar energy, which reduce the footprint of development on local and global natural systems.
- B. Economic Development Plan, Goal 3, Objective 3: Encourage and promote the use of “green” architecture design principles that minimize impacts to the natural and cultural environments and reduce long-run risk to business.

6.46.2 Performance Standards

Solar Farms shall be subject to the administrative requirements of *Section 4.8 of this Ordinance* and the following performance standards:

- A. Solar farms, which are multiple solar panels on ground-mounted racks or poles, having between 100 and 700 KW of rated capacity, not located on or incorporated into an existing building or qualifying as an accessory structure, and covering no more than five (5) acres of land, shall be allowed as a conditional use in the EE zoning district. The primary use of energy generated on the solar farm must be to serve a permitted use in the EE district on, or adjacent to, the solar farm.
- B. Solar farms shall meet the requirements of *Section 7.21 of this Ordinance*.
- C. Solar farms shall meet the requirements of *Section 7.5 of this Ordinance*.

- D. The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.
- E. All solar farms shall be in compliance with any applicable local, state and federal regulatory standards, including the State of Minnesota Uniform Building Code, as amended; and the National Electric Code, as amended.
- F. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the Department in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.

6.46.3 Application requirements

The following information shall be provided to the Department prior to issuance of the conditional use permit:

- A. Site Plan of Existing Conditions
 - (1) Existing property lines and property lines extending 100 feet from the exterior boundaries, including the names of the adjacent property owners and current use of those properties
 - (2) Existing public and private roads, showing widths of the roads and any associated easements
 - (3) Location and size of any abandoned wells, sewage treatment systems and dumps
 - (4) Existing buildings and any impervious surface
 - (5) Topography at 2' intervals and source of contour interval, unless determined otherwise by the Department. A contour map of the surrounding properties may also be required
 - (6) Existing vegetation (list type and percent of coverage; i.e. grassland, plowed field, wooded areas, etc.)
 - (7) Waterways, watercourses, lakes and public water wetlands
 - (8) Delineated wetland boundaries for all wetlands located within the plat boundaries that are not public waters
 - (9) The 100-year flood elevation and Regulatory Flood Protection Elevation, if available
 - (10) Floodway, flood fringe, and/or general flood plain district boundary, if applicable
 - (11) The shoreland district boundary, if any portion of the project is located in a shoreland overlay district
 - (12) In the shoreland overlay district, the ordinary high water level and the highest know water level
 - (13) In the shoreland overlay district, the toe and top of any bluffs within the project boundaries
 - (14) Mapped soils according to the Stearns County Soil Survey
 - (15) Surface water drainage patterns
- B. Site Plan of Proposed Conditions
 - (1) Location and spacing of solar panels
 - (2) Location of access roads

- (3) Planned location of underground or overhead electric lines connecting the solar farm to the building, substation or other electric load
 - (4) New electrical equipment other than at the existing building or substation that is the connection point for the solar farm
 - (5) Proposed erosion and sediment control measures as required in *Section 7.5 of this Ordinance*
 - (6) Proposed stormwater management measures as required under *Section 7.21 of this Ordinance*
 - (7) Sketch elevation of the premises accurately depicting the proposed solar energy conversion system and its relationship to structures on adjacent lots (if any);
- C. Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks;
 - D. The number of panels to be installed;
 - E. A description of the method of connecting the panels to the on-site or nearby electric load in a permitted use;
 - F. A copy of the interconnection agreement with the local electric utility or a written explanation outlining why an interconnection agreement is not necessary;
 - G. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet the provisions of *Stearns County Solid Waste Ordinance Number 171; or successor ordinance*. The Board may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

6.47 Solid Waste Composting Facility

6.47.1 Performance Standards

A solid waste composting facility shall be subject to the administrative requirements of *Section 4.8 of this Ordinance* and the following performance standards:

- A. The site shall be served by a minor arterial or higher functional class of roadway.
- B. The parcel shall have a lot area no less than four times the area of the building footprint.
- C. The use shall comply with all applicable local, state, and federal laws, rules, regulations and ordinances.
- D. Buildings, parking areas, loading areas and any exterior storage shall meet the setback requirements of the underlying zoning district. In addition, the facility shall be located no less than 500 feet from an existing residential use and no less than 200 feet from a public water or public water/wetland.
- E. Outdoor storage of yard waste materials is allowed.

- F. Outdoor storage of solid waste material is not allowed unless the materials are stored in a covered container.
- G. Outdoor storage areas shall be screened from view of public roadways and adjacent uses in accordance with *Section 7.19 of this Ordinance*. Screening shall be at least 8 feet in height, 80% opaque year around and of neutral colored material and/or vegetation.
- H. Parking shall meet the requirements in *Section 7.15 of this Ordinance*.
- I. All parking areas and access drives to parking areas shall be hard surfaced.
- J. A water and sewer management plan shall be submitted to address the use of water and the treatment of waste on-site and the impact on the environment.
- K. A storm water management plan shall be submitted to address the collection, retention and drainage of storm water on site and the impact on the environment.
- L. Access to the site shall be controlled to prevent unauthorized dumping during non-business hours.
- M. The open burning and/or burying of waste is prohibited.
- N. The site shall be maintained in a clean and safe manner.
- O. Materials that are not composted shall be stored and removed from the site on a weekly basis.
- P. Signs shall meet the requirements in *Section 7.20 of this Ordinance*.
- Q. The placement and operation of Solid Waste Composting Facilities shall be prohibited in the Shoreland Overlay District.

6.48 Solid Waste Disposal Facilities and Transfer Stations

6.48.1 Performance Standards for Solid Waste Disposal Facilities

Solid waste disposal facilities and transfer stations shall be subject to the administrative requirements of *Section 4.8 of this Ordinance* and the following performance standards:

- A. The site shall be served by a minor arterial or higher functional class of roadway, except that the proposed use may be served by a lesser functional class roadway if the responsible road authority grants written permission for such use at the proposed location.
- B. The site shall be located at least 500 feet from any residential dwelling unit.
- C. The facility operator or owner shall submit information to the Department regarding the surroundings, any potential environmental hazard, sanitary facilities and waste disposal, lighting and hours of operation, and other issues identified as relevant to the proposed use.
- D. A transportation management plan shall be submitted to address off-street parking, loading and unloading, traffic control and the impact of the facility on surrounding roadways.
- E. The use shall comply will all applicable local, state and federal laws, rules, regulations and ordinances.
- F. Buildings, parking areas, loading areas and any exterior storage shall meet the setback requirements of the underlying zoning district.
- G. All loading and unloading facilities shall be located on the rear or side of the structure and be screened from view from all public roadways and adjacent residential uses in accordance with *Section 7.19 of this Ordinance*.

- H. Outdoor storage areas shall be hard surfaced and screened from view of public roadways and adjacent uses in accordance with *Sections 6.38 and 7.19 of this Ordinance*. Screening shall be at least 8 feet in height, 80% opaque year around, and of neutral colored wood and/or vegetation.
- I. A drainage system, reviewed and approved by the County, shall be installed to collect hazardous material run-off.
- J. An all-weather hard surfaced road shall be provided from the entrance gate of the facility to loading and unloading areas.
- K. Parking shall meet the requirements of *Section 7.15 of this Ordinance*.
- L. All parking areas, loading areas and access drives to parking and loading areas shall be hard surfaced.
- M. A water and sewer management plan shall be submitted to address the use of water and the treatment of waste on-site and the impact on the environment.
- N. An operations plan addressing air quality, dust management, sound attenuation and vibration dampening shall be submitted for approval.
- O. Access to the site shall be controlled to prevent unauthorized dumping.
- P. In the event that the facility ceases operation, the owner or operator shall close the facility in a manner that prevents the escape of pollutants to ground water or surface waters, to soils or to the atmosphere during post closure periods.
- Q. The owner or operator may be required to submit a financial guarantee to the County to ensure compliance with the permit and the closure requirements. A financial guarantee in the form of a bond, insurance policy, escrow account or other accepted alternative.
- R. Signs shall meet the requirements of *Section 7.20 of this Ordinance*.
- S. The placement and operation of Solid Waste Disposal Facilities shall be prohibited in the Shoreland Overlay District.

6.48.2 Performance Standards for Solid Waste Transfer Stations

- A. The site shall be served by a minor arterial or higher functional class of roadway, except that the proposed use may be served by a lesser functional class roadway if the responsible road authority grants written permission for such use at the proposed location.
- B. A transfer station shall have a lot area no less than four times the area of the building footprint. A disposal facility shall have sufficient lot area to meet all Federal, State and County laws, rules, regulations, ordinances or requirements.
- C. The facility operator or owner shall submit information to the Department regarding the surroundings, any potential environmental hazard, sanitary facilities and waste disposal, lighting and hours of operation, and other issues identified as relevant to the proposed use.
- D. A transportation management plan shall be submitted to address off-street parking, loading and unloading, traffic control and the impact of the facility on surrounding roadways.
- E. The use shall comply will all applicable local, state and federal laws, rules, regulations and ordinances.
- F. Buildings, parking areas, loading areas and any exterior storage shall meet the setback requirements of the underlying zoning district.

- G. All loading and unloading facilities shall be located on the rear or side of the structure or be screened from view from all public roadways and adjacent residential uses in accordance with *Section 7.19 of this Ordinance*.
- H. Transfer stations may store non-putrescible materials outside of the structure provided the materials are stored in a covered container.
- I. Outdoor storage areas shall be hard surfaced and screened from view of public roadways and adjacent uses in accordance with *Sections 6.38 and 7.19 of this Ordinance*. Screening shall be at least 8 feet in height, 80% opaque year around, and of neutral colored wood and/or vegetation.
- J. A drainage system, reviewed and approved by the County, shall be installed to collect hazardous material run-off.
- K. An all-weather hard surfaced road shall be provided from the entrance gate of the facility to loading and unloading areas.
- L. Parking shall meet the requirements of *Section 7.15 of this Ordinance*.
- M. All parking areas, loading areas and access drives to parking and loading areas shall be hard surfaced.
- N. A water and sewer management plan shall be submitted to address the use of water and the treatment of waste on-site and the impact on the environment.
- O. An operations plan addressing air quality, dust management, sound attenuation and vibration dampening shall be submitted for approval.
- P. Access to the site shall be controlled to prevent unauthorized dumping.
- Q. The owner or operator may be required to submit a financial guarantee to the County to ensure compliance with the permit and the closure requirements. A financial guarantee in the form of a bond, insurance policy, escrow account or other accepted alternative.
- R. Signs shall meet the requirements of *Section 7.20 of this Ordinance*.

6.49 Temporary Single Family Residential Dwelling Unit

6.49.1 Performance Standards for a Temporary Single Family Residential Dwelling Unit Accessory to an Agricultural Operation

A temporary single family residential dwelling unit accessory to an agricultural operation shall be subject to the administration requirements of *Section 4.18 of this Ordinance* and the following performance standards:

- A. The temporary single family residential dwelling unit shall be an accessory to an agricultural operation.
- B. The temporary single family residential dwelling unit shall be located in the existing farmyard.
- C. The temporary single family residential dwelling unit shall meet the setback requirements of the applicable zoning district.
- D. The temporary single family residential dwelling unit may only be occupied by persons who are engaged in the occupation of farming on the premises or a family member.
- E. The temporary single family residential dwelling unit shall use the existing road access drive of the principal dwelling.
- F. The temporary single family residential dwelling unit shall be connected to an approved on-site sewage treatment system.

- G. Any manufactured home to be used as a temporary single family residential dwelling unit shall be no less than 14 feet in width and shall bear a Seal of Compliance issued by the State of Minnesota.
- H. Upon termination of the interim use permit, the temporary single family residential dwelling unit shall be removed from the premises within 30 days.
- I. A temporary single family residential dwelling unit shall not be considered in the calculation of any residential density determination required by this Ordinance.
- J. A property shall only be allowed one temporary single family residential dwelling in accordance with *Section 6.35*, *Section 6.47.1* or *Section 6.47.2 of this Ordinance*. In no case shall more than one temporary single family residential dwelling unit be allowed on the same parcel.

6.49.2 Performance Standards for a Temporary Single Family Residential Dwelling Unit for Supportive Care

A temporary single family residential dwelling unit for supportive care shall be subject to the administration requirements of *Section 4.18 of this Ordinance* and the following performance standards:

- A. The temporary single family residential dwelling unit shall be accessory to the principal dwelling.
- B. The temporary single family residential dwelling unit shall be located in the existing building site.
- C. The temporary single family residential dwelling unit shall meet the setback requirements of the applicable zoning district.
- D. The occupant(s) of either the temporary single family residential dwelling unit or the permanent dwelling must be a family member as defined in *Section 3.2.78 of this Ordinance*.
- E. The applicant shall submit with the application and annually thereafter on a form provided by the County, a statement signed by a medical professional certifying that the occupant(s) of either the temporary single family dwelling unit or the permanent dwelling suffers from health problems that would necessitate supervised care and attention. The statement shall describe the need that makes it necessary for the family member to live on the same parcel.
- F. The dwelling shall be limited to a manufactured home, which shall be maintained as highway ready, and shall be removed when no longer needed as a residence. Highway ready shall mean having the manufactured home on wheels or having the internal jacking system attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks. The manufactured home shall have no permanent structural additions attached.
- G. The temporary single family residential dwelling unit shall use the existing road access drive of the principal dwelling.
- H. The temporary single family residential dwelling unit shall be connected to an approved on-site sewage treatment system.
- I. The mobile home shall be no less than 14 feet in width and shall bear a Seal of Compliance issued by the State of Minnesota.
- J. Upon termination of the interim use permit, the temporary single family residential dwelling unit shall be removed from the premises within 30 days.

- K. A temporary single family residential dwelling unit shall not be considered in the calculation of any residential density determination required this Ordinance.
- L. A property shall only be allowed one temporary single family residential dwelling in accordance with *Section 6.35, Section 6.48.1 or Section 6.48.2 of this Ordinance*. In no case shall more than one temporary single family residential dwelling unit be allowed on the same parcel.
- M. A temporary single family residential dwelling unit shall not be located a property that is zoned Residential 1 and located in the Shoreland Overlay District.

6.50 Temporary Use Sites in Licensed Resorts and Campgrounds

6.50.1 Performance Standards

Temporary use sites may be allowed within licensed resorts and campgrounds subject to the administrative requirements of *Section 4.22 of this Ordinance* and the following performance standards:

- A. The number of temporary use sites allowed shall not exceed 1 per every 10 sites for which the property is licensed.
- B. Temporary use sites may be allowed up to four times a year not to exceed four consecutive days per event. The temporary use sites shall remain vacant between designated events. The events and corresponding dates of use shall be designated by the applicant on the annual license application.
- C. For resorts/campgrounds within the shoreland overlay district, no temporary use sites shall be allowed within the first tier. Shoreland tier dimensions are outlined in *Section 10.2.23 G (1) of this Ordinance*.
- D. The sub-surface sewage treatment system(s) shall be designed and constructed to handle the addition of temporary use sites.
- E. A location of a dump station shall be designated.
- F. A to-scale drawing shall be submitted showing the proposed size and location of the temporary use sites in relation to the existing sites and other structures and facilities on the property.
- G. Lot coverage cannot exceed 25% with the addition of temporary use sites.
- H. Temporary use sites shall be limited to transient use only as defined in *Stearns County Ordinance Number 187; or successor ordinance*.
- I. There shall be no increase in the number or size of shore recreation facilities to accommodate the temporary use sites.

6.49.2 License Required

Temporary use sites in licensed resorts and campgrounds shall be subject to licensure by the County and shall meet the requirements of *Stearns County Ordinance Number 187; or successor ordinance*.

6.51 Vacation/Private Home Rental

6.51.1 Performance Standards

A Vacation/Private Home Rental shall be subject to the administrative requirements of *Section 4.18 of this Ordinance* and the following performance standards:

- A. Submittal of an application signed by the property owner and including the following: a current water test from an accredited laboratory with test results for nitrate-nitrogen and coliform bacteria, a compliance inspection of the existing sub-surface sewage treatment system and a to-scale drawing of the location and dimensions of the structure intended for licensing and all associated accessory structures, parking areas, shore recreation facilities and sewage treatment systems.
- B. The occupancy of a Vacation/Private Home Rental shall be limited to no more than two persons per bedroom plus two additional persons per building, not to exceed a maximum of 12 persons; or no more than 1 person for every 50 gallons of water per day that the building's sub-surface sewage treatment system is designed to handle, whichever is less.
- C. Parking shall meet the requirements of *Section 7.15 of this Ordinance*. Designated parking areas shall be off-street parking.
- D. On premise signs are prohibited.
- E. The Vacation/Private Home Rental shall be connected to an approved sub-surface sewage treatment system. The sub-surface sewage treatment system shall be designed and constructed with a design flow of 50 gallons of water per person per day to handle the maximum number of guests for which the facility is permitted. The sub-surface sewage treatment system shall include a flow measurement device. Flow measurement readings and monitoring of the sub-surface sewage treatment system shall be recorded monthly and records shall be made available to the Department upon request. The use of holding tanks for Vacation/Private Home rental units shall be prohibited.
- F. Rental of recreational vehicles shall not be allowed.
- G. The Planning Commission may impose conditions that will reduce the impact of the proposed use on neighboring properties and nearby waterbodies. Said conditions may include but not be limited to a fence or vegetative screening along a property line or a native buffer along the shoreline.
- H. The owners of Vacation/Private Home Rentals shall ensure that the noise standards of *Minnesota Rules, chapter 7030; or successor rules*, are met. The Planning Commission may impose a quiet hours standard in order to assist in achieving this goal and to reduce the potential impacts on neighboring properties.
- I. The owners of Vacation/Private Home Rentals shall, at a minimum, comply with *Minnesota Statutes, chapter 504B; or successor statute* and make available to all tenants the Minnesota Attorney General's annual statement summarizing the significant legal rights and obligations of landlords and residential tenants, as described in *Minnesota Statutes, section 504B.275; or successor statute*.
- J. The licensee shall keep a report, detailing use of the home by recording, at a minimum, the name, address, phone number and vehicle license number of all guests using the property. A copy of the report shall be provided to the Department upon request.

- I. No more than two Vacation/Private Home rentals will be allowed on a parcel. Construction of more than one single family dwelling unit or Guest Cottage shall only be allowed on a parcel that meets the requirements of *Sections 10.2.8 and 10.2.12 of this Ordinance*. More than two Vacation/Private Home rentals on the same parcel or on contiguous parcels under common ownership shall constitute a resort and must meet the standards set forth in *Section 10.2.23 of this Ordinance*.

6.50 License Required

A Vacation/Private Home Rental shall be licensed by the County and shall meet the requirements of *Stearns County Ordinance Number 204; or successor ordinances*.

6.52 Warehousing, Storage, Distribution and Wholesale Facilities

6.52.1 Performance Standards

Except as provided in *Section 9.11.2 and Section 9.12.2 of this Ordinance*, warehousing, storage, distribution and/or wholesaling facilities shall be subject to the administrative requirements of *Section 4.8 of this Ordinance* and the following performance standards:

- A. The site shall be served by a minor arterial or higher functional class of roadway, except that the proposed use may be served by a lesser functional class of roadway if the responsible road authority grants written permission for such use at the proposed location.
- B. The parcel shall have a lot area no less than four times the area of the building footprint.
- C. The use shall comply with all applicable local, state and federal laws, rules, regulations and ordinances.
- D. Buildings shall meet the setback requirements of the applicable zoning district.
- E. All loading and unloading facilities shall be located on the rear or side of the structure and be screened from view from residential uses.
- F. Outdoor storage areas may be allowed as an accessory use provided they are located to the rear or side of the structure, fenced and adequately screened from adjacent land uses and public roadways in accordance with *Sections 6.38 and 7.19 of this Ordinance*. Screening shall be at least 8 feet in height, 80% opaque year around and of neutral colored material and/or vegetation.
- G. A retail sales area may be allowed as an accessory use provided that sales are limited to the sale of goods produced on-site and the retail sales area does not occupy more than 20 percent of the principal structure.
- H. A transportation management plan shall be submitted to address off-street parking, loading and unloading, traffic control and the impact of the facility on surrounding roadways.
- I. An environmental management plan, including a water and sewer management plan to address the use of water and the treatment of waste on-site and a storm water and drainage plan shall be submitted to address the impact of the facility on the environment.
- J. Parking shall meet the requirements of *Section 7.15 of this Ordinance*.

- K. All parking areas, loading areas and access drives to parking and loading areas shall be hard surfaced.
- L. Any exterior lighting shall comply with *Section 7.10 of this Ordinance*.
- M. The hours of operation shall not have an adverse impact on adjacent property owners.
- N. Signs shall meet the requirements of *Section 7.20 of this Ordinance*.

6.53 Wind Energy Conversion Systems (WECS)

6.53.1 Purpose

- A. The purpose of this section is to set forth a process for permitting wind energy conversion systems (WECS) and meteorological towers (MT) not otherwise subject to siting and oversight by the State of Minnesota under the *Minnesota Power Plant Siting Act, Minnesota Statutes, section 216F.01-216F.081; or successor statutes*.

6.53.2 Procedures

- A. Applicants requesting a construction site permit, interim use permit or conditional use permit for a WECS greater than 1kw or MT shall furnish the Department the following information: a site plan showing lot lines, the accurate location of all buildings and structures on the site and on each adjacent lot, the proposed location of the WECS or MT and any related guy wires, poles or anchors, interconnection points with the electrical grid, and a sketch elevation of the premises accurately depicting the proposed WECS or MT and its relationship to structures on adjacent lots;
- B. An analysis of the impact of the proposed WECS locations on the ability of adjoining property owners to site WECS on their property;
- C. For WECS less than 40kw, the Department will send notification to all communication tower operators within ¼ mile of the proposed WECS. For WECS 40kw or more, documentation that the applicant notified all communication tower operators within 5 miles of the proposed WECS location and that the proposed WECS will minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals. No WECS shall be constructed so as to interfere with County or Minnesota Department of Transportation microwave transmissions. The burden of proof shall be placed on the applicant to document that the proposed WECS will not interfere with the line of sight of other towers;
- D. Location of existing or proposed access roads;
- E. For WECS over 40kw, evidence of power purchase contracts, if applicable;
- F. Manufacturer's description of all equipment;
- G. Location of wetlands, scenic and natural areas and shoreland within 1,320 feet of the proposed WECS or MT;
- H. An acoustical analysis;
- I. A decommissioning plan;
- J. A description of potential impacts on nearby WECS and communication equipment;
- K. Means of interconnecting with the electrical grid;

- L. For WECS that are 5mw - 25mw, the latitude and longitude of individual wind turbines, a USGS topographical map, or map with similar data, of the property and surrounding area, including any other WECS within 10 rotor diameters of the proposed WECS, and an FAA permit application.
- M. Applicants requesting a construction site permit or conditional use permit for a micro-WECS shall furnish the Department the following information: a site plan showing lot lines, the accurate location of all buildings and structures on the site, setbacks, and the proposed location of the micro-WECS.

6.53.3 Aggregated Projects – Procedures

- A. Proposers of Aggregated Projects may jointly submit a single application and be reviewed under joint proceedings, including notices, hearings, reviews and as appropriate approvals. Permits will be issued and recorded separately. Joint applications will be assessed fees as one project. Aggregated projects having a combined capacity equal to or greater than the threshold for State oversight as set forth in *Minnesota Statutes 216F.01 through 216F.08; or successor statutes*, shall be regulated by the State of Minnesota.

6.53.4 District Regulations

- A. WECS and MT may be allowed as a permitted, interim or conditional use, or not permitted based on the generating capacity and/or zoning district as established in the table below:

District	Micro-WECS	1.1kw-5.99kw	6kw-40kw	40.01kw-4.99mw	5mw and larger	Meteorological Towers
A-160	Permitted	Permitted	Permitted	CUP	CUP	IUP
A-80	Permitted	Permitted	Permitted	CUP	CUP	IUP
A-40	Permitted	Permitted	Permitted	CUP	CUP	IUP
T-20	Permitted	Permitted	Permitted	CUP	Not Permitted	IUP
R-20	Permitted	Permitted	CUP	Not Permitted	Not Permitted	Not Permitted
R-10	Permitted	Permitted	CUP	Not Permitted	Not Permitted	Not Permitted
R-5	Permitted	Permitted	CUP	Not Permitted	Not Permitted	Not Permitted
R-1	Permitted	Permitted	CUP	Not Permitted	Not Permitted	Not Permitted
Rural Townsite	Permitted	Permitted	CUP	Not Permitted	Not Permitted	Not Permitted
Commercial Recreation	Permitted	Permitted	CUP	CUP	Not Permitted	IUP

Limited Industrial	Permitted	Permitted	Permitted	CUP	CUP	IUP
General Industrial	Permitted	Permitted	Permitted	CUP	CUP	IUP
Educational/Ecclesiastical	Permitted	Permitted	CUP	CUP	CUP	IUP
Scenic River	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Residential Manufactured Home	Conditional	Conditional	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Shoreland Overlay	Permitted	Permitted	Permitted	Not Permitted	Not Permitted	Not Permitted

6.53.5 Setbacks

A. All WECS and MT shall adhere to the setbacks established in the table below.

	Micro-WECS	1.1kw-5.99kw	6kw-40kw	40.01kw-4.99mw	5mw and larger	Meteorological Towers₅
Property Lines₁	1.1 times the total height	1.1 times the total height	1.1 times the total height	1.1 times the total height	1.1 times the total height	1.1 times the total height
Right of Way	1.1 times the total height	1.1 times the total height	1.1 times the total height	1.1 times the total height	250 feet or 1.1 times the total height, whichever is greater	1.1 times the total height
Occupied Structure₂	1.1 times the total height	1.1 times the total height	200 feet or 1.1 times the total height whichever is greater	750 feet	750 feet	The fall zone, as certified by a professional engineer + 10 feet or 1.1 times the total height.
Project Boundary₃					5 times the rotor diameter ₄	
Internal Turbine Spacing					5 rotor diameters downwind spacing, 3 rotor diameters apart for crosswind spacing	

1) A recorded fall zone easement acceptable to the Department may be allowed in lieu of the required setback, provided all other setbacks are met.

2) The setbacks for an occupied structure shall be reciprocal. For the purposes of this Section, an occupied structure shall include, but is not limited to, structures such as residential dwelling

units, schools, churches and places of business. In instances where a fall zone easement has been recorded, the occupied structure setback is not required. For WECS 40kw or less, the setback for an occupied structure does not apply to structures on the same parcel as the WECS.

3) Project boundary shall include all parcels of land which have a wind easement for one wind project.

4) It has been documented that the most important directions to access wind for energy production is north, northwest, southwest, and south therefore the Board may authorize a setback of less than 5 times the rotor diameter if the applicant demonstrates that due to the wind direction, the wake interference is less than 5 rotor diameters.

5) Meteorological towers in conjunction with a wind energy project between 5mw and 25mw shall be placed no closer than 250 feet from the edge of the road right-of-way and from the boundaries of the developer's site control.

B. Substations and accessory facilities

- (1) Minimum setback standards for substations and feeder lines shall be consistent with the standards for essential services established in *Section 7.6 of this Ordinance*. For purposes of this section, substations are defined as any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than 35,000 volts (35KV) for interconnection with high voltage transmission lines shall be located outside of the road right-of-way.

6.53.6 Requirements and Standards

A. Safety Design Standards.

- (1) Engineering Certification. The manufacturer's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.
- (2) Clearance. Rotor blades or airfoils must maintain at least 25 feet of clearance between their lowest point and the ground.
- (3) All WECS or MT utilizing a tower as the support structure shall be guarded against unauthorized climbing. The first twelve (12) feet of the tower shall be unclimbable by design or be enclosed by a six (6) foot high unclimbable fence with a secured access.
- (4) Maintenance. All WECS must have routine maintenance as recommended by the manufacturer and at a minimum of once every three years. A copy of the maintenance report shall be filed with the Department. Maintenance must be completed by a qualified individual acceptable to the Department.

B. Total Height. Total height is measured as the highest point, above ground level, reached by a rotor tip or any other part of the WECS. All WECS that are less than 40Kw must be less than two hundred (200) feet in total height, unless approved pursuant to *Section 4.8 of this Ordinance*.

C. Tower Configuration.

- (1) All WECS with a rating greater than 5Kw must use self supporting towers. The base for such towers shall be designed to anchor and support the tower for the site, and is further subject to *Section 6.53.6A(1) of this Ordinance*.

- (2) Meteorological towers may be guyed provided the guy wires are protected by fencing or other means to protect the safety of the users of the property.
- D. Design. To the extent feasible, projects involving multiple WECS shall consist of turbines of similar design, height and size. All turbines shall rotate in the same direction and shall be consistent in design, color and rotational direction with adjacent facilities.
- E. Noise. WECS shall, at a minimum, meet the noise standard of *Minnesota Rules, chapter 7030; or successor rules*. Additional, local limits relative to impulsive and pure tone noises may be imposed if the Planning Commission determines it is appropriate and necessary to protect the public health and welfare.
- F. Feeder Lines. All feeder lines used to collect power from individual turbines and all associated communication lines shall be buried underground. Exemptions may be granted by the Department in instances where shallow bedrock interferes with the ability to bury lines. Feeder lines installed as part of a WECS shall not be considered an essential service.
- G. Color and Finish. All wind turbines and towers that are part of a 5mw or larger project shall be white, grey or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matt or non-reflective. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicators.
- H. Decommissioning. Applications for WECS above 5Kw and MT shall include a decommissioning plan to ensure that facilities are properly removed after their useful life. A WECS shall be considered a discontinued use after 1 year without energy production, unless a plan is developed and submitted to the Director outlining the steps and schedule for returning the WECS to service. Decommissioning shall be completed within 120 days. The decommissioning plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a cost estimate made by a competent party; such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the WECS and accessory facilities. Disposal of structures and/or foundations shall meet the provisions of *Stearns County Solid Waste Ordinance Number 171; or successor Ordinance*. In the case of facilities requiring a conditional use permit or interim use permit, the Planning Commission may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.
- I. Orderly Development. Upon issuance of a conditional use permit, all owners of 5mw - 25mw WECS shall notify the Minnesota Public Utilities Commission Power Plant Siting Act program staff of the project location and details.
- J. Minimum Standards.
- (1) All WECS and MT shall be in compliance with any applicable local, state and federal regulatory standards, including the following:

- (a) The *State of Minnesota Uniform Building Code, as amended*; and
 - (b) The *National Electric Code, as amended*; and
 - (c) Any applicable MNDOT Department of Aviation and Federal Aviation Administration requirements.
 - (d) Setbacks from private air strips shall be determined on a case by case basis.
 - (2) Equipment for all WECS and MT shall conform to the applicable industry standards, including the *American Wind Energy Association Standard for Wind Turbine Design* and related standards adopted by the *American National Standards Institute (ANSI)*.
 - (3) All WECS to be installed shall be equipped with redundant braking systems, including aerodynamic, variable pitch overspend controls and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode, whereby they are engaged in the case of loss of load on the generator. Stall regulation shall not be considered a sufficient braking system for over speed protection.
 - (4) Lighting, including lighting intensity and frequency of strobe shall adhere to, but not exceed, requirements established by Federal Aviation Administration permits and regulations. Red strobe lights are preferred for night-time illumination to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided.
 - (5) WECS and MT shall be located such that they do not cause interference with legal commercial or private telecommunication devices including, but not limited to radios, televisions, telephones, personal communication devices and other electronic equipment or devices in accordance with the Federal Communications Commission.
 - (6) Each WECS or MT shall have one sign not exceeding three square feet posted at the base of the tower specifying the following information: warning, high voltage; manufacturer's name; and emergency phone numbers. No other signage is permitted on a WECS or MT.
 - (7) All applicants shall identify all county, city or township roads or drainage systems to be impacted by or used for the purpose of transporting any equipment or supplies related to construction, operation and maintenance of a WECS or MT and obtain applicable weight and size permits from the applicable road authority(ies) prior to construction. The applicant shall conduct a pre-construction survey with the local road and drainage authority(ies) to determine existing road conditions and the conditions of any drainage utilities potentially impacted and shall document said conditions photographically and thereafter enter into a written agreement with the appropriate road and drainage authority(ies) to document the road and/or drainage utility conditions. The applicant is responsible for restoring roads, bridges or drainage utilities to preconstruction conditions or for paying damages as agreed to by the applicable road and drainage authority(ies).
- K. The Department may choose to consult with outside agencies and/or consultants to determine if the application meets the requirements of this

ordinance, state and federal laws. Any charges of fees resulting from such consultation will be the responsibility of the applicant for payment.

- L. For wind energy conversion systems between 5mw and 25mw, the applicant shall follow the *Minnesota Department of Commerce Large Wind Energy Conversion System General Wind Turbine Permit Setbacks and Standards; or successor standards* attached as *Appendix D of this Ordinance*. All setbacks shall conform to *Section 6.53.5A of this Ordinance*.

SECTION 7 GENERAL DEVELOPMENT STANDARDS

7.0 Application

The regulations contained in this section apply to all structures and land uses, and are in addition to any specific zoning district requirements of this Ordinance. They are established to minimize conflict between land uses, to preserve the use and enjoyment of property, to encourage a high standard of development, and to protect the public health, safety and welfare.

No use or structure shall be operated or occupied so as to constitute a dangerous, injurious, or noxious condition because of fire, explosion or other hazard, noise, vibration, smoke, dust, fumes, odor or other air pollution, light, glare, heat, electrical disturbance, liquid or solid refuse or waste, water or soil pollution, or other substance or condition. No use or structure shall unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities. In addition, no use or structure shall be operated or occupied in a manner not in compliance with any standard contained in this Ordinance or any other applicable regulation.

7.1 Access and Driveways

7.1.1 New, Revised or Changed Use Accesses onto County Roads

All new, revised or change of use accesses onto county roads shall be subject to the access and corridor protection guidelines of the Stearns County Comprehensive Plan. The Public Works Director shall determine the appropriate location, size and design of such accesses and may limit the number of accesses in the interest of public safety and efficient traffic flow. Accesses on any county highway shall require a driveway access permit from the Stearns County Public Works Director. Issuance of a driveway access permit from the Stearns County Public Works Director shall be precedent to the issuance of any construction site or use permit.

7.1.2 Access to State Highways

Accesses on any state highways shall require the approval of the Minnesota Department of Transportation (MNDOT).

7.1.3 Access to Township Roads

Accesses on any township road shall, if required, require the approval of the appropriate Township Board of Supervisors.

7.2 Agricultural Operations

All agricultural operations in the Agricultural Districts being conducted in compliance with the terms of this Ordinance and other applicable State and Federal Regulations shall not be deemed a violation of this Ordinance regardless of the fact that there may have been changes in the surrounding character of the area.

7.3 Cluster Development Standards

7.3.1 Purpose

The purpose of the cluster development standards is to provide a simplified development design technique that concentrates residential lots in a specific area on a site and allows an equivalent land area to remain in agricultural production or open space.

7.3.2 Applicability

Cluster development as provided in *Section 7.3 of this Ordinance* shall be required in the A-160, A-80 and A-40 primary zoning districts, unless the parcel proposed to be subdivided is forty (40) acres or greater, is a full quarter-quarter section, is a complete Government Lot or an Open Space Development as described in *Section 7.14 of this Ordinance*. Cluster developments as provided in *Section 7.3 of this Ordinance* shall be discretionary in the T-20, R-20, R-10 and R-5 primary zoning districts.

7.3.3 Density Bonus

To be eligible for the density bonus, the property under consideration must be eligible for at least two (2) residential dwelling sites, exclusive of the density bonus. Cluster developments in the T-20, R-20, R-10 or R-5 primary zoning districts are eligible for a 50% increase in residential density. To achieve a 50% increase in residential density, multiply the eligible residential dwelling sites, as determined in each primary zoning district, by one and one-half (1 ½). Fractions of less than ½ shall be reduced to the nearest whole number and fractions of ½ or greater shall be increased to the nearest whole number. Cluster developments in the A-160, A-80 and A-40 primary zoning districts are not eligible for a density bonus.

7.3.4 Lot Area Requirements

A. All lots within a cluster development shall meet the following lot area requirements within the designated primary zoning or any applicable overlay district:

<u>District</u>	<u>Lot Area</u>
A-160, A-80, A-40	1.0 to 2.0 acres
T-20, R-20, R-10 and R-5	1.0 to 1.5 acres

*On Natural Environment Lakes, the lot size shall be 80,000 square feet to meet the minimum lot size required by *Section 10.2.8 A(1) of this Ordinance*.

B. Lots created pursuant to *Section 7.3 of this Ordinance* after January 27, 2005 shall not be increased in size by means of an Administrative Subdivision or plat to exceed the maximum allowable lot area as specified in *Section 7.3.4 A of this Ordinance*.

7.3.5 Minimum Size of Cluster Development

The minimum cluster development size shall be at least two (2) single family residential dwelling sites.

7.3.6 Lot Coverage

The maximum lot coverage of any lot in a cluster development shall be no more than 25%.

7.3.7 Density Transfer

The number of single family residential dwelling unit sites that may be transferred into a proposed subdivision site in order to develop a cluster development shall be consistent with residential density limitations of the primary zoning district or any applicable overlay district.

7.3.8 Yard Requirements

Yards shall meet the minimum requirements for the primary zoning district or any applicable overlay district.

7.3.9 Cluster Development Review and Consideration

- A. A cluster development shall be considered in the same manner as a conventional subdivision plat.
- B. A preliminary subdivision plat shall be filed and processed in accordance with the procedures for processing a subdivision plat established in *Stearns County Ordinance Number 230; or successor ordinance*.

7.3.10 Cluster Development Siting Standards

- A. Cluster developments shall be sited to achieve the following goals, to the extent practicable:
 - (1) Avoid prime farmland soils, tillable farmland, large tract of land in agricultural use; and
 - (2) Avoid interference with agricultural operations; and
 - (3) Minimize the fragmentation of agricultural land; and
 - (4) Minimize disturbance to woodlands or other significant stands of vegetation; and
 - (5) Avoid encroaching upon or disturbing rare plant communities identified in the Department of Natural Resources' *County Biological Survey for Natural Communities and Rare Species*; and
 - (6) Cluster developments shall result in contiguous tracts and shall only be allowed where land features and topography allow for contiguous tracts to be sited; and
 - (7) Protect scenic views of open land from adjacent roads; and
 - (8) The Resource Suitability Model and/or the Land Evaluation Site Assessment (LESA) system shall be used in siting cluster developments.

- B. To meet the above stated goals, the following process shall be used to site the cluster development. This process shall be completed before a preliminary plat is developed.
- (1) Identify all potential conservation areas. The natural features of the area proposed to be developed, including the equivalent land area, if any, shall be identified. The Department shall supply maps showing the following natural features:
 - (a) Woodlands
 - (b) Wetlands and floodplain
 - (c) Historic, archaeological and cultural features
 - (d) Significant natural areas as shown on the *County Biological Survey*
 - (e) Slopes of 25% and greater
 - (f) Soil types, including tillable farmland
 - (g) Adjacent agricultural infrastructure, including feedlots and manure management acres
 - (2) The developer or property owner shall supply the following information:
 - (a) Certified acres
 - (b) Most recent Farm Service Agency air photos showing the tract number, wetlands, highly erodible areas, etc.
 - (c) Indicate the location of natural drainage ways, County and private ditches and tile drainage systems
 - (d) Forms 578 and 156EZ; or successor forms, which can be obtained from the Farm Service Agency
 - (3) Based on the natural features that are identified, conservation areas will be designated. Primary conservation areas include existing agricultural infrastructure, wetlands and floodplains, steep slopes, tillable farmland, land on the *County Biological Survey* and land on the *Areas of Biological Significance Map*. Secondary conservation areas include mature woodlands and pasture lands. The developer or property owner shall locate potential home sites to avoid the primary conservation areas, and to the extent practicable, the secondary conservation areas. The home sites shall be located so as to meet the goals contained in *Section 7.3.10 A of this Ordinance*.
 - (4) After the home sites are designated, the developer or property owner shall show the street locations and layout.
 - (5) Based upon the home site and street locations, the lot lines may be drawn.

7.3.11 Sewage Treatment and Drinking Water Systems

Community and/or alternative sewage treatment systems and/or community drinking water supply systems may be required where soil types and other environmental sensitivities, such as shallow bedrock formations and high susceptibility to nitrate nitrogen contamination, are such that additional measures may be necessary to protect the public health, safety and welfare.

- A. Community and/or alternative sewage treatment systems and community drinking water supply systems may be placed within the open space area.
- B. Individual sewage treatment systems may be placed within the open space area.
- C. A subordinate service district, a customer owned utility or other entity acceptable to the Board shall be responsible for the management of any community and/or alternative wastewater facilities and any community drinking water supply system.

7.3.12 Cluster Development Review Standards

The design of a plat using the cluster development option shall be subject to the approval of the Planning Commission, which may use, but is not limited to, the following criteria for their review:

- A. Compatibility with the Comprehensive Plan; and
- B. Compatibility with surrounding land uses; and
- C. The degree to which the proposal meets the intent of this Section; and
- D. The degree to which the proposal is able to provide contiguous, non-fragmented development. The Planning Commission has the authority to modify the lot lines and design of the proposed plat in order to achieve the goals of the Comprehensive Plan, the Subdivision Ordinance and this Ordinance; and
- E. Compatibility with the LESA system and the Resource Suitability Model.

7.4 Encroachments

The following shall be permitted encroachments into setback requirements:

- A. Flues, roof overhangs, awnings, bay windows and chimneys up to two (2) feet in width;
- B. Steps, sidewalks, stoops and exposed wheelchair ramps up to four (4) feet in width; and
- C. Recreational playground equipment for private use.

7.5 Erosion and Sediment Control Standards

The purpose of this Section is to prevent or reduce, to the most practicable extent, erosion and sedimentation and their associated effects and to provide for the protection of public waters as well as natural and artificial water storage and retention areas within the County. An erosion and sediment control plan shall be submitted to and approved by the Department prior to construction of a new plat or a commercial or industrial facility, or when the Department determines an erosion and sediment control plan is necessary due to potential impacts of construction on the property or surrounding properties.

7.5.1 General Standards

Proper erosion and sediment control practices shall be followed within the County as described in this Section. All land disturbing activities, whether or not a permit is required, shall be subject to the following performance standards:

- A. No land owner, operator, contractor or applicant shall cause or conduct any land disturbing activity which causes erosion or sedimentation, damages water or soil resources or creates off-site impacts.
- B. All development shall conform to the natural limitations presented by the topography and soil types in order to minimize soil erosion and sedimentation.
- C. Land disturbing activities shall only occur in increments of workable size such that adequate erosion and sediment controls can be provided throughout all phases of a development. The smallest practical area of land shall be exposed or otherwise disturbed at any one period of time.
- D. Every applicant for a construction site permit, interim use permit, provisional use permit, alteration permit, conditional use permit or subdivision approval shall, at a minimum, adhere to erosion control measure standards and specifications contained in the MPCA publication "*Protecting Water Quality in Urban Areas*"; or successor publication.

7.5.2 Specific Standards

- A. No land disturbing activity shall result in active gully erosion or create negative off-site impacts.
- B. No land disturbing activity shall result in an increase in channel erosion in any watercourse, whether permanent or intermittent, at any time during or following development.
- C. No land disturbing activity shall result in the creation of unstable slopes which persist after the completion of the development.
- D. Permanent or temporary soil stabilization shall be applied to disturbed areas (areas where vegetation has been removed or where cuts have been made), as soon as possible, but not to exceed fourteen (14) days after a substantial portion of rough grading has been conducted unless an extension is granted by the Director. Soil stabilization measures shall be selected to be appropriate for the time of year, site conditions and estimated duration of use.
- E. An erosion and sediment control plan, when required by the Department shall include the following:
 - (1) Location map. An 11'x17" map locating the site in relation to the surrounding area.
 - (2) Indicate north. Show the direction of north in relation to the site.
 - (3) Scale. Indicate scale in relation to the actual size of the site, usually in feet per inch.
 - (4) Benchmark. Show the established elevation affixed to a permanent object which can be used to check grade.
 - (5) Plan preparer. Indicate the name and phone number of the individual or agency responsible for preparation of the plan.
 - (6) Contact person. Give the name and phone number of the individual responsible for plan implementation.
 - (7) Existing contours. Show existing two foot contours of the site extending at least 200 feet beyond the property boundaries.

- (8) Final contours. Show all proposed changes to the existing contours due to land disturbance.
 - (9) Existing vegetation. Indicate existing woods, tree lines, cultivated areas, grass/hay fields, CRP, wetlands and other vegetative types.
 - (10) Disturbed area. Identify the disturbed acreage for each drainage area. Include roads and lot clearing.
 - (11) Utilities. Show the locations of storm sewer, sanitary sewer, water supply, electrical and other utilities in the area of the proposed development.
 - (12) Location of BMP. Indicate the location of erosion and sediment control practices proposed for the site.
 - (13) Implementation schedule. Outline the proposed order of land clearing, road installation and other aspects of construction.
 - (14) Critical erosion areas. Identify areas susceptible to erosion during and after construction. Critical erosion areas are areas which are prone to accelerated erosion, areas which have slopes of 12% or greater, areas of long, continuous slopes or areas which contain erosive soils.
 - (15) Limits of disturbed areas. Show the extent of the areas which must be disturbed to accommodate the proposed construction.
 - (16) Sediment pond. Show the location of any temporary pond to be used to collect sediment during construction.
 - (17) Adjacent areas. Describe neighboring areas which could be affected by land disturbance.
 - (18) Temporary erosion control plan. Indicate how erosion on the site will be temporarily controlled until permanent erosion control can be implemented (seeding and mulching rates, sod installation, etc.)
- F. Soil stockpiles shall be stabilized or protected with sediment trapping measures to prevent soil loss.
 - G. A permanent vegetative cover shall be established on disturbed areas not otherwise permanently stabilized.
 - H. Properties adjacent to the site of a land disturbance shall be protected from sediment deposition.
 - I. Sediment basins and traps, perimeter dikes (for diversion), sediment barriers (silt fences) and other measures intended to trap sediment on-site shall be constructed prior to or concurrent with any grading and shall be functional before upslope land disturbance takes place. Earthen structures such as dams, dikes and diversions shall be seeded and mulched within fourteen (14) days of installation.
 - J. Storm water runoff from drainage areas with more than five (5) acres of disturbed area must pass through a temporary sediment trapping basin or other suitable sediment trapping facility.
 - K. Cut and fill slopes shall be designed and constructed in a manner which will minimize erosion. Slopes which will not be vegetated within one (1) year of construction shall be provided with additional slope stabilizing measures until the problem is corrected. Slopes that are

- found to be eroding excessively shall immediately be provided with additional slope stabilizing measures until the problem is corrected.
- L. Properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity and peak flow rate of storm water runoff.
 - M. All on-site storm water conveyance channels shall be designed and constructed to withstand the expected velocity of flow from a 10-year frequency storm without eroding.
 - N. Rip-rap shall be placed at culvert outfalls in accordance with applicable MnDOT standard specifications.
 - O. All storm sewer inlets which are made operable during construction shall be protected so that sediment laden water will not enter the conveyance system without first being filtered or otherwise treated to remove sediment.
 - P. Construction vehicles and other equipment shall be kept out of watercourses to the maximum extent possible.
 - Q. Wherever construction vehicle access routes intersect paved public roads, provisions, such as rock construction entrances, shall be made to minimize the transport of sediment by runoff or vehicle tracking onto the paved surfaces.
 - R. All temporary erosion and sediment control measures shall be properly disposed of within thirty (30) days after final site stabilization is achieved or after the temporary measures are no longer needed, unless otherwise authorized by the Department.
 - S. All temporary and permanent erosion and sediment control practices shall be maintained and repaired as needed to assure continued performance of their intended functions.

7.6 Essential Services, Transmission Services and Utility Substations

7.6.1 Provisions

Essential services are permitted uses in all zoning districts subject to all State and Federal rules and regulations and may be installed subject to the following construction standards:

- A. When an underground essential service crosses a County road, the service shall be installed by boring horizontally unless the Stearns County Public Works Director approves an alternative procedure. Additionally, when an underground essential service crosses a Township road, the service shall be installed by boring horizontally unless the Township Board of Supervisors approves an alternative procedure.
- B. The owner shall file, with the Stearns County Public Works Director or the Township Board of Supervisors of any affected Township road, as built drawings of the essential service facility as it traverses any County or Township road.
- C. If an open ditch is traversed, the owner shall lay its essential service facility below the original bottom of the drainage ditch as designed,

and the method of construction shall not impede the normal flow of water.

- D. All tile lines or other drainage systems which are cut or disturbed during construction of any essential service shall be restored and repaired to the previous and operable condition without cost to the landowner, Township or County.

7.6.2 Maintenance

Required maintenance of any essential service facility, when such maintenance does not substantially change the location of the existing facility, shall be exempt from the standards contained in *Section 7.6 of this Ordinance*.

7.6.3 Extension of Services

Ordinary service extension that provides service to only one parcel of land shall be exempt from the standards contained in *Section 7.6 of this Ordinance*.

7.6.4 Substations

Water and sewage pumps and lift stations shall be permitted in all zoning districts. Utility substations, including electric substations, telephone switching and relay facilities shall be permitted in all zoning districts, provided all setback requirements of the applicable zoning district are met.

7.6.5 Substation Lot Area

The lot area for utility substations can be acquired by lease provided, however, the lot shall be large enough so all structures or facilities comply with the setbacks for the applicable zoning district.

7.6.6 Transmission Services

The installation of new, realigned or extended transmission services and pipelines for services being transferred from station to station and not intended for enroute consumption may be allowed as a conditional use in all zoning districts subject to the following:

- A. The proposed use shall be subject to the procedures set forth in *Section 4.8 of this Ordinance* and the performance standards contained in *Section 7.6 of this Ordinance*.
- B. The applicant for such conditional use permit shall file with the Department such maps and data necessary to indicate the proposed alignment with the conditions of easement, type of service proposed, depths and size of underground installation, pole heights, location and type. The Director may require the submittal of additional information deemed necessary to evaluate the proposed use.

7.7 Fences

Fences may be installed and maintained in any yard along or adjacent to a property line, in accordance with the requirements contained in this section.

7.7.1 Fence Construction

- A. No fence shall be constructed in any public right-of-way. No fence in a residential district shall exceed six (6) feet in height. Fences within the required front yard shall not exceed four (4) feet in height.
- B. No fence shall impede the vision of the roadway from a driveway providing access to the road.
- C. Fences in the Shoreland Overlay District shall also comply with the requirements contained in *Section 10.2.11 D of this Ordinance*.

7.7.2 Enclosure of Outdoor Storage Areas

A fence used to enclose an outdoor storage area shall meet the setback requirements for the principal structure in the district in which it is located.

7.8 Handicap Accessibility Code

When applicable, structures and/or facilities shall meet the accessibility portion of the State Building Code, *Minnesota Rules, Chapter 1341; or successor rules*.

7.9 Height Regulations

The following structures are exempt from the height provisions set forth in other sections of this Ordinance:

- A. Church spires, belfries or domes that do not contain usable space.
- B. Flag poles.
- C. Grain elevators.
- D. Water towers.
- E. Chimneys or smokestacks.
- F. Wind generators and wind mills.
- G. Rooftop mechanical or electrical equipment provided such equipment does not occupy more than 25% of the roof area.
- H. Monuments.
- I. Parapet walls extending no more than three (3) feet above the limiting height of the building.
- J. Towers, poles or other structures for essential services.
- K. Television antennas not exceeding 20 feet in height, when placed on top of any principal structure.

7.10 Lighting/Glare

In all districts, any lighting used to illuminate on off-street parking area, sign or other structure, shall be installed so as to deflect light away from any adjoining property or from public streets. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property or create a traffic hazard.

7.11 Lot Size Reduction

No lot area shall be reduced such that the required setbacks shall be smaller than prescribed in this Ordinance, nor shall the area or width of any lot be reduced below the minimum requirement established in this Ordinance.

7.12 Mining

7.12.1 Required Permits

- A. When permitted as an interim use in any applicable zoning district, Mining Operations may be allowed as an interim use subject to the procedures set forth in *Section 4.18 of this Ordinance*, unless otherwise provided for in *Section 7.12.1 B and C of this Ordinance*.
- B. In lieu of an interim use permit, property owners outside of any shoreland or floodplain overlay district may secure an administrative mining permit from the Department, provided all the following conditions are met:
 - (1) A maximum of 10,000 cubic yards of material shall be removed from the Mining Operation;
 - (2) The Mining Operation will be commenced, completed and rehabilitated within a twelve (12) month period;
 - (3) Only one administrative mining permit may be issued in any quarter-quarter section of land;
 - (4) All other requirements of *Section 7.12 of this Ordinance* shall apply, unless otherwise determined by the Department.
- C. Existing, pre-ordinance Mining Operations.
 - (1) Existing, pre-ordinance Mining Operations are those Mining Operations that are currently being used or those that have records showing continuous use within the past five (5) years on a Lot of Record. Continuous use shall be defined as the removal of at least five hundred (500) cubic yards of material every year.
 - (2) Owners of existing pre-ordinance Mining Operations shall register with the Department within two (2) years of adoption of this Ordinance on forms provided by the Department. A reclamation plan completed in accordance with *Section 7.12.3, Part Six and Section 7.12.5 of this Ordinance* shall be submitted with the registration. Operators of existing pre-ordinance Mining Operations may continue operation during the registration and review process. The registration shall remain in effect and allow the operation to continue as long as the operation remains in compliance with the minimum standards of this Ordinance. Owners of existing pre-ordinance Mining Operations whose operations are not in compliance with *Section 7.12.1 C of this Ordinance* are not eligible for registration shall apply for an interim use permit.
 - (3) If it is determined by the Department that an existing, pre-ordinance Mining Operation poses a potential or real environmental hazard or otherwise has a potential or real negative impact on the health, safety or welfare of the residents of the County, the Mining Operation shall immediately be subject to the provisions of *Section 4.18 of this Ordinance* and the owner shall apply for an interim use permit.

7.12.2 Operations Regulated

Operations regulated by this Section shall be the mining of granite and the mining, crushing, washing, refining or processing of sand, gravel, rock, black dirt, peat, soil and other minerals, and the removal thereof from the site. Operations not regulated by this Section shall include the following:

- A. The removal of materials associated with the construction of a building or on-site sewage treatment system permitted by the Department;
- B. The removal of materials in accordance with the development of approved plats, and the site preparation for utilities or highway construction;
- C. The construction, modification or expansion of Animal Feedlots and Manure Storage Areas, Structures or Facilities authorized by the Minnesota Pollution Control Agency or the Department;
- D. Sod harvesting or removal;
- E. Wildlife ponds constructed in accordance with *Minnesota Rules, chapter 8420; or successor rules.*

7.12.3 Application requirements

The following information shall be provided by the person requesting an interim use permit for a Mining Operation:

Part One: General Information

- A. The name and address of the applicant.
- B. The name and address of the owner of the land.
- C. The address and legal description of the land involved in the application
- D. The total area, in acres, of the land to be affected by the project. Include areas for future expansions, stockpiling, processing, haul roads, settling basins, berms, topsoil storage areas and parking areas
- E. List other permits necessary for this project, indicate their status and provide a copy for the Department.

Part Two: Pre-mining Conditions

- A. Describe current land uses within one-half mile of the project area.
- B. Indicate if the project area is located within 1,000 feet of the shoreline of a lake or within 300 feet from the bank of a watercourse or the landward extent of a floodplain designated by local ordinance.
- C. Indicate the observed or estimated groundwater elevation in the project area and reference that depth to a permanent benchmark. An elevation benchmark shall be established in an area not to be disturbed by the Mining Operation.
- D. The following maps of features within 100 feet of the site, drawn at a scale of one (1) inch to 100 feet and one reproducible 11"x17" copy, unless otherwise provided in this Section:

Map A – Existing Conditions

- (1) Contour map in two (2) foot intervals
- (2) Existing vegetation
- (3) Wetlands and existing surface water drainage patterns
- (4) Existing structures
- (5) Existing wells

Map B – Proposed Operation

- (1) Future structures.
- (2) Location of sites to be mined, including depth of proposed excavation.
- (3) Location of machinery to be used in the Mining Operation.
- (4) Location of storage of mined materials, showing maximum height of storage deposits.
- (5) Location of vehicle parking, access roads and local routes to truck routes.
- (6) Location of storage areas for explosives.
- (7) Erosion and sediment control structures.
- (8) Cross-section sketch of the proposed Mining Operation.
- (9) Location of the leak containment structure(s) for servicing trucks and machines in the event of a petrochemical leak or spill.

Map C – End Use Plan

- (1) Final grade of proposed site showing elevations and contour lines at two (2) foot intervals.
 - (2) Location and species of vegetation to be replanted.
 - (3) Reclamation staging plan.
- E. A soil erosion and sediment control plan
 - F. A plan for dust and noise control
 - G. A complete description of all phases of the proposed operation to include an estimate of duration of the Mining Operation, location and approximate acreage of each stage and time schedule for reclamation.
 - H. The highway, street or streets, or other public ways in the County upon and along which any material is to be hauled or carried.
 - I. A security statement by the applicant demonstrating the proposed activity will in no way jeopardize the public health, safety and welfare or is appropriately fenced to provide adequate protection.
 - J. A statement by the applicant for compliance with all conditions of the interim use permit.
 - K. A written right-of-entry given to the Department to enter the land for the purpose of determining compliance, at any time, with all applicable conditions imposed on the operation.

Part Three: Mitigating Impacts

- A. List the air, land and water resources that may be impacted by this project, identify impacts and describe measures that will be taken to mitigate those impacts, including, but not limited to noise, volatile organic compounds (VOC), dust and particulate matter.
- B. Describe measures that will be taken to screen the operation from view of surrounding land uses or an explanation of why such measures are not needed.
- C. Describe erosion control practices that will be used during mining. If no measures will be used, explain why none are needed.
- D. If required by the Department, provide copies of any air, water or soil monitoring conducted for any other local, state or federal agency.

Part Four: Description of Mining Activities

Proposed Mining Methods

- A. Describe the sand and gravel products that will be mined from the project area.
- B. Describe how the sand and gravel will be mined and what equipment will be used.
- C. Describe how the material will be transported from the site, the proposed route of transport and the ultimate destination.
- D. Describe the methods that will be used to retain topsoil.
- E. Estimate the volume of material in cubic yards to be mined in the period covered by this permit.
- F. List the months, days and hours in which mining activities are expected to occur.
- G. Describe the methods used to control dust on haul roads.
- H. Identify the number of employees expected to work at the site and the facilities that will be provided.
- I. Describe dewatering activities and estimate the volume of water to be discharged from the site.

Proposed Processing Methods

- A. Describe the processing methods that will be used at the site.
- B. List the proposed hours of operation for the processing facilities.
- C. Describe the volume of water needed for gravel washing activities and the source of the water.
- D. Describe how chemical substances will be stored on the site.

Part Five: Staging of Operations

- A. Describe the projected life of the operation, including beginning and ending of operations and any phases or stages.
- B. Describe the progressive reclamation activities that will occur over the life of the operation.
- C. Describe the methods that will be used at the cessation of seasonal operations to stabilize slopes from erosion.
- D. Describe the interim reclamation methods that will be used if the site will become inactive at the close of current operations for unspecified periods of time.

Part Six: Proposed Reclamation

- A. Describe the proposed reclamation, including final slopes, high wall reduction, benching, terracing and other structural slope stabilization measures.
- B. Describe anticipated topography, water impoundments, artificial lakes and future land use of the site.
- C. Describe plans for the disposal of surface structures, roads and related facilities after completion of mining.
- D. Describe the methods proposed for the disposal or reclamation of oversize and undersize materials.
- E. Describe or attach a copy of a seeding plan that includes methods of seedbed preparation, seed mixtures, seeding rates, mulching and other techniques needed to accomplish site stabilization.
- F. Describe long-term maintenance needed to support reclamation.
- G. Provide an estimate of the reclamation cost of each phase of the project or the entire site if phasing is not planned.

7.12.4 Performance Standards

The following performance standards shall apply to all Mining Operations approved after the effective date of this Ordinance:

- A. General Provisions. All equipment used for Mining Operations shall be constructed, maintained and operated in a manner as to minimize, as far as practical, noise, dust and vibrations adversely affecting the surrounding property. Additionally, the excavation shall be properly gated and fenced.
- B. Water Resources. The Mining Operation shall be conducted in such a manner as to minimize interference with the surface water drainage outside the boundaries of the Mining Operation.
- C. Safety Fencing. Safety fencing may be required around all or portions of the Mining Operation at the discretion of the Planning Commission. Any Mining Operation(s) adjacent to a residential zone, or within three hundred (300) feet of four (4) or more residential structures, shall adhere to the following standards:
 - (1) Where collections of water occur that are one and one-half (1 ½) feet or more in depth exist for any period of greater than seven (7) consecutive days 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 similarly effective barrier of at least four (4) feet in height with support posts spaced no farther apart than ten (10) feet. In locations where slopes occur that are steeper than one (1) foot vertical to three (3) feet horizontal existing for a period of seven (7) days or more, access to such slopes shall be barred by a fence or some similarly effective barrier of at least four (4) feet in height with support posts spaced no farther apart than ten (10) feet.
 - (2) As an alternative to the fencing requirements of *Section 7.12.4 C(1) and (2) of this Ordinance*, the entire perimeter of the property on which a Mining Operation is located may be fenced or protected by some other similarly effective barrier of at least four (4) feet in height with support posts spaced no farther apart than ten (10) feet.
- 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 within a margin of safety as determined by the Public Works Director. Access roads connecting to public roads shall be sufficiently wide to accommodate two-way hauling traffic. A truck staging area shall be provided on the applicant's property. Trucks shall not queue on public roads while waiting to load or unload. Ingress and egress points from or onto any public road or highway shall be clearly signed "TRUCKS HAULING" advising traffic in both directions of this activity. Intersections of public roads with access roads shall be maintained by the mine operator, and shall be kept clean and free from excessive mud, debris or asphalt tracked out from the mining site. Intersections

of public roads with access roads shall be repaired by the mine operator if the public road surfaces or shoulders in the mining area have broken down due to repeated traffic by mining trucks or equipment. Turn lanes shall be constructed on public roads at the entrance to the mining site if determined necessary by the appropriate road authority. The need for road improvements, maintenance or repair will be determined by the Minnesota Department of Transportation in the case of state highways; by the Stearns County Public Works Director in the case of County roads; and by the appropriate Township Board of Supervisors in the case of Township roads.

- E. **Screening Barrier.** To minimize problems of dust and noise and to shield Mining Operations from public view, a screening barrier may be required between the mining site and adjacent properties or public roads. If a screening barrier is required by the Planning Commission, the barrier shall 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 agreed upon between the applicant and the Department. In all cases, existing trees and ground cover along a public road and property line shall be preserved and maintained for the depth of the setback, except where traffic safety requires cutting and trimming or except where alteration or destruction of the trees and/or ground cover is necessary for an approved reclamation plan.
- F. **Setback.** The following setback requirements shall apply to Mining Operations:
- (1) The processing of mined materials shall not be conducted closer than 100 feet to the property line, nor closer than 500 feet to any residential dwelling unit.
 - (2) Unless approved in writing between the affected property owner and the mining operator, mining of any materials shall not be conducted closer than 200 feet of any residential dwelling unit or residential zoning district boundary.
 - (3) Unless approved in writing by the applicable road authority, mining of any materials shall not be conducted closer than 30 feet to any property line or within 30 feet of any public road right of way.
 - (4) Mining Operations shall not be conducted closer than 200 feet from the ordinary high water mark of any public water classified in *Section 10.2.3 of this Ordinance*.
 - (5) **Hours of Operation.** All hours of operation shall be set in the Interim Use Permit as approved by the Planning Commission.
- G. **Access Roads.** All access roads from Mining Operations to public highways, roads or streets or to adjoining property shall be paved or otherwise maintained to control dust. Ingress and egress access points from or onto any road or highway shall be clearly signed and those signed access points shall be utilized. Precautions must be taken to minimize the deposit of materials from trucks onto public roads.

- H. Vertical faces shall be kept to a minimum except during actual mining.
- I. Weeds and any other unsightly or noxious vegetation shall be cut or trimmed as necessary to preserve a reasonably neat appearance, to prevent seeding on adjoining property, and to comply with the requirements of *Minnesota Statutes, section 18.191; or successor statutes*.
- J. Complaints. Complaints regarding Mining Operations shall be forwarded to the Environmental Services Department for processing. The Department shall make timely investigation of complaints and shall endeavor to resolve complaints utilizing such dispute resolution process as may be developed by the County.
- K. Signage. An informational sign shall be erected at the intersection of the primary access road and the public road servicing the site, identifying the corporate or personal name(s) of the property owner(s) and telephone number(s) of the property owner, the site operator and the hauling contractor. Signs required by this Section shall be clearly visible from the public road and shall conform with the signage requirements of *Section 7.20 of this Ordinance*.

7.12.5 Land Reclamation

All mining sites shall be reclaimed immediately after Mining Operations cease. Reclamation shall be completed within one (1) year. The following standards shall apply:

- A. Within a period of three (3) months after final termination of a Mining Operation, or within three (3) months after abandonment of such operation for a period of six (6) months, or within three (3) months after expiration of an interim use permit for a Mining Operation, all buildings, structures and plants incidental to such operation shall be dismantled and removed by, and at the expense of, the mining operator last operating such buildings, structures and plants.
- B. The peaks and depressions of the mined area shall be graded and back-filled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No finished slope shall exceed 18 percent grade.
- C. Reclaimed areas shall be surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding, and to a depth of at least four (4) inches. The topsoil shall be seeded, sodded or planted.
- D. The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site. The finished plan shall restore the mining site to a condition whereby it can be utilized for the type of land use proposed to occupy the site after Mining Operations cease.
- E. A performance surety, payable to the County of Stearns, shall be provided. The permit shall specify the amount and type of surety required. The surety shall be used to reimburse the County for any monies, labor and/or material expended to bring the operation into compliance with the conditions of the permit. The surety may be used

after expiration of the permit and failure to execute a phase of a restoration plan specifically scheduled in the permit or Ordinance. This option may be executed 180 days after written notice of non-compliance to the applicant.

7.13 Nuisances

No use or structure shall be operated or occupied in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of the property by any person of normal sensitivities, or otherwise to create a public nuisance.

7.13.1 Air Emissions

All uses shall comply with the standards governing air emissions as regulated by the Minnesota Pollution Control Agency (MPCA).

7.13.2 Direct Discharge of Waste

All uses shall comply with the standards governing waste discharge as regulated by the Minnesota Pollution Control Agency (MPCA).

7.13.3 Explosives and Flammable Materials

All uses involving the manufacture, storage or use of explosive or flammable materials shall comply with all applicable regulations, including the Minnesota Building Code and the Minnesota Uniform Fire Code, and shall meet the following requirements:

- A. All uses involving the manufacture, storage or use of explosive or flammable materials shall employ best management practices and the provision of adequate safety devices to guard against the hazards of fire and explosion and adequate fire fighting and fire-suppression devices standard in the industry.
- B. The manufacture, storage or use of any explosive or blasting agent, as defined by the Uniform Fire Code, shall be prohibited in any non-industrial zoning district.
- C. The storage of any flammable liquid shall be subject to the requirements established under the Uniform Fire Code and review by the State Fire Marshal.

7.13.4 Glare and Heat

Uses producing glare or heat shall be performed within a completely enclosed building in such a manner as to make such glare and heat completely imperceptible from any point along the property line.

7.13.5 Hazardous Materials

All uses shall comply with standard governing hazardous materials as regulated by the Minnesota Pollution Control Agency (MPCA).

7.13.6 Noise

All uses shall comply with the standards governing noise as regulated by the Minnesota Pollution Control Agency (MPCA).

7.13.7 Odor Emissions

All uses shall comply with the standards governing odor emissions as regulated by the Minnesota Pollution Control Agency (MPCA).

7.13.8 Unlicensed Motor Vehicle Storage

The storage of unlicensed motor vehicles for personal use shall be subject to the following requirements:

- A. **Residential Districts.** In areas zoned T-20, R-20, R-10, R-5, R-1, RT, SR, RMH and EE, no unlicensed motor vehicles may be stored unless completely enclosed within a structure.
- B. **Agricultural Districts.** In areas zoned A-160, A-80 and A-40, the storage of more than three (3) unlicensed motor vehicles shall be permitted if all the unlicensed motor vehicles on the property are within a fully enclosed structure.
- C. **Commercial Storage.** No storage of motor vehicles for commercial purposes, such as sale, repair or salvage shall be allowed in an zoning district, except for permitted, provisional, interim, conditional or accessory uses specifically authorized by this Ordinance. Commercial uses are subject to the standards of the applicable zoning district

7.13.9 Vibration

Used producing vibration shall be conducted in such a manner as to make the vibration completely imperceptible from any point along the property line.

7.13.10 Water Pollution

All uses shall comply with the standards governing water pollution as regulated by the Minnesota Pollution Control Agency.

7.14 Open Space Development**7.14.1 Purpose**

The purpose of the Open Space Development Standards is to encourage residential subdivision design that is sensitive to the environmental and cultural resources of Stearns County. This is achieved by concentrating dwelling units on non-standard lots on a specific portion of a development site and preserving a part of the development site as open space. Open space development encourages land development that meets the following objectives and goals:

- A. Residential land development occurs on sites with low environmental and cultural resource value.
- B. Land is used efficiently with contiguous areas of agricultural or forest land.
- C. Environmentally sensitive land (i.e. slopes greater than 25%, aquifer recharge areas, floodplains, surface water drainage systems etc.) is conserved.

- D. Open space is preserved for use by a private development, private landowner or, where appropriate, the larger community.
- E. A diversity of lots, housing types and styles and densities can be provided.
- F. To encourage flexibility, creativity and innovation in residential development and design, while maintaining economic viability and providing for the conservation of ecological functions.
- G. Rural character and scenic views are preserved by minimizing the visual impact of new development from existing roadways.
- H. Potential wildlife, recreational and open space corridors are created that can provide a network of linked corridors throughout the County.

7.14.2 Applicability

Open space development is the preferred option when land is being subdivided for residential uses. Open space development standards are an alternative set of criteria that encourages unique and innovative residential development and subdivisions. Open space developments, as provided for in *Section 7.14 of this Ordinance*, shall be allowed in all zoning districts.

7.14.3 Minimum Size of Open Space Development

The minimum open space development shall be two (2) Single-Family Residential Dwelling sites, exclusive of the density bonus.

7.14.4 Density Transfer

The number of Single Family Residential Dwelling Unit sites that can be transferred into a proposed subdivision site in order to develop an open space development shall be consistent with the residential density limitations of the primary zoning district or any applicable overlay district.

7.14.5 Density Bonus

As an incentive to encourage open space development, the number of residential divisions allowed may be increased as follows, provided the proposed development meets the standards contained in *Section 7.14 of this Ordinance*

- A. In the A-160, A-80 and A-40 primary zoning districts, the number of residential dwelling sites may be increased by 50%. Fractions of less than ½ shall be reduced to the nearest whole number and fractions of ½ or greater shall be increased to the nearest whole number.
- B. In the T-20, R-20, R-10 and R-5 primary zoning districts, the number of residential dwelling sites may be increased by 75%. Fractions of less than ½ shall be reduced to the nearest whole number and fractions of ½ or greater shall be increased to the nearest whole number.
- C. In the RT and R-1 districts, the number of residential dwelling sites may be increased by 25%. Fractions of less than ½ shall be reduced to the nearest whole number and fractions of ½ or greater shall be increased to the nearest whole number.

7.14.6 Criteria for Review

The Planning Commission shall include in their review the following criteria in considering an open space development:

- A. The open space development design meets the standards of this Ordinance.
- B. The open space development supports the goals and policies of the Stearns County Comprehensive Plan.
- C. The open space development better maintains the rural character of the area when compared to a conventional development of the same density.
- D. The open space development will result in greater amenity and efficiency in the use of the land for the benefit of its residents and users and those in the surrounding area than would be possible under conventional development.

7.14.7 Open Space Development Consideration Process

- A. An open space development shall be considered in the same manner as a subdivision plat and shall also be subject to the review and approval procedures of *Section 4.8 of this Ordinance*.
- B. A preliminary subdivision plat shall be filed and processed in accordance with the procedures for processing a subdivision plat established in *Stearns County Subdivision Ordinance Number 1; or successor ordinance*.
- C. The approved preliminary plat shall be the site plan for the open space development whenever there is modification or variation from the standards of the primary zoning district or any applicable overlay district.
- D. Any request for a change to a site plan for an open space development shall be administered in the same manner as to that required for a new open space development.
- E. Modifications to an open space development shall be considered in the same manner as for approval pursuant to *Section 7.14.7 A of this Ordinance*.

7.14.8 Open Space Ownership Requirements

Open space within an open space development shall be owned, administered and maintained by any of the following methods, either individually, or in combination, subject to approval by the Board:

- A. Homeowner's Association. The open space and any associated facilities may be held in common ownership by a homeowner's association. The homeowner's association shall be formed and operated under the following provisions:
 - (1) The developer shall create a homeowner's association, including its bylaws and methods for maintaining the open space before the sale of any lots within the development.
 - (2) Membership in the homeowner's association shall be mandatory for all purchasers of lots within the development and all successors or assigns. The conditions and timing of transferring

- control of the homeowner's association from developer to lot owners shall be identified.
- (3) The homeowner's association shall be responsible for maintenance of insurance and taxes on the open space.
 - (4) The members of the homeowner's association shall share equitably the cost of maintaining and developing the open space. Shares shall be defined by the homeowner's association bylaws.
 - (5) The Board shall first approve any transfer of ownership of any open space by the homeowner's association.
- B. Transfer of Title or Easements. The developer or homeowner's association may transfer title or grant an easement for any open space subject to the following:
- (1) The Board shall first approve the transfer of any title or granting of any easement.
 - (2) The transfer of any title or the granting of any easement shall be to a private conservation organization whose purpose is to conserve open space or natural resources.
 - (3) The conservation organization shall be acceptable to the Board, and is a legal conservation organization with perpetual existence.
 - (4) The conveyance contains appropriate provisions for the proper retransfer in the event that the conservation organization becomes unwilling or unable to continue carrying out its functions.
 - (5) A maintenance agreement acceptable to the Board is entered into between the developer or homeowner's association and the conservation organization.
- C. The open space land may be retained by the landowner and/or the developer and may be sold to any subsequent landowner, provided:
- (1) The open space land is surveyed; and
 - (2) The open space land remains undivided and is restricted from further development by means of a permanent conservation easement; and
 - (3) The conservation easement is recorded in the Office of the County Recorder.

7.14.9 Open Space Maintenance

- A. All lands included as open space and all improvements thereto shall be described and identified as to location, size, use, maintenance and control on the preliminary plat.
- B. The developer shall create a subdivision agreement that shall set forth the method for open space preservation and the method of assessment for the maintenance and control of the open space.
- C. The homeowner's association, private landowner or conservation organization shall be responsible for the maintenance and control of open space.
- D. Failure to comply with the subdivision agreement shall constitute a violation of this Ordinance.

7.14.10 Performance Standards for Open Space Developments**A. General Standards**

- (1) Individual lots, buildings and streets shall be designed and located to minimize alteration of the natural features of the site.
- (2) Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between development and the land.
- (3) The design shall protect floodplains, wetlands and steep slopes from clearing, grading, filling and construction.
- (4) The design shall conserve and maintain mature woodlands, existing fields, pastures and meadows and create a sufficient buffer to minimize conflicts between residential and agricultural uses.
- (5) If development shall be located on open fields or pastures because of greater constraints in all other parts of the site, dwellings should be sited on the least agriculturally important land as determined through use of the Land Evaluation Site Assessment System (LESA), or in locations at the far edge of a field.
- (6) The design should maintain or create an upland buffer of natural native species of at least 100 feet in depth adjacent to lakes and wetlands and 200 feet adjacent to rivers and streams.
- (7) When any woodland is developed, great care should be taken to design all disturbed areas (buildings, roads, yards, sewage treatment sites) in locations where there are no large trees or obvious wildlife areas, to the fullest extent that is practicable.
- (8) The design should avoid siting new construction on prominent hilltops or ridges.
- (9) The design should protect rural roadside character by avoiding development that fronts directly onto existing rural public roads.
- (10) The design should include a pedestrian circulation system that connects residential building sites with the dedicated open space.
- (11) Open Space Developments shall be sited according to *Section 7.3.10 of this Ordinance*.

B. Residential Lot Standards

- (1) The area, configuration and location of open space shall, to the greatest extent possible, be designed as a single block with logical and straightforward boundaries. Long thin strips and small blocks of open space should be avoided.
- (2) Yards abutting the boundaries of the entire open space development site shall meet the minimum setback requirements for the primary zoning district or any applicable overlay zoning district.
- (3) The setback requirements for all yards that are not abutting the boundaries of the entire cluster development may be reduced by 50%, except that single family attached dwelling units may share a common wall separating dwelling units.

C. Open Space Design Standards

- (1) The required open space shall be calculated by either multiplying the number of lots within the proposed open space development by the minimum lot size requirement for the primary zoning district or any applicable overlay district or by setting aside 60% of the total lot area of the open space development, whichever is greater.
 - (2) The open space area may be included as part of any equivalent land area.
 - (3) The required open space shall be undivided and restricted from further development with a permanent conservation easement. Open space areas may be connected with a pathway system.
 - (4) Road rights of way may not be counted towards the required minimum open space, but may be included as part of any equivalent land area.
 - (5) No more than 50 % of the required open space may consist of wetlands or slopes greater than 25 %.
 - (6) If owned by a homeowner's association, at least 25 % of the open space shall be accessible to the residents of the development and be suitable for recreational uses, such as trails or playfields.
- D. Street Standards. The right of way width for each road shall be wide enough to provide for all public services, including roadway drainage, trails and walkways, utilities and snow storage.
- E. Sewage Treatment and Drinking Water Systems
Community and/or alternative sewage treatment systems and/or community drinking water systems may be required where soil types and other environmental sensitivities, such as shallow bedrock formations and susceptibility to nitrate nitrogen contamination, are such that additional measures may be necessary to protect the public health, safety and welfare.
- (1) Community and/or alternative sewage treatment systems and community drinking water supply systems may be placed within the open space area.
 - (2) Individual sewage treatment systems may be placed within the open space area.
 - (3) A subordinate service district, a customer owned utility or other entity acceptable to the Board shall be responsible for the management of any community and/or alternative wastewater systems and any community drinking water supply system.

7.15 Parking and Loading

7.15.1 Standards

- A. Parking spaces for residential parking shall be on the same lot as the residential dwelling.
- B. Off-street parking areas in any district shall not be utilized for open storage of goods or for the storage of vehicles that are inoperable, for sale or for rent.

- C. Loading areas shall be sufficient to meet the requirement of the use and shall provide adequate area for parking and maneuvering on the site without impact on adjacent properties or the public right-of-way.

7.15.2 Design and Maintenance of Off-street Parking Areas

- A. Off-street parking areas shall be improved with a durable and dustless surface. Such areas shall be so graded and drained as to dispose of all surface water accumulation within the parking area in accordance with an approved stormwater management plan. Durable and dustless surface may include crushed rock and similar treatment. Parking areas for six (6) or fewer vehicles shall be exempt from the provisions of this Section.
- B. A parking space shall be at least 9 feet wide by 20 feet long. In considering parking lots, a standard of 300 square feet per parking space shall be used to compute total requirements including maneuvering areas.
- C. Existing off-street parking spaces existing on or before the effective date of this ordinance shall not be reduced in number unless said number exceeds the requirements set forth herein for a similar use.
- D. Off street parking areas shall be screened when any of the following circumstances exist:
 - (1) When a commercial/recreational or industrial use off street parking area contains more than 4 parking spaces and is within 30 feet of an existing residential use or residential zone.
 - (2) When any driveway to a commercial/recreational or industrial use off street parking area of more than 6 parking spaces is within 15 feet of an existing residential use or residential zoning district.
- E. Off-street parking areas shall be of sufficient size to provide parking for patrons, customers, suppliers, visitors and employees, and shall be as set forth in the following table. When the calculation of the number of parking spaces required results in a fraction, the parking spaces required shall be increased to the nearest whole number. Parking within the enclosed structures(s) is permitted provided the space is usable.

Churches, Community Buildings, and Other Places of Public Assembly	One space for each three seats or for each five feet of pew length, based on maximum design capacity.
Day Care Facilities	One space for each two employees, plus one drop-off space for each five enrollees
Eating and Drinking Establishments	One space for each three seats, based on maximum design capacity.
Golf Courses	Five spaces for each hole, plus one space for each 10 seats in the club house.
Hotels and Motels	One space for each unit.

Industrial Uses	One space for each two employees on the major shift, or one space for each 2,000 square feet of gross floor area, whichever is greater.
Offices and Clinics	One space for each 300 square feet of gross floor area.
Residential Uses	Two spaces per dwelling unit.
Retail and Service Establishments	One space for each 250 square feet of gross floor area plus one space per 1000 square feet of outdoor sales/display area
Resorts, Campgrounds, Recreational Vehicle Parks	Three spaces for each unit/lot, two spaces within unit/lot and one space in overflow parking area
Schools	One space for each four students based on design capacity.
Service Stations/Convenience Stores	One space for each service bay, plus one space for each 300 square feet of gross floor area.
Uses Not Specifically Noted	As determined by the Director based on a parking study and/or industry standards.
Vacation/Private Home Rental	One space for every three people, based on permitted occupancy

- F. In the case of mixed uses, the parking facilities required shall be the sum of the requirements for the various individual uses, computed separately in accordance with this Section. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use except that the Planning commission may consider the joint use of a parking area where it is known that because of a time element, the parking facilities will not be needed by more than one of the users at one time.

7.16 Pipeline Easement Setback

Structures shall not be placed within the boundary of any pipeline easement as defined in *Minnesota Rules, Section 7535.0100, Subp. 6; or successor rules.*

7.17 Principal Structures

There shall be no more than one (1) principal structure on any one (1) parcel of land, unless otherwise allowed in this Ordinance.

7.18 Residential Dwelling Unit

In all districts where single or multi-family dwellings are permitted, the following standards shall apply, except for temporary dwellings permitted under *Sections 6.46 and 7.24 of this ordinance:*

- A. Any manufactured home to be used as a residential dwelling unit shall be no less than 14 feet in width and shall bear a Seal of Compliance issued by the State of Minnesota.

- B. Unless otherwise provided in this Ordinance, no accessory building or recreational vehicle shall be used at any time as a dwelling unit.

7.19 Screening

The following standards shall apply when screening is required by the provisions of this Ordinance:

- A. Any screening that is required in this Ordinance shall consist of earth mounds, berms or ground forms; neutral colored fences and walls; landscaping (plant materials) or landscape fixtures (such as timbers) used in combination or singularly so as to block direct visual access to an object.
- B. The use of screen walls shall consist of materials of similar type, quality and appearance as that of the principal structure. Such screens shall be at least six (6) feet in height and provide a minimum opaqueness of eighty percent (80%).
- C. The use of berming or landscaping (eighty percent (80%) opaque at the time of maturity). Planting screens shall consist of healthy plant materials at least six (6) feet in height at the time of planting.
- D. Screening fences and walls that are in disrepair shall be repaired. Planting screens shall be maintained in a neat and healthy condition. Plantings that have died shall be replaced within the current or next growing season.

7.20 Sign Regulations

On premise signs are a permitted accessory use in all zoning districts. Off premise signs (Billboards) may only be permitted as a conditional use subject to the procedures set forth in *Section 4.8 of this Ordinance*. On premise and off premise signs shall be subject to the following standards:

7.20.1 General Standards

- A. Private signs, other than public utility warning signs, are prohibited within public rights-of-way and easements or on any other public property.
- B. Illuminated signs may be permitted, but devices giving off an intermittent or rotating beam of light shall be prohibited. Flood lighting shall be focused upon the sign. No lighting for signs shall directly reflect light beams onto any public street or residential structure. Signs shall not be illuminated beyond any lot line.
- C. No sign shall, by reason of position, shape or color, interfere in any way with the proper functioning or purpose of a traffic sign or signal.
- D. No sign shall be painted directly on the roof or outside wall of a building.
- E. No sign shall be painted or placed on fences, rocks or similar structures or features, nor shall paper or similar signs be attached directly to a building wall with adhesive or similar means.
- F. No sign in excess of three (3) square feet per surface with no more than two (2) surfaces shall be less than five hundred (500) feet from the intersection of a public road and a railroad, provided that advertising may be affixed to or located adjacent to a building at such intersection in such a manner as not to cause any greater obstruction of vision than that caused by the building itself.

- G. All signs shall be set back from the right-of-way of public roads not less than ten (10) feet from the closest part of the sign. All signs shall be set back ten (10) feet from adjacent property lines.
- H. No private sign shall be erected that resembles any official marker erected by a government agency or otherwise constitutes a traffic hazard.
- I. No sign shall be permitted that obstructs any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress of any building or structure.

7.20.2 Signs Permitted in All Zoning Districts

- A. A real estate sign for the purpose of selling, renting or leasing a single parcel, not in excess of twenty five (25) square feet per surface and with no more than two (2) surfaces, may be placed within the front yard of the property.
- B. There shall be no more than one temporary sign on any lot, and such sign shall not exceed twenty five (25) square feet per surface and with no more than two (2) surfaces, which may remain on site a maximum of ten (10) days.
- C. Election signs, provided such signs are removed with ten (10) days following the election to which the sign is related.
- D. Names of buildings, dates of erection, commemorative tablets and the like, when carved into stone, concrete or similar materials or made of bronze, steel, aluminum or other permanent type of construction.
- E. Signs on private property requesting “No Trespassing”, “No Hunting” etc.
- F. Any signs authorized by a governmental unit such as directional, street name, traffic, safety, danger and parking signs.
- G. One ideological, non-commercial sign per parcel, which does not advertise a product, service or business, but expresses a viewpoint, opinion, idea or non-commercial message such as a message pertaining to politics, religion or charity, may be permitted but in no case shall the total sign area exceed thirty two (32) square feet per surface with no more than two (2) surfaces. Such sign shall be maintained in a neat and orderly manner.
- H. One area identification sign, not to exceed thirty two (32) square feet per surface with no sign having more than two (2) surfaces, shall be allowed for each street entrance to a development or municipality.

7.20.3 Signs Permitted in Agricultural and Residential Districts

- A. One name plate sign for each dwelling unit not to exceed (2) square feet in area per surface, and no sign shall be so constructed as to have more than two (2) surfaces.
- B. One sign for each permitted non-residential use or use by conditional use permit may be allowed. Such signs shall not exceed thirty-two (32) square feet in area per surface and no sign shall be so constructed as to have more than two (2) surfaces. On principal arterial and minor arterial streets, signs in excess of thirty-two (32) square feet may be

permitted by conditional use, but in no case shall the total square footage exceed sixty four (64) square feet per surface or one hundred twenty eight (128) total square feet.

- C. Symbols, statues, sculptures and integrated architectural features on buildings may be illuminated by flood lights provided the source of light is not visible from a public right-of-way or adjacent property.
- D. No sign shall exceed ten (10) feet in height above the average grade level.
- E. For the purpose of selling or promoting a residential project, one sign not exceeding eighty (80) square feet per surface with no more than two (2) surfaces may be erected on the project site.
- F. Crop demonstration signs advertising the use of a particular variety, brand or type of agricultural plant, chemical or tillage.
- G. Agricultural product signs indicating that the proprietor of a farm is a dealer in seed, fertilizer or other agricultural products only when such dealership is incidental to the primary agricultural business of the farm.

7.20.4 Signs Permitted in Rural Townsite, Commercial-Recreation and Industrial Districts

- A. The aggregate square footage of sign space per lot, including all sign surfaces, shall not exceed two hundred fifty (250) square feet.
- B. No sign shall extend in height above the parapet wall of any principal building, except that one (1) free standing sign shall be allowed not exceeding twenty-five (25) feet in height above the average grade.
- C. No sign shall be mounted on a structure on or above the roof line.
- D. For the purpose of selling or promoting a commercial or an industrial project, one sign not to exceed one hundred thirty (130) square feet with no more than two (2) surfaces, may be erected upon the project site.

7.20.5 Off-premise Signs (billboards)

- A. Off-premise signs (billboards) may be permitted as a conditional use in any industrial district and the Commercial Recreation district, providing the total square footage of both sides of the sign area is not more than six hundred (600) square feet, for signs located along principal arterial streets. On other streets, the total square footage of sign area shall not be more than four hundred (400) square feet.
- B. No off-premise sign (billboard) shall be located within five hundred (500) feet of parks, historical sites, public picnic or rest areas, or within two hundred (200) feet of church or school property.
- C. No off-premise sign (billboard) shall be located closer than thirteen hundred (1300) feet horizontal distance from any other advertising sign measured in any direction. Advertising signs shall not exceed thirty (30) feet above the average ground level at the base of the sign.

7.20.6 Legal Nonconforming Signs

Existing signs that do not conform to the specific provisions of this Ordinance are legal nonconforming signs provided that:

- A. The Director determines such signs are properly maintained and do not in any way endanger the public.
- B. The sign was installed in conformance with a valid permit or variance, or complied with all applicable laws on the effective date of this Ordinance.

7.20.7 Illegal Nonconforming Signs

A legal nonconforming sign becomes an illegal nonconforming sign and subject to the violation provisions of this Ordinance if:

- A. The sign is relocated or replaced.
- B. The structure or size of the sign is altered in any way except toward compliance with this Ordinance. This does not refer to change of copy or normal maintenance.

7.20.8 Legal Nonconforming Sign Requirements and Damage

Legal nonconforming signs are subject to all requirements of this Ordinance regarding safety, maintenance, and repair. If a legal nonconforming sign suffers more than 50 percent damage or deterioration, based on the market value, it shall be brought into conformity with this Ordinance or removed.

7.21 Stormwater Management

The purpose of this Section is to prevent or reduce, to the most practicable extent, the negative effects of stormwater runoff and to protect the water and soil resources of Stearns County through the use of best management practices and/or stormwater management facilities.

7.21.1 Applicability:

A stormwater management plan shall be required and all stormwater management provisions shall apply to any of the following activities within Stearns County:

- A. Any development activity that results in the cumulative addition of one (1) acre or greater of new impervious surface to the site.
- B. Any new resort and/or planned unit development in accordance with *Section 10.2.23 C of this Ordinance*.
- C. Redevelopment of any existing parcel that currently exceeds lot coverage limits.
- D. Expansions to existing resorts or the replacement of structures within existing resorts in accordance with *Section 10.2.23 D and E of this Ordinance*.
- E. Any other land development activity including, but not limited to, redevelopment or alteration of existing buildings and other structures that the Director determines may significantly increase downstream runoff volumes, flooding, soil erosion, water pollution or property damage or significantly impact a lake, stream or wetland.

7.21.2 General Standards

Development activities requiring the submittal of a stormwater management plan shall conform to the following standards:

- A. Developments shall use best management practices and stormwater management facilities to treat stormwater runoff generated by new or redeveloped impervious surfaces. Designs using surface drainage, vegetation and infiltration shall be given preference over buried pipes, manmade materials and facilities.
- B. The applicant shall be responsible for the design, construction and maintenance of any best management practices and/or stormwater management facilities identified in the stormwater management plan.
- C. The following stormwater management practices shall be investigated in developing a stormwater management plan, in the following descending order of preference:
 - (1) Natural infiltration of precipitation on-site;
 - (2) Flow attenuation by use of open vegetated swales and/or natural depressions;
 - (3) Stormwater detention facilities.
- D. The applicant shall give consideration to reducing the need for stormwater management facilities by incorporating the use of natural topography and land cover such as natural swales and depressions as they exist before development to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the natural feature.

7.21.3 Stormwater Management Plans

Applicants shall submit a stormwater management plan to the Department for approval. All required plans shall be drawn to an easily legible scale, shall be clearly labeled and shall be signed by its designer. A minimum scale of 1:100 shall be used, unless otherwise approved by the Director. Stormwater management plans shall, at a minimum, include the following information:

- A. A narrative describing the proposed project, including an implementation schedule.
- B. A grading plan shall be submitted and include:
 - (1) Existing and proposed property lines and lot dimensions.
 - (2) Existing and proposed drainage, utility and other easements.
 - (3) Existing zoning classifications for land within and abutting the development.
 - (4) Location and dimensions of existing and proposed public and private roads and structures.
 - (5) All natural and artificial water features including, but not limited to, lakes, ponds, streams (including intermittent streams) and ditches. Show the ordinary high water level of all lakes, 100 year flood elevations and any delineated wetland boundaries.
 - (6) Existing vegetative cover, wooded areas and a clear boundary of any vegetation proposed for removal.
 - (7) Existing and proposed elevations shown at 2 foot contours, extending at least 200 feet beyond the property boundaries or as required to

- clearly indicate the relationship of proposed changes to existing topography and remaining features.
- (8) Locations and dimensions of all proposed land disturbing activities and any phasing of those activities.
- C. A drainage plan of the developed site showing the direction stormwater will be conveyed, locations where stormwater will be allowed to collect and locations of all discharge points from the property. The drainage plan shall show all drains or tile lines on the property.
- D. An Erosion and Sediment Control Plan in accordance with *Section 7.5.2 of this Ordinance*.
- E. A vicinity map which includes the locations of any designated trout stream within two thousand (2000) feet of the property boundary.
- F. A landscape plan or written description of methods used to achieve final stabilization, the type of stabilization and rate of application. Stabilization methods shall be described for each major phase of construction including, but not limited to, mass grading operations and stabilization for individual lots within any development.
- G. Information shall be included which clearly identifies all elevations and grades for streets, ditches, stormwater management facilities, wetlands, lakes, pipe inverts and pipe outlets.
- H. A map showing the boundaries of each soil type, the hydrologic classification of each soil type and the estimated acreage of each soil type. The soil information shall be based on the most current version of the *United States Department of Agriculture (USDA) electronic Field Office Technical Guide (eFOTG)*.
- I. A detailed schedule of anticipated starting date and completion date of each phase of construction and/or land disturbing activity, including the installation of erosion and sediment control measures needed to meet the requirements of *Section 7.5 of this Ordinance*.
- J. A work and materials list for all proposed site grading, stormwater management, and erosion and sediment control related operations.
- K. An operations and maintenance plan for all stormwater management facilities shall be submitted in accordance with *Section 7.21.4 of this Ordinance* that assures long term maintenance will be performed in order to sustain the function of the facility. The name and contact information for the party responsible for the long term maintenance of said facilities must be included.
- L. An evaluation of all landlocked lakes, wetlands and stormwater facilities in the design analysis for the one hundred (100) year storm event which demonstrates that the runoff from a one hundred (100) year storm event will not impact structures and access within the development.
- M. A detailed description of existing and proposed runoff curve numbers.
- N. The stormwater management plan shall include calculations which clearly show the effects of this development on the peak rate of discharge, the total volume of discharge, channel velocities and other potential drainage impacts to water and soil resources both on and off the development site in accordance with *Section 7.21.6 of this Ordinance*. All stormwater management calculations submitted to the Department for review shall

include sufficient information to evaluate the changes to the stormwater drainage characteristics within the watershed areas affected by the proposed land disturbing activity. The Director may require the applicant to provide any additional information, calculations or data needed for a complete review.

- O. Stormwater management calculations shall list the new impervious area created in each sub-watershed and shall include the assumptions and calculations used for determining impervious areas, such as house pad, driveway, and outbuildings.
- P. Projects that ultimately disturb greater than one acre of land are required to obtain an NPDES General Stormwater Permit for Construction Activity from the Minnesota Pollution Control Agency. Projects requiring an NPDES permit shall include submittal of a copy of the permit application and any other documents required by NPDES standards not covered in this Section.

7.21.4 Stormwater Management Facility Maintenance Standards

- A. All stormwater management facilities shall be inspected and maintained in perpetuity. After implementation of the approved stormwater management plan, long term inspection and maintenance responsibilities may be transferred to a separate entity such as, but not limited to, a Township after official acceptance by the Township Board, a Watershed District after official acceptance by the District Board, a legally organized homeowners association or any entity approved by the Director.
- B. Facilities shall be designed to minimize the need for maintenance, to provide access for maintenance purposes and to be structurally sound.
- C. An operations and maintenance plan shall be submitted to the department with the stormwater management plan and include:
 - (1) Name and contact information of the entity responsible for long term maintenance.
 - (2) Inspection Schedule.
 - (3) Inspection checklist to be used and inspection protocol.
 - (4) Description of how inspections and maintenance activities will be funded.
- D. All Inspection and Maintenance documents shall be kept by the responsible party for a minimum of ten (10) years.
- E. It shall be the responsibility of the applicant to obtain any necessary easements to allow for access to the stormwater management facilities for inspection and/or maintenance purposes.

7.21.5 Financial Guarantee

Once a stormwater management plan is approved, a financial guarantee in the form of a letter of credit, cash deposit or bond in favor of the County equal to one hundred twenty-five (125) percent of site grading and erosion/sediment control costs shall be submitted to the County. This guarantee is necessary to ensure the satisfactory installation, completion and maintenance of the measures as required in the stormwater management plan.

- A. Final plat approval or issuance of a conditional use permit shall not be granted until a financial guarantee has been submitted to the County.
- B. Release of any portion of the financial guarantee is contingent on approval from a professional engineer that as built conditions meet original design specifications and a site visit by County staff is conducted to evaluate the condition of erosion and sediment control measures.

7.21.6 Design Standards – Stormwater detention facilities

Permanent stormwater detention facilities (when required) shall be designed according to the most current technology as reflected in the Minnesota Pollution Control Agency's publication "*Protecting Water Quality in Urban Areas*" (2000) and "*Minnesota Stormwater Manual*" (2005), as amended, and shall conform to, at a minimum, the following design standards:

- A. Calculations shall be included that clearly show the effects of the proposed development on the peak rate of discharge, the total volume of discharge, channel velocities and other potential drainage impacts both on and off the development site. All stormwater management calculations submitted to the Department for review shall include sufficient data to evaluate the changes to the stormwater drainage characteristics within the affected watershed. The Director may require the applicant to provide any additional information, calculations or data if needed for a complete review.
- B. The two (2), ten (10) and one hundred (100) year twenty four (24) hour frequency storm event shall be evaluated and modeled for Stormwater Management Plans developed in accordance with Sections 7.21.1 A and B of this Ordinance.
- C. The two (2) and ten (10) year twenty four (24) hour frequency storm event shall be evaluated and modeled for Stormwater Management Plans developed in accordance with Sections 7.21.1 C and D of this Ordinance. New stormwater management facilities for applicable sites shall be designed to accommodate the runoff from a ten (10) year storm event. All systems and facilities shall be designed to withstand the runoff from a one hundred (100) year storm event without damage to the system or facility, downstream areas and without significant risk to human health and safety.
- D. Rainfall amounts for the design storms can be found using the *U.S. Weather Bureau Technical Paper No. 40 (TS 40)* rainfall intensity duration curves for a Type II rainfall distribution.
- E. New constructed stormwater outfalls to any public water or wetland must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
- F. Stormwater facilities shall be designed assuming that existing drains and drain tiles no longer function, unless:
 - (1) An easement is supplied for future maintenance; and
 - (2) The applicant demonstrates that the drain or tile has the capacity and service condition to make it a suitable component of the stormwater management system.
- G. Where there is discharge to an existing roadway, ditch, storm sewer or other public facility, the applicant shall show that there is no net increase

in runoff volume discharged to the public facility, and that the proposed activity will not degrade any critical roadway element or negatively impact its safety, maintenance or function.

H. Specific Standards for Wet Detention Basins

- (1) All wet detention basins shall be designed and constructed in accordance with the W.W.Walker Method (1987).
- (2) Designs for wet detention basins shall include, but not be limited to, calculations for estimated inflow and outflow, permanent and temporary storage volumes, mean depth, outlet design, downstream stabilization, emergency spillways, basin profiles and basin cross sections.
- (3) In the Limited Industrial (LI), General Industrial (GI) and Commercial Recreational (CR) zoning districts, skimmers shall be included on the outlet of wet detention basins. Construction details of the skimmers shall be shown on the construction plans for the wet detention basin.
- (4) Ground water sensitivity. Wet detention basins located in areas identified as being highly susceptible to ground water contamination, except ground water discharge areas, shall be designed so that the bottom of the basin is located at least three feet above the seasonal high ground water elevation and/or bedrock and be lined with two (2) feet of soil having a permeability less than five (5) minutes per inch.

I. Peak Rate of Discharge Standards

- (1) Peak discharge rates for all developments shall be derived using the standard methods of the *Natural Resources Conservation Service TR 55* or *TR 20* as defined in the current *Hydrology Guide for Minnesota*.
- (2) Applicants shall provide pre-settlement and proposed post-development calculations for each sub-watershed within the property boundary or at the point of discharge from the property. Calculations shall show that peak discharge rates for the proposed post-development conditions do not exceed pre-settlement conditions at the property boundary for the modeled storm events in accordance with *Section 7.21.6.B or C of this Ordinance*.
- (3) The following runoff curve numbers, based on the Stearns County Soils hydrologic group, shall be used to analyze pre-settlement conditions:

A-30

B-55

C-71

D-77

- (4) Where pre-settlement calculations indicate no runoff, the infiltration standards required in *7.21.6 J of this Ordinance* shall be used to demonstrate compliance with a no runoff requirement for the storm frequency and duration being considered.

J. Volume Discharge Standards

- (1) Total volume discharges shall be derived using the standard methods of *Natural Resources Conservation Service TR 55* or *TR 20* as defined in the current *Hydrology Guide for Minnesota*.

- (2) All stormwater management facilities shall be designed so that the volume of runoff discharged from the property after development does not exceed pre-development conditions for modeled storm events in accordance with *Section 7.21.6 B or C of this Ordinance*.
- (3) For evaluation of post-development runoff, drained hydric soils shall be assumed to revert to an undrained condition unless the applicant demonstrates that publicly owned and maintained drainage facilities will be adequate to maintain the drained condition.

K. Infiltration Standards

- (1) Stormwater management facilities shall be designed with the capability to infiltrate one-half (1/2) inch of runoff from all newly created or redeveloped impervious surfaces within forty eight (48) hours.
- (2) Infiltration volume and facility sizes shall be calculated using the appropriate hydrologic soil group calculation and saturation infiltration rate from the table below.

Design Infiltration Rates			
Hydrologic Soil Group	Soil Textures	Corresponding Unified Soil Classification	Infiltration Rate (Inches/hour)
A	Gravel, sand, sandy gravel, silty gravel, loamy sand, sandy loam	GW - Well graded gravel or well graded gravel with sand GP - Poorly graded gravel or poorly graded gravel with sand	1.63
		GM - Silty gravel or silty gravel with sand SW - Well graded sand or well graded sand with gravel SP - Poorly graded sand or poorly graded sand with gravel	0.8
B	loam, silt loam	SM - Silty sand or silty sand with gravel	0.6
		ML - Silt OL - Organic silt or organic silt with sand or gravel or gravelly organic silt	0.3
C	sandy clay, loam	GC - Clayey gravel or clayey gravel with sand SC - Clayey sand or clayey sand with gravel	0.2
D	Clay, clay loam, silty clay loam, sandy clay, silty clay	CL - Lean clay or lean clay with sand or gravel or gravelly lean clay CH - Fat clay or fat clay with sand or gravel or gravelly fat clay OH - organic clay or organic clay with sand or gravel or gravelly organic clay MH - Elastic silt or elastic silt with sand or gravel	<0.2

Source: Minnesota Stormwater Manual Version 1.1

- (3) Documented site specific infiltration or hydraulic conductivity measurements may be used in place of values in the above table, if approved by the Director. Acceptable methods for determining infiltration measurements include double ring infiltrometers, Guelph

- Permeameters, Phillip-Dunne Infiltrometers or other testing equipment acceptable to the Director. All testing shall be conducted in accordance with current ASTM or manufacturers standards.
- (4) If infiltration rates are calculated through site specific testing, corrective factors shall be addressed if limiting factors are shown to be present in native soils as per the *Minnesota Stormwater Manual*, as amended.
 - (5) Infiltration areas shall be limited to the horizontal areas subject to prolonged wetting. Areas of permanent pools shall not be accepted as an infiltration practice.
 - (6) Infiltration areas located in areas of high or very high susceptibility to groundwater contamination shall have either natural undisturbed soil or be lined with at least two (2) feet of soil with a permeability of five (5) minutes per inch or slower.
 - (7) Infiltration areas shall be at least three (3) feet above the seasonal high ground water elevation and/or bedrock.
- L. Standards for discharges to Designated Trout Streams:
- (1) The stormwater management plan shall include provisions and practices to reduce the temperature of runoff from sites that discharge stormwater runoff within two thousand (2000) feet of a river or stream identified by the Minnesota Department of Natural Resources as a designated trout stream.
 - (2) The stormwater management plan does not need to meet the above rule, if the applicant can justify by use of a model, that practices are not necessary because the temperature increase of runoff from the site post-development will be zero.

7.21.7 Compliance with storm water management plans.

If an applicant does not implement the requirements of a stormwater management plan, the Director may issue an abatement order as outlined in *Section 4.23 of this Ordinance*.

7.22 Swimming Pools

7.22.1 Performance Standards

Swimming pools shall be allowed in all zoning districts as an accessory use and shall comply with the following standards:

- A. The pool shall meet any required setback.
- B. The pool itself or the yard around the pool shall be enclosed by a wall, fence or combination thereof which is at least 6 feet in height, with a self-closing gate capable of being secured with a lock so as to prevent uncontrolled access. All points of access shall be made lockable.
- C. For in-ground pools, required fencing shall be of durable material and shall be so designed as to discourage climbing. Building walls may be used to meet this requirement.
- D. For above-ground pools, pool sides that are vertical or slanted outward may contribute to the required fencing, providing all points of access

are controlled, including the removal of all ladders or stairs when the pool is not in use.

7.23 Telecommunication Equipment, Towers and Support Structures

7.23.1 Purpose

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

- A. Facilitate the provision of wireless telecommunication services to the residents and businesses of the County;
- B. Minimize adverse visual effects of towers through careful design and siting standards;
- C. Avoid potential damage to adjacent properties from tower failure;
- D. Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the County; and
- E. To encourage clustering of self support/lattice and guyed towers in appropriate locations.

7.23.2 General Standards

The following standards shall apply to all antennas:

- A. All obsolete and unused antennas shall be removed within twelve (12) months of cessation of use.
- B. All antennas shall be in compliance with all Federal, State and local building, electrical and any other relevant code requirement.
- C. Structural design, mounting and installation of any antenna support structure shall be in compliance with manufacturer's specifications. The construction plans and design of any antenna requiring a permit shall be verified and approved by a registered professional engineer.
- D. No advertising message or identification shall be affixed to any antenna structure.
- E. Antennas shall not be artificially illuminated unless required by law or by a governmental agency to protect the public health and safety. Guy wires or guy wire anchors shall not be erected within public or private utility and drainage easements, and shall be set back a minimum of five (5) feet from all lot lines. Guy wires within ten (10) feet of the ground surface shall be fenced within an enclosure or maintained with a cover of highly reflective material to prevent accidental collision.
- F. When applicable, proposals to erect new antennas shall be accompanied by any required federal, state or local agency licenses or proof of application thereof.
- G. Antenna support structures under 200 feet in height shall be painted or coated silver or have a galvanized finish to reduce visual impact, unless otherwise required by federal law. Silver or galvanized finishes shall be required unless the setting or natural surroundings can be used to justify another color.

- H. No land may be subdivided for the purpose of providing space for an antenna unless all lot size requirements for the applicable zoning district are met and subdivision approval is obtained.
- I. The addition of antennas and associated equipment of an additional provider to an existing legal structure shall be considered co-location and not required an amendment to any conditional use permit.

7.23.3 Permitted and Accessory Uses

- A. Radio and Television receiving antennas and satellite dish antennas shall be permitted in all districts and shall not require any permit provided the following standards are met:
 - (1) The maximum support structure height shall be 75 feet and all other standards contained in *Section 7.23.2 of this Ordinance* are met.
 - (2) Any antenna or antenna support structure not located on a building shall be located in the rear yard, no closer to any property line than the height of the structure.
 - (3) The installation of more than one (1) support structure per property shall require the approval of a conditional use permit.
 - (4) Satellite dish antennas larger than two (2) meters in diameter shall meet all building setback requirements, and satellite dishes over 3 meters in diameter are prohibited in all residential districts.
- B. Private short wave radio antennas and other private radio transmitting or receiving antennas are allowed in all districts provided that the following standards are met:
 - (1) The maximum support structure height shall be 75 feet and all other standards contained in *Section 7.23.2 of this Ordinance* are met.
 - (2) A construction site permit shall be required in accordance with *Section 4.11 of this Ordinance*.
 - (3) Radio support structures (towers) shall be installed in accordance with the instructions furnished by the manufacturer of that tower model. Antennas mounted on such tower may be modified or changed at any time so long as the published allowable load on the tower is not exceeded and the structure of the tower remains in accordance with the manufacturer's specifications.
 - (4) Any antenna or antenna support structure not located on a building shall be located in the yard, no closer to any property line than the height of the structure.
- C. Commercial and Public Radio and Television Transmitting Antennas and Public Utility Microwave Antennas shall be allowed in the GI and LI zoning districts subject to the following:
 - (1) The antennas shall be considered an allowed conditional use subject to the procedures set forth in *Section 4.8 of this Ordinance* and all other applicable requirements of this Ordinance.

- (2) Any antenna or transmitting tower shall be located on a continuous parcel having a dimension equal to the height of the antenna or transmitting tower measured from the base of the antenna or tower located nearest a property line and said property line, unless a registered structural engineer specifies in writing that the collapse of any antenna or tower will occur within a lesser distance under all foreseeable circumstances.
- D. Single or multiple tower AM radio transmitting antennas shall be allowed in the A-160, A-80 and A-40 zoning districts, subject to the following:
 - (1) The AM radio transmitting antennas shall be considered an allowed conditional use subject to the procedures set forth in *Section 4.8 of this Ordinance* and all other applicable requirements of this Ordinance;
 - (2) Any AM transmitting antenna or transmitting tower shall be located on a continuous parcel having a dimension at least equal to the height of the antenna or transmitting tower as measured from the base of the antenna or tower located nearest a property line to said property line, unless a registered structural engineer specifies in writing that the collapse of any antenna or tower will occur within a lesser distance under all foreseeable circumstances;
 - (3) Single or multiple tower AM radio transmitting antennas are subject to the general standards found in *Section 7.23.2 of this Ordinance* and the standards and requirements found in *Section 7.23.5 of this Ordinance*, with the exception that *Sections 7.23.5 A(3) and B(3)* shall not apply

7.23.4 Personal Wireless Service and Microwave Antennas

- A. Transition (T-20), Residential (R-20, R-10, R-5, R-1), Rural Townsite (RT), Scenic River (SR), Residential Manufactured Home District (RMH), Educational/Ecclesiastical (EE) and Shoreland Overlay District:
 - (1) Antennas and support structures shall not exceed 75 feet in height in the T-20, R-20, R-10, R-5, R-1, RT, SR, RMH and EE District and the Shoreland Overlay District.
 - (2) Commercial antennas (other than co-location) and support structures of any type shall require a conditional use permit and be subject to all requirements for a conditional use permit including the requirements contained in *Section 7.23.5 of this Ordinance*.
 - (3) Any antenna or antenna support structure not located on a building shall be located in the rear yard, no closer to any property line than the height of the structure.
- B. Agricultural (A-160, A-80 and A-40) Districts:
 - (1) The Director may issue a construction site permit for any antenna support structure equal to or less than 130 feet in height, or for any antenna to be located on any pre-existing legal antenna support structure, or for any antenna to be located upon an

- existing building or structure which does not exceed 15 feet above the permitted structure height.
- (2) A conditional use permit shall be required for any antenna or support structure over 130 feet in height. No structure shall be located closer to any property line than the height of the structure.
- C. Commercial/Recreational (CR), General Industrial (GI) and Limited Industrial (LI) Districts:
- (1) The Director may issue a construction site permit for any antenna support structure equal to or less than 130 feet in height, or for any antenna to be located on any pre-existing legal antenna support structure, or for any antenna to be located upon an existing building or structure which does not exceed 15 feet in height above the permitted structure height.
 - (2) A conditional use permit shall be required for any antenna or support structure over 130 feet in height. No structure shall be located closer to any property line than one-half the height of the structure. Exceptions to such setback may be granted if a structural engineer licensed in Minnesota specifies in writing that any failure or collapse of the structure will occur within a lesser distance under all foreseeable circumstances.

7.23.5 Standards and Requirements for Conditional Use Permits

- A. Information Required with Conditional Use Permit Application
- In addition to any information required for a conditional use permit under the provisions of *Section 4.8.1 of this Ordinance*, no application for an antenna shall be complete unless the following data has been provided:
- (1) Documentation of the area to be served including a search ring for the antenna location. A narrative describing a search ring (with not less than a ¼ mile radius) for the request clearly explaining why the site was selected and what existing (over 100 feet in height) structures were available and why they are not suitable as locations or co-locations.
 - (2) Documentation that the intended communications equipment for the proposed structure cannot be accommodated on any existing or approved structure within the search ring of the service area due to one or more of the following reasons:
 - (a) The intended equipment would exceed the structural capacity of the existing or approved structure or building, as documented by a qualified structural engineer, and the existing or approved structure cannot be reinforced or modified to accommodate planned equipment at a reasonable cost (or within a reasonable time); or
 - (b) The intended equipment would cause interference with other existing or planned equipment at location as documented by a qualified radio frequency engineer, and the interference cannot be prevented at a reasonable cost; or

- (c) No existing or approved structures or buildings within ½ mile radius meet the radio frequency design criteria; or
 - (d) Existing or approved structures and buildings within ½ mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified radio frequency engineer; or
 - (e) A good faith effort to co-locate on existing structures within a ½ mile radius was made, but an agreement could not be reached.
- (3) An agreement stating that structures over 130 feet in height will be designed for not less than three (3) users (including the applicant) with applicant and property owner commitment to co-location on reasonable market terms in good faith. Any prohibition of additional users on a tower will be considered a violation of the conditional use permit. The agreement shall also include a statement that any unused or obsolete tower shall be removed by the property owner and/or applicant. Said agreement shall be signed by the applicant and the property owner and shall be attached to, and become a part of, the permit.
- B. Standards and Conditions. In addition to any conditions included as a result of the process of issuing a conditional use permit, the following standards shall apply to all antennas and support structures unless specifically waived by the Planning Commission:
- (1) Antennas and support structures shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards of the Uniform Building Code and all other applicable codes. Antennas shall be designed to conform to accepted electrical engineering methods and practices and to comply with the provisions of the *National Electrical Code*; or *successor Code*.
 - (2) Antenna support structures shall be constructed of, or treated with, corrosive resistant material.
 - (3) Any proposed support structure over 130 feet in height shall be designed, in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users. To allow for future rearrangement of antennas, the structure shall be designed to accept antennas mounted at no less than 10 foot intervals. Support structures less than 130 feet and greater than 75 feet in height shall be designed for a total of two (2) users.
 - (4) All support structures shall be reasonably protected against unauthorized climbing. The bottom of the structure (measured from ground level to 12 feet above ground level) shall be designed in a manner to preclude unauthorized climbing and shall be enclosed with a minimum of an 8 foot high chain link fence with a locked gate.
 - (5) All antennas and support structures shall utilize building materials, colors, textures, screening and landscaping that blend

to the tower facilities within the surrounding natural setting and environment to the greatest extent possible.

- (6) No part of any antenna or support structure, nor any lines, cable, equipment, wires or braces shall at any time extend across or over any part of the right-of-way, public street, highway or sidewalk, unless specifically approved by the Planning Commission.

7.24 Temporary Dwelling during Construction

No accessory building shall be used at any time as a dwelling unit, except that an accessory building may be occupied as a temporary dwelling for a period of not more than six (6) months if construction of a permanent dwelling is actually under construction during occupancy of the accessory building and further that the accessory building is provided with garage doors.

7.25 Temporary Storage or Operation of Equipment

7.25.1 Performance Standards

The storage or operation of equipment on a temporary basis is subject to the administrative provisions of *Section 4.18 of this Ordinance*, and the following standards:

- A. The temporary storage of equipment and/or operations of a temporary use shall be limited to a bituminous plant, ready mix plant or contractor's yard associated with highway construction or a similar public purpose.
- B. The use shall comply with all applicable federal, state and County rules, regulations, laws and ordinances.
- C. All equipment and temporary buildings shall meet the setbacks of the underlying zoning district.
- D. The property owner shall submit a financial guarantee as specified by the Planning Commission that the temporary equipment will be removed upon termination of the interim use permit. Upon termination of the interim use permit, the temporary equipment shall be removed from the premises within 30 days.

7.26 Temporary Uses/Special Events

Except as provided in this Section, the following temporary uses and special events shall be permitted in all zoning districts provided such temporary use or special event complies with the regulations of the zoning district in which the property is located and all other applicable regulations of this Ordinance are complied with:

- A. Garage sales shall be limited to a total of ten (10) days of operation per calendar year at any residential location.
- B. Storage of building materials and equipment or temporary buildings for construction purposes may be located on the site under construction for the duration of the construction or a period of one (1) year, whichever is less.
- C. Temporary amusement events, including the erection of tents for such events, may be allowed as a temporary use for a maximum of 15 days per calendar year. In residential districts, such temporary amusement events shall be located

on institutional or public property only. Additionally, temporary amusement events shall be subject to the provisions of *Stearns County Ordinance 18; or successor ordinance*.

- D. Promotional activities including outdoor sales and display may be allowed as a temporary use in Commercial/Recreational and Industrial districts for a maximum of 30 days per calendar year. Such sales and display may also be conducted within a tent or other temporary structure.
- E. In addition to the temporary uses and special events listed above, the Director may allow other temporary uses or special events for a maximum of 15 days per calendar year, provided that the proposed temporary use or special event is substantially similar to the temporary uses and special events listed above.

7.27 Traffic Visibility

Nothing shall be placed or allowed to grow on corner lots in such a manner as to impede vision on the intersecting roadways. A clear line of vision between 2.5 feet and ten (10) feet above the centerline grades of the intersecting roadways shall be maintained from the intersection to a distance of 50 feet along each roadway (sight triangle).

7.28 Trash Enclosures

Trash enclosures or recycling collection areas, when provided for any property other than one containing residential uses, shall be enclosed on at least three sides by a neutral colored fence or other screening material that is 80% opaque on a year around basis to a height of at least six (6) feet. The open side of the enclosure shall not face any street or the front yard of any abutting property.

7.29 Zoning Standards for Tillable Farmland

These standards are adopted for the purposes of reducing the impact of development on tillable farmland, for limiting rural/urban conflict, for preserving the rural character of the County, for protecting wildlife habitat and for protecting the investment made in farm related infrastructure. These standards apply in the A-160, A-80 and A-40 primary zoning districts, but do not apply to lots platted pursuant to *Stearns County Ordinance Number 230; or successor ordinance*, or tracts ten (10) acres or less in size created prior to January 27, 2005.

- A. A conditional use permit, subject to the standards of *Section 4.8 of this Ordinance*, is required for residential dwellings, residential accessory structures and agricultural accessory structures in those instances where all of the land being proposed to be built upon has a LESA score of 65 or more, unless 1) the proposed residential dwelling, residential accessory structure or agricultural accessory structure will be located wholly or partly within 150 feet of an existing structure on the parcel on which the residential dwelling, residential accessory structure or agricultural accessory structure is being proposed; or 2) unless, after evaluating site conditions, the Department determines that the location of the proposed structure will have no or minimal impact upon the underlying tillable farmland and is in conformance with the general development standards of *Section 7.29 of this Ordinance*

- B. The replacement of a residential dwelling, residential accessory structure or agricultural accessory structure is not subject to the standards of *Section 4.8 of this Ordinance*, provided that the replacement dwelling or accessory structure replaces an existing dwelling or accessory structure and is located within 150 feet of an existing residential dwelling or accessory structure or foundation of the same on the parcel on which the replacement residential dwelling or accessory structure is being proposed.
- C. Residential dwelling units, accessory structures and driveways shall be located to avoid impacts on agricultural infrastructure, tillable farmland, highly productive soils and wildlife habitat and shall be sited on a parcel in a manner which minimizes the amount of productive agricultural and forest land which is converted to the proposed use.
- D. The proposed use shall be located in close proximity to existing structures whenever possible and appropriate.
- E. The soils and topography must be more amenable to the construction of a residential dwelling unit than to farming or wildlife habitat.
- F. The location of the residential dwelling unit, accessory structure and driveway shall be buffered from adjacent agricultural lands and infrastructure by means of distance, topography, vegetative screening or other measures as approved by the Director and/or the Planning Commission.
- G. The vegetative cover of the land proposed to be built upon shall be more amenable to the construction of a residential dwelling unit than to farming or wildlife habitat. Tree removal, impact on wetlands, storm water drainage, erosion control, fragmentation of wildlife habitat and impact on adjoining land uses shall be mitigated to have the least amount of impact on these resources.

SECTION 8 GENERAL ZONING DISTRICT RULES OF APPLICATION

8.1 Establishment of Zoning Districts

The zoning districts shall apply as designated on the Zoning Map or as defined within this Ordinance. Two types of zoning districts are utilized. All land under the jurisdiction of this Ordinance shall be designated as lying within one, and only one, primary zoning district. In addition, one or more overlay districts may apply.

PRIMARY DISTRICTS

A-160	Agricultural District A-160
A-80	Agricultural District A-80
A-40	Agricultural District A-40
T-20	Transition District T-20
R-20	Residential District R-20
R-10	Residential District R-10
R-5	Residential District R-5
RT	Rural Townsite
R-1	Residential District R-1
CR	Commercial/Recreation District
GI	General Industrial District
LI	Limited Industrial District
EE	Educational/Ecclesiastical District
SR	Scenic River District
RMH	Residential Manufactured Home District

OVERLAY DISTRICTS

FP	Floodplain
S	Shoreland
OSCD	Open Space Cluster Development

8.2 Official Zoning Map

The locations and boundaries of the primary districts established by this Ordinance are set forth on the zoning maps which are hereby incorporated by reference as though a part of this Ordinance. It shall be the responsibility of the Director to maintain and update the zoning maps and any amendments thereto.

8.3 District Regulations

8.3.1 Application of Standards

Unless specified otherwise in this Ordinance, when one or more zoning district standards are in conflict, then the more restrictive standard shall apply.

8.3.2 Appeal of District Boundary

Appeals from the Department's determination of the exact location of district boundary lines shall be heard by the Board of Adjustment.

8.3.3 Prohibited Uses

Whenever, in any zoning district, a use is neither specifically permitted nor prohibited, the use shall be prohibited.

8.3.4 Riparian Lake and River Lots

In instances where the primary zoning district lot size and width requirements are more restrictive than the minimum lot size and width requirements contained in *Section 10.2.8 of this Ordinance*, then the less restrictive standard shall apply provided the lot is riparian to the applicable lake or river.

8.3.5 Zoning Upon Detachment

Any tract of land that is part of a statutory or charter city shall be zoned A-40 District if said tract of land is detached and becomes part of an adjoining township at any time on or after the effective date of this Ordinance.

SECTION 9 PRIMARY DISTRICT PROVISIONS

9.1 Agricultural District A-160 (A-160 District)

9.1.1 Purpose

The purpose of this district is to maintain and conserve agricultural lands which are historically valuable for crop and animal production, pastureland and natural habitat for wildlife. This district is intended to meet the goals of the Stearns County Comprehensive Plan by sustaining agriculture as a desirable land use for the long term and to preserve highly valued farmland for agricultural pursuits. This district highly restricts residential encroachment by restricting the location and density of residential dwellings to one per 160 acres.

9.1.2 Permitted Uses

The following uses are permitted subject to any applicable performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Agricultural operations
- B. Family day care
- C. Greenhouses and nurseries
- D. Licensed Nonresidential Programs with a licensed capacity of 12 or fewer persons and a group family day care facility licensed under *Minnesota Rules, parts 9502.0315 to 9502.0445; or successor rules*, to serve 14 or fewer children pursuant to *Minnesota Statutes, section 245A.14; or successor statutes*
- E. Licensed Residential Programs, including housing with services established under *Minnesota Statutes, chapter 144D; or successor statutes*, serving 6 or fewer persons, except that a Residential Program licensed on or after July 1, 1995, 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 pursuant to *Minnesota Statutes, section 245A.11; or successor statutes*
- F. Public and private forest and game management areas
- G. Public parks and trails
- H. Single family residential dwelling unit subject to the conditions of *Section 7.29 of this Ordinance*
- I. Small-scale family operated seasonal produce stands with are accessory to agricultural operations

9.1.3 Provisional Uses

The following uses are provisional uses subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Animal Feedlots permitted by, and subject to, the provisions of *Section 6.7 of this Ordinance*
- B. Bed and Breakfast Inns
- C. Cemeteries
- D. Government administrative and service buildings
- E. Home Extended Businesses

- F. Home Occupations
- G. Outdoor Recreational facilities
- H. Temporary Use Sites in licensed resorts and campgrounds

9.1.4 Permitted Accessory Uses and Structures

The following accessory uses and structures are permitted subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Accessory agricultural buildings that are accessory to an Agricultural Operation subject to the conditions of *Sections 6.1 and 7.29 of this Ordinance*
- B. Kennels – Private
- C. Residential accessory buildings subject to the conditions of *Sections 6.2 and 7.29 of this Ordinance*

9.1.5 Conditional Uses

The following uses may be allowed as conditional uses following the procedures set forth in *Section 4.8 of this Ordinance* and further subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Accessory structures subject to the conditions of *Sections 6.1, 6.2 and 7.29 of this Ordinance*
- B. Agriculturally oriented businesses
- C. Animal Feedlots subject to the provisions of *Section 6.7 of this Ordinance*
- D. Aquaculture
- E. Churches
- F. Community Buildings
- G. Hunting Clubs and shooting preserves
- H. Kennels-Commercial
- I. Limited Rural Businesses
- J. Outdoor Paintball Courses
- K. Private Airstrips
- L. Schools- public or private
- M. Single family residential dwelling unit subject to the conditions of *Section 7.29 of this Ordinance*
- N. Wastewater Treatment Facilities

9.1.6 Interim Use Permits

The following uses may be allowed as interim uses subject to the procedures set forth in *Section 4.18 of this Ordinance* and further subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. One (1) temporary single family dwelling unit that is to be located in the existing farmyard.
- B. One (1) temporary single family residential dwelling unit for supportive care
- C. Migrant and/or seasonal worker housing
- D. Mining
- E. Temporary hot mix and concrete recycling plants
- F. Temporary storage or operation of equipment

G. Vacation/Private Home Rental

9.1.7 Residential Density Requirements

- A. Only one (1) Single Family Residential Dwelling Unit shall be allowed per 160 acres.
- B. Residential Development Rights may be transferred from one 160 acre tract to another 160 acre tract. The cluster development standards of *Section 7.3 of this Ordinance* must be met if any transfer results in the transfer of two or more residential dwelling sites.
- C. The transfer of Residential Development Rights from one Township to another Township shall be approved by the sending Township and the receiving Township.
- D. In instances where a property owner has ownership of land in more than one agricultural district, the Residential Development Rights may be transferred to either district.
- E. In instances where a property owner has ownership of land in the A-160 district and land in any one of the Residential Districts, the Residential Development Rights may only be transferred to the Residential District.

9.1.8 Standards for Determining Permitted Residential Dwelling Sites

- A. Certain Parcels of Record purchased under separate deed and not containing 160 acres may be allowed as residential building sites and shall be determined as follows:
 - (1) Any contiguous tract or parcel that is in common ownership with any other contiguous tract or parcel on April 21, 2000, but was purchased under separate deed prior to April 21, 2000, shall be considered a Parcel of Record pursuant to *Section 5.1.3 A of this Ordinance* and shall be eligible as a residential building site. At the owner's option, any tract or parcel determined herein as a Parcel of Record may be combined with other tracts or parcels for the purpose of determining the number of permitted residential dwelling sites.
 - (2) Any non-contiguous tract or parcel that is in common ownership on April 21, 2000, but was purchased under separate deed prior to April 21, 2000, shall be considered a Parcel of Record pursuant to *Section 5.1.3 A of this Ordinance* and shall be eligible as a residential building site. At the owner's option, any tract or parcel determined herein as a Parcel of Record may be combined with any other tract or parcel for the purpose of determining the number of permitted residential dwelling sites.
- B. Any non-contiguous tract or parcel that is in common ownership on April 21, 2000 and was purchased under the same deed prior to April 21, 2000 with any other tract or parcel shall not be considered a Parcel of Record.
- C. An eligible 160 acre tract shall be any tract that does not contain any existing residential dwelling and meets either of the following:
 - (1) The tract contains 160 acres more or less and is described for example, as the NW $\frac{1}{4}$, according to the Government Land Office survey grid system; or

- (2) The tract contains 160 acres or more and is described by metes and bounds description. The right of way of any public road adjacent to and included in the description of said tract may be used for the 160 acres calculation.
- D. Determining eligibility for a residential dwelling site shall be as follows:
 - (1) The property owner's total acreage owned within the A-160 District, less and except any land under the OHWL, shall be calculated. In the absence of a certificate of survey, the acreage listed in the Stearns County Auditor-Treasurer's Office property transfer records shall be used.
 - (2) 160 acres for each existing Residential Dwelling and any equivalent land area previously restricted under provisions of this Ordinance and/or Stearns County Subdivision Ordinance 1; or successor ordinance, shall be subtracted from the total acreage owned.
 - (3) The results from 1 and 2 above shall be divided by 160 acres and the quotient will be the number of eligible divisions that are permitted for the parcel. Decimals of less than .8 shall be reduced to the nearest whole number and decimals of .8 or greater shall be increased to the nearest whole number.
- E. Subdivisions that are for agricultural or other purposes and do not increase the density of the number of residential building sites shall be allowed. The deed shall be accompanied by a Declaration of Restriction stating that the conveyance is for agricultural or other purposes which do not increase residential dwelling site density and that the property being conveyed shall not be used in the calculation of any permitted residential dwelling site division pursuant to *Section 9.1.8 of this Ordinance*.
- F. The owners of an eligible parcel who execute a residential division for use as a Residential Dwelling site shall execute a Declaration of Restriction for a 160 acre equivalent land area which is defined as 160 acres less the acreage of the Residential Dwelling Site that is to be conveyed. The Declaration of Restriction shall prohibit any additional residential development of the equivalent land area unless rezoned. No property conveyance shall occur unless the Declaration of Restriction is first recorded in the Office of the County Recorder.
- G. The equivalent land area shall have frontage on a public road, or must be held in common ownership with contiguous land that has public road frontage. Any residual lot or parcel shall have access to a public road.
- H. The intent of the A-160 District is to restrict residential density to an average of one Residential Dwelling per 160 acres. In order to provide an opportunity to landowners that own large tracts of land to combine their eligible density into a cluster development, the transfer of residential development from one 160 acre tract to another 160 acre tract shall be allowed subject to the following:
 - (1) Residential dwelling site transfers that are exempt from the Subdivision Requirements of this Ordinance shall be approved by the Director.
 - (2) When the cumulative number of Residential Dwelling site transfers totals 2 or more, the sites shall be clustered and meet the Cluster Development Standards of *Section 7.3 of this Ordinance*.

- (3) Requests for Residential Dwelling site transfers shall not be approved unless accompanied by a Certification of Transfer of Development Rights prohibiting any residential development on the 160 acre tracts from which the residential development rights were transferred unless rezoned. No property conveyance involving a transfer of a Residential Dwelling site shall occur unless the Certification of Transfer of Development Rights for the equivalent land area is first recorded in the Office of the County Recorder.

9.1.9 Density Bonus

The density bonus is offered as an incentive to encourage residential dwellings in an open space development pattern as opposed to conventional or scattered residential dwelling sites. The transfer of residential dwelling sites may be used to form an open space development according to the provisions of *Section 7.14 of this Ordinance*. To be eligible for the density bonus, the property under consideration must be eligible for at least two (2) Residential Dwelling sites, exclusive of the density bonus.

9.1.10 Lot Requirements

- A. A Parcel of Record that is determined as such pursuant to *Section 9.1.8 A or B of this Ordinance* that is less than 160 acres in size shall be allowed as a residential building site.
- B. The following standards shall apply to lots or tracts created in the A-160 District:
 - (1) The minimum lot size for a Single Family Residential Dwelling shall be one (1) acre.
 - (2) The minimum median lot width for a Single Family Residential Dwelling shall be 150 feet.
 - (3) For uses other than residential uses the minimum lot size shall be sufficient to meet the applicable performance standards of this Ordinance for the proposed use, setback requirements of *Section 9.1.11 of this Ordinance*, and the sewage treatment system standards of *Ordinance 198; or successor ordinance*.
 - (4) The location of any lot in the A-160 District that is to be used as a residential dwelling site shall be located so the residential dwelling can meet the animal feedlot setback provisions of *Section 6.7.5 of this Ordinance*.
 - (5) The side yard setback from an interior lot line (a lot line that is not part of the subdivision plat boundary) shall be 20 feet.
- C. In the A-160 zoning district, except animal feedlots, only those uses that are allowed as permitted, provisional, interim, conditional or accessory in the R-1 zoning district shall be allowed on a lot or tract less than five (5) acres in area, except as allowed in *Section 5.1.4 E (3) of this Ordinance* and except that a home extended business shall be allowed as a provisional use pursuant to *Section 4.22 of this Ordinance*. Setbacks for the R-1 zoning district shall be applicable to these lots or tracts.
- D. In the A-160 zoning district, except animal feedlots, only those uses that are allowed as permitted, provisional, interim, conditional or accessory in the R-

10 zoning district shall be allowed on a lot or tract at least five (5) acres but less than ten (10) acres in area. Setbacks for the R-10 zoning district shall be applicable to these lots or tracts. Lots or tracts with an Animal Feedlot shall meet the standards as provided in *Sections 6.7 and 7.11 of this Ordinance*.

9.1.11 Setback Requirements

Except as provided in *Section 9.1.10 B (5) of this Ordinance*, the following setback requirements shall apply:

A. Minimum Building Setbacks

- (1) Side 50 feet
- (2) Rear 50 feet
- (3) Front

Road Classification	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
Principal Arterial	150	75
Minor Arterial	120	60
Major Collector	100	50
Minor Collector	100	50
Un-Classified Roads	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
County Road	100	50
Township Road	63	30
Private Road Esmt.	63	30
*THE MORE RESTRICTIVE SETBACK SHALL APPLY.		

- (4) Detached garages and accessory buildings may be placed ten (10) feet from the side lot line and ten (10) feet from the rear lot line.
- (5) For lots created after January 27, 2005, setbacks from Types 3, 4 and 5 wetlands shall be fifty (50) feet and twenty five (25) feet from all other wetlands.

- B. Animal Feedlots and manure storage facilities shall meet the setback provisions of *Section 6.7.5 of this Ordinance*.
- C. All residential dwellings, in addition to meeting the minimum building setback requirements of *Section 9.1.11 A of this Ordinance*, shall also comply with the residential setbacks from an Animal Feedlot as provided in *Section 6.7.5 A of this Ordinance*.

9.1.12 Height Requirements

- A. Buildings other than agricultural buildings shall not exceed 35 feet in height, except as provided in *Section 7.9 of this Ordinance*.
- B. Agricultural Buildings shall be exempt from the height requirements.

9.1.13 Lot Coverage

The maximum lot coverage shall be 25%.

9.2 Agricultural District A-80 (A-80 District)

9.2.1 Purpose

The purpose of this District is to preserve the agricultural and rural character of land within the A-80 District. Agriculture is the predominate land use, however, a few single family dwellings and hobby farms exist within this district. Because of the proximity to slower growing rural areas, additional residential development may be allowed at a low density of not more than one residence per 80 acres. This district is intended to meet the goals of the Stearns County Comprehensive Plan by minimizing land use conflicts through the promotion of cluster development, thus limiting random encroachment of nonfarm residential development into agricultural areas.

9.2.2 Permitted Uses

The following uses are permitted subject to any applicable performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Agricultural operations
- B. Family day care
- C. Greenhouses and nurseries
- D. Licensed Nonresidential Programs with a licensed capacity of 12 or fewer persons and a group family day care facility licensed under *Minnesota Rules, parts 9502.0315 to 9502.0445; or successor rules*, to serve 14 or fewer children pursuant to *Minnesota Statutes, section 245A.14; or successor statutes*
- E. Licensed Residential Programs, including housing with services established under *Minnesota Statutes, chapter 144D; or successor statutes*, serving 6 or fewer persons, except that a Residential Program licensed on or after July 1, 1995, 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 pursuant to *Minnesota Statutes, section 245A.11; or successor statutes*
- F. Public and private forest and game management areas
- G. Public parks and trails
- H. Single family residential dwelling unit subject to the conditions of *Section 7.29 of this Ordinance*
- I. Small-scale family operated seasonal produce stands which are accessory to agricultural operations

9.2.3 Provisional Uses

The following uses are provisional uses subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Animal Feedlots permitted by and subject to the provisions of *Section 6.7 of this Ordinance*
- B. Bed and Breakfast Inns
- C. Cemeteries
- D. Government administrative and service buildings
- E. Home Extended Businesses

- F. Home Occupations
- G. Outdoor recreational facilities
- H. Temporary Use Sites in licensed resorts and campgrounds

9.2.4 Permitted Accessory Uses and Structures

The following accessory uses and structures are permitted subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Accessory agricultural buildings that are accessory to an Agricultural Operation subject to the conditions of *Sections 6.1 and 7.29 of this Ordinance*
- B. Residential accessory buildings subject to the conditions of *Sections 6.2 and 7.29 of this Ordinance*
- C. Kennels – Private

9.2.5 Conditional Uses

The following uses may be allowed as conditional uses following the procedures set forth in *Section 4.8 of this Ordinance* and further subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Accessory structures subject to the conditions of *Sections 6.1, 6.2 and 7.29 of this Ordinance*
- B. Agriculturally oriented businesses
- C. Animal Feedlots subject to the provisions of *Section 6.7 of this Ordinance*
- D. Aquaculture
- E. Churches
- F. Community buildings
- G. Hunting clubs and shooting preserves
- H. Kennels-Commercial
- I. Limited Rural Businesses
- J. Outdoor Paintball Courses
- K. Private Airstrips
- L. Schools-public or private
- M. Single family residential dwelling unit subject to the conditions of *Section 7.29 of this Ordinance*
- N. Wastewater Treatment Facilities

9.2.6 Interim Use Permits

The following uses may be allowed as interim uses subject to the procedures set forth in *Section 4.18 of this Ordinance* and further subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. One temporary single family dwelling unit that is located in the existing farmyard.
- B. One (1) temporary single family residential dwelling unit for supportive care
- C. Migrant and/or seasonal worker housing
- D. Mining
- E. Temporary hot mix and concrete recycling plants
- F. Temporary storage or operation of equipment

G. Vacation/Private Home Rental

9.2.7 Residential Density Requirements

- A. Only one (1) Single Family Residential Dwelling Unit shall be allowed per 80 acres.
- B. Residential Development Rights may be transferred from one 80 acre tract to another 80 acre tract. The cluster development standards of *Section 7.3 of this Ordinance* must be met if any transfer results in the transfer of two or more residential dwelling sites.
- C. The transfer of Residential Development Rights from one Township to another Township shall be approved by the sending Township and the receiving Township.
- D. In instances where a property owner has ownership of land in more than one agricultural district, the Residential Development Rights may be transferred to either district.
- E. In instances where a property owner has ownership of land in the A-80 District and land in any one of the Residential Districts, the Residential Development Rights may only be transferred to the Residential District.

9.2.8 Standards for Determining Permitted Residential Dwelling Sites

- A. Certain Parcels of Record purchased under separate deed and not containing 80 acres may be allowed as residential building sites and shall be determined as follows:
 - (1) Any contiguous tract or parcel that is in common ownership with any other contiguous tract or parcel on April 21, 2000, but was purchased under separate deed prior to April 21, 2000, shall be considered a Parcel of Record pursuant to *Section 5.1.3 A of this Ordinance* and shall be eligible as a residential building site. At the owner's option, any tract or parcel determined herein as a Parcel of Record may be combined with other tracts or parcels for the purpose of determining the number of permitted residential dwelling sites.
 - (2) Any non-contiguous tract or parcel that is in common ownership on April 21, 2000, but was purchased under separate deed prior to April 21, 2000, shall be considered a Parcel of Record pursuant to *Section 5.1.3 A of this Ordinance* and shall be eligible as a residential building site. At the owner's option, any tract or parcel determined herein as a Parcel of Record may be combined with any other tract or parcel for the purpose of determining the number of permitted residential dwelling sites.
- B. Any non-contiguous tract or parcel that is in common ownership on April 21, 2000 and was purchased under the same deed prior to April 21, 2000 with any other tract or parcel shall not be considered a Parcel of Record.
- C. An eligible 80 acre tract shall be any tract that does not contain any existing residential dwelling and meets either of the following:
 - (1) The tract contains 80 acres more or less and is described, for example, as the S ½, SW ¼ according to the Government Land Office survey grid system.

- (2) The tract contains 80 acres or more and is described by metes and bounds description. The right of way of any public road adjacent to and included in the description of said tract may be used for the 80 acre calculation.
- D. Determining eligibility for a residential dwelling site shall be as follows:
 - (1) The property owner's total acreage owned within the A-80 District, less and except land under the OHWL, shall be calculated. In the absence of a certificate of survey, the acreage listed in the Stearns County Auditor-Treasurer's Office property transfer records shall be used.
 - (2) 80 acres for each existing Residential Dwelling and any equivalent land area previously restricted under provisions of this Ordinance and/ or *Stearns County Subdivision Ordinance 1; or successor ordinance*, shall be subtracted from the total acreage owned.
 - (3) The results from 1 and 2 above shall be divided by 80 acres and the quotient will be the number of eligible divisions that are permitted for the parcel. Decimals of less than .8 shall be reduced to the nearest whole number and decimals of .8 or greater shall be increased to the nearest whole number.
- E. Subdivisions that are for agricultural or other purposes and do not increase the density of the number of residential building sites shall be allowed. The deed shall be accompanied by a Declaration of Restriction stating that the conveyance is for agricultural or other purposes which do not increase residential dwelling site density and that the property being conveyed shall not be used in the calculation of any permitted residential dwelling site division pursuant to *Section 9.2.8 of this Ordinance*.
- F. The owners of an eligible parcel who execute a Division for use as a Residential Dwelling site shall execute a Declaration of Restriction for an 80 acre equivalent land area which is defined as 80 acres less the acreage of the Residential Dwelling site that is to be conveyed. The Declaration of Restriction shall prohibit any additional residential development of the equivalent land area unless rezoned. No property conveyance shall occur unless the Declaration of Restriction is first recorded in the Office of the County Recorder.
- G. The equivalent land area shall have frontage on a public road, or must be held in common ownership with contiguous land that has public road frontage. Any residual lot or parcel shall have access to a public road.
- H. The intent of the A-80 District is to restrict residential density to an average of one Residential Dwelling per 80 acres. In order to provide an opportunity to landowners that own large tracts of land to combine their eligible density into a cluster development, the transfer of residential development from one 80 acre tract to another 80 acre tract shall be allowed subject to the following:
 - (1) Residential Dwelling site transfers that are exempt from the Subdivision requirements of this Ordinance shall be approved by the Director.
 - (2) When the cumulative number of Residential Dwelling site transfers totals two (2) or more, the sites shall be clustered and meet the Cluster Development Standards of *Section 7.3 of this Ordinance*.

- (3) Requests for Residential Dwelling site transfers shall not be approved unless accompanied by a Declaration of Restriction prohibiting any residential development on the 80 acre tract from which the residential development rights were transferred unless rezoned. No property conveyance involving a transfer of a Residential Dwelling site shall occur unless the Certification of Transfer of Development Rights for the equivalent land area is first recorded in the Office of the County Recorder.

9.2.9 Density Bonus

The density bonus is offered as an incentive to encourage residential dwellings in an open space development pattern as opposed to conventional or scattered residential dwelling sites. The transfer of residential dwelling sites may be used to form an open space development according to the provisions of *Section 7.14 of this Ordinance*. To be eligible for the density bonus, the property under consideration must be eligible for at least two (2) Residential Dwelling sites, exclusive of the density bonus.

9.2.10 Lot Requirements

- A. A Parcel of Record that is determined as such pursuant to *Section 9.2.8 A or B of this Ordinance*, that is less than 80 acres in size shall be allowed as a residential building site.
- B. The following standards shall apply to lots or tracts created in the A-80 District:
 - (1) The minimum lot size for a Single Family Residential Dwelling shall be one (1) acre.
 - (2) The minimum median lot width shall be 150 feet.
 - (3) For uses other than residential uses, the minimum lot size shall be sufficient to meet the applicable performance standards of this Ordinance for the proposed use, setback requirements of *Section 9.2.11 of this Ordinance*; and the sewage treatment system standards of *Ordinance 198; or successor ordinance*.
 - (4) The location of any lot in the A-80 District that is to be used as a residential dwelling site shall be located so that the Residential Dwelling can meet the animal feedlot setback provisions of *Section 6.7.5 of this Ordinance*.
 - (5) The side yard setback from an interior lot line (a lot line that is not part of the subdivision plat boundary) shall be 20 feet.
- C. In the A-80 zoning district, except animal feedlots, only those uses that are allowed as permitted, provisional, interim, conditional or accessory in the R-1 zoning district shall be allowed on a lot or tract less than five (5) acres in area, except as allowed in *Section 5.1.4 E (3) of this Ordinance* and except that a home extended business shall be allowed as a provisional use pursuant to *Section 4.22 of this Ordinance*. Setbacks for the R-1 zoning district shall be applicable to these lots or tracts.
- D. In the A-80 zoning district, except animal feedlots, only those uses that are allowed as permitted, provisional, interim, conditional or accessory in the R-10 zoning district shall be allowed on a lot or tract at least five (5) acres but

less than ten (10) acres in area. Setbacks for the R-10 zoning district shall be applicable to these lots or tracts. Lots or tracts with an Animal Feedlot shall meet the standards as provided in *Sections 6.7 and 7.11 of this Ordinance*.

9.2.11 Setback Requirements

Except as provided in *Section 9.2.10 B (5) of this Ordinance*, the following setback requirements shall apply:

- A. Minimum Building Setbacks
 - (1) Side 50 feet
 - (2) Rear 50 feet
 - (3) Front

Road Classification	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
Principal Arterial	150	75
Minor Arterial	120	60
Major Collector	100	50
Minor Collector	100	50
Un-Classified Roads	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
County Road	100	50
Township Road	63	30
Private Road Esmt.	63	30
*THE MORE RESTRICTIVE SETBACK SHALL APPLY.		

- (4) Detached garages and accessory buildings may be placed ten (10) feet from the side lot line and ten (10) feet from the rear lot line.
- (5) For lots created after January 27, 2005, setbacks from Types 3, 4 and 5 wetlands shall be fifty (50) feet and twenty five (25) feet from all other wetlands.
- B. Animal Feedlots and manure storage facilities shall meet the setback provisions of *Section 6.7.5 of this Ordinance*.
- C. All residential dwellings, in addition to meeting the minimum building setback requirements of *Section 9.2.11 A of this Ordinance*, shall also comply with the residential setbacks from an Animal Feedlot as provided in *Section 6.7.5 A of this Ordinance*.

9.2.12 Height Requirements

- A. Buildings, other than agricultural buildings, shall not exceed 35 feet in height, except as provided in *Section 7.9 of this Ordinance*.
- B. Agricultural buildings shall be exempt from the height requirements.

9.2.13 Lot Coverage

The maximum lot coverage shall be 25%

9.3 Agricultural District A-40 (A-40 District)

9.3.1 Purpose

The purpose of this District is to preserve the agricultural and rural character of land within the A-40 District. Agriculture is the predominate land use, however many single family dwellings and hobby farms exist within this district. Because of the proximity to growing suburban areas with their continued pressure, additional residential development may be allowed at a low density of not more than one residence per 40 acres. This district is intended to meet the goals of the Stearns County Comprehensive Plan by providing a distinct separation between agriculture and nonfarm residential land uses.

9.3.2 Permitted Uses

The following uses are permitted subject to any applicable performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Agricultural operations
- B. Family day care
- C. Greenhouses and nurseries
- D. Licensed Nonresidential Programs with a licensed capacity of 12 or fewer persons and a group family day care facility licensed under *Minnesota Rules, parts 9502.0315 to 9502.0445; or successor rules*, to serve 14 or fewer children pursuant to *Minnesota Statutes, section 245A.14; or successor statutes*
- E. Licensed Residential Programs, including housing with services established under *Minnesota Statutes, chapter 144D; or successor statutes*, serving 6 or fewer persons, except that a Residential Program licensed on or after July 1, 1995, 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 pursuant to *Minnesota Statutes, section 245A.11; or successor statutes*
- F. Public and private forest and game management areas
- G. Public parks and trails
- H. Single family residential dwelling unit subject to the conditions of *Section 7.29 of this Ordinance*
- I. Small-scale family operated seasonal produce stands which are accessory to agricultural operations

9.3.3 Provisional Uses

The following uses are provisional uses subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Animal Feedlots permitted by and subject to the provisions of *Section 6.7 of this Ordinance*
- B. Bed and Breakfast Inns
- C. Cemeteries
- D. Government administrative and service buildings
- E. Home extended businesses
- F. Home occupations

- G. Outdoor recreational facilities
- H. Temporary Use Sites in licensed resorts and campgrounds

9.3.4 Permitted Accessory Uses and Structures

The following accessory uses and structures are permitted subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Accessory agricultural buildings that are accessory to an Agricultural Operation subject to the conditions of *Sections 6.1 and 7.29 of this Ordinance*
- B. Residential accessory buildings subject to the conditions of *Sections 6.2 and 7.29 of this Ordinance*
- C. Kennels – Private
- D. Structures related to public airports

9.3.5 Conditional Uses

The following uses may be allowed as conditional uses following the procedures set forth in Section 4.8 of this Ordinance and further subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Accessory structures subject to the conditions of *Section 6.1, 6.2 and 7.29 of this Ordinance*
- B. Agriculturally oriented businesses
- C. Animal Feedlots subject to the provisions of *Section 6.7 of this Ordinance*
- D. Aquaculture
- E. Churches
- F. Community buildings
- G. Hunting clubs and shooting preserves
- H. Kennels-Commercial
- I. Limited Rural Businesses
- J. Outdoor Paintball Courses
- K. Private Airstrips
- L. Recreational Vehicle Parks
- M. Schools-public or private
- N. Single family residential dwelling unit subject to the conditions of *Section 7.29 of this Ordinance*
- O. Wastewater Treatment Facilities

9.3.6 Interim Use Permits

The following uses may be allowed as interim uses subject to the procedures set forth in *Section 4.18 of this Ordinance* and further subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. One (1) temporary single family dwelling unit that is to be located in the existing farmyard
- B. One (1) temporary single family residential dwelling unit for supportive care
- C. Migrant and/or seasonal worker housing
- D. Mining
- E. Temporary hot mix and concrete recycling plants

- F. Temporary storage or operation of equipment
- G. Vacation/Private Home Rental

9.3.7 Residential Density Requirements

- A. Only one (1) Single Family Residential Dwelling Unit shall be allowed per 40 acres.
- B. Residential Development Rights may be transferred from one 40 acre tract to another 40 acre tract. The cluster development standards of *Section 7.3 of this Ordinance* must be met if any transfer results in the transfer of two or more residential dwelling sites.
- C. The transfer of Residential Development Rights from one Township to another Township shall be approved by the sending Township and the receiving Township.
- D. In instances where a property owner has ownership of land in more than one agricultural district, the Residential Development Rights may be transferred to either district.
- E. In instances where a property owner has ownership of land in the A-40 District and land in any one of the Residential Districts, the Residential Development Rights may only be transferred to the Residential District.

9.3.8 Standard for Determining Permitted Residential Dwelling Sites

- A. Certain Parcels of Record purchased under separate deed and not containing 40 acres may be allowed as residential building sites and shall be determined as follows:
 - (1) Any contiguous tract or parcel that is in common ownership with any other contiguous tract or parcel on April 21, 2000, but was purchased under separate deed prior to April 21, 2000, shall be considered a Parcel of Record pursuant to *Section 5.1.3 A of this Ordinance* and shall be eligible as a residential building site. At the owner's option, any tract or parcel determined herein as a Parcel of Record may be combined with other tracts or parcels for the purpose of determining the number of permitted residential dwelling sites.
 - (2) Any non-contiguous tract or parcel that is in common ownership on April 21, 2000, but was purchased under separate deed prior to April 21, 2000, shall be considered a Parcel of Record pursuant to *Section 5.1.3 A of this Ordinance* and shall be eligible as a residential building site. At the owner's option, any tract or parcel determined herein as a Parcel of Record may be combined with any other tract or parcel for the purpose of determining the number of permitted residential dwelling sites.
- B. Any non-contiguous tract or parcel that is in common ownership on April 21, 2000 and was purchased under the same deed prior to April 21, 2000 with any other tract or parcel shall not be considered a Parcel of Record.
- C. An eligible 40 acre tract shall be any tract that does not contain any existing residential dwelling and meets one of the following:
 - (1) The tract contains 40 acres more or less and is described, for example, as the SW $\frac{1}{4}$, SW $\frac{1}{4}$ according to the Government Land Office survey grid system.

- (2) The tract is described as an entire Government Lot and contains at least 35 acres.
 - (3) The tract contains 40 acres or more and is described by metes and bounds description. The right of way of any public road adjacent to and included in the description of said tract may be used for the 40 acre calculation.
- D. Determining eligibility for a residential dwelling site shall be as follows:
- (1) The property owner's total acreage owned within the A-40 District, less and except land under the OHWL, shall be calculated. In the absence of a certificate of survey, the acreage listed in the Stearns County Auditor-Treasurer's Office property transfer records shall be used.
 - (2) 40 acres for each existing Residential Dwelling and any equivalent land area previously restricted under provisions of this Ordinance and/ or *Stearns County Subdivision Ordinance Number 1; or successor ordinance*, shall be subtracted from the total acreage owned.
 - (3) The results from 1 and 2 above shall be divided by 40 acres and the quotient will be the number of eligible divisions that are permitted for the parcel. Decimals of less than .8 shall be reduced to the nearest whole number and decimals of .8 or greater shall be increased to the nearest whole number.
- E. Subdivisions that are for agricultural or other purposes and do not increase the density of the number of residential building sites shall be allowed. The deed shall be accompanied by a Declaration of Restriction stating that the conveyance is for agricultural or other purposes which do not increase residential dwelling site density and that the property being conveyed shall not be used in the calculation of any permitted residential dwelling site division pursuant to *Section 9.3.8 of this Ordinance*.
- F. The owners of an eligible parcel who execute a Division for use as a Residential Dwelling site shall execute a Declaration of Restriction for a 40 acre equivalent land area which is defined as 40 acres less the acreage of the Residential Dwelling site that is to be conveyed. The Declaration of Restriction shall prohibit any additional residential development of the equivalent land area unless rezoned. No property conveyance shall occur unless the Declaration of Restriction is first recorded in the Office of the County Recorder.
- G. The equivalent land area shall have frontage on a public road, or must be held in common ownership with contiguous land that has public road frontage. Any residual lot or parcel shall have access to a public road.
- H. The intent of the A-40 District is to restrict residential density to an average of one Residential Dwelling per 40 acres. In order to provide an opportunity to landowners that own large tracts of land to combine their eligible density into a cluster development, the transfer of residential development from one 40 acre tract to another 40 acre tract shall be allowed subject to the following:
- (1) Residential Dwelling site transfers that are exempt from the Subdivision requirements of this Ordinance shall be approved by the Director.

- (2) When the cumulative number of Residential Dwelling site transfers totals two (2) or more, the sites shall be clustered and meet the Cluster Development Standards of *Section 7.3 of this Ordinance*.
- (3) Requests for Residential Dwelling site transfers shall not be approved unless accompanied by a Declaration of Restriction prohibiting any residential development on the 40 acre tracts from which the residential development rights were transferred unless rezoned. No property conveyance involving a transfer of a Residential Dwelling site shall occur unless the Certification of Transfer of Development Rights for the equivalent land area is first recorded in the Office of the County Recorder.

9.3.9 Density Bonus

The density bonus is offered as an incentive to encourage residential dwellings in an open space development pattern as opposed to conventional or scattered residential dwelling sites. The transfer of residential dwelling sites may be used to form an open space development according to the provisions of *Section 7.14 of this Ordinance*. To be eligible for the density bonus, the property under consideration must be eligible for at least two (2) Residential Dwelling sites, exclusive of the density bonus.

9.3.10 Lot Requirements

- A. A Parcel of Record that is determined as such pursuant to *Section 9.3.8 A or B of this Ordinance* that is less than 40 acres in size shall be allowed as a residential building site.
- B. The following standards shall apply to lots or tracts created in the A-40 District:
 - (1) The minimum lot size for a Single Family Residential Dwelling shall be one (1) acre.
 - (2) The minimum median lot width shall be 150 feet.
 - (3) For uses other than residential uses, the minimum lot size shall be sufficient to meet the applicable performance standards of this Ordinance for the proposed use, setback requirements of *Section 9.3.11 of this Ordinance*, and the sewage treatment system standards of *Ordinance 198; or successor ordinance*.
 - (4) The location of any lot in the A-40 District that is to be used as a residential dwelling site shall be located so that the Residential Dwelling can meet the animal feedlot setback provisions of *Section 6.7.5 of this Ordinance*.
 - (5) The side yard setback from an interior lot line (a lot line that is not part of the subdivision plat boundary) shall be 20 feet.
- C. In the A-40 zoning district, except animal feedlots, only those uses that are allowed as permitted, provisional, interim, conditional or accessory in the R-1 zoning district shall be allowed on a lot or tract less than five (5) acres in area, except as allowed in *Section 5.1.4 E (3) of this Ordinance* and except that a home extended business shall be allowed as a provisional use pursuant to *Section 4.22 of this Ordinance*. Setbacks for the R-1 zoning district shall be applicable to these lots or tracts.

- D. In the A-40 zoning district, except animal feedlots, only those uses that are allowed as permitted, provisional, interim, conditional or accessory in the R-10 zoning district shall be allowed on a lot or tract at least five (5) acres but less than ten (10) acres in area. Setbacks for the R-10 zoning district shall be applicable to these lots or tracts. Lots or tracts with an Animal Feedlot shall meet the standards as provided in *Sections 6.7 and 7.11 of this Ordinance*.

9.3.11 Setback Requirements

Except as provided in *Section 9.3.10 B (5) of this Ordinance*, the following setback requirements shall apply:

- A. Minimum Building Setbacks
 - (1) Side 50 feet
 - (2) Rear 50 feet
 - (3) Front

Road Classification	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
Principal Arterial	150	75
Minor Arterial	120	60
Major Collector	100	50
Minor Collector	100	50
Un-Classified Roads	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
County Road	100	50
Township Road	63	30
Private Road Esmt.	63	30
*THE MORE RESTRICTIVE SETBACK SHALL APPLY.		

- (4) Detached garages and accessory buildings may be placed ten (10) feet from the side lot line and ten (10) feet from the rear lot line.
- (5) For lots created after January 27, 2005, setbacks from Types 3, 4 and 5 wetlands shall be fifty (50) feet and twenty five (25) feet from all other wetlands.
- B. Animal Feedlots and manure storage facilities shall meet the setback provisions of *Section 6.7.5 of this Ordinance*.
- C. All residential dwellings, in addition to meeting the minimum building setback requirements of *Section 9.3.11A of this Ordinance*, shall also comply with the residential setbacks from an Animal Feedlot as provided in *Section 6.7.5 A of this Ordinance*.

9.3.12 Height Requirements

- A. Buildings, other than agricultural buildings, shall not exceed 35 feet in height except as provided in *Section 7.9 of this Ordinance*.
- B. Agricultural buildings shall be exempt from the height requirements.

9.3.13 Lot Coverage

The maximum lot coverage shall be 25%.

9.4 Transition District T-20 (T-20 District)

9.4.1 Purpose

The purpose of this district is to provide limited residential development opportunity on land that is not highly valued farmland and is land that is located well beyond any growth or expansion area of a municipality. The T-20 District is a transitional district, and in order to minimize future land use conflicts, new animal feedlots and all expansions or modifications to existing feedlots shall be limited. In order to maintain the area's rural characteristics and preserve open space, cluster developments shall be encouraged.

9.4.2 Permitted Uses

The following uses are permitted subject to any applicable performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Family day care
- B. Greenhouses and nurseries
- C. Licensed Nonresidential Programs with a licensed capacity of 12 or fewer persons and a group family day care facility licensed under *Minnesota Rules, parts 9502.0315 to 9502.0445*; or *successor rules*, to serve 14 or fewer children pursuant to *Minnesota Statutes, section 245A.14*; or *successor statutes*
- D. Licensed Residential Programs, including housing with services established under *Minnesota Statutes, chapter 144D*; or *successor statutes*, serving 6 or fewer persons, except that a Residential Program, licensed on or after July 1, 1995, 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 pursuant to *Minnesota Statutes, section 245A.11*; or *successor statutes*
- E. Limited Agricultural Uses
- F. Public and private forest and game management areas
- G. Public parks and trails
- H. Single family residential dwelling unit
- I. Small-scale family operated seasonal produce stands which are accessory to a limited agricultural use

9.4.3 Provisional Uses

The following uses are provisional uses subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Bed and Breakfast Inns
- B. Cemeteries
- C. Government administrative and service buildings
- D. Home extended businesses
- E. Home occupations
- F. Outdoor recreational facilities
- G. Temporary Use Sites in licensed resorts and campgrounds

9.4.4 Permitted Accessory Uses and Structures

The following accessory uses and structures are permitted subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Accessory Agricultural buildings that are accessory to an agricultural operation
- B. Residential Accessory buildings
- C. Kennels – Private

9.4.5 Conditional Uses

The following uses may be allowed as a conditional use following the procedures set forth in *Section 4.8 of this Ordinance* and further subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Animal Feedlots subject to *Section 6.7 of this Ordinance*
- B. Churches
- C. Community buildings
- D. Golf courses, golf club houses, country clubs, public swimming pools
- E. Greenhouse and nursery sales
- F. Limited rural businesses
- G. Recreational Vehicle Parks
- H. Schools – public or private
- I. Wastewater Treatment Facilities

9.4.6 Interim Uses

The following uses may be allowed as an interim use following the procedure set forth in *Section 4.18 of this Ordinance* and further subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. One (1) temporary single family residential dwelling unit for supportive care
- B. Temporary hot mix and concrete recycling plants
- C. Temporary storage or operation of equipment
- D. Vacation/Private Home Rental

9.4.7 Residential Density Requirements

- A. Except as otherwise provided in *Section 9.4.8 A or B of this Ordinance*, only one (1) Single Family Residential Dwelling Unit shall be allowed per 20 acres.
- B. Residential Development Rights may be transferred from one 20 acre tract to another 20 acre tract. The cluster development standards of *Section 7.3 of this Ordinance* must be met if any transfer results in the transfer of two or more residential dwelling sites.
- C. The transfer of Residential Development Rights from one Township to another Township shall be approved by the sending Township and the receiving Township.
- D. In instances where a property owner has ownership of land in more than one zoning district, Residential Development Rights from the T-20 District may only be transferred to a district which permits a higher residential density.

9.4.8 Standard for Determining Permitted Residential Dwelling Sites

- A. Certain Parcels of Record purchased under separate deed and not containing 20 acres may be allowed as residential building sites and shall be determined as follows:
- (1) Any contiguous tract or parcel that is in common ownership with any other contiguous tract or parcel on April 21, 2000, but was purchased under separate deed prior to April 21, 2000, shall be considered a Parcel of Record pursuant to *Section 5.1.3 A of this Ordinance* and shall be eligible as a residential building site. At the owner's option, any tract or parcel determined herein as a Parcel of Record may be combined with other tracts or parcels for the purpose of determining the number of permitted residential dwelling sites.
 - (2) Any non-contiguous tract or parcel that is in common ownership on April 21, 2000, but was purchased under separate deed prior to April 21, 2000, shall be considered a Parcel of Record pursuant to *Section 5.1.3 A of this Ordinance* and shall be eligible as a residential building site. At the owner's option, any tract or parcel determined herein as a Parcel of Record may be combined with any other tract or parcel for the purpose of determining the number of permitted residential dwelling sites.
- B. Any non-contiguous tract or parcel that is in common ownership on April 21, 2000 and was purchased under the same deed prior to April 21, 2000 with any other tract or parcel shall not be considered a Parcel of Record.
- C. An eligible 20 acre tract shall be any tract that does not contain any existing residential dwelling and meets one of the following:
- (1) The tract contains 20 acres more or less and is described as, for example, the S ½, SW ¼, SW ¼, according to the Government Land Office survey grid system; or
 - (2) The tract contains 20 acres or more and is described by metes and bounds description. The right of way of any public road adjacent to and included in the description of said tract may be used for the 20 acre calculation; or
 - (3) The tract contains 20 acres or more and is part of a subdivision plat and is described by lot and block or outlot.
- D. Determining eligibility for a residential dwelling site shall be as follows:
- (1) The property owner's total acreage owned within the T-20 District, less and except land under the OHWL, shall be calculated. In the absence of a certificate of survey, the acreage listed in the Stearns County Auditor-Treasurer's Office property transfer records shall be used.
 - (2) 20 acres for each existing Residential Dwelling and any equivalent land area previously restricted under provisions of this Ordinance and/ or *Stearns County Subdivision Ordinance 1; or successor ordinance*, shall be subtracted from the total acreage owned.
 - (3) The results from 1 and 2 above shall be divided by 20 acres and the quotient will be the number of eligible divisions that are permitted for the parcel. Decimals of less than .8 shall be reduced to the nearest whole number and decimals of .8 or greater shall be increased to the nearest whole number.

- E. Subdivisions that are for agricultural or other purposes and do not increase the density of the number of residential building sites shall be allowed. The deed shall be accompanied by a Declaration of Restriction stating that the conveyance is for agricultural or other purposes which do not increase residential dwelling site density and that the property being conveyed shall not be used in the calculation of any permitted residential dwelling site division pursuant to *Section 9.4.8 of this Ordinance*.
- F. The owners of an eligible parcel who execute a Division for use as a Residential Dwelling site shall execute a Declaration of Restriction for a 20 acre equivalent land area which is defined as 20 acres less the acreage of the Residential Dwelling site that is to be conveyed. The Declaration of Restriction shall prohibit any additional residential development of the equivalent land area unless rezoned. No property conveyance shall occur unless the Declaration of Restriction is first recorded in the Office of the County Recorder.
- G. The equivalent land area shall have frontage on a public road, or must be held in common ownership with contiguous land that has public road frontage. Any residual lot or parcel shall have access to a public road.
- H. The intent of the T-20 District is to limit residential density to an average of one Residential Dwelling per 20 acres. In order to provide an opportunity to landowners that own large tracts of land to combine their eligible density into a cluster development, the transfer of residential development from one 20 acre tract to another 20 acre tract shall be allowed subject to the following:
 - (1) Residential dwelling site transfers that are exempt from the subdivision requirements of this Ordinance shall be approved by the Director.
 - (2) When the cumulative number of Residential Dwelling site transfers totals two (2) or more, the sites shall be clustered and meet the Cluster Development Standards of *Section 7.3 of this Ordinance*.
 - (3) Requests for Residential Dwelling site transfers shall not be approved unless accompanied by a deed with a Declaration of Restriction prohibiting any residential development on the 20 acre tracts from which the residential development rights were transferred unless rezoned. No property conveyance involving a transfer of a Residential Dwelling site shall occur unless a Certification of Transfer of Development Rights for the equivalent land area is first recorded in the Office of the County Recorder.

9.4.9 Density Bonus

The density bonus is offered as an incentive to encourage residential dwellings in a cluster or open space development pattern as opposed to conventional or scattered residential dwelling sites. The transfer of residential dwelling sites may be used to form a cluster or open space development according to the provisions of *Section 7.3 or 7.14 of this Ordinance*. To be eligible for the density bonus, the property under consideration must be eligible for at least two (2) Residential Dwelling sites, exclusive of the density bonus.

9.4.10 Lot Requirements

- A. A Parcel of Record that is determined as such pursuant to *Section 9.4.8 A or B of this Ordinance* that is less than 20 acres in size shall be allowed as a residential building site.
- B. The following standards shall apply to lots created in the T-20 District:
 - (1) The minimum lot size for a Single Family Residential Dwelling shall be 1 acre.
 - (2) The minimum median lot width shall be 150 feet.
 - (3) For uses other than residential uses, the minimum lot size shall be sufficient to meet the applicable performance standards of this Ordinance for the proposed use, setback requirements of *Section 9.4.11 of this Ordinance*, and the sewage treatment system standards of *Ordinance 198; or successor ordinance*.
 - (4) The location of any lot in the T-20 District that is to be used as a residential dwelling site shall be located so that the residential dwelling can meet the animal feedlot setback provisions of *Section 6.7.5 of this Ordinance* when the animal feedlot is located in an Agricultural Zoning District.
 - (5) Lots with an Animal Feedlot shall meet the standards as provided in *Sections 6.7 and 7.11 of this Ordinance*.
 - (6) The sideyard setback from an interior lot line (a lot line that is not part of the subdivision plat boundary) shall be 20 feet.
- C. In the T-20 zoning district, only those uses that are allowed as permitted, provisional, interim, conditional or accessory in the R-10 zoning district shall be allowed on a lot or tract at least five (5) acres but less than ten (10) acres in area. Setbacks for the R-10 zoning district shall be applicable to these lots or tracts. Lots or tracts with an Animal Feedlot shall meet the standards as provided in *Sections 6.7 and 7.11 of this Ordinance*.

9.4.11 Setback Requirements

Except as provided in *Section 9.4.10 B (6) of this Ordinance*, the following setback requirements shall apply:

- A. Minimum Building Setbacks
 - (1) Side 20 feet
 - (2) Rear 50 feet
 - (3) Front

Road Classification	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
Principal Arterial	150	75
Minor Arterial	120	60
Major Collector	100	50
Minor Collector	100	50
Un-Classified Roads	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
County Road	100	50
Township Road	63	30

Road Classification	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
Private Road Esmt.	63	30
*THE MORE RESTRICTIVE SETBACK SHALL APPLY.		

- (4) Detached garages and accessory buildings may be placed ten (10) feet from the side lot line and ten (10) feet from the rear lot line.
- (5) For lots created after January 27, 2005, setbacks from Types 3, 4 and 5 wetlands shall be fifty (50) feet and twenty five (25) feet from all other wetlands.
- B. Animal Feedlots and manure storage facilities shall meet the setback provisions of *Section 6.7.5 of this Ordinance*.
- C. All residential dwellings, in addition to meeting the minimum building setback requirements of *Section 9.4.11 A of this Ordinance*, shall also comply with the residential setbacks from an A-160, A-80 or A-40 zoning district as provided in *Section 6.7.5 A of this Ordinance*.

9.4.12 Lot Coverage

The maximum lot coverage shall be 25 % .

9.4.13 Height Requirements

- A. Buildings, other than agricultural buildings, shall not exceed 35 feet in height, except as provided in *Section 7.9 of this Ordinance*.
- B. Agricultural buildings shall be exempt from the height requirements.

9.5 Residential District R-20 (R-20 District)

9.5.1 Purpose

The purpose of this district is to provide limited residential development opportunity on land that is not highly valued farmland and is land that is located well beyond any growth or expansion area of a municipality. The R-20 District is a transitional district, and in order to minimize future land use conflicts, new animal feedlots shall be restricted. In order to maintain the area's rural characteristics and preserve open space, cluster developments shall be encouraged.

9.5.2 Permitted Uses

The following uses are permitted subject to any applicable performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Family day care
- B. Greenhouses and nurseries
- C. Licensed Nonresidential Programs with a licensed capacity of 12 or fewer persons and a group family day care facility licensed under *Minnesota Rules, parts 9502.0315 to 9502.0445; or successor rules*, to serve 14 or fewer children pursuant to *Minnesota Statutes, section 245A.14; or successor statutes*
- D. Licensed Residential Programs, including housing with services established under *Minnesota Statutes, chapter 144D; or successor statutes*, serving 6 or fewer persons, except that a Residential Program, licensed on or after July 1, 1995, 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 pursuant to *Minnesota Statutes, section 245A.11; or successor statutes*
- E. Limited Agricultural Uses
- F. Public and private forest and game management areas
- G. Public parks and trails
- H. Single family residential dwelling unit
- I. Small-scale family operated seasonal produce stands which are accessory to a limited agricultural use

9.5.3 Provisional Uses

The following uses are provisional uses subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Bed and Breakfast Inns
- B. Cemeteries
- C. Government administrative and service buildings
- D. Home extended businesses
- E. Home occupations
- F. Outdoor recreational facilities
- G. Temporary Use Sites in licensed resorts and campgrounds

9.5.4 Permitted Accessory Uses and Structures

The following accessory uses and structures are permitted subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Accessory agricultural buildings that are accessory to a limited agricultural use
- B. Residential accessory buildings
- C. Kennels – Private

9.5.5 Conditional Uses

The following uses may be allowed as a conditional use following the procedure set forth in *Section 4.8 of this Ordinance* and further subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Animal Feedlots subject to limitations of the animal density regulations of *Section 6.7 of this Ordinance*
- B. Churches
- C. Community buildings
- D. Golf courses, golf club houses, country clubs, public swimming pools
- E. Greenhouse and nursery sales
- F. Limited rural businesses
- G. Recreational Vehicle Parks
- H. Schools – public or private
- I. Wastewater Treatment Facilities

9.5.6 Interim Uses

The following uses may be allowed as an interim use following the procedure set forth in *Section 4.18 of this Ordinance* and further subject to the performance and general development standards contained in Sections 6 and 7 of this Ordinance:

- A. One (1) single family residential dwelling unit for supportive care
- B. Temporary hot mix and concrete recycling plants
- C. Temporary storage or operation of equipment
- D. Vacation/Private Home Rental

9.5.7 Residential Density Requirements

- A. Except as otherwise provided *Section 9.5.8 A or B of this Ordinance*, only one (1) Single Family Residential Dwelling Unit shall be allowed per 20 acres.
- B. Residential Development Rights may be transferred from one 20 acre tract to another 20 acre tract. The cluster development standards of *Section 7.3 of this Ordinance* must be met if any transfer results in the transfer of two or more residential dwelling units.
- C. The transfer of Residential Development Rights from one Township to another Township shall be approved by the sending Township and the receiving Township.
- D. In instances where a property owner has ownership of land in more than one zoning district, Residential Development Rights from the R-20 District may only be transferred to a district which permits a higher residential density.

9.5.8 Standards for Determining Permitted Residential Dwelling Sites

- A. Certain Parcels of Record purchased under separate deed and not containing 20 acres may be allowed as residential building sites and shall be determined as follows:
- (1) Any contiguous tract or parcel that is in common ownership with any other contiguous tract or parcel on April 21, 2000, but was purchased under separate deed prior to April 21, 2000, shall be considered a Parcel of Record pursuant to *Section 5.1.3 A of this Ordinance* and shall be eligible as a residential building site. At the owner's option, any tract or parcel determined herein as a Parcel of Record may be combined with other tracts or parcels for the purpose of determining the number of permitted residential dwelling sites.
 - (2) Any non-contiguous tract or parcel that is in common ownership on April 21, 2000, but was purchased under separate deed prior to April 21, 2000, shall be considered a Parcel of Record pursuant to *Section 5.1.3 A of this Ordinance* and shall be eligible as a residential building site. At the owner's option, any tract or parcel determined herein as a Parcel of Record may be combined with any other tract or parcel for the purpose of determining the number of permitted residential dwelling sites.
- B. Any non-contiguous tract or parcel that is in common ownership on April 21, 2000 and was purchased under the same deed prior to April 21, 2000 with any other tract or parcel shall not be considered a Parcel of Record.
- C. An eligible 20 acre tract shall be any tract that does not contain any existing residential dwelling and meets one of the following:
- (1) The tract contains 20 acres more or less and is described as, for example, as the S $\frac{1}{2}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$, according to the Government Land Office survey grid system; or
 - (2) The tract contains 20 acres or more and is described by metes and bounds description. The right of way of any public road adjacent to and included in the description of said tract may be used for the 20 acre calculation; or
 - (3) The tract contains 20 acres or more and is part of a subdivision plat and is described by lot and block or outlot.
- D. Determining eligibility for a residential dwelling site shall be as follows:
- (1) The property owner's total acreage owned within the R-20 District, less and except land under the OHWL, shall be calculated. In the absence of a certificate of survey, the acreage listed in the Stearns County Auditor-Treasurer's Office property transfer records shall be used.
 - (2) 20 acres for each existing Residential Dwelling and any equivalent land area previously restricted under provisions of this Ordinance and/ or *Stearns County Subdivision Ordinance 1; or successor ordinance*, shall be subtracted from the total acreage owned.
 - (3) The results from 1 and 2 above shall be divided by 20 acres and the quotient will be the number of eligible divisions that are permitted for the parcel. Decimals shall be reduced to the nearest whole number and

- decimals of .8 or greater shall be increased to the nearest whole number.
- E. Subdivisions that are for agricultural or other purposes and do not increase the density of the number of residential building sites shall be allowed. The deed shall be accompanied by a Declaration of Restriction stating that the conveyance is for agricultural or other purposes which do not increase residential dwelling site density and that the property being conveyed shall not be used in the calculation of any permitted residential dwelling site division pursuant to *Section 9.5.8 of this Ordinance*.
 - F. The owners of an eligible parcel who execute a Division of less than 20 acres for use as a Residential Dwelling site shall execute a Declaration of Restriction for a 20 acre equivalent land area which is defined as 20 acres less the acreage of the Residential Dwelling site that is to be conveyed. The Declaration of Restriction shall prohibit any additional residential development of the equivalent land area unless rezoned. No property conveyance shall occur unless the Declaration of Restriction is first recorded in the Office of the County Recorder.
 - G. The equivalent land area shall have frontage on a public road, or must be held in common ownership with contiguous land that has public road frontage. Any residual lot or parcel shall have access to a public road.
 - H. The intent of the R-20 District is to limit residential density to an average of one Residential Dwelling per 20 acres. In order to provide an opportunity to landowners that own large tracts of land to combine their eligible density into a cluster development, the transfer of residential development from one 20 acre tract to another 20 acre tract shall be allowed subject to the following:
 - (1) Residential dwelling site transfers that are exempt from the subdivision requirements of this Ordinance shall be approved by the Director.
 - (2) When the cumulative number of Residential Dwelling site transfers totals two (2) or more, the sites shall be clustered and meet the Cluster Development Standards of *Section 7.3 of this Ordinance*.
 - (3) Requests for Residential Dwelling site transfers shall not be approved unless accompanied by a deed with a Declaration of Restriction prohibiting any residential development on the 20 acre tracts from which the residential development rights were transferred unless rezoned. No property conveyance involving a transfer of a Residential Dwelling site shall occur unless a Certification of Transfer of Development Rights for the equivalent land area is first recorded in the Office of the County Recorder.

9.5.9 Density Bonus

The density bonus is offered as an incentive to encourage residential dwellings in a cluster or open space development pattern as opposed to conventional or scattered residential Dwelling sites. The transfer of residential dwelling sites may be used to form a cluster or open space development according to the provisions of *Section 7.3 or 7.14 of this Ordinance*. To be eligible for the density bonus, the property under consideration must be eligible for at least 2 Residential Dwelling sites, exclusive of the density bonus.

9.5.10 Lot Requirements

- A. A Parcel of Record that is determined as such pursuant to *Section 9.5.8 A or B of this Ordinance* that is less than 20 acres in size shall be allowed as a residential building site.
- B. The following standards shall apply to lots or tracts created in the R-20 District:
 - (1) The minimum lot size for a Single Family Residential Dwelling shall be 1 acre.
 - (2) The minimum median lot width shall be 150 feet.
 - (3) For uses other than residential uses, the minimum lot size shall be sufficient to meet the applicable performance standards of this Ordinance for the proposed use, setback requirements of *Section 9.5.11 of this Ordinance*, and the sewage treatment system standards of *Ordinance 198; or successor ordinance*. Lots or tracts with an Animal Feedlot shall meet the standards as provided in *Section 6.7 of this Ordinance* when the animal feedlot is located in an Agricultural Zoning District.
 - (4) The location of any lot in the R-20 District that is to be used as a residential dwelling site shall be located so that the residential dwelling can meet the animal feedlot setback provisions of *Sections 6.7.5 and 7.11 of this Ordinance*.
 - (5) The side yard setback from an interior lot line (a lot line that is not part of the subdivision plat boundary) shall be 20 feet.
- C. In the R-20 zoning district, only those uses that are allowed as permitted, provisional, interim, conditional or accessory in the R-1 zoning district shall be allowed on a lot or tract less than five (5) acres in area, except as allowed in *Section 5.1.4 E (3) of this Ordinance* and except that a home extended business shall be allowed as a provisional use pursuant to *Section 4.22 of this Ordinance*. Setbacks for the R-1 zoning district shall be applicable to these lots or tracts.
- D. In the R-20 zoning district, only those uses that are allowed as permitted, provisional, interim, conditional or accessory in the R-10 zoning district shall be allowed on a lot or tract at least five (5) acres but less than ten (10) acres in area. Setbacks for the R-10 zoning district shall be applicable to these lots or tracts. Lots or tracts with an Animal Feedlot shall meet the standards as provided in *Sections 6.7 and 7.11 of this Ordinance*.

9.5.11 Setback Requirements

Except as provided in *Section 9.5.10 B (5) of this Ordinance*, the following setback requirements shall apply:

- A. Minimum Building Setbacks
 - (1) Side 20 feet
 - (2) Rear 50 feet
 - (3) Front

Road Classification	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
Principal Arterial	150	75
Minor Arterial	120	60
Major Collector	100	50
Minor Collector	100	50
Un-Classified Roads	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
County Road	100	50
Township Road	63	30
Private Road Esmt.	63	30
*THE MORE RESTRICTIVE SETBACK SHALL APPLY.		

- (4) Detached garages and accessory buildings may be placed ten (10) feet from the side lot line and ten (10) feet from the rear lot line.
- (5) For lots created after January 27, 2005, setbacks from Types 3, 4 and 5 wetlands shall be fifty (50) feet and twenty five (25) feet from all other wetlands.
- B. Animal Feedlots and manure storage facilities shall meet the setback provisions of *Section 6.7.5 of this Ordinance*.
- C. All residential dwellings, in addition to meeting the minimum building setback requirements of *Section 9.5.11 A of this Ordinance*, shall also comply with the residential setbacks from an A-160, A-80 or A-40 zoning district as provided in *Section 6.7.5 A of this Ordinance*.

9.5.12 Lot Coverage

The maximum lot coverage shall be 25%.

9.5.13 Height Requirements

- A. Buildings, other than agricultural buildings, shall not exceed 35 feet in height, except as provided in *Section 7.9 of this Ordinance*.
- B. Agricultural buildings shall be exempt from the height requirements.

9.6 Residential District R-10 (R-10 District)

9.6.1 Purpose

The purpose of this district is to provide limited residential development opportunity on land that is neither highly valued farmland nor is land located within any growth or expansion area of a municipality. Land within this district is generally closer to a municipal growth area than land within the R-20 District. The R-10 District is a transitional district, and in order to minimize future land use conflicts, new animal feedlots shall be restricted. In order to maintain the area's rural characteristics and preserve open space, cluster developments shall be encouraged.

9.6.2 Permitted Uses

The following uses are permitted subject to any applicable performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Family day care
- B. Greenhouses and nurseries
- C. Licensed Nonresidential Programs with a licensed capacity of 12 or fewer persons and a group family day care facility licensed under *Minnesota Rules, parts 9502.0315 to 9502.0445*; or *successor rules*, to serve 14 or fewer children pursuant to *Minnesota Statutes, section 245A.14*; or *successor statutes*
- D. Licensed Residential Programs, including housing with services established under *Minnesota Statutes, chapter 144D*; or *successor statutes*, serving 6 or fewer persons, except that a Residential Program, licensed on or after July 1, 1995, 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 pursuant to *Minnesota Statutes, section 245A.11*; or *successor statutes*
- E. Limited agricultural uses
- F. Public and private forest and game management areas
- G. Public parks and trails
- H. Single family residential dwelling units
- I. Small-scale family operated seasonal produce stands which are accessory to a limited agricultural use

9.6.3 Provisional Uses

The following uses are provisional uses subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Bed and Breakfast Inns
- B. Cemeteries
- C. Government administrative and service buildings
- D. Home extended businesses
- E. Home occupations
- F. Outdoor recreational facilities
- G. Temporary Use Sites in licensed resorts and campgrounds

9.6.4 Permitted Accessory Uses and Structures

The following accessory uses and structures are permitted subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Accessory Agricultural buildings that are accessory to a limited agricultural use
- B. Residential Accessory buildings
- C. Kennels – Private

9.6.5 Conditional Uses

The following uses may be allowed as a conditional uses following the procedure set forth in *Section 4.8 of this Ordinance* and further subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Animal Feedlots subject to *Section 6.7 of this Ordinance*
- B. Churches
- C. Community buildings
- D. Golf courses, golf club houses, country clubs, public swimming pools
- E. Greenhouse and nursery sales
- F. Limited Rural Businesses
- G. Recreational Vehicle Parks
- H. Schools – public and private
- I. Wastewater Treatment Facilities

9.6.6 Interim Uses

The following uses may be allowed as an interim use following the procedure set forth in *Section 4.18 of this Ordinance* and further subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. One (1) temporary single family residential dwelling unit for supportive care
- B. Temporary hot mix and concrete recycling plants
- C. Temporary storage or operation of equipment
- D. Vacation/Private Home Rental

9.6.7 Residential Density Requirements

- A. Except as otherwise provided in *Section 9.6.8 A or B of this Ordinance*, only one (1) Single Family Residential Dwelling Unit shall be allowed per ten (10) acres.
- B. Residential Development Rights may be transferred from one ten (10) acre tract to another ten (10) acre tract. The cluster development standards of *Section 7.3 of this Ordinance* must be met if any transfer results in the transfer of two or more residential dwelling sites.
- C. The transfer of Residential Development Rights from one Township to another Township shall be approved by the sending Township and the receiving Township.
- D. In instances where a property owner has ownership of land in more than one zoning district, Residential Development Rights from the R-10 District may only be transferred to a district which permits a higher residential density.

9.6.8 Standards for Determining Permitted Residential Dwelling Sites

- A. Certain Parcels of Record purchased under separate deed and not containing ten (10) acres may be allowed as residential building sites and shall be determined as follows:
- (1) Any contiguous tract or parcel that is in common ownership with any other contiguous tract or parcel on April 21, 2000, but was purchased under separate deed prior to April 21, 2000, shall be considered a Parcel of Record pursuant to *Section 5.1.3 A of this Ordinance* and shall be eligible as a residential building site. At the owner's option, any tract or parcel determined herein as a Parcel of Record may be combined with other tracts or parcels for the purpose of determining the number of permitted residential dwelling sites.
 - (2) Any non-contiguous tract or parcel that is in common ownership on April 21, 2000, but was purchased under separate deed prior to April 21, 2000, shall be considered a Parcel of Record pursuant to *Section 5.1.3 A of this Ordinance* and shall be eligible as a residential building site. At the owner's option, any tract or parcel determined herein as a Parcel of Record may be combined with any other tract or parcel for the purpose of determining the number of permitted residential dwelling sites.
- B. Any non-contiguous tract or parcel that is in common ownership on April 21, 2000 and was purchased under the same deed prior to April 21, 2000 with any other tract or parcel shall not be considered a Parcel of Record.
- C. An eligible ten (10) acre tract shall be any tract that does not contain any existing residential dwelling and meets one of the following:
- (1) The tract contains ten (10) acres more or less and is described as, for example, as the S $\frac{1}{2}$, S $\frac{1}{2}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$, according to the Government Land Office survey grid system; or
 - (2) The tract contains ten (10) acres or more and is described by metes and bounds description. The right of way of any public road adjacent to and included in the description of said tract may be used for the ten (10) acre calculation; or
 - (3) The tract contains ten (10) acres or more and is part of a subdivision plat and is described by lot and block or outlot.
- D. Determining eligibility for a residential dwelling site shall be as follows:
- (1) The property owner's total acreage owned within the R-10 District, less and except land under the OHWL, shall be calculated. In the absence of a certificate of survey, the acreage listed in the Stearns County Auditor-Treasurer's Office property transfer records shall be used.
 - (2) Ten (10) acres for each existing Residential Dwelling and any equivalent land area previously restricted under provisions of this Ordinance and/ or *Stearns County Subdivision Ordinance 1; or successor ordinance*, shall be subtracted from the total acreage owned.
 - (3) The results from 1 and 2 above shall be divided by ten (10) acres and the quotient will be the number of eligible divisions that are permitted for the parcel. Decimals of less than .8 shall be reduced to the nearest whole number and decimals of .8 or greater shall be increased to the nearest whole number.

- E. Subdivisions that are for agricultural or other purposes and do not increase the density of the number of residential building sites shall be allowed. The deed shall be accompanied by a Declaration of Restriction stating that the conveyance is for agricultural or other purposes which do not increase residential dwelling site density and that the property being conveyed shall not be used in the calculation of any permitted residential dwelling site division pursuant to *Section 9.6.8 of this Ordinance*.
- F. The owners of an eligible parcel who execute a Division of less than ten (10) acres for use as a Residential Dwelling site shall execute a Declaration of Restriction for a ten (10) acre equivalent land area which is defined as ten (10) acres less the acreage of the Residential Dwelling site that is to be conveyed. The Declaration of Restriction shall prohibit any additional residential development of the equivalent land area unless rezoned. No property conveyance shall occur unless the deed with Declaration of Restriction is first recorded in the Office of the County Recorder.
- G. The equivalent land area shall have frontage on a public road, or must be held in common ownership with contiguous land that has public road frontage. Any residual lot or parcel shall have access to a public road.
- H. The intent of the R-10 District is to limit residential density to an average of one Residential Dwelling per ten (10) acres. In order to provide an opportunity to landowners that own large tracts of land to combine their eligible density into a cluster development, the transfer of residential development from one ten (10) acre tract to another ten (10) acre tract shall be allowed subject to the following:
 - (1) Residential dwelling site transfers that are exempt from the subdivision requirements of this Ordinance shall be approved by the Director.
 - (2) When the cumulative number of Residential Dwelling site transfers totals two (2) or more, the sites shall be clustered and meet the Cluster Development Standards of *Section 7.3 of this Ordinance*.
 - (3) Requests for Residential Dwelling site transfers shall not be approved unless accompanied by a deed with a Declaration of Restriction prohibiting any residential development on the ten (10) acre tracts from which the residential development rights were transferred unless rezoned. No property conveyance involving a transfer of a Residential Dwelling site shall occur unless a Certification of Transfer of Development Rights for the equivalent land area is first recorded in the Office of the County Recorder.

9.6.9 Density Bonus

The density bonus is offered as an incentive to encourage residential dwellings in a cluster or open space development pattern opposed to conventional or scattered residential dwelling sites. The transfer of residential dwelling sites may be used to form a cluster or open space development according to the provisions of *Section 7.3 or 7.14 of this Ordinance*. To be eligible for the density bonus, the property under consideration must be eligible for at least two (2) Residential Dwelling sites, exclusive of the density bonus.

9.6.10 Lot Requirements

- A. A Parcel of Record that is determined as such pursuant to *Section 9.6.8 A or B of this Ordinance* that is less than ten (10) acres in size shall be allowed as a residential building site.
- B. The following standards shall apply to lots or tracts created in the R-10 District:
 - (1) The minimum lot size for a Single Family Residential Dwelling shall be 1 acre.
 - (2) The minimum median lot width shall be 150 feet.
 - (3) For uses other than residential uses, the minimum lot size shall be sufficient to meet the applicable performance standards of this Ordinance for the proposed use, setback requirements of *Section 9.6.11 of this Ordinance*, and the sewage treatment system standards of *Ordinance 198; or successor ordinance*. Lots or tracts with an Animal Feedlot shall meet the standards as provided in *Section 6.7 of this Ordinance* when the animal feedlot is located in an Agricultural Zoning District.
 - (4) The location of any lot in the R-10 District that is to be used as a residential dwelling site shall be located so that the residential dwelling can meet the animal feedlot setback provisions of *Sections 6.7.5 and 7.11 of this Ordinance*.
 - (5) The side yard setback from an interior lot line (a lot line that is not part of the subdivision plat boundary) shall be 20 feet.
- C. In the R-10 zoning district, only those uses that are allowed as permitted, provisional, interim, conditional or accessory in the R-1 zoning district shall be allowed on a lot or tract less than five (5) acres in area, except as allowed in *Section 5.1.4 E (3) of this Ordinance* and except that a home extended business shall be allowed as a provisional use pursuant to *Section 4.22 of this Ordinance*. Setbacks for the R-1 zoning district shall be applicable to these lots or tracts.

9.6.11 Setback Requirements

Except as provided in *Section 9.6.10 B. (5) of this Ordinance*, the following setbacks shall apply:

- A. Minimum Building Setbacks
 - (1) Side 20 feet
 - (2) Rear 50 feet
 - (3) Front

Road Classification	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
Principal Arterial	150	75
Minor Arterial	120	60
Major Collector	100	50
Minor Collector	100	50
Un-Classified Roads	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
County Road	100	50

Road Classification	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
Township Road	63	30
Private Road Esmt.	63	30
*THE MORE RESTRICTIVE SETBACK SHALL APPLY.		

- (4) Detached garages and accessory buildings may be placed ten (10) feet from the side lot line and ten (10) feet from the rear lot line.
- (5) For lots created after January 27, 2005, setbacks from Types 3, 4 and 5 wetlands shall be fifty (50) feet and twenty five (25) feet from all other wetlands.
- B. Animal Feedlots and manure storage facilities shall meet the setback provisions of *Section 6.7.5 of this Ordinance*.
- C. All residential dwellings, in addition to meeting the minimum building setback requirements of *Section 9.6.11 A of this Ordinance*, shall also comply with the residential setbacks from an A-160, A-80 or A-40 zoning district as provided in *Section 6.7.5 A of this Ordinance*.

9.6.12 Lot Coverage

The maximum lot coverage shall be 25%.

9.6.13 Height Requirements

- A. Buildings, other than agricultural buildings, shall not exceed 35 feet in height, except as provided in *Section 7.9 of this Ordinance*.
- B. Agricultural buildings shall be exempt from the height requirements.

9.7 Residential District R-5 (R-5 District)

9.7.1 Purpose

The purpose of this district is to provide somewhat limited residential development opportunity on land that is not highly valued farmland and is located in close proximity to lakeshore and municipal expansion areas. Land within this district is generally closer to a municipal growth area than land within the R-10 District. The R-5 District is a transitional district and in order to minimize future land use conflicts new animal feedlots shall be prohibited and in order to maintain the areas rural characteristics, cluster developments shall be encouraged.

9.7.2 Permitted Uses

The following uses are permitted subject to any applicable performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Family day care
- B. Greenhouses and nurseries
- C. Licensed Residential Program, including housing with services established under *Minnesota Statutes, chapter 144D; or successor statutes*, serving 6 or fewer persons, except that a Residential Program, licensed on or after July 1, 1995, 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 pursuant to *Minnesota Statutes, section 245A.11; or successor statutes*
- D. Licensed Nonresidential Program with a licensed capacity of 12 or fewer persons and a group family day care facility licensed under *Minnesota Rules, parts 9502.0315 to 9502.0445; or successor rules*, to serve 14 or fewer children pursuant to *Minnesota Statutes, section 245A.14; or successor statutes*
- E. Limited Agricultural Uses
- F. Public and private forest and game management areas
- G. Public parks and trails
- H. Single family residential dwelling units
- I. Small-scale family operated seasonal produce stands which are accessory to a limited agricultural use

9.7.3 Provisional Uses

The following uses are provisional uses subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Bed and Breakfast Inns
- B. Cemeteries
- C. Government and administrative service buildings
- D. Home extended businesses
- E. Home occupations
- F. Outdoor recreational facilities
- G. Temporary Use Sites in licensed resorts and campgrounds

9.7.4 Permitted Accessory Uses and Structures

The following accessory uses and structures are permitted subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Accessory Agricultural buildings that are accessory to a limited agricultural use
- B. Residential Accessory buildings
- C. Kennels – Private

9.7.5 Conditional Uses

The following uses may be allowed as conditional uses following the procedure set forth in *Section 4.8 of this Ordinance* and further subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Animal Feedlots subject to *Section 6.7 of this Ordinance*
- B. Churches
- C. Community buildings
- D. Golf courses, golf club houses, country clubs, public swimming pools
- E. Greenhouse and nursery sales
- F. Limited rural businesses
- G. Recreational vehicle parks
- H. Schools – public and private

9.7.6 Interim Uses

The following uses may be allowed as interim uses subject to the procedure set forth in *Section 4.18 of this Ordinance* and further subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. One (1) temporary single family residential dwelling unit for supportive care
- B. Temporary storage or operation of equipment
- C. Vacation/Private Home Rental

9.7.7 Residential Density Requirements

- A. Except as otherwise provided in *Section 9.7.8 A or B of this Ordinance*, only one (1) Single Family Residential Dwelling Unit shall be allowed per 5 acres.
- B. Residential Development Rights may be transferred from one 5 acre tract to another 5 acre tract. The cluster development standards of *Section 7.3 of this Ordinance* must be met if any transfer results in the transfer of two or more residential dwelling sites.
- C. The transfer of Residential Development Rights from one Township to another Township shall be approved by the sending Township and the receiving Township.
- D. In instances where a property owner has ownership of land in more than one zoning district, Residential Development Rights from the R-5 District may only be transferred to a district which permits a higher residential density.

9.7.8 Standards for Determining Permitted Residential Dwelling Sites

- A. Certain Parcels of Record purchased under separate deed and not containing 5 acres may be allowed as residential building sites and shall be determined as follows:
- (1) Any contiguous tract or parcel that is in common ownership with any other contiguous tract or parcel on April 21, 2000, but was purchased under separate deed prior to April 21, 2000, shall be considered a Parcel of Record pursuant to *Section 5.1.3 A of this Ordinance* and shall be eligible as a residential building site. At the owner's option, any tract or parcel determined herein as a Parcel of Record may be combined with other tracts or parcels for the purpose of determining the number of permitted residential dwelling sites.
 - (2) Any non-contiguous tract or parcel that is in common ownership on April 21, 2000, but was purchased under separate deed prior to April 21, 2000, shall be considered a Parcel of Record pursuant to *Section 5.1.3 A of this Ordinance* and shall be eligible as a residential building site. At the owner's option, any tract or parcel determined herein as a Parcel of Record may be combined with any other tract or parcel for the purpose of determining the number of permitted residential dwelling sites.
- B. Any non-contiguous tract or parcel that is in common ownership on April 21, 2000 and was purchased under the same deed prior to April 21, 2000 with any other tract or parcel shall not be considered a Parcel of Record.
- C. An eligible 5 acre tract shall be any tract that does not contain any existing residential dwelling and meets one of the following:
- (1) The tract contains 5 acres more or less and is described as, for example, the S1/2, S1/2, SW 1/4, SW 1/4, according to the Government Land Office survey grid system; or
 - (2) The tract contains 5 acres or more and is described by metes and bounds description. The right of way of any public road adjacent to and included in the description of said tract may be used for the 5 acre calculation; or
 - (3) The tract contains 5 acres or more and is part of a subdivision plat and is described by lot and block or outlot.
- D. Determining eligibility for a residential dwelling site shall be as follows:
- (1) The property owner's total acreage owned within the R-5 District, less and except land under the OHWL, shall be calculated. In the absence of a certificate of survey, the acreage listed in the Stearns County Auditor-Treasurer's Office property transfer records shall be used.
 - (2) 5 acres for each existing Residential Dwelling and any equivalent land area previously restricted under provisions of this Ordinance and/ or *Stearns County Subdivision Ordinance 1; or successor ordinance*, shall be subtracted from the total acreage owned.
 - (3) The results from 1 and 2 above shall be divided by 5 acres and the quotient will be the number of eligible divisions that are permitted for the parcel. Decimals of less than .8 shall be reduced to the nearest

whole number and decimals of .8 or greater shall be increased to the nearest whole number..

- E. Subdivisions that are for agricultural or other purposes and do not increase the density of the number of residential building sites shall be allowed. The deed shall be accompanied by a Declaration of Restriction stating that the conveyance is for agricultural or other purposes which do not increase residential dwelling site density and that the property being conveyed shall not be used in the calculation of any permitted residential dwelling site division pursuant to *Section 9.7.8 of this Ordinance*.
- F. The owners of an eligible parcel who execute a Division of less than 5 acres for use as a Residential Dwelling site shall execute a deed with a Declaration of Restriction for a 5 acre equivalent land area which is defined as 5 acres less the acreage of the Residential Dwelling site that is to be conveyed. The Declaration of Restriction shall prohibit any additional residential development of the equivalent land area unless rezoned. No property conveyance shall occur unless the deed with a Declaration of Restrictions is first recorded in the Office of the County Recorder.
- G. The equivalent land area shall have frontage on a public road, or must be held in common ownership with contiguous land that has public road frontage. Any residual lot or parcel shall have access to a public road.
- H. The intent of the R-5 District is to limit residential density to an average of one Residential Dwelling per 5 acres. In order to provide an opportunity to landowners that own large tracts of land to combine their eligible density into a cluster development, the transfer of residential development from one 5 acre tract to another 5 acre tract shall be allowed subject to the following:
 - (1) Residential dwelling site transfers that are exempt from the subdivision requirements of this Ordinance shall be approved by the Director.
 - (2) When the cumulative number of Residential Dwelling site transfers totals two (2) or more, the sites shall be clustered and meet the Cluster Development Standards of *Section 7.3 of this Ordinance*.
 - (3) Requests for Residential Dwelling site transfers shall not be approved unless accompanied by a deed with a Declaration of Restriction prohibiting any residential development on the 5 acre tracts from which the residential development rights were transferred unless rezoned. No property conveyance involving a transfer of a Residential Dwelling site shall occur unless the Certification of Transfer of Development Rights for the equivalent land area is first recorded in the Office of the County Recorder.

9.7.9 Density Bonus

The density bonus is offered as an incentive to encourage residential dwellings in a cluster or open space development pattern as opposed to conventional or scattered residential dwelling sites. The transfer of residential dwelling sites may be used to form a cluster or open space development according to the provisions of *Section 7.3 or 7.14 of this Ordinance*. To be eligible for the density bonus, the property under consideration must be eligible for at least 2 Residential Dwelling sites, exclusive of the density bonus.

9.7.10 Lot Requirements

- A. A Parcel of Record that is determined as such pursuant to *Section 9.7.8 A or B of this Ordinance* that is less than 5 acres in size shall be allowed as a residential building site.
- B. The following standards shall apply to lots or tracts created in the R-5 District:
 - (1) The minimum lot size for a Single Family Residential Dwelling shall be 1 acre.
 - (2) The minimum median lot width shall be 150 feet.
 - (3) For uses other than residential uses, the minimum lot size shall be sufficient to meet the applicable performance standards of this Ordinance for the proposed use, setback requirements of *Section 9.7.11 of this Ordinance*, and the sewage treatment system standards of *Ordinance 198; or successor ordinance*.
 - (4) The side yard setback from an interior lot line (a lot line that is not part of the subdivision plat boundary) shall be 20 feet.
- C. A reduction in lot area shall be subject to *Section 7.11 of this Ordinance*.

9.7.11 Setback Requirements

Except as provided in *Section 9.7.11 B (5) of this Ordinance*, the following setback requirements shall apply:

- A. Minimum Building Setbacks
 - (1) Side 20 feet
 - (2) Rear 50 feet
 - (3) Front

Road Classification	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
Principal Arterial	150	75
Minor Arterial	120	60
Major Collector	100	50
Minor Collector	100	50
Un-Classified Roads	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
County Road	100	50
Township Road	63	30
Private Road Esmt.	63	30
*THE MORE RESTRICTIVE SETBACK SHALL APPLY.		

- (4) Detached garages and accessory buildings may be placed ten (10) feet from the side lot line and ten (10) feet from the rear lot line.
- (5) For lots created after January 27, 2005, setbacks from Types 3, 4 and 5 wetlands shall be fifty (50) feet and twenty five (25) feet from all other wetlands.

- B. All residential dwellings, in addition to meeting the minimum building setback requirements of *Section 9.7.11 A of this Ordinance*, shall also comply with the residential setbacks from an Animal Feedlot in an A-160, A-80 or A-40 zoning district as provided in *Section 6.7.5 A of this Ordinance*.

9.7.12 Lot Coverage

The maximum lot coverage shall be 25%.

9.7.13 Height Requirements

- A. Buildings, other than agricultural buildings, shall not exceed 35 feet in height, except as provided in *Section 7.9 of this Ordinance*.
- B. Agricultural buildings shall be exempt from the height requirements.

9.7.14 Keeping of Animals

The keeping of animals, with the exception of dogs, cats and similar animals kept as household pets, is prohibited on any lot, tract or parcel in the R-5 District, except as allowed in *Section 5.1.4 D of this Ordinance*. New pasture shall be prohibited.

9.8 Rural Townsite District

9.8.1 Purpose

The purpose of this District is to allow for limited and compatible planned expansion of existing land uses in the unincorporated townsites in the County. The County recognizes the existence of the small rural unincorporated townsites that were developed some time ago and which include a mixture of land uses. Thus, this District has been designated for flexibility within standards related to public health and safety.

9.8.2 Permitted Uses

The following uses are permitted, subject to any applicable performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Existing commercial and industrial uses, except that additions or expansions thereto shall be subject to the conditional use permit procedures set forth in *Section 4.8 of this Ordinance* and further subject to the performance and general development standards for conditional uses set forth in *Sections 6 and 7 of this Ordinance*
- B. Family day care
- C. Greenhouses and nurseries
- D. Licensed Nonresidential Program with a licensed capacity of 12 or fewer persons and a group family day care facility licensed under *Minnesota Rules, part 9502.0315 to 9502.0445; or successor rules*, to serve 14 or fewer children pursuant to *Minnesota Statutes, section 245A.14; or successor statutes*
- E. Licensed Residential Program, including housing with services established under *Minnesota Statutes, chapter 144D; or successor statutes*, serving 6 or fewer persons, except that a Residential Program, licensed on or after July 1, 1995, 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 pursuant to *Minnesota Statutes, section 245A.11; or successor statutes*
- F. Limited Agricultural Uses
- G. Public parks and trails
- H. Single family residential dwelling units
- I. Small scale family operated seasonal produce stands which are accessory to a limited agricultural use

9.8.3 Provisional Uses

The following uses are provisional uses subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Attached Single Family Residential Dwellings
- B. Bed and Breakfast Inns
- C. Cemeteries
- D. Government administrative and service buildings
- E. Home extended businesses

- F. Home occupations
- G. Outdoor recreational facilities
- H. Temporary Use Sites in licensed resorts and campgrounds

9.8.4 Permitted Accessory Uses and Structures

The following accessory uses and structures are permitted subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Accessory agricultural buildings that are accessory to a limited agricultural use
- B. Kennels – Private
- C. Residential accessory buildings

9.8.5 Conditional Uses

The following uses may be allowed as conditional uses following the procedures set forth in *Section 4.8 of this Ordinance* and further subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Bus garages
- B. Churches
- C. Community buildings
- D. Drive in businesses
- E. Eating and drinking establishments
- F. Greenhouse and nursery sales
- G. Grocery stores
- H. Licensed Residential Program for 7 to 16 persons pursuant to *Minnesota Statutes, section 245A.11; or successor statutes*
- I. Manufacture of wood products
- J. Motor vehicle repair
- K. Offices of any type
- L. Schools – public and private
- M. Service stations and/or convenience stores
- N. Any use of land that is consistent with the purpose of the Rural Townsite District which is not expressly prohibited or provided for in the Rural Townsite District and which, by its nature, does not constitute a public or private nuisance because of adverse secondary characteristics, noise, dirt, soot, offensive odor, unsanitary conditions or incompatible use.

9.8.6 Interim Uses

The following uses may be allowed as interim uses subject to the procedures set forth in *Section 4.18 of this Ordinance* and further subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Temporary storage or operation of equipment
- B. Vacation/Private Home Rental

9.8.7 Residential Density Requirements

Residential Dwelling Site Density in the Rural Townsite District shall be regulated by the lot requirements of *Section 9.8.8 of this Ordinance*.

9.8.8 Lot Requirements

- A. Lots or tracts of Record that are in separate ownership from abutting lands on the effective date of this Ordinance that do not meet the lot size requirement for a Single Family Dwelling in *Section 9.8.8 B of this Ordinance* may be allowed as a Residential Dwelling site provided that all other provisions of this Ordinance can be met. The sewage treatment system standards of *Stearns County Ordinance Number 198; or successor ordinance*, shall be met.
- B. Lot Area Requirements. The minimum lot size requirements shall be as follows:
 - (1) Single Family Dwelling
 - (a) 30,000 square feet with an approved individual sewage treatment system.
 - (b) 15,000 square feet with an approved community sewer system.
 - (2) Attached Single Family Dwelling Units:
 - (a) 40,000 square feet with an approved individual sewage treatment system for an Attached Single Family Dwelling containing 2 dwelling units. An additional 10,000 square feet shall be required for each additional unit.
 - (b) 40,000 square feet for an Attached Single Family Dwelling containing two dwelling units with an approved community sewer system. An additional 5,000 square feet shall be required for each additional unit.
 - (3) For uses other than residential uses, the minimum lot size shall be sufficient to meet the applicable performance and general development standards contained in *Sections 6 and 7 of this Ordinance* for the proposed use, setback requirements of *Section 9.8.9 of this Ordinance* and the sewage treatment system standards of *Ordinance 198; or successor ordinance*.
- C. Lot Width Requirement
The minimum median lot width shall be 100 feet
- D. Land under the OHWL shall not be included in the calculation for the minimum lot size.

9.8.9 Setback Requirements

- A. Minimum Building Setbacks
 - (1) Side.....10 feet
 - (2) Rear.....30 feet
 - (3) Front

Road Classification	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
Principal Arterial	150	75
Minor Arterial	120	60
Major Collector	100	50
Minor Collector	100	50

Road Classification	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
Un-Classified Roads	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
County Road	100	50
Township Road	63	30
Private Road Esmt.	63	30
*THE MORE RESTRICTIVE SETBACK SHALL APPLY.		

- (4) Detached garages and accessory buildings may be placed 10 feet from the side lot line and 10 feet from the rear lot line.
- (5) For lots created after January 27, 2005, setbacks from Types 3, 4 and 5 wetlands shall be fifty (50) feet and twenty five (25) feet from all other wetlands.
- B. All residential dwellings, in addition to meeting the minimum building setback requirements of *Section 9.8.9 A of this Ordinance*, shall also comply with the residential setbacks from an A-160, A-80 or A-40 zoning district as provided in *Section 6.7.5 A of this Ordinance*.

9.8.10 Lot Coverage

The maximum lot coverage shall be 25% except that uses listed as conditional may have a maximum lot coverage of up to 60% outside the shoreland district.

9.8.11 Height Requirements

- A. Buildings, other than agricultural buildings, shall not exceed 35 feet in height, except as provided in *Section 7.9 of this Ordinance*.
- B. Agricultural buildings shall be exempt from the height requirements.

9.8.12 Keeping of Animals

The keeping of animals, with the exception of dogs, cats and similar animals kept as household pets, is prohibited on any lot, parcel or tract in the RT District, except as allowed in *Section 5.1.4 D of this Ordinance*. New pasture shall be prohibited.

9.8.13 Sewage Treatment and Drinking Water Systems

Community and/or alternative sewage treatment systems and/or community drinking water systems may be required where soil types and other environmental sensitivities, such as shallow bedrock formations and susceptibility to nitrate nitrogen contamination, are such that additional measures may be necessary to protect the public health, safety and welfare.

- A. Community and/or alternative sewage treatment systems and community drinking water systems may be placed within the open space area.
- B. Individual sewage treatment systems may be placed within the open space area.
- C. A subordinate service district, a customer owned utility or other entity acceptable to the Board shall be responsible for the management of any community and/or alternative wastewater systems and any community drinking water supply system.

9.9 Residential District R-1 (R-1 District)

9.9.1 Purpose

The purpose of this District is to provide high-density growth and affordable housing near municipalities that can more readily provide services and to allow additional development in certain areas that are more urban in character because of previous residential development. It is also intended that this District will allow residential development consistent with the Shoreland Overlay District. The R-1 District is reserved for residential development. Therefore, new Animal Feedlots and the raising of livestock shall be prohibited. Land within this District will be land that is not agriculturally important, but in need of special consideration because of its unique natural and/or topographic characteristics. For this reason, the clustering of development may be required.

9.9.2 Permitted Uses

The following uses are permitted subject to any applicable performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Family day care
- B. Greenhouses and nurseries
- C. Licensed Nonresidential Program with a licensed capacity of 12 or fewer persons and a group family day care facility licensed under *Minnesota Rules, part 9502.0315 to 9502.0445; or successor rules*, to serve 14 or fewer children pursuant to *Minnesota Statutes, section 245A.14; or successor statutes*
- D. Licensed Residential Program, including housing with services established under *Minnesota Statutes, chapter 144D; or successor statutes*, serving 6 or fewer persons, except that a Residential Program, licensed on or after July 1, 1995, 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 pursuant to *Minnesota Statutes, section 245A.11; or successor statutes*
- E. Limited agricultural uses
- F. Public parks, trails and playgrounds
- G. Single family residential dwelling units

9.9.3 Provisional Uses

The following uses are provisional uses subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Attached Single Family Dwellings Units
- B. Bed and Breakfast Inns
- C. Cemeteries
- D. Government administrative and service buildings
- E. Home Occupations
- F. Outdoor recreational facilities
- G. Temporary Use Sites in licensed resort and campground

9.9.4 Permitted Accessory Uses and Structures

The following accessory uses and structures are permitted subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Kennels – Private
- B. Residential Accessory Buildings

9.9.5 Conditional Uses

The following uses may be allowed as conditional uses following the procedures set forth in *Section 4.8 of this Ordinance* and further subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Churches
- B. Community Buildings
- C. Licensed Residential Program for 7 to 16 persons pursuant to *Minnesota Statutes, section 245A.11; or successor statutes*
- D. Public swimming pools
- E. Schools – public or private
- F. Temporary Use Sites in licensed resorts and campgrounds

9.9.6 Interim Uses

The following uses may be allowed as interim uses, subject to the procedures set forth in *Section 4.18 of this Ordinance* and further subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. One (1) temporary single family residential dwelling unit for supportive care
- B. Temporary storage or operation of equipment
- C. Vacation/Private Home Rental

9.9.7 Residential Density Requirements

Residential dwelling site density in the R-1 District shall be regulated by the lot requirements of *Section 9.9.8 of this Ordinance*.

9.9.8 Lot Requirements

- A. Lots or tracts of record that are in separate ownership from abutting lands on the effective date of this Ordinance that do not meet the lot size requirement for a Single Family Dwelling in *Section 9.9.8 B of this Ordinance* may be allowed as a Residential Dwelling site provided that all other provisions of this Ordinance can be met. The sewage treatment system standards of *Stearns County Ordinance Number 198; or successor ordinance*, shall also be met.
- B. Lot Area Requirements. The minimum lot size requirements shall be as follows:
 - (1) Single Family Dwelling
 - (a) 30,000 square feet with an approved individual sewage treatment system.
 - (b) 15,000 square feet with an approved community sewer system.
 - (2) Attached Single Family Dwelling Units:

- (a) 40,000 square feet with an approved individual sewage treatment system for an Attached Single Family Dwelling containing 2 dwelling units. An additional 10,000 square feet shall be required for each additional dwelling unit.
- (b) 30,000 square feet for an Attached Single Family Dwelling containing two dwelling units with an approved community sewer system. An additional 5,000 square feet shall be required for each additional dwelling unit.
- (3) For uses other than residential uses, the minimum lot size shall be sufficient to meet the applicable performance and general development standards contained in *Sections 6 and 7 of this Ordinance* for the proposed use, setback requirements of *Section 9.9.9 of this Ordinance*, and the sewage treatment system standards of *Ordinance Number 198; or successor ordinance*.
- C. The minimum lot width shall be 100 feet
- D. Minimum lot depth shall be 125 feet.
- E. Land under the OHWL shall not be included in the calculation for the minimum lot size.

9.9.9 Setback requirements

- A. Minimum Building Setbacks
 - (1) Side 10 feet
 - (2) Rear 30 feet
 - (3) Front

Road Classification	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
Principal Arterial	150	75
Minor Arterial	120	60
Major Collector	100	50
Minor Collector	100	50
Un-Classified Roads	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
County Road	100	50
Township Road	63	30
Private Road Esmt.	63	30
*THE MORE RESTRICTIVE SETBACK SHALL APPLY.		

- (4) Detached garages and accessory buildings may be placed 10 feet from the side lot line and 10 feet from the rear lot line.
- (5) For lots created after January 27, 2005, setbacks from Types 3, 4 and 5 wetlands shall be fifty (50) feet and twenty five (25) feet from all other wetlands.
- B. All residential dwellings, in addition to meeting the minimum building setback requirements of *Section 9.9.9 A of this Ordinance*, shall also comply with the residential setbacks from an A-160, A-80, or A-40 zoning district as provided in *Section 6.7.5 A of this Ordinance*.

9.9.10 Lot Coverage

The maximum lot coverage shall be 25%.

9.9.11 Height Requirements

Buildings shall not exceed 35 feet in height, except as provided in *Section 7.9 of this Ordinance*.

9.9.12 Keeping of Animals

The keeping of animals, with the exception of dogs, cats and similar animals kept as household pets, is prohibited on any lot, parcel or tract in the R-1 District, except as allowed in *Section 5.1.4 D of this Ordinance*. New pasture shall be prohibited.

9.9.13 Sewage Treatment and Drinking Water Systems

Community and/or alternative sewage treatment systems and/or community drinking water supply systems may be required where soil types and other environmental sensitivities, such as shallow bedrock formations and susceptibility to nitrate nitrogen contamination, are such that additional measures may be necessary to protect the public health, safety and welfare.

- A. Community and/or alternative sewage treatment systems and community drinking water supply systems may be placed within the open space area.
- B. Individual sewage treatment systems may be placed within the open space area.
- C. A subordinate service district, a customer owned utility or other entity acceptable to the Board shall be responsible for the management of any community and/or alternative wastewater systems and any community drinking water supply system.

9.10 Commercial/Recreation District

9.10.1 Purpose

The purpose of this district is to promote the concentration of a wide range of commercial and recreational establishments into a general commercial area to service local residents and the traveling public.

9.10.2 Permitted Uses

The following uses are permitted subject to any applicable performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Bait shops
- B. Beauty shops
- C. Bowling alleys
- D. Community buildings
- E. Day care centers
- F. Eating and drinking establishments
- G. Financial institutions
- H. Funeral homes, mortuaries
- I. Golf courses and club houses
- J. Grain and seed sales and storage
- K. Grocery stores
- L. Health club
- M. Landscape, nursery, greenhouse or garden sales
- N. Laundromats
- O. Offices, clinics
- P. Resort facilities including lodges and cabins and an operator's residence.
- Q. Retail uses conducted entirely within a building
- R. Self service storage facilities
- S. Theatres, commercial amusement places
- T. Veterinary clinics

9.10.3 Provisional Uses

The following uses are provisional uses subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Adult Uses – Accessory
- B. Government administrative and service buildings
- C. Licensed day care facilities for up to 25 persons
- D. Outdoor recreational facilities
- E. Temporary Use Sites in licensed resorts and campgrounds

9.10.4 Permitted Accessory Uses and Structures

The following accessory uses and structures are permitted subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Accessory uses and structures that are incidental to the principal use.
- B. Outdoor storage and display

9.10.5 Conditional Uses

The following uses may be allowed as conditional uses following the procedures set forth in *Section 4.8 of this Ordinance* and further subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Drive in businesses
- B. Motor vehicle repair, gasoline service stations, and convenience stores
- C. Hotels, Motels
- D. Multi-family residential dwellings
- E. Off-premise signs (billboards)
- F. Outdoor sales lots, including used cars, trucks, trailers and farm implements
- G. Recycling centers
- H. Resorts
- I. Ski areas and lodges
- J. Recreational vehicle parks or campgrounds
- K. Warehousing and distribution facilities
- L. Wholesale and storage establishments
- M. Any use of land that is consistent with the purpose of the Commercial/Recreational District that is not expressly prohibited or provided for which creates employment and economic advantage.

9.10.6 Interim Uses

The following use may be allowed as an interim use subject to the procedures set forth in *Section 4.48 of this Ordinance* and further subject to the performance and general development standards contained in *Section 6 and 7 of this Ordinance*.

- A. Vacation/Private Home Rentals

9.10.7 Lot Requirements

For all uses within the Commercial/Recreational District the minimum lot size shall be sufficient to meet the applicable performance standards of this Ordinance for the proposed use, setback requirements of *Section 9.10.8 of this Ordinance*, and the *sewage treatment system standards of Ordinance 198; or successor ordinances*.

9.10.8 Setback Requirements

Minimum Building Setbacks

- A. Side 20 feet
- B. Rear 20 feet
- C. Front

Deleted: The following uses may be allowed as conditional uses following the procedures set forth in *Section 4.8 of this Ordinance* and further subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:¶

- ¶ A. Drive in businesses¶
- ¶ B. Motor vehicle repair, gasoline service stations, and convenience stores¶
- ¶ C. Multi-family residential dwellings¶
- ¶ D. Off-premise signs (billboards)¶
- ¶ E. Outdoor sales lots, including used cars, trucks, trailers and farm implements¶
- ¶ F. Recycling centers¶
- ¶ G. Ski areas and lodges¶
- ¶ H. Recreational Vehicle Parks¶
- ¶ I. Warehousing and distribution facilities¶
- ¶ J. Wholesale and storage establishments¶
- ¶ K. Any use of land that is consistent with the purpose of the Commercial/Recreational District that is not expressly prohibited or provided for which creates employment and economic advantage.¶

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Road Classification	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
Principal Arterial	150	75

Minor Arterial	120	60
Major Collector	100	50
Minor Collector	100	50
Un-Classified Roads	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
County Road	100	50
Township Road	63	30
Private Road Esmt.	63	30
*THE MORE RESTRICTIVE SETBACK SHALL APPLY.		

9.10.9 Height Requirement

Except as provided in *Section 7.9 of this Ordinance*, structures in the Shoreland Overlay District shall not exceed 30 feet in height or 45 feet in height outside of the Shoreland Overlay District.

9.10.10 Lot Coverage

The maximum lot coverage shall be 25% in the shoreland district and up to 60% outside any shoreland district.

9.11 Limited Industrial District

9.11.1 Purpose

The intent of the Limited Industrial District is to allow small scale industrial uses that require limited services that can be suitably located next to existing urban areas in the County and at standards that will not impair the traffic carrying capabilities of abutting roads and highways.

9.11.2 Permitted Uses

The following uses are permitted uses subject to the performance and general development standards of *Sections 6 and 7 of this Ordinance*:

- A. General manufacturing
- B. Light manufacturing
- C. Motor vehicle repair
- D. Truck terminals
- E. Warehousing, storage, distribution and wholesale facilities

9.11.3 Provisional Uses

The following uses are provisional uses subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Adult Uses – Principal
- B. Adult Uses-Accessory
- C. Government administrative and service buildings

9.11.4 Permitted Accessory Uses and Structures

The following accessory uses and structures are permitted subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Accessory uses and structures that are incidental to the principal use

9.11.5 Conditional Uses

The following uses may be allowed as conditional uses following the procedures set forth in *Section 4.8 of this Ordinance* and further subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Commercial and public radio and television transmitting antennas and public utility microwave antennas
- B. Junk and salvage operations
- C. Off-premise signs (billboards)
- D. Solid waste composting facilities
- E. Solid waste disposal facilities and solid waste transfer stations.
- F. Recycling centers
- G. Any use of land that is consistent with the purpose of the Limited Industrial District which is not expressly prohibited or provided for in the Limited Industrial District and which, by its nature, does not

constitute either a public or private nuisance because of noise, dirt, soot, offensive odor, secondary characteristics or unsanitary conditions

9.11.6 Interim Uses

The following interim uses may be allowed in the Limited Industrial District:

- A. Mining
- B. Temporary hot mix and concrete recycling plants
- C. Temporary storage or operation of equipment

9.11.7 Lot Requirements

For all uses within the Limited Industrial District the minimum lot size shall be sufficient to meet the applicable performance standards of this Ordinance for the proposed use, setback requirements of *Section 9.11.8 of this Ordinance* and the *sewage treatment system standards of Ordinance 198; or successor ordinances.*

9.11.8 Setback Requirements

Minimum Building Setbacks

- A. Side 20 feet
- B. Rear 20 feet
- C. Front

Road Classification	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
Principal Arterial	150	75
Minor Arterial	120	60
Major Collector	100	50
Minor Collector	100	50
Un-Classified Roads	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
County Road	100	50
Township Road	63	30
Private Road Easement	63	30
*THE MORE RESTRICTIVE SETBACK SHALL APPLY.		

9.11.9 Height Requirement

Buildings shall not exceed 45 feet in height, except as provided in *Section 7.9 of this Ordinance.*

9.11.10 Lot Coverage

The maximum lot coverage shall be 25% in the shoreland district and up to 60% outside any shoreland district.

9.12 General Industrial District

9.12.1 Purpose

The intent of the General Industrial District is to allow small scale industrial uses that require limited services that can be suitably located next to existing urban areas in the County and at standards that will not impair the traffic carrying capabilities of abutting roads and highways.

9.12.2 Permitted Uses

The following uses are permitted uses subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Brick and tile manufacturing
- B. Cement production
- C. Motor vehicle repair
- D. Stone milling
- E. Warehousing, storage, distribution and wholesale facilities
- F. General manufacturing
- G. Light manufacturing
- H. Truck terminals

9.12.3 Provisional Uses

The following uses are provisional uses subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Adult Uses-Principal
- B. Adult Uses – Accessory
- C. Government administrative and services buildings

9.12.4 Permitted Accessory Uses and Structures

The following accessory uses and structures are permitted subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Accessory uses and structures that are incidental to the principal use.

9.12.5 Conditional Uses

The following uses may be allowed as conditional uses following the procedures set forth in *Section 4.8 of this Ordinance* and further subject to the performance and general standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Alcohol manufacturing
- B. Commercial and public radio and television transmitting antennas and public utility microwave antennas
- C. Electric power manufacturing
- D. Food processing
- E. Off-premise signs (billboards)
- F. Quarrying

- G. Uses that are allowed as conditional uses in the Limited Industrial District
- H. Any use of land that is consistent with the purpose of the General Industrial District which is not expressly prohibited or provided for in the General Industrial District and which, by its nature, does not constitute either a public or private nuisance because of noise, dirt, soot, offensive odor, secondary characteristics or unsanitary conditions.

9.12.6 Interim Uses

The following interim uses may be allowed in the General Industrial District:

- A. Mining
- B. Temporary hot mix and concrete recycling plants
- C. Temporary storage or operation of equipment

9.12.7 Lot Requirements

For all uses within the Limited Industrial District, the minimum lot size shall be sufficient to meet the applicable performance and general development standards of this Ordinance for the proposed use, setback requirements of *Section 9.12.8 of this Ordinance*, and the *sewage treatment system standards of Ordinance 198; or successor ordinances.*

9.12.8 Setback Requirements

Minimum Building Setbacks

- A. Side.....20 feet
- B. Rear20 feet
- C. Front

Road Classification	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
Principal Arterial	150	75
Minor Arterial	120	60
Major Collector	100	50
Minor Collector	100	50
Un-Classified Roads	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
County Road	100	50
Township Road	63	30
Private Road	63	30
Easement		
*THE MORE RESTRICTIVE SETBACK SHALL APPLY.		

9.12.9 Height Requirement

Buildings shall not exceed 45 feet in height, except as provided in *Section 7.9 of this Ordinance.*

9.12.10 Lot Coverage

The maximum lot coverage shall be 25% in the shoreland district and up to 60% outside any shoreland district.

9.13 Educational/Ecclesiastical District

9.13.1 Purpose

The purpose of this district is to provide for the preservation and management of historically significant educational or ecclesiastical institutions that are located within the County.

9.13.2 Permitted Uses

The following uses are permitted subject to any applicable performance and general development standard contained in *Sections 6 and 7 of this Ordinance*:

- A. Churches and similar places of worship
- B. Colleges and universities
- C. Forest and game management areas
- D. Limited agricultural uses
- E. Monasteries or convents
- F. Outdoor recreation
- G. Schools- private or public
- H. Seminaries
- I. Any use of land that is consistent with the purpose of the Educational/Ecclesiastical District which is not expressly prohibited or provided for in the Educational/Ecclesiastical District.

9.13.3 Provisional Uses

The following uses are provisional uses subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Cemeteries

9.13.4 Conditional Uses

The following use may be allowed as a conditional use following the procedures set forth in *Section 4.8 of this Ordinance* and further subject to the performance and general standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Solar farms

9.13.5 Setback Requirements

Minimum Building Setbacks

- A. Side 20 feet
- B. Rear 20 feet
- C. Front

Road Classification	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
Principal Arterial	150	75
Minor Arterial	120	60
Major Collector	100	50
Minor Collector	100	50

Un-Classified Roads	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
County Road	100	50
Township Road	63	30
Private Road Esmt.	63	30
*THE MORE RESTRICTIVE SETBACK SHALL APPLY.		

9.13.6 Height Requirements

- A. In the Shoreland Overlay District, buildings shall not exceed 50 feet in height, except as provided in *Section 7.9 of this Ordinance*.

9.14 Scenic River District

9.14.1 Purpose

The purpose of the Scenic River District is to protect and preserve the scenic, recreational and natural values of the Mississippi River by controlling development within a specified river corridor consistent with *Minnesota Rules, parts 6105.0800-6105.0870* and *Minnesota Rules, parts 6105.0010-6105.0250*; or successor rules.

9.14.2 Scenic River District Boundaries

The boundaries of the Scenic River District are based upon and are consistent with the Mississippi River Management Plan, *Minnesota Rules, parts 6105.0800-6105.0870*; or successor rules.

9.14.3 Designation

The following land is designated as part of the Scenic River District:

ST AUGUSTA TOWNSHIP T123N – R28W

Section 1

- Government Lot 1 – Containing 31.26 acres
- Government Lot 2 – Containing 32.74 acres
- Government Lot 3 – Containing 35.07 acres

ST AUGUSTA TOWNSHIP T 123N – R27W

Section 6

- Government Lot 1 – Containing 29.10 acres

Section 7

- Government Lot 1 – Containing 20.62 acres
- Government Lot 2 – Containing 40.00 acres
- Government Lot 3 – Containing 30.08 acres
- SE ¼, NW1/4 - Containing 40.00 acres
- NE ¼, SE1/4 - Containing 40.00 acres

Section 8

- Government Lot 1 – Containing 25.82 acres
- Government Lot 2 – Containing 36.34 acres
- E1/2,SW1/4,SW1/4- Containing 20.00 acres

Section 17

- Government Lot 1 – Containing 25.10 acres
- Government Lot 2 – Containing 39.65 acres
- Government Lot 3 – Containing 39.35 acres
- Government Lot 4 – Containing 60.52 acres

LYNDEN TOWNSHIP T123N – R27W

Section 20

- Government Lot 1 – Containing 25.18 acres
- Government Lot 2 – Containing 26.43 acres
- N1/2,SW1/4,NE1/4 – Containing 20.00 acres
- N1/2,NE1/4,SE1/4 -Containing 20.00 acres

Section 21

Government Lot 1 – Containing 48.10 acres

Government Lot 2 – Containing 37.96 acres

Government Lot 3 – Containing 41.92 acres

Section 26

Government Lot 1 – Containing 29.42 acres

Government Lot 2 – Containing 33.25 acres

Section 27

Government Lot 1 – Containing 23.95 acres

The North 11.72 acres of Government Lot 2

Government Lot 3 – Containing 31.58 acres

Government Lot 4 – Containing 60.97 acres

Section 28

Government Lot 1 – Containing 41.26 acres

Government Lot 2 – Containing 60.62 acres

SW1/4,NE1/4 - Containing 40.00 acres

SE1/4,NW1/4 lying Northeasterly of road containing 32.00 acres

Section 35

Government Lot 5 – Containing 43.65 acres

9.14.4 Conflicts

In the case of a conflict between the zoning map and the descriptions listed in *Section 9.13.3 of this Ordinance*, this Ordinance shall prevail.

9.14.5 Tributaries

The following streams are designated as tributaries to the Mississippi River. All land adjacent to that part of a designated tributary that is within the Scenic River District shall be subject to the standards imposed in the Scenic River District and any applicable overlay district:

- A. St. Augusta Creek (Johnson Creek)
- B. Plum Creek
- C. Clearwater River

9.14.6 Permitted Uses

The following uses are permitted subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Animal Feedlots in existence on the effective date of this Ordinance. Expansions and/or Modifications to Existing Animal Feedlots shall only be permitted by and be subject to the provisions of *Section 4 and Section 6.7 of this Ordinance*
- B. Family day care
- C. Governmental campgrounds, subject to *Scenic Rivers Management Plan* specifications
- D. Governmental open space recreational uses, subject to *Scenic Rivers Management Plan* specifications

- E. Governmental resource management areas for improving fish and wildlife habitat, wildlife management areas, nature areas and accessory roads
- F. Licensed Nonresidential Programs with a licensed capacity of 12 or fewer persons and a group family day care facility licensed under *Minnesota Rules, parts 9502.0315 to 9502.0445; or successor rules*, to serve 14 or fewer children pursuant to *Minnesota Statutes, section 245A.14; or successor statutes*
- G. Licensed Residential Program, including housing with services established under *Minnesota Statutes, chapter 144D; or successor statutes*, serving 6 or fewer persons, except that a Residential Program licensed on or after July 1, 1995, 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 pursuant to *Minnesota Statutes, section 245A.11; or successor statutes*
- H. Limited agricultural uses
- I. Private roads and minor public streets
- J. Residential cluster developments
- K. Road type public access with boat launching facilities, subject to *Scenic Rivers Management Plan* specifications
- L. Signs which are approved by any Federal, State or local Government which are necessary for public health and safety and signs indicating areas that are available or not available for public use may be visible from the river
- M. Signs that are otherwise permitted by this Ordinance, but are not visible from the river
- N. Single family residential dwelling units
- O. Trail type public access, subject to *Scenic River Management Plan* specifications

9.14.7 Provisional Uses

The following uses are provisional uses subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Home occupations
- B. Bed and Breakfast Inns
- C. Cemeteries
- D. Government administrative and service buildings

9.14.8 Conditional Uses

The following uses may be allowed as conditional uses following the procedures set forth in *Section 4.8 of this Ordinance* and further subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Private Recreational Camping Areas subject to the *Scenic Rivers Management Plan* specifications and the following:

- (1) The first tier shall be evaluated according to the Commercial Shoreland Planned Unit Development standards contained in *Section 10.2.22 of this Ordinance*.
 - (2) No recreational vehicle or tent shall be placed nearer the ordinary high water mark as specified in *Section 9.14.11 of this Ordinance*.
 - (3) The size of each recreational campsite shall comply with the site size requirements of *Stearns County Ordinance Number 187*; or successor ordinances.
 - (4) Adequate vegetative screening for the recreational camping area shall be maintained consistent with the provisions of *Section 9.14.16 of this Ordinance*.
- B. Private open space recreational uses, subject to the *Scenic Rivers Management Plan* specifications
 - C. Public roads, subject to the provisions of *Section 9.14.18 of this Ordinance*
 - D. Temporary docks
 - E. Transmission services

9.14.9 Permitted Accessory Uses and Structures

The following accessory buildings and uses are permitted subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Residential accessory buildings
- B. Accessory agricultural buildings that are accessory to an agricultural operation

9.14.10 Lot Size Requirements

The minimum lot size shall be 4 acres and at least 250 feet in width at the building line and at least 250 feet in width at the water line for lots abutting the Mississippi River and designated tributaries.

9.14.11 Placement of Structures on Lots

The following standards shall apply to the placement of structures on lots:

- A. All structures shall be setback 150 feet from the Ordinary High Water Level of the Mississippi River and/or designated tributary.
- B. All structures shall be setback 30 feet from the top of a bluff.
- C. No structure or accessory building, except stairways and landings, shall be placed within the bluff impact zone.
- D. Structures shall not be placed on any slope greater than 13% unless the structure can be screened.

9.14.12 Setback requirements

- A. Minimum Building Setbacks
 - (1) Side 10 feet
 - (2) Rear 30 feet

(3) Front

Road Classification	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
Principal Arterial	150	75
Minor Arterial	120	60
Major Collector	100	50
Minor Collector	100	50
Un-Classified Roads	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
County Road	100	50
Township Road	63	30
Private Road Easement	63	30
*THE MORE RESTRICTIVE SETBACK SHALL APPLY.		

- B. All residential dwellings, in addition to meeting the minimum building setback requirements of *Section 9.14.11 and 9.14.12 A of this Ordinance*, shall also comply with the residential setbacks from an A-160, A-80 or A-40 zoning district as provided in *Section 6.7.5 A of this Ordinance*.

9.14.13 Height Requirements

- A. Buildings, other than agricultural buildings, shall not exceed 35 feet in height, except as provided in *Section 7.9 of this Ordinance*.
- B. Agricultural buildings shall be exempt from the height requirements.

9.14.14 Lots of Record

Lots of Record at the County Recorder’s Office on or before June 21, 1977, which do not meet the lot size requirement of *Section 9.14.10 of this Ordinance* may be allowed as a building site without variances from lot size requirements, provided the use is permitted in the Scenic River District, the lot was recorded in separate ownership from abutting lands at the County Recorder’s Office on or before June 21, 1977, and the sewage treatment and structure setbacks can be met.

9.14.15 Utility Transmission Lines

All utility transmission crossings of land within the Scenic River District shall require the applicant to obtain a conditional use permit. The construction of the transmission line shall be subject to the standards and criteria contained in *Minnesota Rules, parts 6105.0170 to 6105.0180; or successor rules*.

9.14.16 Landscape Alterations

- A. On lands within 150 feet of the Ordinary High Water Level of the river and designated tributaries, and on any lands 30 feet landward of any bluff, the following standards shall apply:

- (1) Clear cutting, except for authorized public services such as roads and utilities, shall not be allowed.
 - (2) The selective cutting of trees in excess of 4 inches diameter at breast height may be permitted provided cutting is spaced in several cutting operations and a continuous tree cover is maintained.
 - (3) The cutting provisions of *Section 9.14.16 A. (1) and (2) of this Ordinance* shall not be deemed to prevent:
 - (a) The removal of diseased or insect infested trees or the removal of rotten or damaged trees that present safety hazards.
 - (b) The pruning of understory, vegetation, shrubs, plants, brush, grasses or from harvesting crops or cutting suppressed trees or trees less than 4 inches in diameter at breast height.
- B. On lands 150 feet or more from the Ordinary High Water Level of the river or designated tributaries and on land 31 feet or more from a bluff, clearcutting of vegetation may be allowed, subject to the following standards and criteria:
- (1) Clearcutting shall not be used as a cutting method where soil, slope or other watershed conditions are determined by the Director to be fragile and subject to severe erosion and/or sedimentation. This determination may be made with the assistance of the Soil and Water Conservation District.
 - (2) Clear cutting shall be conducted only where clear-cut blocks, patches or strips are, in all cases, shaped and blended with the natural terrain.
 - (3) The size of the clearcut blocks, patches or strips shall be kept to a minimum.

9.14.17 Grading and Filling

Grading and filling activities within the Scenic River District shall require a Conditional Use Permit and shall comply with the following:

- A. Grading and filling of the natural topography that is not accessory to a permitted or conditional use shall not be allowed.
- B. A permit to grade and fill may only be issued if the conditions of *Section 9.14.17 C and D of this Ordinance* are properly satisfied.
- C. Grading and filling of the natural topography, which is accessory to a permitted or conditional use, shall be performed in a manner which minimizes earth moving, erosion, tree clearing and the destruction of natural resources and amenities including, but not limited to, view.
- D. Grading and filling in the natural topography shall meet the following standards:
 - (1) The smallest amount of bare ground is exposed for as short a time as feasible.
 - (2) Temporary ground cover such as mulch is used and permanent ground cover, such as sod, is planted.
 - (3) Methods to prevent erosion and to trap sediment are employed.

- (4) Fill is stabilized to acceptable engineering standards.

9.14.18 Public Roads

- A. A Conditional Use Permit shall be required for the construction or reconstruction of public roads within the Scenic River District. The construction or reconstruction of public roads shall be subject to standards and criteria of *Minnesota Rules, part 6105.0190; or successor rules*. A Conditional Use Permit shall not, however, be required for minor public streets intended to serve primarily as an access to abutting properties.

9.14.19 Residential Open Space Development

A Residential Open Space Development may be allowed subject to the standards set forth for Open Space Developments in *Section 7.14 of this Ordinance*. Except for minimum setback and height limits, altered dimensional standards may be allowed as exceptions to this Ordinance for Residential Open Space Developments provided:

- A. Preliminary plans are approved by the Commissioner prior to County approval
- B. Central sewage treatment systems are installed
- C. Open space is preserved
- D. There is not more than one centralized boat launching facility for each Residential Open Space Development
- E. The maximum number of individual units which may be allowed within the Residential Open Space Development shall be determined by multiplying by 1.5 the number of lots that would normally be allowed using a standard lot and block approach. Density increases within the first tier shall not exceed 50%
- F. The first tier shall also be evaluated in accordance with the Residential Open Space Developments in Shoreland standards contained in *Section 10.2.22 of this Ordinance*

9.15 Residential Manufactured Home District (RMH District)**9.15.1 Purpose**

The purpose of an “RMH” Residential Manufactured Home District is to provide a separate district for manufactured home parks, distinct from other residential areas or land uses.

9.15.2 Permitted Uses

The following uses are permitted subject to any applicable performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Family day care
- B. Licensed Nonresidential Programs with a licensed capacity of 12 or fewer persons and a group family day care facility licensed under *Minnesota Rules, parts 9502.0315 to 9502.0445; or successor rules*, to serve 14 or fewer children pursuant to *Minnesota Statutes, section 245A.14; or successor statutes*
- C. Licensed Residential Programs, including housing with services established under *Minnesota Statutes, chapter 144D; or successor statutes*, serving 6 or fewer persons, except that a Residential Program licensed on or after July 1, 1995, 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 pursuant to *Minnesota Statutes, section 245A.11; or successor statutes*.
- D. Management office of a manufactured home
- E. Single family detached manufactured homes

9.15.3 Permitted Accessory Uses and Structures

The following accessory uses and structures are permitted subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*

- A. One accessory storage building per manufactured home, subject to the following:
 - (1) No accessory building shall be located closer than 10 feet to an adjacent manufactured home.
 - (2) The exterior color of the accessory building shall be similar to the manufactured home to which it is the accessory.
 - (3) No accessory building shall be located closer than 30 feet to the rear or side property lines of the manufactured home park of which the accessory building belongs.
 - (4) The maximum overall height shall be 13 feet from the floor to the peak.
 - (5) The placement of the accessory building shall be no closer to the road than the manufactured home.
 - (6) The maximum accessory building area allowed is 600 square feet.

- B. Maintenance building(s) for the purpose of storage and maintenance of materials and equipment used in the operation of the manufactured home park.
- C. Emergency shelter building in accordance with the standards set forth in *Stearns County Ordinance Number 203; or successor ordinances.*
- D. One non-structurally attached addition per manufactured home, not to exceed one hundred twenty (120) square feet in floor area, and ten (10) feet in height.

9.15.4 Conditional Uses

The following uses may be allowed as conditional uses, subject to the procedures set forth in *Section 4.8 of this Ordinance*, and further subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Outdoor storage of equipment, including recreational equipment owned by the residents or operators of the manufactured home park, subject to the following:
 - (1) The storage area shall be surfaced with a material which is designed to control dust, drainage and weed growth.
 - (2) The storage area shall be screened from the residential portions of the manufactured home park, neighboring property and public roads serving the park.
- B. A community garage subject to the following:
 - (1) The garage shall be located no closer than 10 feet to any other structures.
 - (2) The maximum sidewall height shall be 10 feet.
 - (3) The maximum overall height shall be in keeping with the essential character of the locality and shall be established by the Planning Commission as part of the Conditional Use Permit.
 - (4) The maximum number of garage stalls shall not exceed the number of units the park is licensed for.
 - (5) The community garage shall only be used by residents of the manufactured home park.

9.15.5 Design/Operational Standards for Manufactured Home Parks

- A. Manufactured home parks shall be licensed, designed, operated and comply with all requirements and standards for manufactured home parks contained in *Stearns County Ordinance Number 203; or successor ordinances.*
- B. The following additional standards shall apply to manufactured home parks:
 - (1) Park Size. The minimum area required for a manufactured home park designation shall be 5 acres.
 - (2) Site Size. The minimum area required for a manufactured home site shall be as follows:
 - (a) The minimum site size for manufactured homes 14 feet or less in size shall be in accordance with the standards set

forth in *Stearns County Ordinance Number 203; or successor ordinances.*

- (b) The minimum site size for manufacture homes greater than 14 feet and less than 18 feet in width shall be 6,050 square feet in area and no less than 55 feet in width.
- (c) The minimum site size for manufactured homes greater than 18 feet in width shall be 6,500 square feet in area and not less than 65 feet in width.
- C. Recreation. All manufactured home parks shall have at least ten (10%) percent of the land area developed for recreational use (tennis courts, children's play area, etc) developed and maintained at the owner/operator's expense.
- D. Storage. Storage of large items such as boats, boat trailers, etc., shall be accommodated in a separate secured and screened area of the park and may only be approved through issuance of a conditional use permit.
- E. Landscaping. A compact hedge, fence or landscaped area shall be installed.

9.15.6 Manufactured Home Requirements

- A. No manufactured home shall be located in a manufactured home park that does not conform to the requirements of the *Manufactured Home Building Code as defined in Minnesota Statutes, Section 327.31, subdivision 3; or successor statutes.*
- B. A construction site permit and the written consent of the manufactured home park owner or operator shall be required for erecting, altering or moving any structure No person shall erect, alter or move any structure or part thereof, including, but not limited to, new or replacement manufactured homes, additions, decks or accessory structures in a manufactured home park.
- C. Additions or decks shall be adjacent to, but not structurally attached to, the manufactured home.
- D. No accessory building or non-structurally attached addition shall be used as a residential dwelling unit or contain plumbing.

9.15.7 Review Procedures

- A. All informational elements as required in *Stearns County Ordinance Number 203; or successor ordinances* shall be submitted to the Director in accordance with the normal time schedule outlined for zoning district amendments, whether or not the proposal requires a rezoning. Proposals for manufactured home park expansions on properly zoned land shall be reviewed for compliance with the applicable standards and requirements contained in this Ordinance and *Stearns County Ordinance Number 203; or successor ordinances.*
- B. The manufactured home owner or operator shall obtain certification from a building official licensed in the State of Minnesota that the anchoring requirements of the State of Minnesota Uniform Building Code and the seal requirements of *Minnesota Statutes, section 327.21,*

subdivision 3; or successor statutes, have been met for replacement and new manufactured homes and submit said certification to the Department upon request.

9.15.8 Setback Requirement

- A. Minimum Building Setback from park property line
 - (1) Side 10 feet
 - (2) Rear 30 feet
 - (3) Front

Road Classification	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
Principal Arterial	150	75
Minor Arterial	120	60
Major Collector	100	50
Minor Collector	100	50
Un-Classified Roads	Setback from Road Centerline*	Setback from Road Right-of-Way (R.O.W.)*
County Road	100	50
Township Road	63	30
Private Road Esmt.	63	30
*THE MORE RESTRICTIVE SETBACK SHALL APPLY.		

9.15.9 Lot Coverage

The maximum lot coverage shall be 25% in the shoreland district and up to 60% outside any shoreland district.

9.15.10 Height Requirements

Buildings shall not exceed 12 feet in height, except as provided in *Section 7.9 of this Ordinance*.

9.15.11 Site Density for Manufactured Home Parks in the Shoreland Overlay District

The number of manufactured homes allowed within a manufactured home park shall not exceed the total number permitted in *Section 10.2.8 of this Ordinance*

SECTION 10 OVERLAY DISTRICT REGULATIONS

10.1 Floodplain Overlay District

10.1.1 Purpose

The purpose of this District is to regulate development in the flood hazard areas of Stearns County. The flood hazard areas are subject to periodic inundation and may result in potential loss of life and property, both of which affect the public health, safety and general welfare.

10.1.2 District Application

The Floodplain Overlay District shall be an overlay district and shall be superimposed on all zoning districts; and the Floodplain Overlay District shall be all lands in the unincorporated areas of Stearns County located in the Floodway Area, Flood Fringe Area and General Floodplain Area, which areas are described as follows:

- A. Floodway Area. The Floodway Area shall include those areas designated Floodway on the Flood Boundary and Floodway Map or Floodway Area in zone AE on the Flood Insurance Rate Map.
- B. Flood Fringe Area. The Flood Fringe Area shall include those areas designated as Floodway Fringe on the Flood Boundary and Floodway Map or that area of the AE Zone located outside of the Floodway on the Flood Insurance Rate Map.
- C. General Floodplain Area. The General Floodplain Area shall include those areas designated as unnumbered or unlettered A zones on the Flood Insurance Rate Map.

The standards imposed in the Floodplain Overlay District shall be in addition to any other requirements set forth in this Ordinance. If the district standards are conflicting, the more restrictive standards shall apply.

10.1.3 Incorporation by Reference

The Flood Insurance Study for Stearns County, Minnesota prepared by the Federal Insurance Administration dated November 16, 1994 and the following Flood Boundary and Floodway Maps and Flood Insurance Rate Maps are hereby incorporated by reference and are on file at the Stearns County Environmental Services Office, St. Cloud, Minnesota:

- A. Flood Insurance Study For Stearns County, Minnesota prepared by the Federal Insurance Administration dated November 16, 1994; or successor study.
- B. Flood Boundary and Floodway Maps; or successor maps.

<u>Community</u>	<u>Panel Number</u>	<u>Effective Date</u>
270546	0080A	March 1, 1979
270546	0085A	March 1, 1979
270546	0095A	March 1, 1979
270546	0180A	March 1, 1979
270546	0280A	March 1, 1979

<u>Community</u>	<u>Panel Number</u>	<u>Effective Date</u>
270546	0285A	March 1, 1979
270546	0305A	March 1, 1979
270546	0243	September 16, 1988
270546	0245	September 16, 1988
270546	0255	September 16, 1988
270546	0260	September 16, 1988
270546	0265	September 16, 1988
270546	0270	September 16, 1988
270546	0315	September 16, 1988
270546	0335	September 16, 1988
270546	0355	September 16, 1988
270546	0380	September 16, 1988
270546	0385	September 16, 1988
270546	0390	September 16, 1988
270546	0405	September 16, 1988

C. Flood Insurance Rate Maps

<u>Community</u>	<u>Panel Number</u>	<u>Effective Date</u>
270546	0025A	March 1, 1979
270546	0050A	March 1, 1979
270546	0075A	March 1, 1979
270546	0080A	March 1, 1979
270546	0085A	March 1, 1979
270546	0095A	March 1, 1979
270546	0125A	March 1, 1979
270546	0150A	March 1, 1979
270546	0180A	March 1, 1979
270546	0185B	November 16, 1994
270546	0190B	November 16, 1994
270546	0195B	November 16, 1994
270546	0225A	March 1, 1979
270546	0243B	September 16, 1988
270546	0245B	September 16, 1988
270546	0250B	September 16, 1988
270546	0255B	September 16, 1988
270546	0260B	September 16, 1988
270546	0265B	September 16, 1988
270546	0270B	September 16, 1988
270546	0280A	March 1, 1979
270546	0285A	March 1, 1979
270546	0305A	March 1, 1979
270546	0315B	September 16, 1988
270546	0330B	September 16, 1988
270546	0335B	September 16, 1988
270546	0355B	September 16, 1988
270546	0380B	September 16, 1988
270546	0385B	September 16, 1988

<u>Community</u>	<u>Panel Number</u>	<u>Effective Date</u>
270546	0390B	September 16, 1988
270546	0405B	September 16, 1988

10.1.4 Regulatory Flood Protection Elevation

The Regulatory Flood Protection Elevation shall be 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.

10.1.5 Floodplain Overlay District Areas

The Floodplain Overlay District shall be divided into areas as follows:

- A. Floodway Area. The Floodway Area shall include those areas designated as Floodway on the Flood Boundary and Floodway Map or Floodway area in Zone AE on the Flood Insurance Rate Map.
- B. Flood Fringe Area. The Flood Fringe Area shall include those areas designated as floodway fringe on the Flood Boundary and Floodway Map or that area of the AE zone located outside of the floodway on the Flood Insurance Rate Map.
- C. General Floodplain Area. The General Floodplain Area shall include those areas designated as unnumbered or unlettered A zones on the Flood Insurance Rate Map.

10.1.6 Determination of Floodplain Overlay District Area Boundaries

The boundaries of the Floodplain Overlay District areas shall be determined by scaling distances on the Flood Insurance Rate Map or Flood Boundary and Floodway Map. Where interpretation is needed as to the exact location of the boundaries of the district areas as shown on the Flood Insurance Rate Map or Flood Boundary and Floodway 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 Director pursuant to *Section 4.9 of this Ordinance*, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations of the regional (100-year) flood profile and other available technical data. Persons contesting the location of the district area boundaries shall be given a reasonable opportunity to present their case to the Board of Adjustment and to submit technical evidence.

10.1.7 Floodway Area Standards

- A. Permitted Uses. The following uses, subject to the standards for floodway permitted uses set forth in *Section 10.1.7 B of this Ordinance*, are permitted uses if otherwise allowed in the primary zoning district or any applicable overlay district:
 - (1) Industrial or commercial loading areas, parking areas and airport landing strips
 - (2) 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, target ranges, trap and skeet ranges, hunting and fishing areas and single or multiple purpose recreational trails
- (3) Production of crops, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting
 - (4) Residential lawns, gardens, parking areas and play areas
- B. Standards for Floodway Area Permitted Uses:
- (1) The use shall have a low flood damage potential.
 - (2) The use shall be permitted in the primary zoning district and any applicable overlay district.
 - (3) 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.
- C. Conditional Uses. The following uses may be allowed as a conditional use following the procedures set forth in *Section 4.8 of this Ordinance* and further subject to the standards contained in *Section 10.1.7 D and Sections 6 and 7 of this Ordinance*, if otherwise allowed in the primary zoning district or any applicable overlay district:
- (1) Accessory structures that are accessory to the uses permitted in *Sections 10.1.7 A and 10.1.7 C of this Ordinance*
 - (2) Extraction and storage of sand, gravel and other materials
 - (3) Marinas, boat rentals, docks, piers, wharves and water control structures
 - (4) Placement of fill
 - (5) Railroads, streets, bridges, utility transmission lines and pipelines
 - (6) Storage yards for equipment, machinery or materials
 - (7) Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event
 - (8) Travel trailers and travel vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the provisions of *Section 10.1.14 of this Ordinance*
- D. Standards for Floodway Area Conditional Uses:
- (1) No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment or other uses may be allowed as a Conditional Use if it will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.
 - (2) Filling shall be subject to the following standards:
 - (a) Fill, dredge spoils and all other similar materials deposited or stored in the floodway area shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.

- (b) Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway area unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.
 - (c) As an alternative, and consistent with *Section 10.1.7 D (2)(b) of this Ordinance*, dredge spoil disposal and sand and gravel operations may be allowed temporary on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood, but only after the County Board of Commissioners has an appropriate plan assuring the removal of the materials from the Floodway Area based upon the flood warning time available.
- (3) Accessory structures shall be subject to the following standards:
- (a) Accessory structures shall not be designed or used for human habitation.
 - (b) Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters provided:
 - (i) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and
 - (ii) Whenever possible, structures shall be placed approximately on the same flood flow as those of adjoining structures.
 - (c) Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the *FP-1 or FP-2 flood proofing classifications in the State Building Code*. As an alternative, an accessory structure may be flood proofed to the *FP-3 or FP-4 flood proofing classification in the State Building Code*, provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size, and for a detached garage, must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards, as appropriate:
 - (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; and
 - (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) Storage of materials and equipment shall be subject to the following standards:
- (a) The storage or processing of material that is, in time of flooding, flammable, explosive or potentially injurious to human, animal or plant life shall be prohibited.

- (b) 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 of Commissioners.
 - (5) 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; or successor statute*. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the Floodway Area.
 - (6) A levee, dike or floodwall constructed in the Floodway Areas 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.
- E. Prohibited Uses
Sand blankets located above the ordinary high water level shall be prohibited.

10.1.8 Flood Fringe Area Standards

- A. Permitted Uses. Permitted uses shall be those uses that are permitted in the primary zoning district and any applicable overlay district. All permitted uses shall comply with the standards for Flood Fringe Area permitted uses listed in *Section 10.1.8 B of this Ordinance* and the standards for all Flood Fringe Area uses listed in *Section 10.1.8 E of this Ordinance*.
- B. Standards for Flood Fringe Area Permitted Uses:
- (1) All structures, including accessory structures, shall 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.
 - (2) As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet for the outside dimension at ground level may be internally flood proofed in accordance with *Section 10.1.7 D. (3) (c) of this Ordinance*.
 - (3) The cumulative placement of more than 1,000 cubic yards of fill on a parcel shall only be permitted as a conditional use, unless said fill is specifically intended to elevate a structure in accordance with *Section 10.1.8 B. (1) of this Ordinance*.
 - (4) The storage of any material or equipment shall be elevated on fill to the Regulatory Flood Protection Elevation.
- C. Conditional uses. The following uses may be allowed as a conditional use following the procedure set forth in *Section 4.8 of this Ordinance* and further subject to the standards contained in *Section 10.1.8 D, Section 10.1.8 E and Sections 6 and 7 of this Ordinance*, otherwise

allowed in the primary zoning district or any applicable overlay district:

- (1) Any structure that is not elevated on fill.
 - (2) Any structure that is floodproofed.
 - (3) Storage of any material or equipment below the Regulatory Flood Protection Elevation.
 - (4) The cumulative placement of more than 1000 cubic yards of fill when the fill is not being used to elevate a structure.
- D. Standards for Flood Fringe Area Conditional Uses:
- (1) 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 floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if:
 - (a) The enclosed area is above-grade on at least one side of the structure;
 - (b) It is designed to internally flood and is constructed with flood resistant materials; and
 - (c) Is used solely for parking of vehicles, building access or storage.
 - (d) The above-noted alternative elevation methods are subject to the following additional standards:
 - (aa) Design and Certification. The structure's design and as-built condition must be certified by a registered engineer or architect as being in compliance with the general design standards of the State Building Code. Specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and any 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.
 - (bb) 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:
 - (aaa) 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 floodwaters to equalize pressures, the bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other covering or devices, provided that they permit the automatic entry and exit of floodwaters.

- (bbb) The enclosed area shall be designed of flood resistant material in accordance with the *FP-3 or FP-4 classifications in the State Building Code* and shall be used solely for building access, parking of vehicles or storage.
- (2) Basements shall be subject to the following:
- (a) Residential basement construction shall not be allowed below the Regulatory Flood Protection Elevation.
- (b) Non-residential basements may be allowed below the Regulatory Flood Protection Elevation, provided the basement is structurally dry flood proofed in accordance with *Section 10.1.8 D (3) of this Ordinance*.
- (3) All areas of non residential structures, including basements to be placed below the Regulatory Flood Protection Elevation, shall be flood proofed in accordance with the structurally dry flood proofing classifications in the State Building Code. Structurally dry flood proofing must meet the *FP-1 or FP-2 flood proofing classification in the State Building Code*. This requires 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 of the State Building Code* shall not be permitted.
- (4) Storage of materials and equipment:
- (a) The storage or processing of material that is, in time of flooding, flammable, explosive or potentially injurious to human, animal or plant life is prohibited.
- (b) 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 of Commissioners.
- E. Standards for All Flood Fringe Area Uses:
- (1) Principal Structures. 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.
- (2) 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 in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth greater than two feet or be subject to flood

velocities greater than four feet per second upon occurrence of the regional flood.

- (3) Manufacturing and industrial uses. Measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood duration. Certain accessory land uses, such as yards and parking lots, may be at lower elevations subject to requirements set out in *Section 10.1.8 E (2) of this Ordinance*. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.
 - (4) Fill. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.
 - (5) Flood Plain Development. Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a Floodway Area or other encroachment limit has not been specified on the Official Zoning Map.
 - (6) Manufactured Homes. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- F. Prohibited Uses
Sand blankets located above the ordinary high water level shall be prohibited.

10.1.9 General Floodplain Area Standards

- A. Permitted Uses. Only those uses allowed as permitted uses in *Section 10.1.7 A of this Ordinance* shall be permitted, but only if otherwise allowed in the primary zoning district or any applicable overlay district.
- B. All Other Uses. All other uses not specifically permitted in *Section 10.1.7 A of this Ordinance* shall not be allowed unless a Floodway Area and Flood Fringe Area Determination is first completed in accordance with the procedure set forth in *Section 10.1.9 C of this Ordinance*.
- C. Procedures for Floodway Area and Flood Fringe Area.
Determinations within the General Flood Plain Area:

- (1) Upon receipt of an application for uses, other than those permitted pursuant to *Section 10.1.7 A of this Ordinance*, within the General Flood Plain Area, the applicant shall furnish the following information for the determination of the Regulatory Flood Protection Elevation and whether the proposed use is within the Floodway Area or Flood Fringe Area:
 - (a) A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development and high water information.
 - (b) Plan (surface view) showing elevation or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location elevations of streets; showing existing land uses and vegetation upstream and downstream; and soil type.
 - (c) A profile showing the slope of the bottom of the channel for flow line of the stream for at least 500 feet in either direction from the proposed development.
- (2) The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining the Regulatory Flood Protection Elevation. Procedures consistent with *Minnesota Rules, parts 6120.5000 to 6120.6200; or successor rule*, shall be followed in this expert evaluation. The designated Engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:
 - (a) Estimate the peak discharge of the regional flood.
 - (b) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and over bank areas.
 - (c) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than 0.5 foot shall be required if, as result of the additional state 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.
- (3) The Director shall present the technical evaluation and findings of the designated engineer or expert to the Planning Commission. The Planning Commission shall both accept and approve the technical evaluation and the recommended Floodway and/or Flood Fringe Area boundary or deny the permit application. The Planning Commission, prior to the official action, may submit the application and all supporting data and analyses to the

Federal Emergency Management Agency and the Department of Natural Resources for review and comment. Once the Floodway Area and Flood Fringe Area boundaries have been approved by the Planning Commission, the Director shall process the permit application consistent with the applicable provisions of *Section 10.1.7 and 10.1.8 of this Ordinance*.

- D. Prohibited Uses
Sand blankets located above the ordinary high water level shall be prohibited.

10.1.10 Subdivision Review and Approval Criteria

- A. No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain district shall contain a building site at or above the Regulatory Flood Protection Elevation. All subdivisions shall have road access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation. For all subdivisions in the Flood Plain, the Floodway Area and Flood Fringe Area 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.
- B. All lots shall have a building site outside the General Flood Plain Area, unless the procedures established in *Section 10.1.9 C of this Ordinance* are followed to determine the 100-year flood elevation, the Floodway Area and Flood Fringe Area boundaries and the Regulatory Flood Protection Elevation for the subdivision site.

10.1.11 Removal of Special Flood Hazard Area Designation

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

10.1.12 Utilities, Railroads, Roads and Bridges

All utilities and transportation facilities, including railroad tracks, roads and bridges, shall be constructed in accordance with standards contained in *Minnesota Rules, part 61010.0190; or successor rule*.

10.1.13 Manufactured Homes and Manufactured Home Parks

- A. New manufactured home parks and expansions to existing mobile manufactured home parks shall be subject to the provisions placed on subdivisions in *Section 10.1.10 of this Ordinance*.
- B. The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are

located in Flood Plain will be treated as a new structure and may be placed only if elevated in compliance with *Section 10.1.8 B of this Ordinance*. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with *Section 10.1.8 E. (1) of this Ordinance*, then replacement manufactured homes will not be allowed until the property owner(s) develop(s) a flood warning emergency plan acceptable to the County Board of Commissioners.

- C. All manufactured homes shall 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.

10.1.14 Travel Trailers and Travel Vehicles

- A. Travel trailers and travel vehicles that do not meet the exemption criteria specified in *Section 10.1.14 B of this Ordinance* shall be subject to the provisions of this Ordinance and as specifically spelled out in *Sections 10.1.14 D and 10.1.14 E of this Ordinance*.
- B. Exemption – Travel trailers and travel vehicles are exempt from the provisions of *Section 10.1 of this Ordinance* if they are placed in any of the areas listed in *Section 10.1.14 C of this Ordinance* and further that they meet the following criteria:
 - (1) Have current licenses required for highway use; and
 - (2) Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks and the travel trailer/travel vehicle has no permanent structural type additions attached to it; and
 - (3) The travel trailer or travel vehicle and associated use must be permitted in the primary zoning district and any applicable overlay district.
- C. Areas exempted for placement of travel/recreational vehicles:
 - (1) Individual lots or parcels of record.
 - (2) Existing commercial recreational vehicle parks or campgrounds.
 - (3) Existing condominium type associations.
- D. Travel trailers and travel vehicles exempted in *Section 10.1.14 B of this Ordinance* lose this exemption when development occurs on the parcel exceeding 500 dollars, as determined by the Stearns County Assessor, for a structural addition to the travel trailer/travel vehicle or an accessory structure such as a garage or storage building. The travel trailer/travel vehicle and all additions and accessory structures shall then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the land use standards set forth in *Sections 10.1.7 or 10.1.8 of this Ordinance*.
- E. New commercial travel trailer or travel vehicle parks or campgrounds shall be subject to the following:
 - (1) Any new or replacement travel trailer or travel vehicle may be allowed in the Floodway or Flood Fringe Areas provided said trailer or vehicle and its contents are placed on fill above the

Regulatory Flood Protection Elevation and proper elevated road access to the site exists in accordance with *Section 10.1.8 E (1) of this Ordinance*. No fill placed in the Floodway Area to meet the requirements of this Section shall increase flood stages of the 100-year or regional flood.

- (2) Any new or replacement travel trailers or travel vehicles not meeting the criteria in *Section 10.1.14 E (1) of this Ordinance*, may, as an alternative, be allowed as a Conditional Use if in accordance with the following provisions:
 - (a) The applicant shall submit an emergency plan for the safe evacuation of all vehicles and people during the 100-year flood. Said plan shall be prepared by a registered engineer or other qualified individual and shall demonstrate that adequate time and personnel exist to carry out the evacuation.
 - (b) All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles shall be protected or constructed so as to not be impaired or contaminated during times of flooding.

10.1.15 Certification of Elevations

Applicants 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. A registered engineer or registered architect shall certify flood-proofing measures.

10.1.16 Record of First Floor Elevation

The Director shall maintain records of the elevations of the lowest floors (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The Director shall also maintain records of the elevations to which structures or alterations and additions to structures are flood-proofed.

10.1.17 Flood Insurance Notice and Record Keeping

The Director shall notify the applicant for a variance that:

- A. 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
- B. Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. The Director shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

10.1.18 Disclaimer of Liability

This Ordinance does not imply those areas outside of the floodplain district or land uses permitted within the floodplain district will be free from flooding and flood damages. This Ordinance shall not create liability on the part of the County of Stearns or any officer or employee thereof for any flood damages that result from reliance upon this Ordinance or any administrative decision lawfully made hereunder.

10.1.19 Floodplain Nonconformities

Nonconforming uses, structures and lots within the Floodplain Overlay District shall be managed in accordance with *Section 5 of this Ordinance*.

10.2 Shoreland Overlay District

10.2.1 Purpose

The purpose of the Shoreland Overlay District is to protect and enhance the quality of surface waters by promoting the wise utilization of public waters and related land resources. All land within Shoreland located in Stearns County is hereby designated as Shoreland Overlay District and the standards set forth in this Section shall regulate development and other activities within the Shoreland Overlay District.

10.2.2 District Application

The Shoreland Overlay District shall be an overlay district and shall be superimposed on all zoning districts and the Shoreland Overlay District shall be the Shoreland of the Public Water bodies as classified in *Section 10.2.3 of this Ordinance*. The standards contained in the Shoreland Overlay District shall be in addition to any other requirements set forth in this Ordinance. If the district standards are conflicting, the more restrictive standards shall apply. The boundaries of the Shoreland Overlay District are defined as follows:

- A. 1,000 feet from the ordinary high water level of the classified lakes as listed in *Section 10.2.3 of this Ordinance*.
- B. 300 feet from the ordinary high water level or the lateral extent of the floodplain when the floodplain extends beyond 300 feet from the ordinary high water level of the classified rivers and streams as listed in *Section 10.2.3 of this Ordinance*.

10.2.3 Shoreland Classification System

The public waters and public waters wetlands of Stearns County, Minnesota have been classified below consistent with the criteria found in *Minnesota Rules, part 6120.3000; or successor rule, and the Protected Waters Inventory Map for Stearns County, Minnesota*.

- A. The shoreland area for the waterbodies listed in *Sections 10.2.3 of this Ordinance* shall be subject to the standards of the Shoreland Overlay District.
- B. Stearns County Lakes

Township	No.	Name	Section(s)	Classification
Albany	137	Engelmeier (Rushmeyer)	18,24	Natural Environment
	175	Sand	3,34	Natural Environment
	177	North	15	Recreational Development
	178	Schwinghammer	15	Natural Environment
	180	Fifth	35	Natural Environment
Ashley	287	---	1	Natural Environment
	288	---	11	Natural Environment
	290	---	29	Natural Environment
	291	---	30	Natural Environment
	292	---	32	Natural Environment
	293	---	33	Natural Environment

Township	No.	Name	Section(s)	Classification	
Avon	117	Big Spunk (Upper Spunk)	5, 32, 33	Recreational Development	
	118	Pelican	5, 7, 8	Recreational Development	
	119	Little Pine	7	Natural Environment	
	120	Little Pelican	8, 9	Natural Environment	
	121	---	16	Natural Environment	
	122	Ochotto	21, 22	Natural Environment	
	123	Lower Spunk	21, 28	General Development	
	124	Kepper	22, 23, 26	Natural Environment	
	125	Achman	25	Natural Environment	
	126	Anna	26, 27	Natural Environment	
	127	Linneman	27, 28, 33, 24	Natural Environment	
	128	Middle Spunk	28, 29	General Development	
	129	Minnie	28, 33	Recreational Development	
	130	---	34	Natural Environment	
	136	Pine	7, 12	Natural Environment	
	Brockway	73	---	14	Natural Environment
74		---	30	Natural Environment	
75		Shepard	31	Natural Environment	
Collegeville	91	Stump	1, 2	Natural Environment	
	92	Sagatagan	1, 12	Natural Environment	
	93	Plueger	2, 11	Natural Environment	
	94	---	3, 10	Natural Environment	
	95	---	SE 4, 9	Natural Environment	
	96	Schuman	SW 4, 9	Natural Environment	
	97	Kreigle	5	Recreational Development	
	98	Pitts	7	Natural Environment	
	99	Minnie	7, 18	Natural Environment	
	100	Kalla (Thomas)	8	Natural Environment	
	101	Schmid	9	Natural Environment	
	102	Big Watab	9, 16, 21	Recreational Development	
	103	Dullinger	13	Natural Environment	
	104	Island	13, 14	Recreational Development	
	105	Long	14	Natural Environment	
	106	Big Fish	20, 21, etc.	Recreational Development	
	107	Long	20, 29	Recreational Development	
	108	---	21	Natural Environment	
	109	Little Watab	22, 23, 26, 27	Natural Environment	
	110	---	31	Natural Environment	
112	Eagle	32	Natural Environment		
113	---	C 34	Natural Environment		
114	---	NE 34	Natural Environment		
115	---	35	Natural Environment		
116	---	3, 34	Natural Environment		
134	---	30, 31, 25, 26	Natural Environment		
Crow Lake	278	Tamarack	17, 16, 20, 21	Natural Environment	
	279	Crow	23, 27	Natural Environment	
	280	---	28	Natural Environment	
	281	Fish	32, 33	Natural Environment	
	282	Halvorson	4, 5, 33	Natural Environment	
294	Grass	31	Natural Environment		
Crow River Eden Lake		None			
	139	Long	1, 2, 11, 12	Recreational Development	
	140	Mud (Flint)	2, 3	Natural Environment	
	141	Long (Deep)	3	Natural Environment	
	142	---	NC3	Natural Environment	
	143	---	3, 4	Natural Environment	
	144	Pirz	5, 6, 7, 8	Natural Environment	
	145	Voss Slough	6	Natural Environment	
	146	---	7	Natural Environment	
	147	North Brown	11, 14	Recreational Development	
	148	South Brown	13, 14, 23, 24	Natural Environment	
	150	Eden	23, 24, 25, 26	Recreational Development	
	151	Mud	26, 35	Natural Environment	
	152	---	29	Natural Environment	
	153	---	32	Natural Environment	
	154	---	33	Natural Environment	
	196	Rice	7, 8, 9, etc.	Recreational Development	
	197	---	30, 31, 25	Natural Environment	
	Fairhaven	14	Marie	4, 5, 8, 9	Recreational Development

Township	No.	Name	Section(s)	Classification
	15	Otter	1, 2, 36	Recreational Development
	16	---	4, 9	Natural Environment
	17	---	12, 13	Natural Environment
	18	---	24, 25	Natural Environment
	20	Laura	27, 34	Natural Environment
	21	---	35, 36	Natural Environment
	22	Mund	1, 2, 35, 36	Natural Environment
	23	Beaver	5, 6, 31, 32	Recreational Development
Farming	135	Sand	6, 31, 1	Natural Environment
	160	Henn (Henry)	SE3	Natural Environment
	161	Mud	WC3	Natural Environment
	162	Egger	9	Natural Environment
	163	Lauer	9, 10	Natural Environment
	164	---	WC10	Natural Environment
	165	Jopp	NE10	Natural Environment
	166	Stearns (Koop)	13	Natural Environment
	167	Little Rice	13, 14	Natural Environment
	158	Big Rice	14, 22, 23	Natural Environment
	169	Kranz	16, 17	Natural Environment
	170	Backes	21	Natural Environment
	171	Mud	23, 24	Natural Environment
	172	Clear	23, 24	Natural Environment
	173	School	35, 36	Natural Environment
	174	---	36	Natural Environment
Getty	262	---	3, 4	Natural Environment
	263	Unger-Schloegel Slough	6	Natural Environment
	265	Isabelle	13, 14	Natural Environment
	266	---	15, 22, 23	Natural Environment
	267	Molitor	17	Natural Environment
	268	---	18, 19	Natural Environment
	269	---	26, 35	Natural Environment
Grove	238	---	1	Natural Environment
	239	Isabelle	8	Natural Environment
	240	---	11, 14	Natural Environment
	241	Black Oak	14, 15, 22	Natural Environment
	243	Marie	22, 23, 26, 27	Natural Environment
	244	Elrings (Ellering)	22, 27	Natural Environment
	245	---	20	Natural Environment
	247	---	31, 32	Natural Environment
	248	---	32	Natural Environment
Holding	138	Two Rivers	6, 19, 30, etc.	Recreational Development
Krain	181	---	5	Natural Environment
	182	---	5, 6	Natural Environment
	183	St. Anna	5, 6, 7, 8	Natural Environment
	184	---	14, 23	Natural Environment
	185	Vos	15, 22	Natural Environment
	188	---	19	Natural Environment
	189	---	24	Natural Environment
	190	Bear	26	Natural Environment
	191	Fish (Fish & Leitner)	26, 27	Natural Environment
	193	Beautiful	5, 32	Natural Environment
	194	---	31	Natural Environment
	195	---	32	Natural Environment
Lake George	257	---	22, 23, 26, 27	Natural Environment
	258	George	23-26, 36	Natural Environment
	259	---	EC24	Natural Environment
	260	---	SE24	Natural Environment
	261	---	2, 3, 35	Natural Environment
Lake Henry	237	Henry	10, 15	Natural Environment
Le Sauk	30	---	5	Natural Environment
	31	Watab	8, 17, 18	Natural Environment
	32	Davenport	28, 29	Recreational Development
	33	---	33, 34	Natural Environment
Luxemburg	78	---	1	Natural Environment
	79	Schackman	4, 5, 8, 9	Natural Environment
	80	School	15	Natural Environment
Lynden	1	Dallas	4	Natural Environment
	2	Feldges	4, 5	Natural Environment
	3	Maria	5, 6, 7, 8	Natural Environment
	4	Long	5, 8	Natural Environment

Township	No.	Name	Section(s)	Classification
	5	Hinz	q7, 18	Natural Environment
	6	Crooked	8	Natural Environment
	7	Quinn	SE17	Natural Environment
	8	Hulbert	NC18	Natural Environment
	9	Lynden	19, 20, 29, 30	Natural Environment
	10	Bunt	31	Natural Environment
	11	Warner	33	Natural Environment
	12	Fuller	31, 36	Natural Environment
	13	---	31, 36	Natural Environment
Maine Prairie	34	Willow	8, 9	Natural Environment
	35	School Section	1, 36	Natural Environment
	36	Carter	6, 31	Natural Environment
	37	Pearl	2, 3, 10	Recreational Development
	38	Carmelian	13, 24	Recreational Development
	39	---	15, 16	Natural Environment
	40	---	15, 22	Natural Environment
	41	---	18, 19	Natural Environment
	42	Island	19	Natural Environment
	43	Days	22, 27	Natural Environment
	44	Murray	26	Natural Environment
	45	---	26, 34, 35	Natural Environment
	46	Swamp	29, 32	Natural Environment
	47	---	30	Natural Environment
	48	Swamp	32, 31	Natural Environment
	49	Marty	3, 4	Natural Environment
	50	---	4, 5	Natural Environment
	76	Goodners	7, 8, 12, 13	Recreational Development
Melrose	249	Sylvia	1, 2	Recreational Development
	250	Clear	7	Natural Environment
	251	Melrose (Mill Pond)	34	Natural Environment
	252	Stub	32, 33	Natural Environment
	253	Hartnette	33, 34	Natural Environment
	255	Cedar	6, 1	Natural Environment
	256	---	19, 24	Natural Environment
Millwood	218	Freeport	2, 3, 34, 35	Recreational Development
	219	Lovell	1, 2	Natural Environment
	220	Mud	2	Natural Environment
	221	McKenny	8	Natural Environment
	222	---	10	Natural Environment
	223	---	WC14	Natural Environment
	224	---	NW14	Natural Environment
	225	---	15	Natural Environment
	226	Cedar	19, 20, 29, 30	Natural Environment
	227	---	19, 30	Natural Environment
	228	Wolf	20	Natural Environment
	229	Swamp	20, 21, 29	Natural Environment
	230	Stone	20, 29	Natural Environment
	231	Long	21, 29	Natural Environment
	232	Rolling	22, 23	Natural Environment
	233	Kings	27, 28, 33, 34	Recreational Development
	234	Millwood	28, 29, 32, 33	Natural Environment
	235	---	31	Natural Environment
	236	---	33	Natural Environment
	328	Wolf	20	Natural Environment
Munson	131	---	6, 1	Natural Environment
	132	Thein	19, 24	Natural Environment
	133	Cedar Island	30-32, 24-26	Recreational Development
	155	(Rothstein)	21	Natural Environment
	156	Becker	22-24, 26	Natural Environment
	157	Horseshoe	25, 26, 34-36	Recreational Development
	158	Schroeder (Blasius)	27	Natural Environment
	159	Big Lake	27-29, 32-34	Recreational Development
North Fork Oak	283	---	2	Natural Environment
	199	Sand	30, 31, 25, 26	Recreational Development
	208	Uhlenkolts	4, 8, 9, 14, 17	Recreational Development
	209	---	5, 8	Natural Environment
	210	Frevels	7, 18	Natural Environment
	212	Oak	14, 15, 22, 23	Natural Environment
	213	---	15, 16	Natural Environment
	214	---	17	Natural Environment

Township	No.	Name	Section(s)	Classification
	215	Maria	20, 21	Natural Environment
	216	Red Oak	23, 26	Natural Environment
	217	Getchell	26, 27, 34, 35	Natural Environment
Paynesville	200	Koronis	Various	General Development
	201	---	23	Natural Environment
	202	Rueben-Schmidt Slough	27, 34	Natural Environment
Raymond	277	---	19, 24	Natural Environment
	284	Sand	3, 34-36	Natural Environment
	285	Raymond	13	Natural Environment
	286	---	24, 25, 26	Natural Environment
Rockville	51	Pleasant	1, 2	Recreational Development
	52	Rockville	NE 10, 11	Natural Environment
	53	---	SE 10, 11	Natural Environment
	54	---	15	Natural Environment
	55	Grand	21, 28, 29	General Development
	56	---	22	Natural Environment
	57	Rausch	26, 27	Natural Environment
	58	---	27, 34	Natural Environment
	59	Mud	32, 33	Natural Environment
	60	---	33	Natural Environment
	61	---	36	Natural Environment
St. Augusta	24	---	7, 18	Natural Environment
	25	---	16	Natural Environment
	26	---	32	Natural Environment
	27	---	34	Natural Environment
	28	---	35	Natural Environment
St. Cloud	29	---	28	Natural Environment
St. Joseph	62	---	N16	Natural Environment
	63	---	S16	Natural Environment
	64	Kraemer	17, 18	Recreational Development
	65	Ketter	19, 30	Natural Environment
	66	---	20	Natural Environment
	67	---	25, 26, 35, 36	Natural Environment
	68	Mud	36	Natural Environment
St. Martin	204	Gravel	1	Natural Environment
	205	---	4, 5, 8, 9	Natural Environment
	207	---	12, 13	Natural Environment
St. Wendel	69	Swamp	20	Natural Environment
	70	Watab	25, 26, 35, 36	Recreational Development
	71	Lower Watab	26, 35	Natural Environment
	72	Rassier	34, 35	Natural Environment
	77	---	31, 36	Natural Environment
Sauk Centre	270	--	5, 6	Natural Environment
	271	---	8	Natural Environment
	272	---	13	Natural Environment
	273	McCormic	13, 14, 24	Natural Environment
	274	---	23, 24	Natural Environment
	275	---	5, 6, 31, 32	Natural Environment
	276	South Twin	36	Natural Environment
Spring Hill	254	---	18, 13	Natural Environment
Wakefield	81	---	2, 3	Natural Environment
	82	Schneider	20	Recreational Development
	83	Great Northern	20, 21, 28, 29	Recreational Development
	84	---	23, 24, 25, 26	Natural Environment
	85	Byer	24, 25	Natural Environment
	86	Knaus	27, 28	Recreational Development
	87	Kray	28	Recreational Development
	88	Bolfing	28, 29	Recreational Development
	89	Zumwalde	29, 30	Recreational Development
	90	Tschumperlin	32	Natural Environment
Zion	203	---	11, 12, 13, 14	Natural Environment

C. Boundary Lakes

County	Lake No.	Lake Name	Classification
Wright	86-242	Wiegand	Natural Environment
Wright	86-243	Grass	Natural Environment
Wright	86-249	---	Natural Environment

County	Lake No.	Lake Name	Classification
Wright	86-252	Clearwater	Recreational Development
Wright	86-281	Caroline	Recreational Development
Wright	86-282	Louisa	General Development
Wright	86-284	Augusta	Recreational Development
Todd	77-19	Mary	Natural Environment
Todd	77-84	Big Birch	Recreational Development
Todd	77-89	Little Birch	Recreational Development
Todd	77-150	Sauk	Recreational Development
Pope	61-1	---	Natural Environment

D. Classified Rivers

Classification	River	From	To
Transition	Mississippi	Border of Stearns and Morrison Counties	CSAH 2 bridge in Sec 6, T126N, R28W
Agriculture	Mississippi	CSAH 2 bridge in Sec 6, T126N, R28W	South section line, Sec 9 T125N, R28W
Urban	Mississippi	North section line, Sec 16 T125N, R28W	CSAH 7 bridge in Sec 13, T124N, R28W
Scenic	Mississippi	CSAH 7 bridge in Sec 13, T124N, R28W	Border of Stearns and Wright Counties
Agriculture	Sauk	Outlet of Sauk Lake in Sec 10 T126, R33W	Co Rd bridge in Sec 12, T125N, R33W
Urban	Sauk	West section line, Sec 34 T126N, R33W	Co Rd bridge in Sec 12, T125N, R33W
Agriculture	Sauk	Co Rd bridge in Sec 12 T125N, R33W	East section line, Sec 32 T125N, R32W
Transition	Sauk	West section line, Sec33 T124N, R32W	East section line, Sec 23 T123N, R31W
Urban	Sauk	West section line, Sec 24 T123N, R31W	East section line, Sec 14 T123N, R30W
Agriculture	Sauk	West section line, Sec 13 T123N, R30W	Confluence with Mississippi R. In Sec 35, T125N, R28W
Transition	N. Fork Crow	Border of Pope & Stearns Counties (public ditch that is altered natural watercourse)	NE¼ Section 5, T124N, R35W
Agriculture	N. Fork Crow	North section line, Sec 22, T124N, R35W (public ditch that is altered natural watercourse)	Co Hwy 13 bridge, east section line, Sec 25, T124N R35W
Transition	N. Fork Crow	Co Hwy 13 bridge on west section line, Sec 30, T124N, R34W	Border of Kandiyohi & Stearns Counties
Agriculture	N. Fork Crow	Border of Kandiyohi & Stearns Counties	East section line, Sec 9 T122N, R32W
Transition	N. Fork Crow	West section line, Sec 10 T122N, R32W	Inlet of Rice Lake in Sec 24, T122N, R32W

E. Classified Tributary Rivers and Streams

Name	Section	From Township	Range	Section	To Township	Range
South Branch Two River	24(Basin 137)	125	31	13	125	31
	8	126	30	35	127	30
Unnamed to S. Branch Two River	7 (Basin 118)	125	30	12	125	31
Unnamed to Sauk River	23	123	33	30	124	32
Unnamed to Sauk river	17	123	32	32	124	32
Unnamed to Sauk River	18	124	32	33	124	32
Unnamed to Sauk River	4	123	32	33	124	32
Unnamed to Sauk River	9	124	32	26	124	32
Unnamed tributary	14	124	32	24	124	32
Unnamed to Sauk River	11	123	32	6	123	31
Unnamed to Sauk River	17	124	31	6	123	31
Unnamed to Unnamed	16	124	31	29	124	31
Unnamed to Sauk River	34	124	31	10	123	31
Unnamed to Becker Lake	33	123	32	35	123	32
	19	123	31	22 (Basin 156)	123	31
Unnamed to Unnamed	31	123	31	29	123	31
Unnamed to Horseshoe Lake	35	122	31	36 (Basin 157)	123	31
Unnamed tributary	15 (Basin 80)	122	30	36	122	31
Unnamed to Schneider Lake	36(Basin 173)	124	31	20 (Basin 82)	123	30
Kinzer Creek	3	122	30	27 (Basin 86)	123	30
Cold Spring Creek	15	123	30	14	123	30
Unnamed to Sauk River	7 (Basin 76)	122	29	9	123	29

Name	Section	From Township	Range	Section	To Township	Range
Johnson Creek	8	122	28	7	123	27
Unnamed to Johnson Creek	30(Basin 482)	123	28	22	123	28
Unnamed to Johnson Creek	32	124	28	15	123	28
Plum Creek	11	122	28	36	123	28
	5 (Basin 3)	122	27	28	123	27
Unnamed to Plum Creek	8	122	27	5	122	27
Clearwater River	13	121	29	35	123	27
Unnamed tributary	27	122	30	35	122	30
Willow Creek	10	121	29	14	121	29
Spring Brook	12	121	29	7 (Basin 86-282)	121	28
Thiel Creek	5	121	28	7 (Basin 86-282)	121	28
Fairhaven Creek	29	122	28	5 (Basin 14)	121	28
Three Mile Creek	21	122	28	1 (Basin 86-252)	121	28
Sedan Brook	18	124	25	23	124	35
Unnamed tributary	13	124	35	20	124	34
Unnamed to Skunk River	16 (Basin 278)	123	35	10	123	35
Unnamed to N Fork Crow River	22	124	34	3	123	24
Unnamed to Two Rivers Lake	4	125	31	36 (Basin 138)	126	31
Unnamed to Two Rivers Lake	22 (Basin 185)	126	31	36 (Basin 138)	126	31
Krain Creek	10	126	31	19	126	30
Spunk Creek	14 (Basin 168)	124	31	33	127	29
Unnamed to Spunk Creek	15	126	30	26	126	30
Stony creek	15	126	29	7	126	28
Smart's Creek	17	126	28	20	126	28
Watab river	4	124	29	21	125	28
South fork Watab River	16 (Basin 102)	124	30	4	124	29
Unnamed to S Fork Watab River	17 (Basin 64)	124	29	17	124	29
North Fork Watab River	1 (Basin 91)	124	30	4	124	29
Unnamed to Watab River	26	126	29	26	126	29
	15	125	29	24	125	29
Unnamed to Watab River	1	125	29	20	125	28
Ashley Creek	18	126	35	36	127	35
	32	127	34	4 (Basin 77-150)	126	34
Unnamed to Silver Creek	31	127	35	34	127	35
Hoboken Creek	1	125	35	9 (Basin 77-150)	126	34
Unnamed to Hoboken Creek	3	125	35	24	126	35
Getty Creek	29 (Basin 389)	125	34	22	126	34
Unnamed to Sauk River	15 (Basin 266)	125	34	36	126	34
Unnamed to Sauk River	14 (Basin 572)	125	34	6	125	33
Unnamed to Sauk River	8	126	33	7	126	33
Adley Creek	2 (Basin 77-89)	126	33	36	126	33
Unnamed to Adley Creek	16	126	33	12	126	33
Unnamed to Sauk River	28(Basin 231)	126	32	31	126	32
Unnamed to Sauk River	17 (Basin 208)	125	32	18	125	32
Unnamed to Sauk River	4	124	34	34	125	34
	28	125	33	31	125	32
Unnamed to Sauk River	35	125	33	1	124	33
Getchell Creek	7 (Basin 183)	126	31	24	126	32
Stony Creek	2 (Basin 261)	124	34	24	124	33
Unnamed to Stony Creek	31	124	33	22	124	33
Unnamed to Sauk River	22	123	33	25	124	33
Unnamed to Unnamed	4	123	33	26	124	33
Unnamed to N Fork Crow River	11	124	34	11	123	34
Unnamed to N Fork Crow River	16	123	33	25	123	34
Unnamed to N Fork Crow River	21	123	33	31	123	33
Unnamed to N Fork Crow River	5	122	32	9	122	32
Middle Fork Crow River	26 (Basin 279)	123	35	30	123	34

F. Tributary Streams that are Designated Trout Streams

Name	Township	Range	Section(s)
Cold Spring Creek	123	30	14, 15
Fairhaven Creek	121	28	5
	122	28	29, 31, 32
Hanson Br. (Three-Mile)	122	28	21, 22, 25, 26, 27, 36
Kinzer Creek	123	30	27, 34
Luxemburg Creek	123	28	16, 17, 18, 19, 20, 21, 22, 30
Meyers Creek	122	28	4
	123	28	22, 27, 33, 34
Robinson Hill Creek	123	28	4, 9, 10, 15
	124	28	31, 32, 33
Smart's Creek	126	28	17, 18, 20
Spring Brook	121	28	7
	121	29	12
Thiel (Teal) Creek	121	28	5, 6, 8
Willow Creek (Meeker)	121	29	10, 11, 14

10.2.4 Permitted and Provisional Uses

Except for the following, the only permitted or provisional uses allowed in the Shoreland Overlay District shall be those uses allowed as permitted or provisional in the primary zoning district:

- A. The use of any tract for commercial purposes at the adoption of this Ordinance shall be considered a permitted use regardless of the primary zoning district, except that any expansion, addition or change in use shall only be allowed as a conditional use following the procedures set forth in *Section 4.8 of this Ordinance* and further subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*.
- B. The use of any tract for resort purposes on or before the adoption of this Ordinance shall be considered a permitted use regardless of the primary zoning district, except that any expansion, addition or change in use of a resort shall only be allowed as a conditional use following the procedures set forth in *Section 4.8 of this Ordinance* and further subject to the standards in *Sections 6, 7 and 10.2.23 D, E and F of this Ordinance*.
- C. The use of any tract within the Shoreland of a Natural Environment Lake for industrial purposes at the time of adoption of this Ordinance shall be considered a permitted use regardless of the primary zoning district, except that any expansion, addition or change in use shall only be allowed as a conditional use following the procedures set forth in *Section 4.8 of this Ordinance* and further subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*.
- D. Recreational vehicles subject to the standards contained in *Section 10.2.11 G of this Ordinance*, except that 2 or more recreational vehicles placed on a single lot or parcel shall be considered a commercial shoreland planned unit development and may only be approved if in accordance with the standards contained in *Section 10.2.22 of this Ordinance*.

10.2.5 Permitted Accessory Uses and Structures

Accessory uses and structures in the Shoreland Overlay District shall be the same as those accessory uses and structures allowed in the primary zoning district.

10.2.6 Conditional Uses

Except for the following, the only uses permitted as conditional uses in the Shoreland Overlay District shall be those conditional uses that are allowed in the primary zoning district. The following exceptions shall be subject to the procedures set forth in *Section 4.8 of this Ordinance* and further subject to the performance and general development standards contained in *Sections 6 and 7 of this Ordinance*:

- A. Recreational vehicle parks and campgrounds
- B. Additions, expansions or a change in use of an existing industrial use otherwise allowed under the provisions of *Section 10.2.4 C of this Ordinance*.
- C. Additions, expansions or a change in use of an existing resort otherwise allowed under the provisions of *Section 10.2.4 A and B of this Ordinance*.

10.2.7 Residential Density Requirements

The total number of single family residential dwelling units that may be permitted on a parcel or lot shall not exceed the total number permitted under the Residential Density Requirements of the primary zoning district or as provided in *Section 10.2.8 of this Ordinance*, whichever is more restrictive.

10.2.8 Residential Subdivision Requirements

Lots in the Shoreland Overlay District shall comply with the following minimum lot area (sq. ft) and width (ft) requirements:

- A. Unsewered Lakes
 - (1) Natural Environment

Type	Area	Width
Single	80,000	200
Duplex	120,000	300
Triplex	160,000	400
Quad	200,000	500
 - (2) Recreational Development

Type	Area	Width
Single	40,000	150
Duplex	80,000	225
Triplex	120,000	300
Quad	160,000	375
 - (3) General Development

Type	Area	Width
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Single	20,000	100
Duplex	40,000	180
Triplex	60,000	260
Quad	80,000	340

B. Unsewered Rivers

(1) Transition River Segment

Type	Area	Width
Single	75,000	250
Duplex	110,000	375
Triplex	150,000	625
Quad	180,000	625

(2) Agriculture, Urban and Tributary

Type	Area	Width
Single	40,000	150
Duplex	60,000	225
Triplex	90,000	300
Quad	110,000	375

(3) Designated Trout Stream

Type	Area	Width
Single	80,000	200
Duplex	120,000	300
Triplex	160,000	400
Quad	200,000	500

(4) Scenic River District

The minimum lot area and width shall be as provided in *Section 9.14.10 of this Ordinance*.

C. Sewered Lakes

(1) Natural Environment

Type	Area	Width
Single	40,000	125
Duplex	70,000	225
Triplex	100,000	325
Quad	130,000	425

(2) Recreational Development

Type	Area	Width
Single	20,000	75
Duplex	35,000	135
Triplex	50,000	195
Quad	65,000	255

(3) General Development

Type	Area	Width
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Single	15,000	75
Duplex	26,000	135
Triplex	38,000	195
Quad	65,000	255

D. Sewered Rivers

(1) Urban, and Tributary River Segments and Streams

Type	Area	Width
Single	20,000	75
Duplex	30,000	115
Triplex	40,000	150
Quad	60,000	190

10.2.9 Commercial and Industrial Subdivision Requirements

The minimum lot size and width requirements for commercial and industrial uses shall be the lot size and width requirements for the primary zoning district, but in no case shall the lot area and width be less than the single family lot area and width requirement for the applicable lake or river classification.

10.2.10 Suitable Lot Area Determination

Only land area above the Ordinary High Water Level shall be used to meet the minimum lot area and width requirements. Lot width standards shall be met at the water line and at the building line.

10.2.11 Placement, Design and Height of Structures

A. Placement of Structures on Lots

(1) Setback (in feet) from Ordinary High Water Level

Classification	<u>Structure Setback</u>
(a) Lakes:	
Natural Environment	200
Recreational Development	100
General Development	75
(b) Rivers and Streams:	
Transition	150
Agriculture	100
Urban	100
Tributary	100
Designated Trout Stream	200
Scenic	150

(2) **Established Building Line for Principal Structures.** In locations where a principal structure exists on both sides of a proposed building site and a building line can be reasonably established, the Department may issue a permit for a lesser distance from the Ordinary High Water Level than those required in *Section 10.2.11 A of this Ordinance*. Structures located wholly or partly within the shore impact zone shall not be used to

establish a building line. The landward extension of the shore impact zone and its intersection with the adjacent property line shall be used as the point of reference to establish a building line in instances where a principal structure is located partially or wholly within the shore impact zone. For new residential dwellings, the building line shall be established by calculating the average building line setback for the dwelling located on either side of the proposed residential dwelling and by establishing the building line by using the sight line method. The most restrictive building line setback shall apply, except that in no case shall the calculated setback be greater than the building line setback established for the applicable lake classification. For additions, the building line may be established by using a string line between the corner of the dwelling for which the addition is being sought and the lakeward corner closest to the dwelling nearest the proposed addition, by using a sight line, by calculating the average setback of the dwellings located on either side of the proposed addition, or by other reasonable methods which may be employed. In no case, shall any principal structures be permitted closer than the following distances:

- (a) On Natural Environment Lakes and Designated Trout Streams; no closer than 100 feet.
 - (b) On Recreational Development Lakes; no closer than 50 feet.
 - (c) On General Development Lakes; no closer than 50 feet.
 - (d) On Transition Rivers; no closer than 75 feet.
 - (e) On Agriculture, Urban and Tributary Rivers; no closer than 50 feet.
 - (f) Within 20 feet of the top of a bluff.
 - (g) On Designated Trout Streams; no closer than 100 feet.
- (3) Decks. Decks that cannot be constructed in accordance with *Section 10.2.11 A (1) or Section 10.2.11 A (2) of this Ordinance* shall be subject to the following standards:
- (a) The principal structure or dwelling unit to which a deck is being attached must have been in existence on June 26, 1972, and further provided that there have been no structural additions or alterations on the waterward side of said structure or dwelling unit since June 26, 1972; and
 - (b) A thorough evaluation of the property and structure by the Environmental Services Department reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure; and
 - (c) Deck encroachment toward the ordinary high water level shall not exceed 15 percent of the existing setback of the dwelling unit or principal structure to which it is being attached or shall not result in a setback of less than 30 feet from the ordinary high water level, whichever is more restrictive; and

- (d) The deck shall be constructed of wood, plastic or other rot-resistant material, and be painted or stained in colors compatible with the character of the neighborhood.
 - (e) The deck shall not be screened in, enclosed or roofed; and
 - (f) Decks constructed under the provisions of *Section 10.2.11 A (3) of this Ordinance* shall not be used as the basis for the establishment of any future building line.
- (4) Additional Structure Setbacks. The following additional structure setbacks apply, regardless of the classification of the waterbody:

<u>Setback From</u>	<u>Setback (in feet)</u>
(a) top of bluff	30
(b) unplatted cemetery	50

- (5) Bluff Impact Zones. Structures and accessory facilities, except stairways and landings, shall not be placed within bluff impact zones.

B. Design Criteria For Structures

- (1) High Water Elevations. Structures shall be placed in accordance with *Section 10.1 of this Ordinance*, if applicable to the site. If *Section 10.1 of this Ordinance* does not apply to the site, the elevation to which the lowest floor, including basement, is placed or flood proofed shall be determined as follows:
- (a) For lakes, by placing the lowest floor at a level no lower than the regulatory flood protection elevation or at least three feet above the highest known water level, or at least three feet above the ordinary high water level, whichever is higher. When upon inspection, the Department determines, with the use of a hand level or similar method, that the bottom floor elevation of a proposed residential dwelling or addition to a residential dwelling will be 6 feet or less above either the highest known water level, ordinary high water mark or regulatory flood protection elevation, whichever is applicable, the owner of a riparian lot shall be required to submit certification by a registered engineer, registered architect or registered land surveyor that the lowest floor elevation of any dwelling unit or addition thereto, including basement, is placed at least 3 feet above the ordinary high water level, or no lower than the regulatory flood protection elevation, whichever is higher.
 - (b) For rivers and streams, by placing the lowest floor at least three (3) feet above the flood of record, if data is available. If data is not available, by placing the lowest floor at least three (3) feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all

- three approaches, a qualified engineer or hydrologist consistent with *Minnesota Rules, parts 6120.5000 to 6120.6200; or successor rule*, governing the management of flood plain areas shall do technical evaluations. If more than one approach is used, the highest flood protection elevation determined shall be used for placing structures and other facilities; and
- (c) Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this section if the structure is constructed of flood resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.
- (2) Water-Oriented Accessory Structures. Each lot, except for land within the Scenic River District, may have one (1) water-oriented accessory structure not meeting the normal structure setback requirements contained in *Section 10.2.11 A of this Ordinance* if the water-oriented accessory structure complies with the following provisions:
- (a) The structure or facility shall not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 150 square feet. Detached decks, exclusive of safety rails, shall not exceed eight feet above grade at any point;
- (b) The setback of the structure or facility from the ordinary high water level shall be at least ten feet; except that on Natural Environment Lakes the setback shall be at least 25 feet;
- (c) The structure or facility shall be treated to reduce visibility as viewed from public waters and adjacent shoreland by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
- (d) The roof may be used as a deck with safety rails, but shall not be enclosed or used as a storage area;
- (e) The structure or facility shall not be designed or used for human habitation and shall not contain water supply or sewage treatment facilities;
- (f) The structure or facility shall not be located on or within the bluff or bluff impact zone.
- (3) Stairways, Lifts and Landings. Stairways, lifts and landings are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways, lifts and landings shall meet the following design requirements:
- (a) Stairways and lifts shall not exceed four (4) feet in width on residential lots. Stairways and lifts shall not exceed six (6) feet in width for commercial properties, public open-

- space recreational properties and residential Open Space developments in shoreland;
- (b) Landings for stairways and lifts on residential lots shall not exceed 32 square feet in area. Landings for stairways and lifts shall not exceed 48 square feet for commercial properties, public open-space recreational properties and residential Open Space developments in shoreland;
 - (c) Canopies or roofs are not allowed on stairways, lifts or landings;
 - (d) Stairways, lifts and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
 - (e) Stairways, lifts and landings shall be located in the most visually inconspicuous portions of lot, as viewed from the surface of the public water assuming summer, leaf-of conditions, whenever practical; and
 - (f) Facilities such as ramps, lifts or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subitems (a) to (e) are complied with, in addition to the requirements of *Minnesota Rules, chapter 1341; or successor rule.*
- (4) Significant Historic Sites. No structures may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.
 - (5) Steep Slopes. The Environmental Services Department shall evaluate soil erosion impacts and development visibility from public waters before issuing a permit for construction of roads, driveways, structures or other improvements on steep slopes. When determined necessary, conditions shall be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
- C. Height of Structures. Within the Shoreland overlay district, the maximum structural height is thirty (30) feet, except that water oriented accessory structures shall comply with the height requirements contained in *Section 10.2.11 B (2) of this Ordinance*, and further that guest cottages shall comply with the height requirements contained in *Section 10.2.12 B (2) of this Ordinance*.
 - D. Fences. The construction of fences and walls shall be subject to *Section 7.7 of this Ordinance* and to the following standards:
 - (1) Unless specified otherwise, no fence or wall on the side line of a lot shall be higher than six (6) feet, unless any part above such height has at least 50 percent of the surface uniformly open and unobstructed, unless the adjoining lot is in a

- Commercial/Recreational District, any of the Industrial Districts or abuts a public park or public access.
- (2) Fences erected from the building line to the ordinary high water level shall not exceed a height of four (4) feet and have at least 90 percent of the surface uniformly open and unobstructed unless the adjoining lot is in a Commercial/Recreational District, any of the Industrial Districts or abuts a public park or public access.
- E. Boathouses. Boathouses and additions or alterations thereto are prohibited.
- F. Accessory Buildings. The total number of accessory buildings and the total cumulative area that accessory buildings may occupy shall be in accordance with the performance standards for accessory buildings contained in *Section 6 of this Ordinance*.
- G. Recreational Vehicles
- (1) Recreational vehicles shall meet all structural setback requirements of this Ordinance.
 - (2) A recreational vehicle located on a tract for more than thirty (30) days in any year and occupied at the location at any time shall be considered a residential dwelling unit and shall have a permit pursuant to *Section 4.11 of this Ordinance*.
 - (3) The provisions of *Section 10.2.11 G (2) of this Ordinance* shall not apply to homeowners who are storing a recreational vehicle on their property.

10.2.12 Special Provisions

- A. Duplexes, Triplexes and Quads. Subdivisions involving duplexes, triplexes and quads shall also meet all of the following standards:
- (1) Each building shall have common sewage treatment and water systems in one location and serve all dwelling units in the building; and
 - (2) Watercraft docking facilities for each lot shall be centralized in one location and service all dwelling units in the building; and
 - (3) No more than 25 percent of a lake's shoreline can be in duplex, triplex or quad developments.
- B. Guest Cottages. On guest cottage may be allowed on a lot meeting or exceeding the duplex lot area and width requirements set forth in *Section 10.2.8 of this Ordinance*, provided all of the following standards are met:
- (1) For a lot exceeding the minimum lot dimensions of a duplex lot, the guest cottage shall be located within the smallest duplex-sized lot that could be created including the principal dwelling unit; and
 - (2) A guest cottage shall not cover more than 700 square feet of land surface and shall not exceed 15 feet in height; and
 - (3) A guest cottage shall be located or designed to reduce its visibility as viewed from public waters and adjacent wetlands by vegetation, topography, increased setbacks, color, or other means

- acceptable to the County, assuming summer leaf-on conditions;
and
- (4) The performance standards for guest cottages contained in *Section 6.20 of this Ordinance* shall be met.
- C. Controlled Accesses. Lots intended to be used for common docking facilities or to provide common or controlled access to public waters shall not be a permitted use in any zoning district. This provision shall not apply to Department of Natural Resources public accesses.

10.2.13 Vegetative Alterations

- A. Vegetation alteration necessary for the construction of structures, sewage treatment systems and the construction of roads and parking areas regulated by *Section 10.2.16 of this Ordinance* are exempt from the vegetation alteration standards in *Section 10.2.13 of this Ordinance*, provided that a plan for the activities has been submitted to and approved by the department.
- B. Except for agricultural and forest management uses as regulated in *Sections 10.2.19 and 10.2.20 of this Ordinance*, respectively, removal or alteration of vegetation may only be allowed, subject to the following standards:
- (1) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes as defined in *Sections 3.2.158, 3.2.26 and 3.2.169 of this Ordinance* is not allowed, except as described in this Section. Intensive vegetation clearing for forest land conversion to another use outside of the shore and bluff impact zones and on steep slopes may be allowed as a conditional use if an erosion control and sedimentation plan is developed and approved by the Soil and Water Conservation District.
 - (2) Planned Unit and Open Space Developments are subject to the standards of *Sections 7.14 and 10.2.22 A.(2) of this Ordinance*.
 - (3) Vegetative alterations may be allowed on riparian lots, in shore or bluff impact zones or on steep slopes in accordance with the following standards:
 - (a) Prior to vegetative removal regulated by this Section or prior to establishing a view corridor on a riparian lot, the property owner shall contact the department to arrange for a site visit and complete an application for vegetative alteration; and
 - (b) The department may require that the property owner clearly mark any proposed view corridor and/or any vegetation to be removed from a riparian lot. Additionally, the department may require the property owner to supply information on slope, soil type, property line locations, location of easements and any other information that may be needed in order for the department to act on a request; and
 - (c) In considering a request for vegetative alterations, including the establishment of a view corridor, the

- department may take into account the predevelopment vegetation, natural openings, surrounding vegetation patterns and density, previous vegetative alterations, slope, soil type, the locations and extent of adjacent view corridors, the adjacent body of water and other information it deems necessary and pertinent to the request; and
- (d) The total cumulative view corridor shall not exceed 50 feet or half the lot width, whichever is less; and
 - (e) The view corridor shall extend from the most lakeward side of the principle residence and continue to the ordinary high water level of a public water body; and
 - (f) The total cumulative tree/shrub removal within any view corridor shall not exceed 25% of the trees greater than 5" in diameter 4.5 feet above the ground (diameter breast height or DBH) and 25% of the trees/shrubs less than 5" DBH; and
 - (g) From the OHWL, extending through the shore impact zone and extending to the building setback, exclusive of the view corridor, no vegetative alterations are allowed, however planting of trees, shrubs and other vegetation is encouraged; and
 - (h) From the building setback and extending to the landward end of the lot, up to 25% of the trees greater than 5" DBH and up to 25% of the trees/shrubs less than 5" DBH may be removed in accordance with a plan submitted to and approved by the department; and
 - (i) Except Boxelder and Chinese Elm, the removal of exotic species such as European Buckthorn or Purple Loosestrife or noxious species such as Poison Ivy or Prickly Ash is permitted; and
 - (j) The screening of structures, vehicles or other facilities as viewed from the water, assuming summer, leaf-on conditions, shall not be substantially reduced; and
 - (k) The existing shading of water surfaces along the shoreline shall be preserved during summer, leaf-on periods of the year.
- C. The removal of exotic species such as European Buckthorn or Purple Loosestrife or noxious species such as Poison Ivy or Prickly Ash shall no be considered to constitute an alteration of the vegetation.
 - D. Naturally dead or diseased trees may be removed regardless of their location on the property.
 - E. Application of fertilizer and pesticides in shoreland must be done in such a way as to minimize runoff into the shore impact zone or public water. The use of phosphorous containing fertilizer is prohibited within the shore impact zone.
 - F. Burning of yard waste is prohibited within the shore and bluff impact zones or on steep slopes.

- G. Planting of trees, shrubs, establishing vegetated buffers and maintaining vegetated shorelines is encouraged on all riparian lots within Stearns County as a method to minimize and mitigate the impacts of stormwater runoff, erosion and nutrient enrichment on the County's water resources.

10.2.14 Topographic Alterations/Grading and Filling and Retaining Walls

A. Exclusions:

- (1) Grading and filling and excavations necessary for the construction of structures, sewage treatment systems and driveways under validly issued construction permits for these facilities, provided that grading, filling and excavation is limited to within 15 feet of the footprint or foundation of a structure.
- (2) Projects which are reviewed, approved and meet the sequencing and wetland replacement plan provisions of *Minnesota Rules, part 8420; or successor rule*, do not require the issuance of a shoreland alteration permit provided the provisions of *Section 10.2.25 of this Ordinance* are met.
- (3) Projects that are reviewed, approved and meet the requirements for animal feedlots contained in *Section 6.7 of this Ordinance*.
- (4) If the management of spoils from a project in a public waters or public waters wetland which has received Department of Natural Resources approval is described in the Department of Natural Resources permit, the project is exempt from the shoreland permit requirements of this Ordinance.
- (5) Topographic alterations involving the movement of 10 cubic yards or less of material.
- (6) Topographic alterations involving the movement of 50 cubic yards or less of material that is not on steep slopes or within shore or bluff impact zones.

B. Minor Shoreland Alteration Permits. A minor shoreland alteration permit may authorize the following activities.

- (1) Topographic alterations of a smaller scale in which the total amount of fill being deposited, removed or graded on site is less than 100 cubic yards.
- (2) Projects in which rock riprap is being used to control erosion.
- (3) Projects that are part of an approved Department of Natural Resources project. The Director may refuse to issue a minor shoreland alteration permit if it is determined that issuance of the permit may have an adverse environmental impact, including but not limited to erosion, sedimentation, siltation or pollution of surface waters. If the Director refuses to issue a minor shoreland alteration permit, the applicant may apply for a major shoreland alteration permit.

C. Major Shoreland Alteration Permits. Alterations of a larger size scale that do not qualify for a minor shoreland alteration permit shall only be allowed when authorized by a major shoreland alteration permit granted by the Shoreland Review Panel as created in *Section 4.5 of this*

Ordinance and issued by the Department. The Shoreland Review Panel may refuse to grant a major shoreland alteration permit if it is determined that issuance of the permit may have an adverse environmental impact.

- D. Major and Minor Shoreland Alteration Permit Conditions. Major and minor shoreland alteration permits shall be subject to the following conditions:
- (1) Alterations shall only be allowed if they are necessary to a permitted, provisional, accessory or conditional use and do not adversely affect adjacent or nearby properties or the water body.
 - (2) Alterations necessary to correct existing erosion problems may be allowed.
 - (3) Rock riprap or bioengineered solutions shall be the preferred method over retaining walls to prevent erosion.
 - (4) Alterations shall be designed and constructed in a manner that ensures that only the smallest amount of bare ground is exposed for the shortest time possible.
 - (5) Mulches or similar materials shall be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover shall be established as soon as possible.
 - (6) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature shall be used.
 - (7) Altered areas shall be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local Soil and Water Conservation District or Natural Resource Conservation Service.
 - (8) Fill or excavated material shall not be placed in a manner that creates an unstable slope.
 - (9) Plans to place fill or excavated material on steep slopes shall be reviewed by a qualified professional such as an architect, engineer, Soil and Water Conservation District staff person, or Natural Resource Conservation Service staff person. The project shall not create finished slopes of 30 percent or greater.
- E. Permit Evaluation. The Environmental Services Department and Shoreland Review Panel shall evaluate shoreland alteration permit applications for conformance with *Section 10.2.14 D of this Ordinance* and may attach additional conditions to further assure that the shoreland alterations will not have an adverse impact on adjacent properties or the water body.
- F. Connections to public waters. Excavations, where the intended purpose is connection to a public water, such as boat slips, canals, lagoons and harbors, shall be permitted only after issuance of a major shoreland permit. Permission for excavations may be given only after the Commissioner of the Department of Natural Resources has approved the proposed connection to public waters.
- G. Retaining Walls. The construction of retaining walls shall only be authorized by either a minor or major shoreland alteration permit as follows:
- (1) Minor Shoreland Alteration Permit:
 - (a) Retaining walls that are located outside of the setback area for the applicable lake or river class; or

- (b) Retaining walls that are not visible from the shore; or
 - (c) Except as provided in *Section 10.2.14 G (2) (c) of this Ordinance*, retaining walls with a cumulative wall height of 2 feet or less and are the lesser of 50 feet in length or ½ the lot width. Wall height as it pertains to this Section is measured from the natural grade and shall include the height of all components constituting the wall. Wall length as it pertains to this Section shall mean the actual measured length of the wall.
- (2) Major Shoreland Alteration Permit:
- (a) Retaining walls located within the setback area for the applicable lake or river class having a cumulative wall height of greater than two (2) feet; or
 - (b) Retaining walls located within the shore or bluff impact zone that are greater than fifty (50) feet in length or more than ½ the lot width; or
 - (c) Retaining walls located within the setback area of Natural Environment Lakes.
- H. Sand Blankets. The placement of sand within the shore impact zone and above the ordinary high water level shall only be authorized by a minor shoreland alteration permit as follows.
- (1) Sand blanket placement with excavation:
 - (a) Only clean, washed sand, free of organic or toxic materials shall be used.
 - (b) The sand blanket may be up to twelve (12) inches in depth, up to thirty (30) feet in width along the shoreline or one-half (1/2) the lot width, whichever is less; and may not extend more than ten (10) feet landward of the ordinary high water level.
 - (c) An earthen berm shall be constructed on the landward side of the sand blanket to divert surface water runoff around the sand area. The berm shall be planted with vegetation such as grass to aid in the assimilation of surface water runoff.
 - (2) Sand blanket placement without excavation:
 - (a) Only clean, washed sand, free of organic or toxic materials shall be used.
 - (b) The sand blanket may be up to twelve (12) inches in depth, up to fifty (50) feet in width along the shoreline or one-half (1/2) the lot width, whichever is less; and may not extend more than ten (10) feet landward of the ordinary high water level.
 - (3) Replacement or maintenance sand blankets may not exceed the same amount and dimensions of the original sand blanket
 - (4) Sand may only be placed in an area where the natural drainage of the property will not result in the sand being washed into the water body.

10.2.15 Abatement Orders

The Director may issue an abatement order when the Director or the Shoreland Review Panel refuses to issue a permit for a shoreland alteration project that was started or completed prior to consideration of an application or issuance of a permit. An abatement order may also be issued by the Director to correct or abate

any violation of any provision of this Ordinance. The abatement order shall be delivered personally or by certified mail to the owner of record of the property on which the violation exists and shall specify the following:

- A. A date by which the landowner shall complete abatement and obtain a letter of satisfaction from the Environmental Services Department.
- B. The action on the part of the property owner to eliminate or resolve the violation.
- C. Advise the property owner that failure to comply with the restoration order is a violation of this Ordinance.
- D. Advise the property owner of their right to appeal the abatement order to the Board of Adjustment within ten (10) business days of receipt of the abatement order.

10.2.16 Placement and Design of Roads, Driveways and Parking Areas

- A. For plats, new development roads shall not be constructed unless the final plat is on record in the office of the Stearns County Recorder.
- B. Public and private roads and parking areas shall be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Plans and specifications shall be provided by a qualified individual, such as a registered professional engineer, architect or surveyor, showing that all roads and parking areas are designed and will be constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local Soil and Water Conservation District or other applicable technical materials.
- C. Public and private roads, driveways, and parking areas shall meet structure setbacks from the Ordinary High Water mark or the top of a bluff for the applicable lake or river classification, and shall not be placed within bluff or shore impact zones when avoidance is an option. A Major Shoreland Alteration Permit shall be required if the road, driveway or parking area is private and cannot meet the applicable structural setback.
- D. Public and private watercraft access ramps, approach roads and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control provisions of this Ordinance are met. For private watercraft access ramps, approach roads, driveways, and parking areas that are located within the setback area for the applicable lake or river class or on steep slopes, the grading, filling and permit provisions of *Section 10.2.14 of this Ordinance* shall be met. For driveways and parking areas that are located outside the setback area for the applicable lake or river class and not on steep slopes, the provisions of *Section 10.2.14 D of this Ordinance* shall be met.

10.2.17 Stormwater Management

In the Shoreland Overlay District, the following general and specific standards in addition to the Stormwater Management Standards in *Section 7.21 of this Ordinance* shall apply:

- A. General Standards

- (1) When possible, existing natural drainage ways, wetlands and vegetated soil surfaces shall be used to convey, store, filter and retain stormwater runoff before discharge to public waters.
 - (2) Development shall be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential and reduce and delay runoff volumes. Disturbed areas shall be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
 - (3) When development density, topographic features and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways and ponds may be used. Preference shall be given to designs using surface drainage, vegetation and infiltration rather than buried pipes and man made materials and facilities.
- B. Specific Standards
- (1) Impervious surface coverage of a lot shall not exceed twenty-five (25) percent of the lot area.
 - (2) When constructed facilities are used for stormwater management, documentation shall be provided by a qualified individual that the facilities are designed and installed consistent with the field office technical guide of the local Soil and Water Conservation District or other qualified authority.
 - (3) New constructed stormwater outfalls to public waters shall provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

10.2.18 Standards for Commercial, Industrial, Public and Semipublic Uses

- A. Surface water-oriented commercial uses and industrial, public or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs shall meet the following standards:
- (1) In addition to meeting impervious coverage limits, setbacks and other zoning standards in this Ordinance, the uses shall be designed to incorporate topographic and vegetative screening of parking areas and structures;
 - (2) Uses that require short-term watercraft mooring for patrons shall centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
 - (3) Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public subject to the following general standards:
 - (a) No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying

- information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff;
- (b) Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They shall only convey the location and name of the establishment and the general types of goods or services available. The signs shall not contain other detailed information such as product brands and prices, shall not be located higher than ten feet above the ground, and shall not exceed 32 square feet in size. If illuminated by artificial lights, the lights shall be shielded or directed to prevent illumination out across public waters; and
 - (c) Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.
- B. Uses without water-oriented needs shall be located on lots or parcels without public waters frontage or, if located on lots or parcels with public waters frontage, shall either be setback double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

10.2.19 Agriculture Use Standards

- A. General cultivation, farming, grazing, nurseries, horticulture, truck farming, sod farming and wild crop harvesting are permitted uses if steep slopes, shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local Soil and Water Conservation District or the Natural Resource Conservation Service or as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.
- B. Animal feedlots shall meet the Animal Feedlot standards as set forth in *Section 6.7 of this Ordinance*.

10.2.20 Forest Management Standards

The harvesting of timber and associated reforestation shall be conducted consistent with the provisions of *Water Quality in Forest Management "Best Management Practices in Minnesota"*, which is hereby incorporated by reference, a copy of which is on file in the Stearns County Environmental Services Department, St. Cloud, Minnesota, and is not subject to frequent change.

10.2.21 Extractive Use Standards

An extractive use site development and restoration plan shall be developed, approved, and followed over the course of operation of the site according to *Sections 7.12 and 10.2.21 of this Ordinance*.

A. Site Development and Restoration Plan Requirements

The plan shall address dust, noise, possible pollutant discharges, hours and duration of operation and anticipated vegetation and topographic alterations. It shall also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion and shall clearly explain how the site will be rehabilitated after extractive activities end.

B. Setbacks for Processing Machinery

Processing machinery shall be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

10.2.22 Residential Shoreland Planned Unit and Open Space Development Standards**A. Design Standards. The following design standards shall apply to all Residential Open Space Developments in Shoreland:**

- (1) Centralized boat docking facilities for watercraft shall be provided.
- (2) The shore impact zone, based on normal structure setbacks, shall be included as open space. At least 50 percent of the shore impact zone of existing Open Space developments, or at least 70 percent of the shore impact zone of new Open Space Developments, shall be preserved in its natural or existing state. Additionally, a minimum of 50 percent of the total lot area shall be dedicated as open space.
- (3) Residential Open Space Developments in Shoreland shall be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems shall be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Pollution Control Agency and Stearns County. On-site sewage treatment systems shall be located on the most suitable areas of the development, and sufficient lawn area, free of limiting factors, shall be provided for a replacement soil treatment system for each sewage system.
- (4) Dwelling units or sites shall be sited into one or more groups and located on suitable areas of the development. They shall be designed and located to meet or exceed the following dimensional standards for the applicable lake or river classification:
 - (a) Setback from the ordinary high water level.
 - (b) Elevation above the ordinary high water level.
 - (c) Height restrictions.

- (5) Shore recreation facilities, including but not limited to swimming areas, docks, watercraft mooring areas and launching ramps shall be centralized and located in areas suitable for them. Evaluation of suitability shall include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock or other relevant factors. The number of spaces provided for continuous beaching, mooring or docking of watercraft shall not exceed one for each allowable dwelling unit or site in the first tier. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.
 - (6) Structures, parking areas and other facilities shall be treated to reduce visibility as viewed from public waters and adjacent shoreland by vegetation, topography, increased setbacks, color or other means acceptable to the County, assuming summer, leaf-on conditions. Vegetation and topographic screening shall be preserved, if existing, or may be required to be provided.
 - (7) Accessory structures and facilities, except water oriented accessory structures, shall meet the required structure setback and shall be centralized.
 - (8) Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in *Section 10.2.11 B. (2) of this Ordinance* and are centralized.
 - (9) Residential Planned Unit Developments are further subject to the design and administrative requirements of. *Minnesota Rules, part 6120.3800; or successor rules.*
- B. Residential Open Space Developments in Shoreland are typically owner occupied residences. Single family dwellings, attached single family dwellings, townhouses and residential condominiums are examples of Residential Open Space Developments. In addition to the design standards set forth in *Section 10.2.22 A of this Ordinance*, Residential Open Space Developments in Shoreland shall also be subject to the Open Space Development design, review and approval procedures as set forth in *Section 7.14 of this Ordinance*. Residential Open Space Developments shall be subject to the following residential density requirements:
- (1) Residential Density Requirements
 - (2) The maximum number of Residential Dwelling Units allowed in a proposed new or expansion to an existing Shoreland Open Space Development shall be determined by use of the more restrictive of the following two methods:
 - (a) **Method I**
 - (aa) The project parcel shall be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward according to the following table:

Shoreland Tier Dimensions	Feet
General development lakes – first tier	200
General development lakes – second and additional tiers	267
Recreational development lakes	267
Natural environment lakes	400
All river classes	300

- (bb) The suitable area within each tier shall be calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters.
- (cc) The suitable area shall then be divided by the single residential lot size requirement of the applicable lake or river classification and the quotient will be the total number of single family residential dwellings that may be allowed on the parcel. Fractions shall be reduced to the next whole number.
- (b) Method II
 - Residential density shall be calculated using the Residential Density Requirements section of the applicable primary zoning district.
 - (c) The cumulative number of permitted units or sites determined under Method I shall be compared with the results from Method II and the lowest number shall be used.
- (3) Allowable densities may be transferred from any tier to any other tier further from the waterbody, but shall not be transferred to any other tier closer.
- D. Density Increase Multipliers. Increases of 50% to the unit or site density previously determined for a Residential Open Space Development in Shoreland may be allowed if the dimensional standards in *Section 10.2.11 of this Ordinance* are met or exceeded and the design criteria contained in *Sections 7.14 and 10.2.22 of this Ordinance* are satisfied. Density increases shall only be allowed if structure or site setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum ordinary high water level setback of the applicable lake or river classification, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography or additional means acceptable to the Planning Commission, and the setback from the ordinary high water level of the applicable lake or river classification is at least 25 percent greater than the minimum setback.

10.2.23 Resorts and Commercial Planned Unit Developments

A. Scope.

Stearns County shall regulate all existing and proposed resort developments within shoreland areas pursuant to the provisions set forth herein.

B. Adoption of Alternative Shoreland Management Standards by reference.

Those parts of Minnesota's Alternative Shoreland Management Standards cited within this Section as *part ALT6120 et. seq.* are hereby adopted by reference and shall have the same force and effect as if fully set forth herein.

C. New Resorts and/or Planned Unit Developments.

New resort developments may be allowed as a conditional use pursuant to *Section 4.8 of this Ordinance* as identified in *Section 9.10, 10.2.4 or 10.2.6 of this Ordinance*. New resort developments shall not be allowed on natural environment lakes. New resorts may be permitted, provided all of the following standards are met:

(1) Information Requirements.

- (a) topographic contours at two-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics such as bluffs and slopes greater than 25 percent;
- (b) the surface water features required in *Minnesota Statutes, section 505.02, subdivision 1; or successor statutes*, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;
- (c) adequate soils information to determine suitability for building and standard on-site sewage treatment system capabilities pursuant to *Stearns County Sewage Treatment Ordinance Number 198; or successor ordinance and Stearns County Subdivision Ordinance Number 230; or successor ordinance*;
- (d) information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths out to 15 feet, type of bottom sediments and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
- (e) a site plan for the project showing property boundaries, surface water features, existing and proposed structures, sewage treatment systems, topographic contours at two

(2) foot intervals or less, trees, unusual geological features, vernal pools, wetlands, swimming beaches, docks and continuous mooring sites and other lake related implements, including rafts and buoys, markers

- delineating swimming and bathing areas, beaches and other facilities;
- (f) documents that explain how the project is designed and will function. These shall include all covenants, operating rules and procedures of any property owners association, all easements associated with the development, a concept statement describing the project, all structures and various other drawings or plans as required by the Department;
 - (g) a context map showing the natural features on both the proposed development site and on adjacent properties; and
 - (h) for conservation easements, a statement of preliminary acceptance from a qualified holder as defined in *Minnesota Statutes, section 84C.01-0; or successor statutes.*
- (2) Density. The allowable development density shall be established pursuant to *Section 10.2.23 G (1) through 10.2.23G (3) of this Ordinance;*
 - (3) Structure Requirements.
 - (a) For resorts created after December 18, 2007 structure setbacks and structure height shall meet the standards in *Sections 10.2.11A and C of this Ordinance;*
 - (b) For conversions pursuant to *Section 10.2.23H of this Ordinance,* the exterior expansions in any dimension or structural alteration will not be allowed for existing structures that are located in the shore or bluff impact zone. Conditions for approval must provide for future relocation of structures to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced. Park Trailers and Recreational Camping Vehicles are required to meet the setback requirements in *Section 10.2.11A of this Ordinance.*
 - (4) Accessory Structures. Resorts shall be designed and managed such that there is no more than one accessory structure associated with dwelling units/sites, no vehicle parking adjoining most dwelling units or limited parking adjacent to dwelling units/sites or other amenities that would encourage long-term residential use. Accessory structures are limited to a maximum of forty-eight (48) square feet and no higher than eight (8) feet.
 - (5) Marina. Where required, a marina permit has been obtained from the Department of Natural Resources as provided under *Minnesota Rules, part 6115.0211; or successor rule.*
 - (6) Design Criteria. Development shall meet all of the following design criteria in part, with the following exceptions:

- (a) All developments must contain at least three (3) contiguous acres of buildable area with a lot width of a minimum of four hundred (400) feet.
- (b) Developments shall contain open space meeting all of the following criteria:
 - (aa) At least 50 percent of the total project area must be permanently preserved as common open space. Common open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries, and at least 75 percent of the common open space must be non-wetland area. At least 50 percent of the common open space shall be retained in a contiguous area.
 - (bb) The land area of all dwelling units/sites and accessory structures shall not be included in the computation of common open space.
 - (cc) Open space may include outdoor recreational facilities for use by owners of the dwelling units/sites or the public.
 - (dd) The shore and bluff impact zones pursuant to *Section 10.2.11 of this Ordinance* shall be included as common open space. No impervious surfaces shall be allowed within the shore impact zone, except for boat launches, stairways, lifts or landings.
 - (ee) The appearance of common open space areas, including topography, vegetation and allowable uses, shall be preserved by use of permanent easements, public dedication and acceptance, or other equally effective and permanent means. For permanent easements, a willing party for receiving easements must be declared, otherwise, a party may be assigned pursuant to *Minnesota Statutes, section 375.18, subp. 12; or successor statutes*.
 - (ff) Common open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.
- (c) Centralization and design of facilities and structures must be done according to the following standards:
 - (aa) Planned unit developments shall be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed

- applicable standards or rules of the Minnesota Department of Health and the Minnesota Pollution Control Agency. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient area free of limiting factors must be provided for a replacement standard soil treatment system for each sewage system.
- (bb) Dwelling units/sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: elevation above the surface water features and maximum height. The site design must incorporate the use of trees, unique resources and scenic vistas.
 - (cc) Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps must comply with *Section 10.2.23F of this Ordinance*
 - (dd) Structures permitted pursuant to *Section 10.2.23C(1)(c) of this Ordinance*, parking areas, and other facilities must meet structural setbacks and must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color or other means acceptable to the Department, assuming summer, leaf-on conditions.
 - (ee) One water-oriented accessory structures may be allowed, provided it meets *Section 10.2.11B(2) of this Ordinance* and the structure is centralized.
 - (d) Parking shall meet the requirements of *Section 7.15 of this Ordinance*, unless otherwise approved by the Planning Commission. Parking of vehicles and trailers shall be limited to designated parking areas.
 - (e) Severe weather shelters shall be required pursuant to *Section 4.20.2 A-J of Stearns County Ordinance Number 203; or successor ordinance*, unless otherwise approved by the Stearns County Emergency Management Director.
 - (f) All units or lots shall be designed to meet the Stearns County Addressing guidelines, including the posting of each unit or lot.
- (7) Structures in floodplain. All structures in the Floodplain Overlay District shall meet the elevation requirements pursuant to *Section 10.1 of this Ordinance*, except that an emergency evacuation plan may be allowed for Recreational

Camping Vehicles pursuant to *Section 10.1.14E of this Ordinance*.

- (8) Shoreland Buffers. Alterations of natural vegetation and topography shall be controlled to prevent erosion into public waters, fix nutrients, infiltrate rainwater runoff, preserve shoreland aesthetics and historic values, prevent bank slumping, limit direct and indirect impacts on water quality and protect fish and wildlife habitat. Vegetation removal necessary for the construction of structures and sewage treatment systems under validly issued permits for these facilities shall be exempt from the standards in this subpart. Public roads and parking areas, as regulated by *Section 10.2.16 of this Ordinance* are exempt from the provisions of this part.
- (a) A shoreline buffer a minimum of 25 feet landward of the ordinary high water level, consisting of trees, shrubs, and ground cover of native plants and understory, shall be required. If a buffer does not exist, one shall be installed according to a plan including the following information:
- (aa) Existing vegetation. Indicate existing woods, tree lines, lawn, native vegetation areas and any other vegetative types including common and scientific names.
 - (bb) Toe protection. Indicate type of toe protection that will be established at the shoreline (i.e., coir log, bio-engineering, rock riprap).
 - (cc) Planting plan. Indicate proposed vegetation (scientific names) and how it will be established: seeding (temporary and permanent), plugs, trees, shrubs, vines – including rates, spacing, total numbers and locations of each.
 - (dd) Implementation schedule. Outline the proposed order of all aspects of construction.
 - (ee) Work and materials list. Develop a defined list of work and materials including quantities for each item.
 - (ff) A letter of credit, cash escrow or bond in favor of the County for 125% of the cost to establish a buffer will be required.
 - (gg) Other information deemed necessary by the Director.
- (b) Removal or alterations of natural vegetation, except for forest management or agricultural uses as provided for in *Sections 10.2.19 and 10.2.20 of this Ordinance*, shall follow these standards:
- (aa) Vegetation clearing and removal of ground cover, including leaf litter and the forest floor duff layer,

within the shore and bluff impact zones and on steep slopes shall not be allowed, except as follows:

- (aaa) Limited clearing of trees and shrubs and cutting, pruning and trimming of trees to accommodate the placement of stairways and landings, access paths, view corridors and permitted water-oriented accessory structures or facilities shall be allowed within the shore impact zone. Trees, shrubs and a low ground cover consisting of native plants and understory shall be maintained in a natural state within this area. An access path permitted within this area shall not exceed a cleared width of six (6) feet and must be oriented generally perpendicular to the shoreline.
- (bbb) Limited clearing of trees and shrubs, and cutting, pruning, and trimming of trees to accommodate the placement of approved stairways and landings, and access paths shall be allowed in bluff impact zones and on steep slopes. Trees, shrubs, and a low ground cover consisting of native grasses and plants shall be maintained in these areas.
- (bb) Removal of trees and shrubs within the secondary shoreline buffer zone may be allowed, provided that a well-distributed stand of trees and shrubs are maintained. A well-distributed stand of trees and shrubs means that a tree and shrub canopy covers over 50 percent the area. A ground layer of predominantly perennial vegetation, such as grass, flowers, forbs, or preferably native plants, shall be preserved, established or maintained in this area.
- (c) Use of fertilizer shall not be allowed within the shore impact zone. Use of fertilizer and pesticides elsewhere within the shoreland overlay district must be done in such a way as to minimize runoff into the shore impact zone or public water.
- (d) Vegetation within the shore impact zone shall be maintained to screen structures with trees and shrubs so that the structures are at most 50 percent visible from public waters during summer, leaf-on conditions.
- (e) No impervious surfaces shall be allowed within the shore impact zone, except for boat launches, stairways, lifts or landings, and, where permitted, one water-oriented accessory structure.

- (f) Open areas and lawns within the shore impact zone, except those allowed in part A, shall be left unmowed or replanted with native vegetation of trees and shrubs to establish and maintain a vegetative buffer, with a natural ground layer of understory plants.
- (9) Erosion Control and Stormwater Management. Erosion control and stormwater management shall meet the standards in *Sections 7.5 and 7.21 of this Ordinance* and impervious surface coverage shall not exceed twenty-five (25) percent within the total project area and in any tier.
- (10) Administration and maintenance requirements. Before final approval of all developments, the County must ensure adequate provisions have been developed for preservation and maintenance in perpetuity of common open spaces and for the continued existence and functioning of the development as a community. The County may assess a one-time fee for purposes of monitoring and enforcing terms and conditions of any common open space governing instruments.
 - (a) Common open space preservation. Deed restrictions, permanent conservation easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure perpetual preservation and maintenance of common open space. For areas greater or equal to 10 acres, easements shall be held by a qualified unit of government, conservation organization, land trust or similar organization authorized to hold interest in real property pursuant to *Minnesota Statutes, section 84C.01-05; or successor statutes*, as approved by the County. Local units of government may also hold or co-hold an easement. The instruments of the easement must include all of the following protections:
 - (aa) commercial uses shall be prohibited from noncommercial developments;
 - (bb) vegetation and topographic alterations other than to prevent personal injury or property damage and for restoration efforts based on an approved shoreland vegetation buffer plan shall be prohibited;
 - (cc) construction of additional buildings, impervious surfaces, or storage of vehicles and other materials shall be prohibited;
 - (dd) beaching of motorized watercraft shall be prohibited; and
 - (ee) dumping, storage, processing, burning, burying or landfill of solid or other wastes shall be prohibited.

- (b) Vegetation. Shoreland vegetation shall be preserved, restored and maintained according to the approved shoreland vegetation buffer plan as outlined in *Section 10.2.23(C)(1)(i) of this Ordinance*. The loss of vegetation shall be replaced in kind.
 - (c) Development Organization and Functioning. Unless an equally effective alternative community framework is established, when applicable, all residential developments shall use an owners association with the following features:
 - (aa) Membership shall be mandatory for each dwelling unit or site purchaser and any successive purchasers.
 - (bb) Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites.
 - (cc) Assessments must be adjustable to accommodate changing conditions.
 - (dd) The association shall be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities, and it must enforce covenants, deed restrictions, and easements. The association must have a land stewardship plan for common open space areas greater or equal to 10 acres specifically focusing on the long-term management of these open space lands.
 - (d) Amendments or revisions to covenants or deed restrictions. Before establishing or recording any common interest community, the developer shall submit documents, including all covenants, conditions, restrictions, easements, and operating rules and procedures associated with the development, for review and approval by the County unit pursuant to *Minnesota Statutes, section 515B.1-106, or successor statutes*. Under no circumstances shall covenants or deed restrictions be modified without the County's determination that the proposed changes fully comply with the requirements of *part ALT6120.3800*. Amendments or revisions to covenants or deed restrictions shall be considered according to *Section 4.8 of this Ordinance*.
- D. Structure replacement within an existing resort. As an alternative to the requirements in *Section 10.2.23D of this Ordinance*, a variance pursuant to *Section 4.9 of this Ordinance* may be sought for replacement of structures within an existing resort that do not meet density or setback requirements. If a variance is granted, a conditional use permit pursuant to *Section 4.8 of this Ordinance* will be required. Pursuant to *Section 4.8 of*

this Ordinance, resorts existing on or before December 18, 2007 shall be allowed to maintain and replace their structures, without regard to available density or setbacks, provided the facility continues to operate as a resort and all of the following criteria are met.

- (1) Setbacks. Replacement structures, including lodges, shall not be placed closer to any waterbody or setback than the existing structure.
- (2) Structure elevation and height.
 - (a) Replacement structures shall meet elevation requirements according to *Sections 10.1 and 10.2.11 B (1) of this Ordinance* and height requirements according to *Section 10.2.11 A of this Ordinance*;
 - (b) For resorts established prior to December 18, 2007, structures not meeting the setbacks established in *Section 10.2.11 A of this Ordinance* shall only be replaced with structures with the same or lesser height of building, notwithstanding the provisions of *Section 10.2.23 D (3) of this Ordinance*.
- (3) Increase in Footprint. Replacement structures shall not increase the original structure footprint, except as follows:
 - (a) An increase in the structure footprint may be permitted to comply with minimum federal, state, or local dwelling standards or codes, provided there is no increase in structure footprint lakeward and no increase in structure width as measured parallel to the shoreline;
 - (b) The replacement structure shall not include additional or new architectural elements, such as balconies, bedrooms, decks or lofts;
 - (c) Within the first tier, a replacement structure that is relocated outside the shore impact zone and moved landward to comply with setbacks from wetlands, bluffs, land below the ordinary high water level of public waters, and sewage treatment systems, may be permitted an increased structure footprint, provided:
 - (aa) It conforms with the total surface area allowed to be covered by structures in each tier as calculated in *Section 10.2.23G(3) of this Ordinance*; and
 - (bb) The impervious surface coverage within the first tier shall not exceed twenty-five (25) percent.
- (4) Natural vegetation. A specified area within the resort shall be restored and maintained in a natural state consistent with the following requirements:
 - (a) For developments with less than fifty (50) percent of the shore impact zone currently in a natural state at least ten

- (10) percent of the shore impact zone and shoreline shall be restored to its natural state for each structure that is being replaced until a minimum of fifty (50) percent of the shore impact zone is restored
- (b) For developments with at least fifty (50) percent of the shore impact zone currently in a natural state, this condition shall be preserved and maintained in accordance with an approved plan.
- (5) Erosion control and stormwater management.
- (a) An erosion control plan pursuant to *Section 7.5 of this Ordinance* is required;
- (b) A stormwater management plan that addresses stormwater runoff from all structures and associated impervious surfaces shall be developed using best management practices and designed and installed in accordance with the Minnesota Pollution Control Agency's current stormwater management manual. Such practices may include, but shall not be limited to, filter strips, infiltration basins, rain gardens and other conservation designs. The minimum BMP's shall meet the following requirements:
- (aa) The 10 year, 24 hour presettlement discharge rate for all conveyance systems and discharges to water bodies or onto other properties.
- (bb) Infiltrate the first 1/2 inch of runoff on all existing and newly created impervious surfaces.
- (cc) Runoff volume of water leaving the property is not increased from existing conditions at time of application.
- (6) Shoreline recreation facilities shall meet the requirements of *Section 10.2.23 F of this Ordinance*.
- (7) The shore impact zone, based on normal structure setbacks, shall be included as open space and at least 50 percent of the shore impact zone shall be preserved in its natural state. Additionally, a minimum of 50 percent of the total lot area shall be dedicated as open space.
- (8) Resorts shall be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems shall be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Pollution Control Agency and Stearns County. On-site sewage treatment systems shall be located on the most suitable areas of the development, and sufficient lawn area, free of limiting factors, shall be provided for a replacement soil treatment system for each sewage system.
- (9) Structures, parking areas and other facilities shall be treated to reduce visibility as viewed from public waters and adjacent shoreland by vegetation, topography, increased setbacks, color or other means acceptable to the County, assuming summer, leaf-on

conditions. Vegetation and topographic screening shall be preserved, if existing, or may be required to be provided.

- (10) Accessory structures and facilities, except water oriented accessory structures, shall meet the required structure setback and shall be centralized.
- (11) Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in *Section 10.2.11 B (2) of this Ordinance* and are centralized.
- (12) Parking shall meet the requirements of *Section 7.15 of this Ordinance*, unless otherwise approved by the Planning Commission. Parking of vehicles and trailers shall be limited to designated parking areas.

E. Resort expansion.

Pursuant to *Section 4.8 of this Ordinance*, existing resorts may be allowed to expand so long as the facility continues to operate as a resort and all of the following criteria are met:

- (1) Allowable density. There is available additional density as calculated in *Section 10.2.23 G (3) of this Ordinance*, and the expansion will not exceed the allowed density.
- (2) The impervious surface coverage shall not exceed twenty-five (25) percent within the total resort area and in any tier.
- (3) Structure setbacks and maximum heights.
 - (a) Resorts created after December 18, 2007 shall comply with the following standards:

(aa) Minimum setbacks:

Shoreland Class	OHWL Setbacks
Natural environment	200
Recreational development	150
General development	120
Forested and transition river	150
Agricultural, urban, and tributary river segments	100

(bb) Height restrictions pursuant to *Section 10.2.11C of this Ordinance* are met

- (b) Resorts in operation prior to December 18, 2007 shall comply with the following standards:

aa) Minimum setbacks:

Shoreland Class	OHWL Setbacks
Natural environment	200

Recreational development	100
General development	75
Forested and transition river	150
Agricultural, urban, and tributary river segments	100

bb) Height restrictions pursuant to *Section 10.2.11C of this Ordinance* are met

- (4) On-site water supply and sewage treatment systems shall be designed and installed to meet or exceed applicable standards and rules of the *Stearns County Sewage Treatment Ordinance Number 198; or successor ordinance.*
- (5) Where applicable, a marina permit has been obtained from the Department of Natural Resources pursuant to *Minnesota Rules, part 6115.021; or successor rules.*
- (6) Natural vegetation. A specified area within the resort shall be restored and maintained in a natural state consistent with the following requirements:
 - (a) For developments with less than fifty (50) percent of the shore impact zone currently in a natural state at least ten (10) percent of the shore impact zone and shoreline shall be restored to its natural state for each structure that is proposed under the expansion until a minimum of fifty (50) percent of the shore impact zone is restored
 - (b) For developments with at least fifty (50) percent of the shore impact zone currently in a natural state, this condition shall be preserved and maintained in accordance with an approved plan.
- (7) Erosion control and stormwater management.
 - (a) An erosion control plan pursuant to *Section 7.5 of this Ordinance* is required;
 - (b) A stormwater management plan that addresses stormwater runoff from all structures and associated impervious surfaces shall be mitigated using best management practices designed and installed in accordance with the Minnesota Pollution Control Agency's current stormwater management manual. Such practices may include, but shall not be limited to, filter strips, infiltration basins, rain gardens and other conservation designs. The minimum BMP's shall meet the following requirements:
 - (aa) The 10 year, 24 hour presettlement discharge rate for all conveyance systems and discharges to water bodies or onto other properties.
 - (bb) Infiltrate the first 1/2 inch of runoff on all existing and newly created impervious surfaces.

- (cc) Runoff volume of water leaving the property is not increased from existing conditions at time of application.
- (8) Shoreline recreation facilities shall meet the requirements of *Section 10.2.23 F of this Ordinance*.
 - (9) The shore impact zone, based on normal structure setbacks, shall be included as open space and at least 50 percent of the shore impact zone shall be preserved in its natural state. Additionally a minimum of 50 percent of the total lot area shall be dedicated as open space.
 - (10) Resorts shall be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems shall be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Pollution Control Agency and Stearns County. On-site sewage treatment systems shall be located on the most suitable areas of the development, and sufficient lawn area, free of limiting factors, shall be provided for a replacement soil treatment system for each sewage system.
 - (11) Structures, parking areas and other facilities shall be treated to reduce visibility as viewed from public waters and adjacent shoreland by vegetation, topography, increased setbacks, color or other means acceptable to the County, assuming summer, leaf-on conditions. Vegetation and topographic screening shall be preserved, if existing, or may be required to be provided.
 - (12) Accessory structures and facilities, except water oriented accessory structures, shall meet the required structure setback and shall be centralized.
 - (13) Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in *Section 10.2.11 B (2) of this Ordinance* and are centralized.
 - (14) Parking shall meet the requirements of *Section 7.15 of this Ordinance*, unless otherwise approved by the Planning Commission. Parking of vehicles and trailers shall be limited to designated parking areas.

F. Shoreline recreation facilities.

Shoreline recreation facilities provided by a resort shall comply with all of the following provisions:

- (1) All shoreline recreation facilities shall comply with *Minnesota Rules, part 6115.0210*; or successor rules.
- (2) Shoreline recreation facilities, including but not limited to beaches, docks, swimming areas, and watercraft mooring and launching facilities, shall be clustered or grouped in suitable areas. Evaluation of suitability shall include consideration of land slope, type of resort, water depth, aquatic and shoreland vegetation, soils, depth to groundwater and bedrock, and other relevant factors;

- (3) Watercraft mooring and launching facilities shall be located adjacent to the deepest water available and avoid or minimize impacts to aquatic vegetation;
- (4) Continuous docking space of watercraft shall only be used by transient, short-term lodgers at the resort and shall be limited to one mooring space for each authorized dwelling unit(s) or campsite(s). The resort licensee may also have one dock for personal use;
- (5) If the waterbody does not have a public access, boat launching facilities, including a ramp and small dock for loading and unloading equipment, may be provided for use by resort guests or the general public;
- (6) Non-guest vehicles shall be parked so they are screened by vegetation or topography as much as practical from view from the water.
- (7) Unless approved by the Planning Commission in accordance with *Section 4.8 of this Ordinance*, shoreline recreation facilities for new resorts pursuant to *Section 10.2.23C of this Ordinance* shall be no larger than 35% of the total shoreline. In determining whether the proposed shoreline recreation facility can exceed 35%, the Planning Commission will consider, but not be limited to, the following: aquatic and shoreline vegetation, topography, type of resort, stormwater management and vegetative buffer, water depth, soils, depth to groundwater and bedrock, and other relevant factors.

G. Development density.

The allowable development density for resorts shall be determined as follows:

- (1) The tract of land occupied by the resort shall be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward. The distance to be used to determine the interval of each tier shall be taken from the following table:

Shoreland Class - Tier	Tier Interval (feet)
General Development Lakes - First Tier (Nearshore Area)	200
General Development Lakes - Second Tier (Lakeview Area)	267
Recreational Development Lakes - First Tier (Nearshore Area)	267
Recreational Development Lakes - Second Tier (Lakeview Area)	267
General and Recreational Development – 3rd Tier (Forestview Area)	all remaining lot area
All River classes – One Tier Only	300

- (2) The appropriate surface area ratio that can be covered by structures shall be determined from the following table:

Shoreland Class	Surface Area Ratio
General Development Lakes - First Tier (Nearshore Area)	0.125
General Development Lakes - Second Tier (Lakeview Area)	0.075
Recreational Development Lakes - First Tier (Nearshore Area)	0.075
Recreational Development Lakes - Second Tier (Lakeview Area)	0.075
General and Recreational Development – 3rd Tier (Forestview Area)	0.075
Natural Environment Lakes - All Tiers	0.038
All River classes – One Tier Only	0.038

- (3) The total land area within each tier, excluding all wetlands, bluffs, and any land below the ordinary high water level of public waters, shall be multiplied by the appropriate surface area ratio from *Section 10.2.23G(2) of this Ordinance* and applied as follows: The resulting quantity shall be the total land surface area that can be covered by structure within each tier; except

- (a) For recreational campgrounds, the total land area within each tier, excluding all wetlands, bluffs, and any land below the ordinary high water level of public waters, shall be divided by a minimum of four hundred (400) square feet for each campsite and two thousand (2,000) square feet for each mobile home or recreational vehicle site in order to determine the land surface area that can be covered.

- (4) Allowance for higher densities.

- (a) Higher densities may be allowed in the second and third tiers on general development and recreational development lakes based on exceeding the design criteria set forth in *Section 10.2.23C (1) g of this Ordinance*; or
- (b) On those lakes where over fifty (50) percent of the shore impact zone is permanently protected in its natural state, a higher density may be allowed for each tier;
- (c) Where a higher density is permitted under Items A and B above, the following table shall be used in lieu of the table in *Section 10.2.23 G (2) of this Ordinance* to determine the appropriate surface area ratio used to calculate the total land surface area that can be covered by structures within each tier in *Section 10.2.23 G (3) of this Ordinance*:

Shoreland Class	Surface Area Ratio
General Development Lakes - all tiers	0.125
Recreational Development Lakes - first tier (Nearshore Area)	0.075

Recreational Development Lakes - second and third tier	0.100
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- (5) Allowable densities may be transferred from any tier to any other tier further from the shoreline of the lake or river, but shall not be transferred to any other tier closer to the shoreline.

H. Conversions.

This section does not apply to resorts pursuant to *Section 10.2.23 D and E of this Ordinance*. Existing resorts may be converted to a planned unit or residential development provided the following standards are met:

- (1) Conversions to planned unit developments shall be evaluated using the procedures and standards set forth in *Section 10.2.23A,B,C,F and G of this Ordinance*. All inconsistencies between existing features of the resort and the standards in *Section 10.2.23A,B,C,F and G of this Ordinance* shall be identified and corrected;
- (2) For conversions to residential lots, all inconsistencies between existing features of the resort and the standards in *Section 10.2.23H(3) and (4) of this Ordinance* shall be identified and corrected, except that deficiencies in suitable area may be addressed using approved mitigation measures. Dwelling units or dwelling site densities shall meet the standards in *Section 10.2.8 of this Ordinance* for conversions to residential lots.
- (3) Deficiencies in water supply and sewage treatment, impervious surface coverage, common open space, and shore recreation facilities shall be corrected pursuant to applicable standards as part of the conversion.
- (4) Shore and bluff impact zone deficiencies shall be corrected pursuant to applicable standards as part of the conversion. Where necessary, these improvements shall include the following:
 - (a) Removal of extraneous buildings, docks, boat launching areas and ramps or other facilities located in shore or bluff impact zones in order to comply with all the standards for a new residential or planned unit development, including but not limited to setbacks and shoreland alterations and restorations; and
 - (b) Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water to meet the shoreland vegetation buffer standards in *Section 10.2.23C1(i) of this Ordinance*.

- (5) Maintenance of resort status.

In order to continue to qualify as an established resort pursuant to these regulations, the owner/operator of a resort created pursuant to *Section 10.2.23C of this Ordinance* shall comply with the following reporting and performance standards:

- (a) An annual report, detailing the use of the facility and all dwelling units shall be filed with the Director.
 - (aa) The report shall document any personal use of the facility by the owner/operator or any investors, and all rental use by guests, for each dwelling-unit; and
 - (bb) The report shall document any restrictions placed on the personal use of the facility by the owner/operator or any investors.
- (b) No resort shall adopt, create or modify covenants or other deed-registered instruments affecting the property occupied by the resort, without a determination by the Planning Commission pursuant to *Section 4.8 of this Ordinance* that such instruments fully comply with the definition of a resort as established herein.
- (c) The owner/operator of a resort shall inform all investors, if any, of the potential for any or all dwelling units to be moved or removed in compliance with *Section 10.2.23 H (5) of this Ordinance*, should the resort cease to operate as a resort pursuant to these regulations. A copy of such notice shall be recorded with the deed for the parcel on which the resort is located.

10.2.24 Shoreland Nonconformities

Nonconforming uses, structures and lots within the Shoreland Overlay District shall be managed in accordance with *Section 5 of this Ordinance*.

10.2.25 Islands

Residential dwellings shall be prohibited on all islands, whether shown or not shown on the zoning map.

10.2.26 Compliance Inspections

A compliance inspection for existing sewage treatment systems shall be conducted prior to the issuance of any permit or granting or denying of any variance for property located in Shoreland. Sewage treatment systems found to be in non-compliance must be upgraded as required by *Stearns County Ordinance Number 198; or successor ordinance*.

10.3 Open Space Cluster Development District

10.3.1 Purpose

The purpose of this overlay District is to manage the unique natural resources that are located in the Priority Areas for Rare Species and Natural Communities found in Stearns County through the clustering of residential development and dedication of open space. The Open Space Cluster Development District shall be an overlay District consistent with the boundaries of the Priority Areas for Rare Species and Natural Communities in Stearns County as shown on the *Minnesota County Biological Survey Map Series No. 19(1999) for Stearns County, Minnesota*. Lands within this District shall also be subject to a primary zoning district and, if applicable, the Shoreland Overlay District and the Floodplain Overlay District.

10.3.2 District Application

The Open Space Cluster Development District shall be superimposed upon all zoning districts and its jurisdictional boundary shall be those areas designated as priority areas for rare species and natural communities in Stearns County as shown on the *Minnesota County Biological Survey Map Series No. 19(1999) for Stearns County, Minnesota* that is attached to this Ordinance as Appendix C.

10.3.3 Permitted Uses

Uses permitted in the Open Space Cluster Development District shall be those uses allowed as permitted, provisional, accessory, conditional or interim in the primary zoning district or any applicable overlay district.

10.3.4 Residential Density Requirements

The number of Single Family Residential Dwellings allowed shall not exceed the total number permitted under the Residential Density Requirements of the primary zoning district or any applicable overlay district, whichever is more restrictive.

10.3.5 Residential Subdivision Requirements

All residential subdivisions of land in which two or more Single Family Residential Dwellings are proposed to be located within the Open Space Cluster Development District shall be clustered and meet the Open Space Development provisions of *Section 7.14 of this Ordinance*.

10.3.6 Residential Density Bonus

In those primary districts in which a 50% density bonus is allowed for clustering, an additional 50% density bonus may be allowed in the Open Space Development District provided:

- A. Residential densities are not transferred into the Open Space Development District.
- B. Steps are taken to avoid or minimize any impacts to the unique biological areas.

- C. Preservation of the unique biological areas is taken into consideration as part of the approval process of any Open Space development.

SECTION 11 ENFORCEMENT

- 11.1 Purpose.** The purpose of this Section is to provide an administrative process for enforcing the provisions of the Stearns County Land Use and Zoning Ordinance and for determining and resolving ordinance violations. This administrative process is established pursuant to authority granted by *Minnesota Statutes, chapter 394; or successor statutes.*
- 11.2 Reasonable Investigation.** Alleged ordinance violations shall be referred to the Director. The Director, or the Director's designee, shall make a reasonable investigation and determine whether or not a violation exists. If it is determined that a violation exists, then a violation report shall be prepared establishing the facts supporting the determination that an ordinance violation exists. The Director or the Director's designee may also prepare an administrative order setting forth, as a minimum, the following:
- (1) the action required on the part of the property owner to eliminate or resolve the violation; and
 - (2) a reasonable time in which the violation must be remedied; and
 - (3) informing the property owner of their right to appeal the order and determination to the Board of Adjustment within (10) days of their receipt of the administrative order.
- 11.3 Service of Order and Report; Record.** If an administrative order is drafted, then the Director shall serve the order and report upon the record owner of the property upon which the violation exists. Service of the order shall be made by personal service in the same manner as in a civil action. Service of subsequent documents shall be made by mail and shall be deemed effective upon depositing such documents in the United States Mail with proper postage affixed and prepaid and addressed to the record owner of the property at the address on file with the County Auditor-Treasurer for sending property tax statements or such other address as may be provided by the record owner in writing. The violation report shall constitute the administrative record supporting determination of the violation and issuance of the administrative order.
- 11.4 Appeal of Determination and Administrative Order.** Upon service of the violation report and administrative order, the record owner of the property shall have ten (10) business days to appeal the order and determination of violation by the Director to the Board of Adjustment pursuant to *Minnesota Statutes, section 394.27, subdivision 6; or successor statutes.* Appeal shall be taken by serving written notice of intent to appeal, specifying the grounds on which the appeal is taken, on the Department within said ten (10) business day period. The Department shall accept service of notice of such appeal on behalf of the Board of Adjustment. If no appeal is taken, then both the facts established in the report and the administrative order shall be deemed a final decision.
- 11.5 Hearing Before the Board of Adjustment; Findings and Decision.** If written notice of appeal is received as provided in *Section 11.4 of this Ordinance,* then the

Director shall schedule a hearing on said appeal before the Board of Adjustment at the earliest practicable time and consistent with the provisions of the *Stearns County Land Use and Zoning Ordinance Number 209* and applicable state law. Public notice of the hearing shall be given as provided by *Minnesota Statutes, section 394.26 or successor statutes*. The Board of Adjustment shall conduct the hearing and may develop hearing procedures consistent with *Stearns County Ordinance Number 208; or successor ordinances*, and with state law. The Director or the Director's designee shall present the report establishing the violation and any additional facts, testimony or information as may be available to support the Director's determination. The record owner of the property may present facts, testimony or information supporting the appeal. The public shall also be given a chance to present facts, testimony and information. The Board of Adjustment may take and consider all testimony and information that it deems relevant in making its decision. The Board of Adjustment shall make a record capable of being transcribed of the proceedings and shall preserve all written and pictorial information presented and received at the hearing. Upon conclusion of the hearing, the Board of Adjustment may, in whole or in part, uphold the order, reverse the order or amend the order. The Board of Adjustment shall make written findings of fact and state the reasons for its decision in writing. Said Findings and Decision shall constitute the final decision of the Board of Adjustment.

11.6 Notice of Decision; Appeal to District Court. The Findings and Decision of the Board of Adjustment shall be mailed to the appellant with the proper postage affixed and prepaid and addressed to the record owner at the address on file with the County Auditor-Treasurer for sending property tax statements or such other address as may be provided by the record owner in writing. Once mailed, the Findings and Decision shall serve as the appellant's notice of the decision. Said notice shall be deemed effective, with respect to the appellant record owner, three (3) days after the Findings and Decision are deposited in the United States Mail. The Findings and Decision shall also be posted on the County's official notice board for three (3) days and shall serve as notice of the decision to the public. A copy of the Findings and Decision shall also be made available for public inspection in the Office of the Director. Any aggrieved person may appeal the decision of the Board of Adjustment to the District Court, pursuant to *Minnesota Statutes, section 394.27, subdivision 9; or successor statutes*, within thirty (30) days of notice of the decision.

11.7 Enforcement of Final Decisions; No Remedy Exclusive. Pursuant to *Minnesota Statutes, section 394.27; or successor statutes*, the County Attorney may institute such actions as may be necessary to enforce final decisions issued hereunder. This enforcement method is not exclusive, but is in addition to any other right, remedy or cause of action the County may have to eliminate or resolve violations of this Ordinance. All such rights, remedies and causes of action may, in the County's sole discretion, be exercised separately or in conjunction with one another and with such frequency as the County deems appropriate.

- 11.8 Circumstances Constituting a Violation.** Any person, firm or corporation who violates any of the provisions of this Ordinance, or who fails, neglects or refuses to comply with the provisions of this Ordinance, including violations of conditions and safeguards established in connection with the granting of variances, constructions site permits, shoreland alteration permits and conditional and interim use permits or failures to comply with restoration orders, or who knowingly makes any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed \$1,000 or by imprisonment not to exceed 90 days, or both. Each day that a violation continues shall constitute a separate offense. Custodial arrest shall not be used as a means of enforcing this Ordinance.
- 11.9 Remedies Available.** In the event of a violation or a threatened violation of this Ordinance, the Director, in addition to other remedies, may institute appropriate civil actions or proceedings to prevent, prosecute, restore, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the County Attorney to institute such action.

SECTION 12 FEES

To defray the administrative costs of processing requests of this Ordinance, a fee not exceeding administrative costs shall be paid by the applicant. Such fee shall be determined by the County Board of Commissioners.

- 12.1 Non-payment of Fees.** If any fee required to be paid to the County to defray the cost of services related to administer this Ordinance is not paid by an applicant, the Board may certify to the County Auditor-Treasurer by November 30 all unpaid, outstanding fees and a description of the lands against which the costs arose. It shall be the duty of the County Auditor-Treasurer, upon order of the County Board, to extend the assessments with interest not to exceed the interest rate provided for in *Minnesota Statutes, section 279.03, subdivision 1; or successor statutes*, upon the tax roles of the County for the taxes of the year in which the assessment is filed. For each year ending November 30, the assessment with interest shall be carried into the tax becoming due and payable in January of the following year, and shall be enforced and collected in the manner provided for the enforcement and collection of real and/or personal property taxes in accordance with the provisions of the laws of the State of Minnesota. The assessment, if not paid, shall become delinquent and be subject to the same penalties and the same rate of interest as the taxes under the general laws of the State of Minnesota.
- 12.2 Appeals.** Appeals of the imposition of fees associated with administering this Ordinance shall be heard by the Environmental Service Fee Appeals Panel according to the following steps.

- A. The Director shall accept written applications for appeals of fees to the Environmental Service Fee Appeals Panel and forward said applications to the appeals panel.
- B. The appeals application shall contain supporting facts and documentation in sufficient detail to allow a determination as to whether the facts warrant granting an appeal.
- C. The appeals panel shall consider and decide appeals. The decisions of this panel shall be final. The appeals panel may uphold the imposition of fees, modify or forgive fees based upon whether or not there were administrative or clerical errors on the part of the County, whether or not the applicant actually applied for an/or received a County service or if there are exceptional circumstances under which the strict enforcement of this Section would cause undue hardship and would be unreasonable, impractical or not feasible.
- D. The Director shall notify the appellant of the decision and shall schedule a public hearing with the Board for all appeals which have been denied and which are to be placed upon the tax roles of the County.

SECTION 13 EFFECTIVE DATE

This Ordinance shall be in full force and effect on April 21, 2000.

SECTION 14 REPEALER

- 14.1** The following Stearns County Ordinances are hereby repealed:
 - A. Stearns County Shoreland Management Ordinance Number 207, adopted on March 17, 1998, is hereby repealed.
 - B. Stearns County Floodplain Management Ordinance Number 147, adopted on September 6, 1988, and all amendments thereto, is hereby repealed.
 - C. Stearns County Animal Feedlot and Manure Management Ordinance Number 202, adopted on August 24, 1998, is hereby repealed.
 - D. Stearns County Mississippi Scenic Rivers Ordinance Number 37, adopted on June 21, 1977, and all amendments thereto, is hereby repealed.

- 14.2** The following Sections of Stearns County Subdivision Ordinance Number One are hereby repealed:
 - A. Section 4.9 is hereby repealed.
 - B. Section 4.10 is hereby repealed.
 - C. Section 4.11 is hereby repealed.
 - D. Section 4.12 is hereby repealed.
 - E. Section 4.13 is hereby repealed.
 - F. Section 4.14 is hereby repealed.

- 14.3** The transfer of residential dwelling sites as their use pertains to the following sections of this Ordinance is hereby prohibited: *Sections 7.3; 7.14; 9.1.7, 9.1.8, 9.1.9; 9.2.7, 9.2.8, 9.2.9; 9.3.7, 9.3.8, 9.3.9; 9.4.7, 9.4.8, 9.4.9; 9.5.7, 9.5.8, 9.5.9; 9.6.7, 9.6.8, 9.6.9; 9.7.7, 9.7.8 and 9.7.9.*

Stearns County Zoning Ordinance

PASSED BY THE STEARNS COUNTY BOARD OF COMMISSIONERS THIS
28th DAY OF MARCH, 2000.

APPROVED:

Mark Sakry, Chair
Stearns County Board of Commissioners

ATTEST:

Randy R. Schreifels
Stearns County Auditor-Treasurer
Clerk of the Board
Stearns County Board of Commissioners

APPENDIX A LAND EVALUATION SITE ASSESSMENT SYSTEM

Appendix A, the Land Evaluation Site Assessment (LESA) rating system will be used as a tool to assist decision makers in assessing agricultural land in Stearns County. The County is making an effort, based upon the goals of our Comprehensive Plan, to promote agricultural preservation and manage non-farm rural residential development.

LESA is a numeric rating system for scoring sites to help make land use decisions. The Land Evaluation Site Assessment (LESA) System was designed specifically to assess where the best farmlands are located locally. The system provides an objective and consistent tool for evaluating the relative importance of specific sites for continued agricultural use.

There are two components to the LESA system; the Land Evaluation (LE) portion of the system based on soils and their characteristics, and the Site Assessment (SA) portion of the system which rates other attributes affecting a site's relative importance for agricultural use.

Factor – This term is used to label a group of attributes for both the LE and SA portions of the LESA system. Examples are soil potential or soil productivity for the LE portion, and farm size or scenic quality for the SA portion of LESA.

Soil Potential Rating (SPR)- This term indicates the relative quality of a soil, compared with other soils in the area, for a particular crop and considering predicted yields, the relative cost of applying modern technology to minimize the effect of any soil limitation, and the cost of continuing limitations.

In Stearns County a 100 point-factor scale was developed for the LE & SA characteristics and corresponding weights were assigned.

Weighting: This term refers to assigning a weight (for example 0-100%) to each factor in order to recognize the relative importance of each factor in the LESA system. The weight assigned to all factors should add up to 100%

Land Evaluation

Using a combination of LE factors (Soil Potential, Land Capability Class & Important Farmland designation) a factor scale was developed. This method yields a relative value for each soil on the site, which ranges between 0-100. The relative value approach is a deviation from the method described in the LESA manual, but more accurately reflects the local understanding of soil production capabilities in the County.

Using the combined factors to yield a relative value scale, the only weight to consider is that of the relative value. With the importance of protecting highly valued farm land and the right to farm as critical issues as determined by the Comprehensive Planning process it was agreed by LESA Committee that the LE portion should be considered equally across the County and represent ½ of the points within the LESA system (weight = 50%).

Stearns County - Forms

Site Assessment

Site Assessment rates non-soil factors affecting a site's relative importance for agricultural use. Potential development sites in which a land use change is contemplated are evaluated against factors in three general categories (SA-1 through SA-3).

SA-1 factors measure non-soil site characteristics related to the potential for agricultural productivity or farming practices. The total weight assigned to the SA-1 factor is 25%.

Compatibility with adjacent uses. Adjacent land uses affect the ability of a farmer to conduct normal farming practices without incurring complaints. The more compatible the adjacent uses are, the more flexibility a farmer has to change crops and practices and to remain in agricultural use. Therefore a farm with more compatible uses on the perimeter than another farm will rank higher on the SA scale. The SA Committee determined that *uses* would be either conflicting or non-conflicting. The determination of a somewhat conflicting use became too subjective and thus difficult to replicate.

Compatibility with surrounding (non-adjacent) uses. This factor relates more to the character of area. Certain agricultural operations or practices may affect or may be affected by non-adjacent uses. Examples: Feedlots, spraying activities, night operations, moving equipment on roadways, for the farmer an increased problem with trespass or dogs harassing livestock.

A Conflicting use is considered to be a parcel that is classified by the tax system as residential, or a commercial or institutional property (non-agriculturally related) as determined upon site inspection.

All other uses would be considered non-conflicting such as agriculture, agriculturally related commercial/industrial, forestry (woodlands), power stations, mining or extractive use.

Percent of site suitable to farm. This factor emphasizes the sites long-term agricultural resource value opposed to its current use. The more farmland available to farm the more likely the farm will remain viable.

Relationship of property to feedlots and animal units. This factor compares the relationship of the property to the number of animal units within one (1) mile and the number of feedlots within one (1) mile. An increase in the number of residences in an agricultural area affects the ability of a farmer to conduct normal farming practices without incurring complaints. It was determined that both the number of animal units and the number of feedlots are directly linked to this relationship.

SA-2 factors measure development or conversion pressures on a site. The total weight assigned to the SA-2 factors is 17.5%.

Compatible with Land Use Plan. This factor measures whether a site has been designated for agricultural in a land use program. The designation itself is a general measure of a site's relative value to remain in agriculture.

Stearns County - Forms

Distance to public sewer and water. These factors assess the potential conversion of agricultural land based on the proximity of the site to public sewer and water. Because non-farm residential development is considered incompatible with agricultural uses, the number of potential conflicts in rural areas will be minimized when development occurs nearer a municipally serviced area.

Type of Road Access. Access to a transportation system is a consideration in the location of all types of land uses. The higher the level of access the more potential for varied land uses. Locating residential development on higher level roads will allow for better circulation within the system. Allowing non-farm residential development along rural roads may necessitate the upgrading and widening of rural roads. This may result in the further loss of farmland, loss of rural character, and increased traffic on rural roads.

SA-3 factors measure the public values of a site, such as historic, cultural, scenic, or Environmental values. The total weight assigned to the SA-3 factors is 7.5%.

Environmentally Sensitive Areas (ESA). This factor is designed to take into account engineering and design practices that will reduce development impacts on the environment. If the site under consideration has an ESA noted within one mile it is less likely to be converted to another use if protection of the resource is to the developers advantage.

Percent of site mapped on the National Wetland Inventory. Areas mapped on the NWI will be calculated.

Percent of site located within the Floodplain. There are limited uses for properties within a floodplain area. Farming is one of the few uses that may be compatible with retention of floodplain capacity to absorb and convey floodwaters. Therefore the more of a site that is located within a floodplain the more that the site should be retained in its agricultural use.

Using the worksheets of LESA score is calculated and compared to the **non- agricultural conversion threshold value of 65.**

Interpreting LESA Scores

Land Evaluation Site Assessment scores are used as a tool to help set policy or to make land-use or other decisions. A LESA score of less than the threshold number means that the land is not as valued for agricultural preservation purposes, and may be converted to another land use. The LESA score only reflects its value as agricultural property; it does not necessarily reflect its value for any other land use.

Land Evaluation and Site Assessment: A guidebook for rating Agricultural Lands, Second Edition. Prepared for the NRSC by Pease & Coughlin, 1996 Ankeny, Iowa

Stearns County - Forms

Site Assessment Summary

Property Owner _____ Date of Application _____

Township _____ Section _____ Acreage _____

SA-1 Factors

Measure of Productivity Maximum points-25/50

- 1. Compatibility of existing agricultural land with Surrounding Land Uses
 - a.) Adjacent **Pts. Avail. 7.5** = _____
 - b.) Non-Adjacent **Pts. Avail. 5.0** = _____
- 2. Percent of Site Suitable to Farm **Pts. Available 5.0** = _____
- 3. Relationship of property to feedlots and animal units
 - a.) Animal units within 1 mile **Pts. Available 4.5** = _____
 - b.) Animal feedlots within 1 mile **Pts. Available 3.0** = _____

SA – 1 Total _____

SA-2 Factors

Measure Development Pressures Impacting a Site’s Continued Agricultural Use.
Maximum points-17.5/50

- 1. Compatible with Land Use Plan **Pts. Available 7.5** = _____
- 2. Distance to Public Services
 - a.) Water **Pts. Avail. 3.0** = _____
 - b.) Sewer **Pts. Avail. 3.0** = _____
- 3. Type of Road Access **Pts. Available 4.0** = _____

SA – 2 Total _____

SA-3 Factors

Public Values of a Site Supporting Retention in Agriculture. Maximum points-7.5/50

- 1. Environmentally Sensitive Areas within one (1) mile **Pts. Available 2.5** = _____
- 2. Percent of Site mapped on the National Wetland Inventory **Pts. Available 2.5** = _____
- 3. Percent of Site located within the Floodplain **Pts. Available 2.5** = _____

SA-3 Total _____

Total Site Assessment Score = _____

SITE ASSESSMENT WORKSHEET

Total SA Points Available = 50

SA-1 Factors – Measure of Productivity (Points Available=25/50)

1. Compatibility of existing agricultural land with Surrounding Land Uses

Methods: on-site visit, tax classification **Maximum Points 12.5**

	<i>Ratio</i>	<i>% of Points</i>		
		<i>Available</i>	<i>(a)</i>	<i>(b)</i>
a.) Adjacent Maximum Points: 7.5				
Formula: $\frac{\# \text{ of conflicting land uses}}{\text{Area of LESA site}} = \text{ratio}$	0	100	7.5	5.00
	0.01-0.05	90	6.75	4.50
	0.06-0.10	80	6.0	4.00
	0.11-0.15	70	5.25	3.50
	0.16-0.20	60	4.5	3.00
b.) Non-Adjacent* Maximum Points: 5	0.21-0.25	50	3.75	2.50
Formula: $\frac{\# \text{ of conflicting land uses}}{\text{Area of LESA site}} = \text{ratio}$	0.26-0.30	40	3.00	2.00
	0.31-0.35	30	2.25	1.50
	0.36-0.40	20	1.50	1.00
	0.41-0.50	10	0.75	0.50
	>0.50	0	0	0

* Within 1/2 mile of the edge of the property

2. Percent of Site Suitable to Farm **Maximum Points: 5**

Methods: Natural Resources Conservation Service

Farm #	Tract #	<i>Percent</i>	<i>Points</i>
		90-100%	5.0
		80-89%	4.5
		70-79%	4.0
		60-69%	3.5
		50-59%	3.0
		40-49%	2.5
		30-39%	2.0
		20-29%	1.5
		10-19%	1.0
		0-9%	0

Formula: $\frac{\# \text{ Acres suitable to farm}}{\text{Total site Acres}} (100) = \text{Percent}$

Stearns County - Forms

3. Relationship of property to feedlots and animal units **Maximum Points 7.5**

Methods: Environmental Services Database

a.) Animal units within 1 mile **Max. Points: 4.5**

<u>Animal Units</u>	<u>Points</u>
0 - 350	0
351 - 700	1.3
701 - 1200	2.26
1201 - 1700	3.39
1701 +	4.5

b.) Animal feedlots within 1 mile **Max. Points: 3.0**

<u>Animal Feedlots</u>	<u>Points</u>
0 - 2	0
3 - 5	0.75
6 - 8	1.5
9 - 11	2.25
12 +	3.0

SA-2 Factors – Measure Development Pressures Impacting a Site’s Continued Agricultural Use (Total Points Available=17.5/50)

1. Compatible with Land Use Plan **Maximum Points: 7.5**

Methods: (Twp/County) Comprehensive Plan

Question: *Is the site under consideration consistent with the Comprehensive Plan?* (If the site is shown as Agricultural on the Comprehensive Land Use Plan Map it is consistent)

<i>Answer</i>	<i>% of Points available</i>	<i>Points</i>
Yes	100	7.5
No	0	0

2. Distance to Public Services **Maximum points: 6**

Methods: check on general map check with local government

Availability of Municipal Water (3 points)

<i>Group 1*</i>			<i>Group 2**</i>		
<i>Distance (miles)</i>	<i>% of Points available</i>		<i>Distance (miles)</i>	<i>% of Points available</i>	
	<i>available</i>	<i>Points</i>		<i>available</i>	<i>Points</i>
>1.5	100	3.0	> 0.50	100	3.0
0.75-1.49	80	2.4	0.40-0.49	80	2.4
0.50-0.74	60	1.8	0.30-0.39	60	1.8
0.25-0.49	40	1.2	0.20-0.29	40	1.2
200’-0.24	20	.6	0.10-0.19	20	.6
<200’	0	0	<0.10	0	0

* Group 1: Areas serviced by the St. Cloud Municipal Treatment System (St. Cloud, St. Joseph, Sartell, Waite Park)

** Group 2 consists of all areas not serviced by the St. Cloud Municipal Treatment System

Availability of Municipal Sewer (3points)

<i>Group 1*</i>			<i>Group 2**</i>		
<i>Distance (miles)</i>	<i>% of Points Available</i>		<i>Distance (miles)</i>	<i>% of Points available</i>	
	<i>Available</i>	<i>Points</i>		<i>available</i>	<i>Points</i>
>1.5	100	3.0	> 0.50	100	3.1
0.75-1.49	80	2.4	0.40-0.49	80	2.4
0.50-0.74	60	1.8	0.30-0.39	60	1.8
0.25-0.49	40	1.2	0.20-0.29	40	1.2
200’-0.24	20	0.6	0.10-0.19	20	.06
<200’	0	0	<0.10	0	0

Stearns County - Forms

3. Type of Road Access **Maximum Points: 4**

<i>Road Type</i>	<i>% of Points available</i>	<i>Points</i>
Local (township, private)	100	4.0
Collector (arterial, county)	50	2.0
Arterial (trunk hwy, federal hwy)	0	0

SA-3 Public Values of a Site Supporting Retention in Agriculture
 (Total Points Available-7.5/50)

1. Environmentally Sensitive Areas within one (1) mile **Maximum Points: 2.5**
 Methods: check with County Biological Survey

Question: Is any part of the site listed on the County Biological Survey?

Answer	Points
No	0
Yes	2.5

2. Percent of Site mapped on the National Wetland Inventory (NWI)
 Methods- NWI maps **Maximum Points: 2.5**

<i>Percent</i>	<i>% of Points available</i>	<i>Points</i>
<25%	0	0
> or = 25%	25	0.63
> or = 50%	50	1.25
> or = 75%	100	2.50

3. Percent of Site Located within the Floodplain
 Methods- floodplains maps **Maximum Points: 2.5**

<i>Percent</i>	<i>% of Points available</i>	<i>Points</i>
<25%	0	0
> or = 25%	25	0.63
> or = 50%	50	1.25
> or = 75%	100	2.50

Stearns County - Forms

Soil Type	Name	agg	impfarm	Relative V	LE Value
25	Becker fine sandy loam	1	P	100	50
35	Blue Earth mucky slit loam	3	P(d)	84	42
36	Flom loam	3	P(d)	84	42
72	Shooker loam	3	P(d)	84	42
75	Bluffton loam	3	P(d)	84	42
109	Cordova loam	3	P(d)	84	42
114	Glencoe loam	3	P(d)	84	42
125	Beltrami loam	2	P	92	46
129	Cylinder loam	1	P	100	50
142	Nokay fine sandy loam	3	P(d)	84	42
181	Litchfield loamy sand	1	SW	100	50
183	Dassel sandy loam	6	P(d)	54	27
218	Watab loamy fine sand	6	O	54	27
236	Vallers loam	3	P(d)	84	42
255	Mayer loam	6	P(d)	54	27
260	Duelm loamy sand	1	O	100	50
261	Isan loamy sand	7	O	0	0
281	Darfur coarse sandy loam	3	P(d)	84	42
318	Mayer loam, depressional	6	P(d)	54	27
325	Prebish sandy loam, depressional	7	O	0	0
392	Biscay loam	6	P(d)	54	27
399	Biscay loam, depressional	6	P(d)	54	27
413	Osakis loam	1	SW	100	50
414	Hamel loam	3	P(d)	84	42
459	Corunna loam	3	P(d)	84	42
465	Kalmarville sandy loam, frequently flooded	7	O	0	0
511	Marcellon loam	2	P	92	46
525	Muskego muck	7	O	0	0
540	Seelyeville muck	7	O	0	0
541	Rifle mucky peat	7	O	0	0
543	Markey muck	7	O	0	0
544	Cathro muck	7	O	0	0
565	Eckvoll loamy sand	1	SW	100	50
566	Regal loam	6	P(d)	54	27
571	Coriff loam	3	P(d)	84	42
572	Lowlein sandy loam	4	P	81	40.5
582	Roliss loam	3	P(d)	84	42
597	Tara silt loam	2	P	92	46
848	Urban Land-Osakis complex	7	O	0	0
850	Urban Land-Dassel complex	7	O	0	0
873	Prebish-Nokay complex	6	P(d)	54	27
1013	Pits	7	O	0	0
1015	Psammments	7	O	0	0
1016	Udorthents	7	O	0	0

Stearns County - Forms

1018	Fordum	7	O	0	0
1029	Pits	7	O	0	0
1055	Histosols and Haplaquolls, ponded	7	O	0	0
1064	Rock Outcrop-Lithic Eutrochrepts	7	O	0	0
1805	Blue Earth Variant	7	O	0	0
1828	Glencoe muck	3	P(d)	84	42
1879	Seelyeville muck, calcareous	7	O	0	0
1880	Martisco mucky silt loam	7	O	0	0
1892	Prebish fine sandy loam	6	P(d)	54	27
119B	Pomroy fine sand, 1 to 6 percent slopes	1	SW	100	50
133B	Dalbo loam, 2 to 8 percent slopes	2	P	92	46
144B	Flak sandy loam, 4 to 8 percent slopes	4	P	81	40.5
144C	Flak sandy loam, 8 to 15 percent slope	4	SW	81	40.5
144E	Flak sandy loam, 15 to 25 percent slopes	7	O	0	0
155B	Chetek sandy loam, 1 to 6 percent slopes	1	SW	100	50
156A	Fairhaven loam, 0 to 2 percent slopes	1	P	100	50
156B	Fairhaven loam, 2 to 6 percent slopes	1	P	100	50
159B	Anoka loamy sand, 2 to 8 percent slopes	1	SW	100	50
163B	Brainard fine sandy loam, 1 to 4 percent slopes	4	P	81	40.5
179B	Langola loamy sand, 1 to 4 percent slopes	1	SW	100	50
180A	Gonvick loam, 1 to 2 percent slopes	2	P	92	46
180B	Gonvick loam, 2 to 4 percent slopes	2	P	92	46
1825C	Seelyeville muck, sloping	7	O	0	0
1842F	Cushing and Flak sandy loams, steep	7	O	0	0
1843C	Cushing-Demontreville complex, 8 to 15 percent	5	SW	60	30
1843E	Cushing-Demontreville complex, 15 to 25 percent	7	O	0	0
1902B	Jewett silt loam, 2 to 8 percent slopes	2	P	92	46
200B	Holdingsford sandy loam, 4 to 8 percent slopes	4	P	81	40.5
200C	Holdingsford sandy loam, 8 to 15 percent slopes	4	SW	81	40.5
204B	Cushing sandy loam, 2 to 8 percent slopes	2	P	92	46
204C	Cushing sandy loam, 8 to 15 percent slopes	4	SW	81	40.5
204E	Cushing sandy loam, 15 to 25 percent slopes	7	O	0	0
207B	Nymore loamy sand, 2 to 8 percent slopes	1	O	100	50
207C	Nymore loamy sand, 8 to 15 percent slopes	1	O	100	50
207E	Nymore loamy sand, 15 to 25 percent slopes	7	O	0	0
233B	Growton sandy loam, 1 to 4 percent slopes	2	P	92	46
292B	Alstad sandy loam, 1 to 4 percent slopes	2	P	92	46
327A	Dickman sandy loam, 0 to 2 percent slopes	1	SW	100	50
327B	Dickman sandy loam, 2 to 6 percent slopes	1	SW	100	50
32B	Nebish sandy loam, 2 to 8 percent slopes	2	P	92	46

Stearns County - Forms

32C	Nebish sandy loam, 8 to 15 percent slopes	4	SW	81	40.5
32E	Nebish sandy loam, 15 to 25 percent slopes	7	O	0	0
32F	Nebish sandy loam, 25 to 40 percent slopes	7	O	0	0
38B	Waukon loam, 2 to 6 percent slopes	2	P	92	46
38C	Waukon loam, 6 to 12 percent slopes	4	SW	81	40.5
38D	Waukon loam, 12 to 18 percent slopes	5	O	60	30
406B	Dorset sandy loam, 2 to 8 percent slopes	1	SW	100	50
406C	Dorset sandy loam, 8 to 15 percent slopes	1	O	100	50
406E	Dorset sandy loam, 15 to 25 percent slopes	7	O	0	0
41A	Estherville sandy loam, 0 to 2 percent slopes	1	SW	100	50
41B	Estherville loam, 2 to 6 percent slopes	1	SW	100	50
41C	Estherville sandy loam, 6 to 12 percent slopes	1	O	100	50
421B	Ves loam, 2 to 6 percent slopes	2	P	92	46
421C	Ves loam, 6 to 12 percent slopes	4	SW	81	40.5
446A	Normania loam, 1 to 3 percent slopes	2	P	92	46
446B	Normania loam, 3 to 5 percent slopes	2	P	92	46
453B	Demontreville loamy sand, 2 to 8 percent slopes	1	SW	100	50
453C	Demontreville loamy sand, 8 to 15 percent	1	O	100	50
454B	Mahtomedi loamy coarse sand, 2 to 8 percent	1	O	100	50
454C	Mahtomedi loamy coarse sand, 8 to 15 percent	1	O	100	50
454E	Mahtomedi loamy coarse sand, 15 to 25 percent	7	O	0	0
454F	Mahtomedi loamy coarse sand, 25 to 40 percent	7	O	0	0
461B	Koronis loam, 2 to 6 percent slopes	2	P	92	46
461C	Koronis loam, 6 to 12 percent slopes	4	SW	81	40.5
591B	Doland silt loam, 1 to 6 percent slopes	2	P	92	46
5A	Dakota loam, 0 to 2 percent slopes	1	P	100	50
5B	Dakota loam, 2 to 6 percent slopes	1	P	100	50
611C	Hawick loamy sand, 6 to 12 percent slopes	1	O	100	50
611D	Hawick loamy sand, 12 to 40 percent slopes	7	O	0	0
639A	Ridgeport sandy loam, 0 to 2 percent	1	SW	100	50
639B	Ridgeport sandy loam, 2 to 6 percent	1	SW	100	50
69B	Fedji loamy sand, 2 to 6 percent slopes	1	SW	100	50
7A	Hubbard loamy sand, 0 to 2 percent slopes	1	O	100	50
7B	Hubbard loamy sand, 2 to 6 percent slopes	1	O	100	50
7C	Hubbard loamy sand, 8 to 15 percent slopes	1	O	100	50
804D	Koronis-Estherville complex, 12 to 25 Percent	7	O	0	0
807D	Koronis-Sunburg complex, 12 to 25 percent	7	O	0	0
865B	Urban Land-Hubbard complex, 1 to 8 percent	7	O	0	0

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875B	Estherville-Hawick complex, 2 to 6 percent	1	SW	100	50
954C	Ves-Stroden loams, 6 to 12 percent slopes	4	SW	81	40.5
954D	Ves-Stroden loams, 12 to 18 percent slopes	5	O	60	30
999B	Ves-Estherville complex, 2 to 6 percent	4	SW	81	40.5
999C	Ves-Estherville complex, 6 to 12 percent	5	SW	60	30
999D	Ves-Estherville complex, 12 to 25 percent	5	O	60	30

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Stearns County LE Worksheet

Property Owner

Township:

Section(s)

Total Site Acreage:

Formula = # of Acres/ Total Acres (Associated Soil Type Value)

Soil Type	# Acres w/in soil type	Total Acres	Associated LE Value	Points
			#N/A	#DIV/0!
			#N/A	#DIV/0!
			#N/A	#DIV/0!
			#N/A	#DIV/0!
			#N/A	#DIV/0!
			#N/A	#DIV/0!
			#N/A	#DIV/0!
			#N/A	#DIV/0!
			#N/A	#DIV/0!
			#N/A	#DIV/0!

Total LE Score #DIV/0!

APPENDIX B FORMS
STEARNS COUNTY BOARD OF ADJUSTMENT
FINDINGS OF FACT WORKSHEET

An area variance may be granted only where the strict enforcement of county zoning controls will result in “practical difficulty”. A determination that a “practical difficulty” exists is based upon the consideration of the following criteria as defined by the Minnesota State Supreme Court in In re the Matter of the Decision of County of Otter Tail Board of Adjustment to Deny a Variance to Cyril Stadvold and Cynara Stasvold.:

Is the request a substantial variation from the intent of the zoning ordinance? Why or why not?

Will the request have an adverse effect on government services? Why or why not?

Will the requested variance effect a substantial change in the character of the neighborhood or will it result in a substantial detriment to neighboring properties? Why or Why not?

Is there a feasible method to alleviate the practical difficulty without need of a variance? (Economic considerations play a role in the analysis under this factor) Why or Why not?

How did the practical difficulty occur? Did the landowner create the need for the variance? Why or Why not?

In light of all the above factors, would denying a variance serve the interests of justice? Why or Why not?

**FINDINGS OF FACT
SUPPORTING/DENYING A VARIANCE**

Name of Applicant(s):

Date:

Variance Requested:

An area variance may be granted only where the strict enforcement of county zoning controls will result in "practical difficulty". A determination that a "practical difficulty" exists is based upon the consideration of the following criteria as defined by the Minnesota State Supreme Court in In re the Matter of the Decision of County of Otter Tail Board of Adjustment to Deny a Variance to Cyril Stadvold and Cynara Stasvold.:

1. Is the request a substantial variation from the intent of the zoning ordinance? Why or why not?

2. Will the request have an adverse effect on government services? Why or why not?

3. Will the requested variance effect a substantial change in the character of the neighborhood or will it result in a substantial detriment to neighboring properties? Why or Why not?

Is there a feasible method to alleviate the practical difficulty without need of a variance?
(Economic considerations play a role in the analysis under this factor) Why or Why not?

5. How did the practical difficulty occur? Did the landowner create the need for the variance?
Why or Why not?

6. In light of all the above factors, would denying a variance serve the interests of justice?
Why or Why not?

**IF ALL OF THE ANSWERS ARE "NO", THE CRITERIA FOR GRANTING THE VARIANCE
HAVE BEEN MET.**

Facts supporting the answer to each question above are hereby certified to be the Findings of the Board of Adjustment. APPROVED () DENIED ()

Date

Chair, Board of Adjustment

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**STATE OF MINNESOTA
COUNTY OF STEARNS**

**BOARD OF ADJUSTMENT
VARIANCE PROCEEDINGS
FILE NO. 00-xx**

In the matter of:

A request for variance by Applicant's name from Section # of the Stearns County name of ordinance Ordinance Number #, to state variance request. Said ordinance requires state ordinance requirements.

The above-entitled matter came to be heard before the Stearns County Board of Adjustment on the xxth day of Month, Year on a petition for a variance pursuant to the Stearns County name of ordinance Ordinance Number #.

PROPERTY ADDRESS:
PARCEL NO.
LEGAL DESCRIPTION:

IT IS ORDERED that the variance be granted/denied with the condition(s) that state any conditions.

Chair, Stearns County Board of Adjustment

STATE OF MINNESOTA)
) ss.
COUNTY OF STEARNS)

ENVIRONMENTAL SERVICES DEPARTMENT

I, Donald W. Adams, Director of the Stearns County Environmental Services Department, do hereby certify that I have compared the foregoing copy and Order granting this variance with the original record thereof preserved in my office, and have found the same to be a correct and true transcript of the whole thereof.

Dated this _____ day of _____, 2000.

Director, Environmental Serviced Department

**Stearns County Planning Commission
Worksheet for Findings of Fact**

In considering applications, the Planning Commission should pay careful attention to the relationship between the application, the County's Comprehensive Plan and the ordinances applicable to the proposal. Findings should be made in either granting or denying an application, and should reference specific sections of ordinance that apply to the project. Questions which you could be asking include, but are not limited to:

1. Is the proposal consistent with existing County ordinances? Specify the applicable section of the ordinance and discuss why or why not?

2. Is the proposed use compatible with the present and future land uses in the area of the proposal? Why or why not?

3. Does the proposal conform to all applicable performance standards contained in County ordinances? Identify appropriate sections of County ordinances that apply.

4. What are the potential environmental impacts of the proposal on the area in which it is proposed?

5. What are the potential environmental impacts of the proposal on the property values of the area in which it is proposed?

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6. What potential public health, safety or traffic generation impacts will the proposal have in relation to the area and the capabilities of the roads serving the area?

7. What are the potential impacts of the proposal on existing public services and facilities including parks, streets and utilities and what potential is there for the proposal to overburden the service capacity?

8. Does the proposal conform to the County's Comprehensive Plan? Why or why not?

9. Other issues pertinent to this matter.

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**STATE OF MINNESOTA
COUNTY OF STEARNS**

In re:

Application of **NAME**, for a **type of request** for a (**indicate nature and type of development**) of property (general Location).

On (MM/DD/YY), the Stearns County Planning Commission met at its regularly scheduled meeting to consider the application of (name) for a (nature of the application) for the development of (state what is being developed) on the property (restate general location) hereinafter referred to as (“property” or “Site”). Representative of (name of applicant) were present and the Planning Commission heard testimony from all interested parties wishing to speak at the meeting and now makes the following findings of Fact and Decision:

Findings of Fact

Identify standards or criteria for approval of the application. Describe how these standards or criteria have or have not been met by the proposal.

Factual findings (the proposed development meets or exceeds all of the setback requirements of the district)

Reports (Informational or testimony reports that you relied on in making your decision, traffic studies, noise studies, etc.)

Other Findings (Any other information that you relied upon, or that will serve to explain the rational basis for your decision)

Decision

Applicant’s request for approval of a (type of request) is hereby granted/ denied for the development of (general description of project) located (general Description) in accordance with and subject to the conditions of the plans, maps, designs, and all other documents referenced in ant provisions of the proposed development agreement between Stearns County and (applicant) attached hereto as Exhibit “A”.

Adopted the _____ day of _____, YEAR.

County of Stearns

Director, Stearns County Environmental Services

ATTEST:

Staff Person for meeting
Stearns County Environmental Services

