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Code 0078

WRIGHT COUNTY ZONING ORDINANCE

AN ORDINANCE REGULATING THE USE OF LAND IN WRIGHT COUNTY BY DISTRICTS, INCLUDING THE REGULATION OF THE LOCATION, SIZE, USE AND HEIGHT OF BUILDINGS, THE ARRANGEMENT OF BUILDINGS ON LOTS AND THE DENSITY OF POPULATION FOR THE PURPOSE OF PROMOTING THE PUBLIC HEALTH, SAFETY, ORDER, CONVENIENCE, AND GENERAL WELFARE OF WRIGHT COUNTY.

THE WRIGHT COUNTY BOARD DOES ORDAIN AS FOLLOWS:

SECTION 1. TITLE

101. This Ordinance which is the 1978 Amendment to the Wright County Zoning Ordinance shall be known, cited and referred to as the Wright County Zoning Ordinance.

SECTION 2. INTENT AND PURPOSE

201. This Ordinance is adopted for the purpose of:
- (1) protecting the public health, safety, morals, comfort, convenience and general welfare.
  - (2) promoting orderly development of the residential, commercial, industrial, recreational and public areas.
  - (3) conserving the natural and scenic beauty and attractiveness of the community.
  - (4) conserving and developing natural resources.
  - (5) providing for the compatibility of different land uses and the most appropriate use of land throughout the community.
  - (6) protect agricultural area.

SECTION 3. RULES AND DEFINITIONS

301. Rules

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- (1) The singular number includes the plural and the plural the singular.
- (2) The present tense includes the past and future tenses, and the future the present.
- (3) The word "shall" is mandatory, and the word "may" is permissive.
- (4) The masculine gender includes the feminine and neuter genders.
- (5) Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be constructed as set forth in such definition.
- (6) All measured distances expressed in feet shall be to the nearest tenth of a foot.
- (7) In the event of conflicting provisions within this ordinance, the more restrictive provision shall apply.

302. DEFINITIONS

The following words, and terms, whenever they occur in this Ordinance, are defined as follows:

- (1) Accessory Use or Structure - A use or structure or portion of a structure subordinate to and serving the principal use structure on the same lot and customarily incidental thereto. Detached accessory structures and garages on lots less than one acre shall not have a second story, must have no more than six (6) feet of headroom in a rafter storage area, and have a maximum 6/12 roof pitch. Accessory buildings and structures, individually and combined (not to include attached garages nor decks), on residential parcels smaller than 10 acres in size shall not exceed the following maximum size limits:

<u>Parcel size</u>	<u>Max. Building area</u>	<u>Max. Sidewall</u>
Less than 20,000 sq. ft.	1000 square feet	14 feet
20,000 sq. ft.-.99 acres	1600 square feet	14 feet
1-2.49 acres	2400 square feet	14 feet
2.5-4.99 acres	3200 square feet	14 feet
5-9.99 acres	4000 square feet	16 feet

- (2) Access Drive (driveway) - An improved area of any lot or parcel which is used for vehicular access or parking. Drives improved solely with gravel or rock materials will not be used to calculate lot coverage areas; any paved (bituminous, concrete, etc.) area shall be counted as impervious surfaces.
- (3) Addition, Building - Any construction that expands the footprint, livable space, or volume of a building, such as a porch, basement, an additional level or floor, attached garage, carport, new room, or roof pitch or wall height change.

- (4) Administrator - The duly appointed person charged with enforcement of this Ordinance.
- (5) Agricultural Use - The use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income including but not limited to the following:
  - (a) field crops, including: barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers.
  - (b) livestock, including: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds and other animals including ponies, deer, rabbits and mink.
  - (c) livestock products, including: milk, butter, cheese, eggs, meat, fur and honey.
- (6) Airport or Heliport - Any land or structure which is used or intended for use for the landing and take-off of aircraft, and for appurtenant land or structure used or intended for use for port buildings or other port structures of rights-of-way.
- (7) Animal Unit - A unit of measure used to compare differences in the production of animal wastes which has as a standard the amount of waste produced on a regular basis by a slaughter steer or heifer. For purposes of this Ordinance, the definition and units of measure contained in Minnesota Rules Part 7020.0300, Subpart 5 shall apply.
- (8) Apartment - A room or suite of rooms with cooking facilities available which is occupied as a residence by a single family, or group of individuals living together as a single family unit. This includes any units in buildings with more than two dwelling units.
- (9) Auto or Motor Vehicle Reduction Yard - A lot or yard where one or more unlicensed motor vehicles, or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale as scrap, storage, or abandonment. (See also Junk Yard).
- (10) Basement - A portion of a building located partly underground but having half or more of its floor-to-ceiling height below the average grade of the adjoining ground. For flood plain regulatory purposes, basement shall include 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.
- (11) Bed and Breakfast - A single-family dwelling with furnished bedrooms provided to guests, at which meals may be served to guests by the permanent residents, which is kept, used or advertised as, or held out to the public to be, a place where sleeping accommodations are supplied for pay to guests for transient occupancy as defined in Minn. Stat. 327.70, Subd. 5, but in no case shall continuous occupancy exceed 30 days. There shall be offered for guests no more than four bedroom units per single family dwelling, accommodating not more than two adult persons per unit. One (1) guesthouse, as defined in Section 712, located on the same property, may be used as one of the permitted four (4) units for an approved Bed and Breakfast provided that the residence on the property does include at least one unit.

- (12) Bluff - "Bluff" means a topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of a bluff):
- (a) Part or all of the feature is located in a shoreland area;
  - (b) The slope rises at least 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 25 feet or more above the ordinary high water level averages 30 percent or greater;
  - (d) The slope drains toward the water body.
- (13) Bluff impact zone - "Bluff impact zone" means a bluff and land located within 20 feet from the top of a bluff.
- (14) Bluffline - A line along the top of a slope connecting the points at which the slope becomes less than 13%. This applies to those slopes within the land use district(s) which are beyond the setback provisions from the ordinary high water mark.
- (15) Boardinghouse (Rooming or Lodging House) - A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodging are provided for three or more persons, but not to exceed twenty persons.
- (16) Boathouse - A one (1) story structure not to exceed ten feet in height exclusive of safety railing designed and used solely for the storage of boats or boating equipment, the top of which may be used as an open deck with safety railings. A boathouse shall not be allowed to serve as living quarters and shall not contain sanitary facilities.
- (17) Building - Any structure having a roof which may provide shelter or enclosure of persons, animals, chattel, or property of any kind and when said structures are divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.
- (18) Building Code - Minnesota State Building Code as adopted by Wright County. May also be referred to as the Uniform Building Code (U.B.C.)
- (19) Building line. "Building line" means a line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.
- (20) Building Setback - The minimum horizontal distance between the building and a lot line.
- (21) Business - Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.
- (22) Carport - an automobile shelter having one or more sides open.
- (23) Church - A building and uses, where persons regularly assemble for religious worship and which building, and uses, is maintained and controlled by a religious body organized to sustain public worship.

- (24) Clear-cutting - Shall mean "intensive vegetative clearing" including the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
- (25) Comprehensive Plan or Policies Plan - A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the county and its environs, as defined in the Minnesota County Planning Act M.S. 364, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
- (26) Commissioner - Commissioner of Department of Natural Resources.
- (27) Community Water and Sewer Systems - Utilities systems serving a group of buildings, lot, or any area of the community, with the design and construction of such utility systems as approved by the community and the State of Minnesota.
- (28) Conditional Use - A use classified as conditional generally may be appropriate or desirable in a specified zone, but requires special approval because if not carefully located or designed it may create special problems such as excessive height or bulk or abnormal traffic congestion.
- (29) Contractors Yard, Non-Commercial - Buildings and structures, including limited outdoor storage, located on the homestead of a contractor in the building trades or other similar business, for the purpose of storing machinery and equipment related to the business which is primarily conducted off-site. All storage and screening requirements in Sections 702 through 705 of this ordinance must be met, all building size requirements must be met and the use must be clearly incidental to the primary use of the property as a homestead. One identification sign, not to exceed 12 square feet, is permitted. (Pre-existing yards will not be required to obtain a Conditional Use Permit provided all ordinance requirements are met.)
- (30) County Board - Wright County Board of Commissioners
- (31) Curb Level - The grade elevation established by the governing body of the curb in front of the center of the building. Where no curb level has been established, the engineering staff shall determine a curb level or its equivalent for the purpose of this Ordinance.
- (32) Deck - "Deck" means a horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.
- (33) Drive-In - Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where fast service to the automobile occupants is a service offered regardless of whether service is also provided within a building.
- (34) Duplex - A detached residential building containing two dwelling units.
- (35) Dwelling Unit - A residential building or portion thereof intended for occupancy by a single family but not including hotels, motels, boarding or rooming houses or tourist homes.

- (36) Dwelling Attached - A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.
- (37) Dwelling Detached-A dwelling which is entirely surrounded by open space on the same lot.
- (38) Easement - A grant by a property owner for the use of a strip of land by the public or for any person for any specific purpose or purposes but not for purposes of ingress and egress to residential areas.
- (39) Equal Degree Encroachment - A method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flow.
- (40) Essential Services - The erection, construction, alteration or maintenance by public utilities or municipal departments of underground or overhead telephone, gas, electrical, communication, water or sewer transmission, distribution, collection, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith for the furnishing of adequate service by such private or public utilities or municipal departments. Antennas and support structures as defined in Section 760.1 shall not be considered an essential service.
- (41) Exterior Storage (Includes Open Storage) - The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.
- (42) Extraction Area - Any non-agricultural artificial excavation of earth exceeding fifty square feet of surface area or two feet in depth, excavated or made by the removal from the natural surface of the earth, or sod, soil, sand, gravel, stone or other natural matter, or made by turning, or breaking or undermining of the earth.
- (43) Family - An individual, or two or more persons related by blood, marriage or adoption, living together as a single house keeping unit in a dwelling unit.
- (44) Farm - A tract of land, ten (10) acres or more in size, which is principally used for agricultural activities such as the production of cash crops, livestock or poultry farming. Such farm may include agricultural dwelling and accessory buildings and structures necessary to the operation of the farm.
- (45) Farm Accessory Mobile Home - A mobile home placed on a farm which already has a primary residence on the same parcel or nearby land under the same homestead, said mobile home to be used as a temporary residence by a family member or farm employee. Farm employment must be the primary occupation of the resident of the mobile home, and the applicant for such a mobile home must demonstrate the need for such occupant to be located on the farm site in addition to the primary farm residence. No such mobile home shall be allowed as the primary or only residence on any parcel.
- (46) Feed lots, Livestock - The place of confined feeding of livestock or other animals for food, fur, pleasure or resale purposes in yards, lots, pens, buildings, or other areas not normally used for pasture or crops in which substantial amounts of manure or related other wastes may originate by reason of such feeding of animals.

- (47) Fence - A fence is defined for the purpose of this Ordinance as any partition, structure, wall or gate erected as a dividing marker, barrier or enclosure and located along the boundary, or along the required yard.
- (48) Flood - A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
- (49) Flood Frequency - The frequency for which it is expected that a specific flood stage or discharge may be equalled or exceeded.
- (50) Flood Fringe - That portion of the flood plain outside of the floodway.
- (51) Flood Plain - The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.
- (52) 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.
- (53) 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.
- (54) Floor Area - The sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space and including any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, the floor area shall not include: basement floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices.
- (55) Floor Area Ratio - The numerical value obtained through dividing the gross floor area of a building or buildings by the net area of the lot or parcel of land on which such building or buildings are located.
- (56) Floor Plan - A graphic representation of the anticipated utilization of the floor area within a building or structure but not necessarily as detailed as construction plans.
- (57) Forest land conversion - "Forest land conversion" means the clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand, not to include normal clearing for permitted or conditional uses. buildings. This definition does not include sanitary landfills.
- (58) Forestry - 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.
- (59) Frontage - That boundary of a lot which abuts an existing or dedicated public street.

- (60) Garage, Private - An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises.
- (61) Governing Body - Wright County Board
- (62) Hardship - "Hardship" means the same as that term is defined in Minnesota Statutes, Chapter 394 (for counties).
- (63) Height of Building – The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of any roof.
- (64) Highway - Any public thoroughfare or vehicular right-of-way with a Federal or State Numerical route designation; any public thoroughfare or vehicular right-of-way with a Wright County numerical route designation.
- (65) Home Occupation - Any occupation of a service character which is clearly secondary to the main use of the premises as a dwelling and does not change the character thereof or exhibit any exterior evidence of such secondary use. Such occupation shall be conducted or carried on only by the person residing on the premises.
- (66) Horticulture - Horticultural uses and structures designed for the storage of products and machinery pertaining and necessary thereto.
- (67) Hotel - A building which provides a common entrance, lobby, halls and stairway and in which twenty or more people are, for compensation, lodged with or without meals.
- (68) Impervious Surface - Any surface that is incapable of being penetrated by water and thereby restricts percolation of water into the ground or does not maintain a vegetative cover. Impervious surfaces include but are not limited to the footprint of all structures or buildings, decks, stairways, lifts and landings, patios, sidewalks, and all driving and parking areas. Any overhangs or cantilevers that extend more than 24 inches from the foundation shall be included in this calculation.
- (69) Irrigation System - Any structure or equipment, mechanical or otherwise, used to supply water to cultivated fields or supplement normal rainfall including but not limited to wells, pumps, motors, pipes, culverts, gates, dams, ditches, tanks, ponds and reservoirs.
- (70) Junk Yard - An open area where waste, used, or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber, tires and bottles. A junk yard includes an auto wrecking yard but does not include uses established entirely within enclosed buildings. This definition does not include sanitary landfills.
- (71) Kennel - Any structure or premises on which four (4) or more dogs over four (4) months of age are kept for pets, sale, breeding, profit, etc.
- (72) Landscaping - Planting such as trees, grass, and shrubs.

- (73) Livestock Waste Lagoon - A diked enclosure for disposal of livestock wastes by natural process.
- (74) Lodging Room - A room rented as sleeping and living quarters, but without cooking facilities. In a suite of rooms, without cooking facilities, each room which provides sleeping accommodations shall be counted as one (1) lodging room.
- (75) Lot - A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map, for the purpose of sale or lease or separate use thereof.
- (76) Lot Area - The area of a lot in a horizontal plane bounded by the lot lines. Only land above the Ordinary High Water Level can be used to meet lot area standards.
- (77) Lot of Record - Any lot which is one unit of a plat heretofore duly approved and filed, or one unit of any Auditor's Subdivision or a Registered Land survey that has been recorded in the office of the County Recorder for Wright County, Minnesota, prior to the effective date of this Ordinance. Lot of record shall also include parcels of land for which a deed or contract for deed has been recorded in the Office of the Wright County Recorder prior to August 2, 1978, provided that said parcel or parcels were legally created in accord with ordinances in effect at the time the deed or contract was recorded.
- (78) Lot, Corner - A lot situated at the junction of, and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred thirty-five degrees.
- (79) Lot Depth - The mean horizontal distance between the front lot line and the rear lot line of a lot.
- (80) Lot Line - The property line bounding a lot except that where any portion of a lot extends into the public right-of-way shall be the lot line for applying this Ordinance.
- (81) Lot Line Front - That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner and filed with the County Recorder.
- (82) Lot Line Rear - That boundary of a lot which is opposite the front lot line. If the rear line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet in length within the lot, parallel to, and at the maximum distance from the front lot line.
- (83) Lot Line Side - Any boundary of a lot which is not a front lot line or a rear lot line.
- (84) Lot Substandard - A lot or parcel of land for which a deed has been recorded in the office of the Wright County Recorder upon or prior to the effective date of this Ordinance which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Ordinance.
- (85) Lot, Through - A lot which has a pair of opposite lot lines abutting two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lot lines for applying this Ordinance.

- (86) Lot Width - The minimum horizontal distance between the side lot lines of a lot measured within the first thirty feet of the lot depth. The lot width shall determine the required road frontage and shoreline frontage for lots.
- (87) Maintenance - The normal upkeep of a structure including the replacement of windows, siding, external roof surfaces, or exterior finish, such as paint or stain.
- (88) Manufactured Home - A structure manufactured in accord with the Manufactured Home Building Code as defined in Minnesota Statutes 327.31 Subdivision 3 and meeting the definition in Minnesota Statutes 327.31 Subdivision 6. For the purpose of this Ordinance, Manufactured Homes which comply with the standards listed in Section 740 of this Ordinance shall be considered to be Single Family Dwellings.
- (89) Metes and Bounds - A method of property description by means of their direction and distance from an easily identifiable point.
- (90) Mining - The extraction of sand, gravel, rock, soil or other material from the land in the amount of one thousand cubic yards or more and the removing thereof from the site shall be mining. The only exclusion from this definition shall be removal of minerals associated with construction of a building provided such removal is an approved item in the building permit.
- (91) Mobile Home - For the purposes of this ordinance, a mobile home shall be any Manufactured Home, as defined above, which does not meet the standards in Section 740. Mobile Homes to be used for residential purposes must have a minimum floor area of 800 square feet on the main floor. Structures which do not meet these minimum standards shall not be permitted for residential purposes, except when located within legally established mobile home parks.
- (92) Mobile Home Park - Any site, lot, field, or tract of land under single ownership designed, maintained or intended for the placement of two (2) or more occupied mobile homes. "Mobile home park" shall include any buildings, structure, vehicle, or enclosure intended for use as part of the equipment of such mobile home park.
- (93) Mobile Home Stand - The part of an individual mobile home lot which has been reserved for placement of the mobile home, appurtenant structures, or additions.
- (94) Motel (Tourist Court) - A building or group of detached, semi-detached, or attached buildings containing guest rooms or dwellings, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of automobile transients.
- (95) Multiple Residence (Apartment Building) - Three or more dwelling units in one structure.
- (96) New Construction – Any Structural alteration to a building that exceeds 50% of the value of the structure or 50% of the footprint, whichever is more restrictive, shall be considered new construction. The value is to be determined by calculating the square footage value based on the construction value worksheet used by the County at the time.
- (97) Nursery, Landscape - A business growing and selling trees, flowering and decorative plants, and shrubs and which may be conducted within a building or without, for the purpose of landscape construction.

- (98) Nursing Home - A building with facilities for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder. Said nursing home shall be licensed by the State Board of Health as provided for in Minnesota Statute, Sec. 144.50.
- (99) Obstruction (flood plain) - 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.
- (100) Official Map - The map established by the governing body, in accordance with State Statutes, showing streets, highways, parks and drainage, both existing and proposed.
- (101) Off-Street Loading Space - A space accessible from a street, alley, or driveway for the use of trucks or other vehicles while loading or unloading merchandise or materials. Such space shall be of size as to accommodate one vehicle of the type used in the particular business.
- (102) Open Sales Lot (Exterior Storage) - Any land used or occupied for the purpose of buying and selling any goods, materials, or merchandise and for the storing of same under the open sky prior to sale.
- (103) Open Space Use - A use oriented to and utilizing the outdoor, unimproved, natural character of an area; including trails, primitive campsites, waysides, parks, and general recreation uses.
- (104) Ordinary High Water Level - "Ordinary high water level" means a mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. In areas where the ordinary high water mark is not evident, setbacks shall be measured from the top of the stream bank of the following water bodies that have permanent flow or open water: the main channel, adjoining side channels, backwaters and sloughs.
- (105) Parking Space - A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store a standard automobile.
- (106) Pedestrian Way - A public or private right-of-way across or within a block, to be used by pedestrians.
- (107) Planned Unit Development - An urban development having two or more principal uses or structures on a single lot and developed according to any approved plan. Where appropriate this development control advocates: (1) a mixture of land uses, one or more of the non-residential uses being regional in nature, (2) the clustering of residential land uses providing common and public open space, the former to be maintained either by the residents of the development or the local community and, (3) increased administrative discretion to a local professional planning staff and the setting aside of present land use regulations and rigid plat approval processes.

- (108) Planning Commission - The Planning Commission of Wright County except when otherwise designated.
- (109) Principal Structure or Use - One which determines the predominant use as contrasted to accessory use or structure. Only one (1) principal structure or use shall be permitted per lot, except as expressly permitted elsewhere in this ordinance.
- (110) Property Line - The more restrictive of either the legal boundaries of a parcel of property, or a right-of-way line of a road, cartway, and the like, including a zoning district boundary line. For zoning purposes, property line is unaffected by change in property ownership, including the common ownership of adjacent parcels of property, lots, lot lines or lots of record. Nonconforming lots of record in the same zoning district that are owned by the same entity may be combined for residential purposes by order of the zoning administrator.
- (111) Protective Covenant - A contract in readable form entered into between private parties which constitutes a restriction of the use of a particular parcel of property.
- (112) Public Land - Land owned or operated by municipal, school district, county, state or other governmental units.
- (113) Public Waters - "Public waters" means any waters as defined in Minnesota Statutes, section 105.37, subdivisions 14 and 15.
- (114) 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.
- (115) Recreation, Public - Includes all uses such as tennis courts, ball fields, picnic areas, and the like that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.
- (116) Recreation, Commercial - Includes all uses such as bowling alleys, driving ranges, and movie theaters that are privately owned and operated with the intention of earning a profit by providing entertainment for the public.
- (117) Recreation, Commercial Outdoor-Commercial Recreation which requires large land areas or location in a rural setting such as golf courses, driving ranges, flea markets, shooting ranges, etc., but not to include campgrounds nor recreational vehicle camps.
- (118) Recreation Equipment - Play apparatus such as swing sets and slides, sandboxes, poles for nets, unoccupied boats and trailers not exceeding twenty feet in length, picnic tables, lawn chairs, barbecue stands, and similar equipment or structures but not including tree houses, swimming pools, or sheds utilized for storage of equipment.
- (119) Reclamation Land - The improvement of land by deposition movement of material to elevate the grade. Any parcel upon which 500 cubic yards or more of fill are deposited (50 cubic yards in shoreland areas) shall be considered as reclaimed land.

- (120) Registered Land Survey - A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract of tracts of a Registered Land Survey Number. See Minnesota Statutes 508.47.
- (121) 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.
- (122) Regulatory Flood Protection Elevation - A point not less than one foot above the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachments on the flood plain. It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood proofed.
- (123) Remodel - An alteration of the interior or exterior portion of the existing structure to include work performed on the interior of a structure (provided the work performed does not increase the number of bedrooms or increase water usage), maintenance, and adding windows and doors. Under no circumstances shall remodeling constitute the replacement of the main structural frame, walls, or changes in the exterior dimensions of the structure.
- (124) Retreat Center - A semipublic use oriented to using the natural features and outdoor character of the area for short term stays and featuring educational, contemplative and human development workshop and related training activities, which may include the following: religious worship and workshops; passive recreation (nonmotorized) oriented to appreciating the outdoor and natural character of the area; a nature center, conservatory, interpretive center, exhibit, museum or library space; residential buildings (cabins) for short term occupancy by a single family or unrelated individuals attending an educational or similar event or workshop at the retreat (but not designed or intended for use as a residence); and/or having limited communal facilities for dining, sanitation, meeting, educational or worship purposes.
- (125) Riding Academies - Includes stables and riding facilities, both outdoor and indoor, operated as a commercial recreation use with the intention of earning a profit by providing entertainment for the public.
- (126) 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, place or however other designated. Ingress and egress easements shall not be considered roads.
- (127) School - As defined within Minnesota Statutes 120.03 Subdivision 2, as amended, and Minnesota Statutes 123.932 Subdivisions 3 and 3a, as amended.
- (128) Selective Cutting - The removal of single scattered trees.
- (129) Semipublic Use - "Semipublic use" means the use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

- (130) Sensitive Resource Management - "Sensitive resource management" means 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.
- (131) Setback - "Setback" means the minimum required 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 regulated facility.
- (132) Sewage Treatment System - "Sewage treatment system" means a septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Section 716 of this ordinance.
- (133) Sewage Treatment System, Public - means a system owned and operated by a City, Township, County, or other governmental entity recognized by Minnesota Statute, including the sewage treatment plant, and all pipelines or conduits, pumping stations, force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to the treatment plant. This definition does not include cluster systems nor any ISTS as defined by MPCA regulations, nor any privately owned and operated sewage treatment systems.
- (134) Sewer System - "Sewer system" means pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of treatment.
- (135) Shore Impact Zone - "Shore impact zone" means land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.
- (136) Shoreland - Land located within the following distances from public waters. (1) 1,000 feet from the normal high water mark of a lake, pond, flowage; and (2) 300 feet from a river or stream or the landward extend of a flood plain designated by Ordinance on such river or stream, whichever is greater. The practical limits of shorelands may be less whenever the waters involved are bounded by natural topographic divides which extend landward from the water for less distances and when approved by the Commissioner.
- (137) Sidewall Height - The vertical distance between the lowest exposed floor and the point where the wall meets the roof truss. "Tuck-under" garages may be allowed provided only one wall is more than 25% exposed and the exposed wall is no more than twice the allowable sidewall height.
- (138) 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, institution, or business.

- (139) Sign, Digital - Digital signage is a form of advertising in which content and messages displayed on an electronic screen, or digital sign, can be changed without modification to the physical sign. Digital signs may be scrolling message boards, LCD or plasma display panels, electronic billboards, projection screens, or other emerging display types like Organic LED screens (OLEDs).
- (140) Sign, Flashing - Any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use.
- (141) Sign, Illuminated - Any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign.
- (142) Sign, Rotating - A sign which revolves or rotates on its axis by mechanical means.
- (143) Sign, Surface Area Of - The entire area within a single, continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits such sign and not forming an integral part of the display. Only one side of a double-faced or V-type sign structure shall be used in computing total surface area.
- (144) Significant Historic Site - "Significant historic site" means any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
- (145) Single Family Dwelling - A detached permanent structure, designed for use by one family only, which contains at least one story with a floor area of at least 800 square feet and is constructed in accord with all applicable codes and ordinances in Wright County. Mobile homes are not considered as permitted single dwellings except as expressly permitted elsewhere in this ordinance.
- (146) Special Protection - A zoned area, the purpose of which is to manage areas unsuitable for development.
- (147) Steep Slope - "Steep slope" means land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.
- (148) Street - A public right-of-way which afford's primary means of access to abutting property, and shall also include avenue, highway, road or way.
- (149) Street, Collector - A street which serves or is designed to serve as a trafficway for a neighborhood or as a feeder to a major road.

- (150) Street, Major or Thoroughfare - A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.
- (151) Street, Local - A street intended to serve primarily as access to abutting properties.
- (152) Street Pavement - The wearing or exposed surface of the roadway used by vehicular traffic.
- (153) Street Width - The width of the right-of-way, measured at right angles to the centerline of the street.
- (154) Story - That portion of a building included between the surface of any floor and the surface of the floor next above. For the purpose of height regulations a basement shall not be counted as a story.
- (155) Structure - Anything constructed, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground. Construction of a building or structure on skids or other non- permanent fixture shall not obviate the requirement for a building permit or compliance with setback standards in this ordinance.
- (156) Structural Alteration - Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.
- (157) Subdivision - A subdivision is the dividing of any parcel of land into two or more parcels.
- (a) Platted Subdivision - If any resultant parcel is less than five (5) acres in area and less than three hundred (300) feet in width and the subdividing was done for the purpose of transfer of ownership to effectuate building development or if a new street or road is involved, regardless of the size of the parcel and/or its width, subsequent parcels must be platted in accordance with the terms and procedure of the Wright County Subdivision Regulations.
- (b) Unplatted Subdivision - a division of any parcel of land into two or more parts where in all parts are at least five (5) acres and at least three hundred (300) feet in width and have frontage on an existing public road. Ingress and egress easements of any type shall not be construed as public roads. These do not require platting, but shall be zoned for the appropriate use.
- (158) Subdivision Mobile Home - A subdivision containing a minimum of ten (10) lots, allowing both conventional homes and mobile homes. Existing subdivisions containing a minimum of thirty (30) percent mobile homes, shall be defined as mobile home subdivisions. The creation of new mobile home subdivisions is prohibited.
- (159) Surface Water-Oriented Commercial Use - as defined by Minnesota Rules, part 6120.2500 Subp. 18a.

- (160) Travel Trailer/Park Trailer- A travel trailer is a trailer mounted on wheels which is designed to provide temporary living quarters during recreation, camping or travel, does not require a special highway moving permit based on its size or weight when towed by a motor vehicle, and is less than 40 feet in length (including hitches) and less than 102 inches in width. A park trailer is a travel trailer which is 102 inches or more in width, and no larger than 400 square feet when any collapsible components or additions are fully extended. Any trailer larger than these dimensions shall be considered to be a mobile home. (See section 717 for trailer regulations.)
- (161) Toe of the Bluff - "Toe of the bluff" means the point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be the lower end of a 50-foot segment with an average slope exceeding 18 percent.
- (162) Top of the Bluff - "Top of the bluff" means 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 the upper end of a 50-foot segment with an average slope exceeding 18 percent.
- (163) Townhouse - A single family building attached to party walls with other single family buildings, and oriented so that all exits open to the outside.
- (164) Use - The purpose or activity for which the land or building thereon is designated, arranged or intended, or for which it is occupied, utilized or maintained.
- (165) Use, Accessory - A use subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.
- (166) Use, Non-Conforming - Use of land, buildings or structures legally existing at the time of adoption of this Ordinance which does not comply with the use restrictions governing the zoning district in which such use is located.
- (167) Use, Substandard - A legal use or structure existing prior to the enactment of the County Zoning Ordinances which is a permitted or conditional use or structure within the applicable zoning district but does not meet the minimum lot area, water frontage, structure setbacks or other dimensional standards.
- (168) Use, Permitted - A public or private use which of itself conforms with the purposes, objectives, requirements, regulations and performance standards of a particular district.
- (169) Use, Principal - The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted or conditional.
- (170) Variance - A modification or variation of the strict terms of this Ordinance, as applied to a specific piece of property, in order to provide relief for a property owner because of undue hardship or peculiar difficulty imposed upon him by this Ordinance, except that modification in the allowable uses within a district shall not be considered a variance. Variances shall normally be limited to height, bulk, density, and yard requirements.

- (171) Water-Oriented Accessory Structure or Facility - "Water-oriented accessory structure or facility" means a small, above ground structure or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached ground level platforms or landings.
- (172) Wetland - "Wetland" means a surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition)
- (173) Wind Energy Conversion System (WECS) – An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.
- (174) Yard - Any space in the same lot with a building open and unobstructed from the ground to the sky.
- (175) Yard, Front - The area extending across the front of the lot between the side yard lines and lying between the center line of the road or highway and the nearest line of the building, except on riparian lots the front yard will be taken to be that part of the lot that faces the water.
- (176) Yard, Rear - An open unoccupied space except for accessory buildings on the same lot with a building between the rear lines of the building and the rear line of the lot, for the full width of the lot.
- (177) Yard, Side - An open unoccupied space on a lot between the main building and the side line of the lot, extending from the front of the lot to the rear of the lot.

## SECTION 4. GENERAL PROVISIONS

### 401. APPLICATION OF THIS ORDINANCE

- (1) In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.
- (2) Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
- (3) Except as in this Ordinance specifically provided, no structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used, for any purpose nor in any manner which is not in conformity with this Ordinance.

### 402. SEPARABILITY

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

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

### 403. LOT COVERAGE

Not more than fifteen (15) percent of a lot may be covered by buildings and not more than twenty-five (25) percent of lot may be covered by impervious surfaces, including all structures, decks and pavement areas except as provided in Section 608, 609, and 610.

### 404. LOTS OF RECORD

Lots of record in the office of the County Recorder prior to the effective date of this Ordinance may be allowed as residential building sites provided:

- (1) They have frontage on an existing public right-of-way or have frontage on an existing easement or other private roadway existing prior to January 1, 1977.
- (2) They have at least 20,000 square feet of area.

Lots smaller than 20,000 square feet may be used as dwelling sites if the owner can prove that adequate sanitary facilities can be provided. Said sanitary facilities must be located on the same lot of record as the dwelling, or on adjacent land which is legally available to the owner. Extraordinary alteration of the lot through land filling or excavation shall not constitute proof of an adequate site for sanitary facilities.

The Board of Adjustment shall decide if lots smaller than 20,000 square feet may be used for dwelling sites in accord with Section 502.2. The expansion of the floor area of substandard residential uses on lots smaller than 20,000 square feet shall also be reviewed by the Board of Adjustment. Such expansion may be denied or limited by the Board when there is limited space for sewage treatment and/or no alternative sewage treatment site on the lot. The Board of Adjustment may note in its review that a substandard residential use should be used for seasonal use only, if adequate sanitary facilities for year-round occupancy cannot be provided. Holding tanks need not be considered as adequate sanitary facilities for year-round use. In no case shall the expansion of a substandard residential use exceed 50% of the assessed value of the original structure if a holding tank is the only available method for sewage treatment.

In determining if adequate sanitary facilities can be provided, the Board of Adjustment shall require that all standards in Section 716. Sewage Treatment and Disposal Standards be shown to be met. Due to the small lot size, and in areas where community water and sewer systems are not planned to be installed, the Board of Adjustment may require that proposals include a second location for a sewage treatment system. Proposals which can provide for only one site, and require a mound system or other alternative sewage treatment system shall not be considered as adequate sanitary facilities on lots which are predominantly low (less than 6 feet) in elevation above the Ordinary High Water Mark or water table. The total square footage of any proposed residence shall be limited by the Board on any lot where there is no alternative sewage treatment site available.

- (3) In a group of two or more contiguous lots under the same ownership, if an individual lot has less than 20,000 square feet of area, no lot nor lots may be considered as a separate parcel of land for the purposes of sale or development unless each separated parcel and the remainder contains at least 20,000 square feet of lot area.
- (4) All other requirements of this ordinance are met, including, but not limited to, setback standards and sewage treatment standards.

#### 405. NON-CONFORMING USES

##### 405.1 Non-conforming Building and Uses

- (1) A non-conforming use existing at the time of adoption of this Ordinance may be continued except as provided herein.
- (2) A non-conforming building or land existing at the effective date of this ordinance shall be discontinued within a reasonable period of amortization of a building; uses of buildings and land which becomes non-conforming by reason of a change in this Ordinance shall also be discontinued within a reasonable period of amortization of the building. A reasonable period of amortization shall be construed to begin after the date of adoption of this Ordinance and shall be considered to be forty (40) years for buildings of ordinary wood construction; fifty (50) years for buildings of wood and masonry construction; sixty (60) years for buildings of fireproof construction; and twenty (20) years for mobile homes.

These amortization periods were established and became effective on January 1, 1973 by Ordinance, and have not been altered by changes or amendments in County Ordinances since that date, except for the creation of new non-conforming uses. Special standards for specific uses may be found in other subsections of Section 405. Petitions for reviews of individual cases in regard to non-conforming uses may be made to the Board of Adjustment when the amortization period expires. The Board of Adjustment shall consider the appearance, safety and general condition of structures when determining if a non-conforming structure may remain beyond its amortization period.

- (3) In the FLOOD PLAIN DISTRICT, a non-conforming use within the flood fringe may be continued provided that such use will not have an unduly adverse effect on flood flows, velocities or stages, associated with the regional flood. Any addition or modification to be a lawful non-conforming use within the flood fringe shall be in conformance with the provisions of 611.
- (4) In the event that a non-conforming use is discontinued or its normal operation stopped for a period of six (6) months, the use shall thereafter conform to the regulations of the district in which it is located.

#### 405.2 Expansion and Alteration

A non-conforming use existing at the time of the adoption of this Ordinance may be continued provided that the exterior dimensions of such use shall not be extended or expanded. If no structural alterations are made, a non-conforming use of the building may be changed to another non-conforming use of the same or more restricted classification. The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed. Whenever a non-conforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

A feedlot that is non-conforming because of excessive animal unit numbers, existing prior to 1981 on a residential parcel or June 1995 on A/R or AG parcels, may be continued provided that the number of animal units does not increase. Whenever a non-conforming feedlot has reduced its animal unit numbers over a period of more than one year to a lesser number of animal units, such animal unit numbers shall not thereafter be increased.

In the Flood Plain Overlay District, no alterations shall be allowed which would result in increasing the flood damage potential of that structure and the total alterations allowed over the life of the structure shall not exceed 50% of the market value of the structure.

#### 405.3 Restoration

No building which has been damaged by fire, explosion, act of God, or the public enemy to the extent of more than fifty (50) percent of its value shall be restored, except in the conformity with the regulations of this Ordinance.

#### 405.4 Normal Maintenance

Maintenance of a building or other structure containing or used by a non-conforming use will be permitted when it includes necessary, nonstructural repairs and incidental alterations which do not extend or intensify the non-conforming building or use. Nothing in this Ordinance shall prevent the placing of a structure in the safe or more liveable conditions when said structure is declared unsafe by the County Building Inspector.

#### 405.5 Non-Conforming Signs

- (1) Signs existing on the effective date of this Ordinance which do not conform to the regulations set forth in this Ordinance shall become a non-conforming use and shall be discontinued within a reasonable period of amortization of the sign; uses of signs which become non-conforming by reason of a subsequent change in this Ordinance shall also be discontinued within a reasonable period of amortization of the sign. The period of amortization for signs shall be not more than five (5) years from the effective date of this Ordinance for advertising or business signs.
- (2) Business signs on the premises of a non-conforming building or use may be continued, but such signs shall not be increased in number, area, height, or illumination. New signs not to exceed thirty-five (35) square feet in aggregate sign area may be erected only upon the complete removal of all other signs existing at the time of the adoption of this Ordinance. Such signs may be illuminated, but no flashing, rotating, or moving signs shall be permitted.
- (3) No sign erected before the passage of this Ordinance shall be rebuilt, altered, or moved to a new location without being brought into compliance with the requirements of this Ordinance.
- (4) In the event that the use of a non-conforming advertising sign structure is discontinued or its normal operation stopped for a period of six (6) months, said structure shall be removed by the owner or lessor at the request of the Planning Commission.

#### 405.6 Non-Conforming Junk Yards

No junk yard may continue as a non-conforming use for more than five (5) years after the effective date of this Ordinance, except that a junk yard may continue as a non-conforming use in a BUSINESS or INDUSTRIAL DISTRICT if, within that period, it is completely enclosed within a building, fence, screen planting or other device of such height and density as to screen completely the operations of the junk yard. Plans of such a building or device shall be approved by the County Planning Commission before it is erected.

#### 405.7 Non-Conforming Individual Mobile Home

- (1) (a) Legally existing mobile homes made non-conforming by this or prior county ordinances may remain for an amortization period which will expire on August 1, 1998. (A twenty year amortization period for mobile homes on lots less than 10 acres in size was established on January 1, 1973. A similar period was established for parcels 10 or more acres in size on August 1, 1978.)

- (b) Non-conforming mobile homes which still exist on land subject to this ordinance on August 1, 1998 must be removed from the property upon the occurrence of the first sale, devise, gift, or other transfer of title to the mobile home or the real estate upon which the mobile home is located, when such transfer occurs after August 1, 1998. A surviving joint tenant or the surviving spouse of an owner of such a mobile home or real estate shall be exempt from this provision until subsequent transfer.
- (2) When a non-conforming mobile home is replaced with a new home, the new structure must meet current County standards for a Single Family Dwelling.
- (3) If a non-conforming mobile home is destroyed by an unintentional or uncontrollable hazard, such as fire, wind or storm, it may be replaced by another mobile home provided the owner applies for a Temporary Use Permit pursuant to Section 502.4 of this Ordinance.
- (4) Manufactured homes which were non-conforming under previous County Ordinances, but which legally exist on a lot of record and meet the standards in Section 740., may remain as a permitted Single Family Dwelling.
- (5) Nothing in this section shall be construed so as to prevent the County from ordering the immediate removal of mobile homes which exists without legal permits, nor from enforcing the terms of specific, existing permits or orders in regard to individual mobile homes.

#### 405.8 Non-Conforming Sewage Disposal Systems

Any individual sewage disposal system or pertinent part thereof, irrespective of the date of original installation, which is not located, constructed or installed in accord with the standards within Section 716 of this Ordinance shall be so relocated, reconstructed or reinstalled so as to be in conformance. This requirement was first adopted on January 1, 1973, and a period of five years from that date allowed to bring such systems into compliance. The County may order the owner of any existing non- conforming sewage disposal system to immediately bring the system into compliance with current standards.

#### 406. Zoning Coordination

Any zoning district change on land adjacent to or across a public right-of-way from an adjoining community shall be referred to the Planning Commission, and the adjacent community for review and comment prior to action by the Governing Body granting or denying the zoning district classification change. A period of at least two (2) weeks shall be provided for receipt of comments; such comments shall be considered as advisory only.

#### 407. Zoning and the Policies Plan

Any change in zoning granted by the governing body shall automatically amend the Policies Plan in accordance with said zoning change.

#### 408. Substandard Uses

Substandard uses and structures shall not be subject to an amortization period, but shall be allowed to continue, except as specified in Section 405.3. Minor alterations to substandard uses or structures will require a variance only if the action would result in the use being less in conformance with applicable standards. Substandard conditional uses may be required to apply for a new or amended conditional use permit for expansion or alteration, or to protect the public health, safety or welfare.

## SECTION 5 ADMINISTRATION

### 501. ZONING ADMINISTRATOR

#### 501.1 Creation of Office

The office of the Zoning Administrator is hereby established for which the Board of County Commissioners may appoint such employee or employees of the County as it may deem proper.

The term of office of the Zoning Administrator shall be indefinite and shall terminate at the pleasure of the Board of County Commissioners.

#### 501.2 Duties

The duties of the Zoning Administrator shall include the following:

- (a) enforce and administer this Ordinance;
- (b) issue Use Permits and maintain records thereof;
- (c) receive and forward to the Board of County Commissioners and the County Planning Commission all applications for Conditional Use Permits;
- (d) receive and forward all applications for and petitions for matters to come before the Board of Adjustment;
- (e) receive and forward to the Board of County Commissioners and the County Planning Commission all applications for amendments to this Ordinance;
- (f) appoints agents to inspect all construction and development to insure that the standards of this Ordinance are being complied with;
- (g) provide and maintain a public information bureau relative to matters arising out of this Ordinance;
- (h) maintain the County Zoning Map as required in 602; and,
- (i) notify the Commissioner of Natural Resources or the Commissioner's designated representative of public hearings to consider variances, amendments, or conditional uses under local shoreland management controls. These notices must be postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat. A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action.

## 502. APPEALS AND BOARD OF ADJUSTMENT

### 502.1 Creation and Membership

A Board of Adjustment is hereby established. The Board shall be appointed by the Wright County Board of Commissioners and shall consist of five (5) members, one of whom shall be a member of the Planning Commission. Effective May 12, 1987, the County Board shall appoint members to the Board of Adjustment for terms as follows:

Two (2) members with terms ending December 31, 1987;

Two (2) members with terms ending December 31, 1988;

One (1) member term ending December 31, 1989.

Thereafter, members of the Board shall be appointed for three (3) year terms beginning January 1. Every attempt shall be made to obtain a cross section of the County in appointing members to the Board.

No elected officer of the County, nor any employee of the County shall serve as a member of the Board of Adjustment. The members of the Board of Adjustment shall be compensated as determined by the County Board and shall be paid their necessary expenses in the conduct of the business of the Board.

The Board of Adjustment shall elect a Chair and Vice-Chairman from among its members and it shall appoint a secretary who need not be a member of the Board. It shall adopt rules for the transaction of its business. Such rules may include provisions for the giving of oaths to witness and the filing of written briefs by the parties. The Board shall provide a public record of its proceedings which shall include the minutes of its meetings, its findings, and the action taken on each matter heard by it, including the final order.

Meetings of the Board of Adjustment shall be held at the call of the Chair and at such other times as the Board in its rules of procedure may specify.

### 502.2 Duties and Responsibility

The Board of Adjustment shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official charged with enforcing the Ordinance. Such appeal may be taken by any person, firm, or corporation aggrieved, or by any officer, department, Board or bureau of a town, municipality, county, or state.

Hearings by the Board of Adjustment shall be held within such time and upon such notice to interested parties as is provided in its adopted rules of procedure. The Board of Adjustment shall establish criteria necessary in its rules of procedure for filing an application for a Variance or an Appeal. Written notice of hearings held by the Board of Adjustment shall be sent to affected property owners as provided by law. The Board of Adjustment shall make its decision within fifteen (15) days of the hearing, but may continue the hearing to such length of time as it deems necessary to properly consider each case.

The Board of Adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and to that end shall have all powers of the officer to whom the appeal was taken and direct the issuance of a permit. The reasons for the Board's decision shall be stated in writing.

The Board of Adjustment shall have the exclusive power to order issuance of Variances from the terms of any official control including restrictions placed on non-conformities. Variances shall only be permitted when they are in harmony with the general purpose and intent of the official control in cases where there are practical difficulties or particular hardships in the way of carrying out the strict letter of any official control, and when the terms of the Variance are consistent with the Comprehensive Plan. "Hardship" as used in connection with the granting of a Variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to his property, not created by the landowner; and the Variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use of the property exists under the terms of this Ordinance. No Variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. The Board of Adjustment may impose conditions in the granting of Variances to insure compliance and to protect adjacent properties and the public interest. The Board of Adjustment may consider the inability to use solar energy systems a "hardship" in the granting of the Variance.

The Board of Adjustment may review lots of record in the office of the County Recorder which do not meet standards established by this Ordinance for size, width, elevation, depth, or other provisions. The Board may require that such parcels be joined, combined, modified in size, shape, or other ways to more nearly achieve the standards of this Ordinance if the owner wishes to use such parcels as building sites.

The Board may initiate such proceedings or may act upon request of the property owner. If the Board determines that the lot is not acceptable as a building site, the Zoning Administrator shall provide a copy of the Board's findings to the Wright County Assessor. No well nor sewage treatment system nor holding tank shall be installed on any lot found to be unacceptable as a building site. One water oriented accessory structure or facility may be allowed if it complies with all shoreland requirements, and a garage or other accessory building may be permitted provided no living quarters nor plumbing are installed and all proper setbacks are met. A travel trailer, but not a park trailer, is permitted if it complies with all the conditions in Section 717.

Where interpretation is needed as to the exact locations of Flood Plain District Boundaries, as for example where there appears to be a conflict between the mapped boundary and actual field conditions, the Board shall make the necessary interpretation based on elevations of the regional (100-year) flood profile and other available technical data.

### 502.3 Findings

The Board of Adjustment shall not grant a Variance unless it finds the following facts at the hearing where the applicant shall present a statement of evidence proving the following:

- (1) The granting of the Variance will not be in conflict with the Comprehensive Plan;
- (2) The property will not yield a reasonable return if used in compliance with this Ordinance;
- (3) The conditions causing the hardship are unique and are not shared by neighboring property in the same zone;
- (4) The granting of the Variance will not essentially alter the character of the neighborhood; and,
- (5) The granting of the Variance will not adversely affect the environmental quality of the area.

If the appellant fails to prove only one of the conditions, the Board of Adjustment cannot legally grant the Variance. The burden of proof of these matters rests on the applicant. He is requesting a special privilege, and it is incumbent upon him to prove that the conditions necessary for granting of the privilege are satisfied.

### 502.4 Temporary Use Permits

In instances of particular hardship, the Board of Adjustment may issue a Temporary Use Permit. Such permits must be renewed at a frequency determined by the Board of Adjustment and administered by the Zoning Administrator. Temporary Use Permits shall be valid for six (6) months or such other time period as the Board of Adjustment may deem appropriate. Written agreement from the applicant concerning the understanding between the applicant and the Board of Adjustment is to be filed with the Zoning Administrator before a Temporary Use Permit is issued.

The Zoning Administrator may grant a Temporary Use Permit for no more than 45 days in an emergency when the requirement to wait for the Board of Adjustment to meet will cause undue hardship. This permit shall only be valid if the applicant petitions for a Temporary Use Permit from the Board of Adjustment, and shall expire when the Board acts on the petition.

### 502.5 Procedure

- (1) The person applying for a hearing before the Board of Adjustment shall fill out and submit to the Zoning Administrator a hearing application form and fee as determined by the County Board. It shall be the responsibility of the applicant to provide all information necessary for the Board of Adjustment to reach a decision. For the review of projects on lots smaller than 20,000 square feet in size, the application must be accompanied by a certificate of survey no more than five years old which shows all relevant structures, wells, sewers and other pertinent data.
- (2) The Zoning Administrator shall refer the application to the Board of Adjustment for review. Notice shall be provided as required by Minnesota Statutes 394.26

- (3) The Board of Adjustment shall hold a public hearing on the proposal. The petitioner or his representative shall appear before the Board in order to answer questions concerning the proposal.
- (4) The Board of Adjustment may approve, approve with modifications or conditions, or deny an application based on the information available and findings of the Board. All decisions by the Board of Adjustment 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 thirty (30) days, after receipt of notice of the decision, to the District Court in the County in which the land is located on questions of law and fact.
- (5) A certified copy of any order issued by the Board of Adjustment acting upon an appeal from an order, requirement, or decision or determination by an administrative official, or a request for a Variance, shall be filed with the County Recorder. The order issued by the Board of Adjustment shall include the legal description of the property involved. The Zoning Administrator shall be responsible for the document recording requirements of this section.
- (6) Any violation of a condition or ruling made by the Board of Adjustment shall be a violation of this ordinance. Failure to comply with any ruling of the board of adjustment shall void any variance or special permit granted by the Board of Adjustment.
- (7) A variance shall be valid for a period of three years, and if not acted upon by the applicant or his assigns within that time, the variance shall be void.

### 503. PLANNING COMMISSION

The Wright County Board of Commissioners shall appoint a Planning Commission. The Planning Commission shall consist of seven (7) members and every attempt shall be made to obtain a cross section of the county in appointing members to the Commission. Terms of office shall be as follows:

- (a) One (1) member from the Board of County Commissioners serving one (1) year term.
- (b) Six (6) county representatives (residents) shall serve a three(3) year term (a three year staggered term). (Two members each year).

The removal of any member for nonperformance of duty or misconduct in office shall be by resolution of the County Board of Commissioners.

Vacancies shall be filled in the same manner as a new member except that the term of office shall be for the remainder of the term of the vacated commission member.

### 504. ZONING AMENDMENTS

#### 504.1 Criteria for Granting Zoning Amendments

The County Board of Commissioners may adopt amendments to the Zoning Ordinance and zoning maps in relation both to land uses within a particular district or to the location of the district lines. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the community as reflected in the Policies Plan or changes in conditions in the County.

#### 504.2 Procedure

- (1) An amendment to the text of the Ordinance or zoning map may be initiated by the County Board of Commissioners, the Planning Commission or by application of a property owner.

Any Amendment not initiated by the Planning Commission shall be referred to the Planning Commission for review and may not be acted upon by the Board until it has received the Planning Commission recommendations. Individuals wishing to initiate an amendment application form shall submit it to the Zoning Administrator.

- (2) Written notice of public hearings on the proposed amendment shall be sent to the governing bodies of towns and municipalities located within two (2) miles of the property to be rezoned within the county. In unincorporated areas, the property owners of record within one-half mile of the property zoning amendment. In incorporated areas, the property owners within five hundred (500) feet of the property in question shall be notified in writing of the proposed zoning amendment.
- (3) A public hearing on the rezoning application shall be held by the Planning Commission within thirty (30) days after the request for the zoning amendment has been received. Notice of said hearing shall be published in the official newspaper designated by the County Board. The recommendation of the Planning Commission will be referred to the County Board at its next regular meeting following the hearing recommending approval, disapproval or modified approval of the proposed amendment.

- (4) The Wright County Board must take action on the application within sixty (60) days following referral by the Planning Commission. The person making the application shall be notified of the action taken. The Zoning Administrator shall maintain records of amendments to the text and zoning map of the Ordinance.
- (5) No application of a property owner for an amendment to the text of this Ordinance or the zoning map shall be considered by the Planning Commission within one (1) year period following denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

## 505. CONDITIONAL USE PERMITS

### 505.1 Criteria for Granting Conditional Use Permits

In granting a conditional use permit, the Wright County Planning Commission shall consider the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands. Among other things, the County Planning Commission shall make the following findings where applicable.

- (1) That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity;
- (2) That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area;
- (3) That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;
- (4) That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use;
- (5) The use is not in conflict with the Policies Plan of the County; and,
- (6) That adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

### 505.2 Additional Conditions

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to these standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to the following:

- (1) Increasing the required lot size or yard dimension.
- (2) Limiting the height, size or location of buildings.
- (3) Controlling the location and number of vehicle access points.
- (4) Increasing the street width.
- (5) Increasing the number of required off-street parking spaces.
- (6) Limiting the number, size, location or lighting of signs.
- (7) Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- (8) Designating sites for open space.

Any change involving structural alterations, enlargements, intensification of use, or similar change not specifically permitted by the Conditional Use Permit issued shall require an amended Conditional Use Permit and all procedures shall apply as if a new permit were being issued. The Wright County Zoning Administrator shall maintain a record of all conditional use permits issued including information on the use, location, and conditions imposed by the Planning Commission; time limits, review dates, and such other information as may be appropriate.

#### 505.3 Procedure

- (1) The person applying for a conditional use permit shall fill out and submit to the Zoning Administrator a Conditional Use application form.
- (2) The Zoning Administrator shall refer the application to the Planning Commission for review.
- (3) The Planning Commission shall hold a public hearing on the proposal. Notice of the public hearing shall be published in the official newspaper designated by the County Board at least ten days prior to the hearing. Notice of the hearing shall also be submitted to the governing bodies of all towns and municipalities within two miles of the property under consideration located within the county. In unincorporated areas of the county, property owners of record within one-quarter mile of the affected property or the ten properties nearest to the affected property, whichever is the greatest number of property owners shall be notified in writing of the public hearing on the request for conditional use permit.
- (4) The petitioner or his representative shall appear before the Planning Commission in order to answer questions concerning the proposed conditional use.
- (5) An amended conditional use permit application shall be administered in a matter similar to that required for a new special use permit. Amended special use permit shall include requests for changes in conditions.

- (6) No application for a Conditional Use Permit shall be resubmitted for a period of six months from the date of said order of denial. Conditional Use Permits shall be valid for six (6) months unless otherwise specified. All conditions in a Conditional Use Permit shall be commenced within six (6) months and shall be complied with within one (1) year unless otherwise specified.
- (7) If a time limit or periodic review is included as a condition by which a Conditional Use Permit is granted, the Conditional Use Permit may be reviewed at a public hearing with notice of said hearing published at least ten (10) days prior to the review.
- (8) In the event that the applicant violates any of the conditions set forth in this permit, the County Planning Commission shall have the authority to revoke the Conditional Use Permit.
- (9) A certified copy of any Conditional Use Permit shall be filed with the County Recorder. The Conditional Use Permit shall include the legal description of the property involved. The Zoning Administrator shall be responsible for the document recording requirements of this section.

## 506. PERMITS AND FEES

### 506.1 Building Permits

For the purpose of enforcing this Ordinance, a land use and building permit shall be required of all persons intending to erect, alter, wreck or move any building or structure. Buildings less than 120 square feet in total ground coverage shall not require a permit, however, they shall meet all required setback distances. All additions to residences shall require a permit. Buildings and permits shall conform with all applicable codes and ordinances adopted by Wright County. Permits shall not be required for the location of mobile homes or manufactured homes in mobile home parks which the County recognizes as legally established mobile home parks.

- (1) Persons requesting a building permit shall fill out a building permit form available from the Zoning Administrator.
- (2) Completed building permit forms and a fee as may be established by resolution of County Board of Commissioners shall be submitted to the Zoning Administrator. If the proposed development conforms in all respects to the Zoning Ordinance a building permit shall be issued by the Zoning Administrator within a period of 75 days.
- (3) If the proposed development involves a zoning amendment, variance, or conditional use permit the application, together with a building permit, shall be submitted either to the Planning Commission or Board of Adjustment or Appeals for review and appropriate action according to the procedures set forth in Sections 502, 503 and 504.
- (4) For all lots of ten (10) acres or less in size, a Certificate of Survey shall accompany each residential building permit application along with evidence that corner irons are established and visible. The certificate of survey shall include the location and size of the proposed residence sewer system, well, existing buildings and significant environmental features.

## 506.2 Signs and Billboard Permits

A permit shall be required in all cases where a sign or billboard is erected, altered, or relocated within the area of jurisdiction of this Ordinance. Specific requirements, exceptions and application procedures are set forth in 724.

## 506.3 Sewage and Water Systems: Licenses and Permits

- (1) A license shall be required of any person, firm or corporation engaging in the business of installing and constructing sewage disposal systems. Specific requirements and application procedures are set forth in Section 7.
- (2) A permit shall be required to install, alter, repair, or extend any individual sewage disposal system. Specific requirements, exceptions and application procedures are set forth in Section 7.
- (3) A license shall be required of any person, firm or corporation engaging in the business of servicing and cleaning septic tanks. Specific requirements and application procedures are set forth in Section 7.

## 506.4 Land Alteration Permits

In all cases where grading and/or filling of any land within the County would result in substantial alteration of existing ground contour, a permit shall be required. Specific requirements, exceptions and application procedures are set forth in Section 7.

Substantial alteration shall be defined as movement of earth or materials in excess of fifty (50) cubic yards in the Shoreland Districts and in excess of five hundred (500) cubic yards in all other Districts.

## 506.5 Excavation Permits

The use of land for the removal of topsoil, sand or gravel, or any other material is permitted only by the issuance of an excavation permit. Specific requirements, exceptions and application procedures are set forth in Section 7.

## 506.6 Mobile Home Park Permits

Before any mobile home park or travel trailer park shall be constructed, altered, or extended in any manner, a permit shall be required. Specific requirements and application procedures are set forth in Section 7.

## 506.7 Essential Service Utility Permits

Essential services as treated herein shall refer to trunk transmission, sewer and water system, collection or distribution lines, except electrical distribution lines, and excepting lateral or house lines. Specific requirements and procedures are set forth in Section 725.

## SECTION 6 ZONING DISTRICTS AND DISTRICT PROVISIONS

### 601. ZONING DISTRICTS

The zoning districts shall apply as designated on the Zoning Map and defined within this Ordinance and applicable state or federal regulations. Two types of zoning districts are utilized. All lands under 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.

<u>Section</u>	<u>Primary Districts</u>	<u>Symbol</u>
603.	Agricultural/Residential	(A/R)
604.	General Agriculture	(AG)
605.	Urban/Rural Transition	(R-1)
606.	Suburban Residential	(R-2)
606.A	Suburban Residential (a)	(R-2a)
607.	Multi-Family Urban	(R-3)
608.	Highway Business	(B-1)
609.	General Business	(B-2)
610.	General Industry	(I-1)
612.7	Commercial Recreation Shorelands	(S-3)
613.	Wild and Scenic River	(W)

<u>Section</u>	<u>Overlay Districts</u>	<u>Symbol</u>
611.	Flood Plain	(FP)
612.5	Special Protection Shorelands	(S-1)
612.6	Residential Recreation Shorelands	(S-2)
614.	Planned Unit Development	(PUD)*
615.	Adult Uses Overlay District	(AU)

The Planned Unit Development zone is a floating district. The standards of this district may be applied to any residential, commercial or industrial district at the request of the landowner and the discretion of County. In such districts, where PD standards differ from the original district standards, the PD standards apply.

### 602. ZONING MAP

The location and boundaries of the districts established by this Ordinance is set forth on the Zoning Map which is hereby incorporated as part of this Ordinance. It shall be the responsibility of the Zoning Administrator to maintain and update this map and the amendments to such map shall be recorded on such map within 30 days after official adoption of zoning amendments.

Whether or not they are so designated on the zoning map, residential plats which were approved prior to August 2, 1978 shall be zoned in accord with the following schedule. The zoning administrator shall be responsible to record the following changes on the zoning maps in a timely manner.

Zoning for residential plats approved prior to August 2, 1978:

<u>Average Lot Size</u>	<u>Zoning District</u>
Less than 2 acres	R-1
Between 2 and 4 acres	R-2
Between 4 and 10 acres	R-2(a)
Over 10 acres	no change

In addition, within shoreland areas, existing metes and bounds subdivisions comprised of 5 or more adjacent lots less than one acre in size shall be zoned R-1.

The purpose of these changes is to bring existing residential areas, many of which are zoned AG, General Agriculture, into a more proper and reasonable zoning district. Many of the performance standards in the AG district cannot be reasonably applied in residential areas with small lots, and have caused hardships for the property owners affected. This change is intended to place the properties concerned into that zoning district which is specifically suited to the lot sizes in each area.

## 603. AGRICULTURAL/RESIDENTIAL A/R

### 603.1 Purpose

This district is created to serve as a buffer between commercial agricultural areas and more intensely developed residential areas, to provide for very low density residential development in areas especially unsuited to long term agricultural uses, and to allow limited residential development which will not be provided with an urban level of services.

### 603.2 Permitted Uses

Agricultural Uses subject to County feedlot regulations  
One single-family dwelling per lot of record  
Forestry and nurseries (not to include retail)  
Family operated seasonal produce stands  
Public recreation and historic sites  
Horticultural Uses

### 603.3 Accessory Uses

Non-commercial uses, structures or buildings customarily incidental to permitted uses  
Livestock subject to County feedlot regulations and all other standards in this ordinance  
Non-commercial wind chargers

### 603.4 Conditional Uses

Kennels  
Riding Stables  
Home Occupations  
Home Extended Business subject to provisions of Section 741  
Churches and Cemeteries  
Commercial Outdoor Recreation  
Bed and Breakfast units in Single-family dwellings  
Town Hall  
Mining and Extraction subject to Section 727  
Subdivisions - 10 acre minimum lot size  
Rural Planned Unit Development in accord with Section 614  
Retreat Center subject to the standards of Section 742  
Essential Services in accord with Section 725  
Large Animal Veterinary Clinics serving Agricultural Uses and Livestock

### 603.41 Prohibited Uses

All other uses not listed as permitted, accessory or conditional shall be prohibited.

### 603.5 Performance Standards

(Parcels in the Agricultural/Residential District shall be limited to ½ animal unit per acre and less than 10 animal units total, except as allowed under Section 405.2 of this Ordinance.

(1) Height Regulations

- (a) The maximum height of all building shall not exceed two and one-half (2 1/2) stories or thirty-five (35) feet.
- (b) This height limitation shall not apply to grain elevator legs, silos, cooling towers, water towers, chimneys and smokestacks, church spires, electric transmission lines or private radio or television towers.

(2) Front Yard Regulations:

(a)	Required Setback Distance From Road Centerline	Required Setback Distance From Road Centerline For Livestock Buildings	Road Class
	130	130	State Highway
	130	130	County Road State Aid
	65	100	Local Street(Twp. Rd.)
	25	100	From right of way of cul-de-sac or approved "T"

- (b) Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.

(3) Side Yard Regulations

There shall be a minimum side yard of thirty (30) feet for principal uses and fifteen (15) feet for accessory uses, unless the building is housing livestock, then the setback is 100 feet.

(4) Rear Yard Regulations

There shall be a rear yard having a depth of not less than fifty (50) feet for non-livestock buildings and a setback of 100 feet for livestock buildings.

(5) Lot Area Regulations

The minimum lot size shall be ten (10) acres, except in P.U.D. projects approved pursuant to Section 614.

(6) Lot Width and Depth Regulations:

The minimum lot width shall be three hundred (300) feet and the minimum lot depth shall be three hundred (300) feet, except in P.U.D. projects approved pursuant to Section 614.

(7) General Regulations:

Additional requirements for parking, signs, sewage systems, and other regulations set forth in Section 7.

## 604. GENERAL AGRICULTURE AG

### 604.1 Purpose

General Agricultural areas are established for the purpose of preserving, promoting, maintaining and enhancing the use of land for commercial agricultural purposes, to prevent scattered and leap-frog non-farm growth, to protect and preserve natural resource areas and to stabilize increases in public expenditures for such public services as roads and road maintenance, police and fire protection, and schools.

### 604.2 Permitted Uses

#### Agricultural Land Uses

Livestock feedlots less than 500 animal units subject to all County and State regulations

One single-family dwelling per lot of record

Forestry and Nurseries (not to include retail)

Small scale family operated seasonal produce stands

Public Recreation

Historic Sites and Areas

Horticultural Use

One division, per eligible quarter-quarter section or eligible lot of record, as defined and regulated in Section 604.6

Subdivisions and lot line alterations which are purely for agricultural purposes, and do not increase the density or number of residential building sites, provided that all lots created contain at least 40 acres and at least one complete quarter-quarter section, with public road frontage

### 604.3 Accessory Uses

Any incidental machinery, structure, or building customarily incidental to and necessary to the conduct of agricultural operations or other permitted uses.

### 604.4 Conditional Uses

Land Reclamation and Alteration

Farm Equipment Sales

Livestock Feedlots in excess of 500 animal units

Kennels

Riding Academies

Home Occupations

Cemeteries

Wholesale Nursery, Landscape and Garden Sales with seasonal retail sales (not to include retail - stores)

Churches, not to include a school, but may include a residence

Bed and Breakfast units in single-family dwellings

Township Halls

One Farm Accessory Mobile Home per farm operation

Commercial Outdoor Recreation

Mining, Sand and Gravel Extraction

Sewage Treatment Plants

Non-commercial Contractors Yards

Essential Services in accord with Section 725

Private Airstrip - subject to the following conditions:

- (1) All applicable regulations of the State and Federal Government are properly satisfied.
- (2) There are no existing residential subdivisions, and no areas designated for future residential growth within the Land Use Plan of the Wright County Comprehensive Plan, within a radius of 1.5 miles of the proposed airport.
- (3) The airport shall be limited to use exclusively by the property owner.

Home Extended Business subject to the provisions of Section 741

Retreat Center subject to the standards of Section 742

Large Animal Veterinary Clinics serving Agricultural Uses and Livestock

#### 604.41 Prohibited Uses

All other uses not listed as permitted, accessory or conditional shall be prohibited.

#### 604.5 Performance Standards

(Parcels in the Agricultural District which are ten acres or less in size shall be subject to residential standards for animals and setback standards which correspond with the zoning district which is closest in lot size to the parcel. R-1 standards apply for lots 2 acres or less, R-2 for lots 2 to 4 acres and R-2a for lots from 4 to 10 acres.)

##### (1) Height Regulations

- (a) The maximum height of all building shall not exceed two and one-half (2 1/2) stories or thirty-five (35) feet.
- (b) This height limitation shall not apply to grain elevators, silos, windmills, elevator legs, cooling towers, water towers, chimneys and smokestacks, church spires, electric transmission lines or radio or television towers.

##### (2) Front Yard Regulation:

(a)	Required Setback Distance From Road Centerline	Required Setback Distance From Road Centerline For Livestock Buildings	Road Class
	130	130	State Highway
	130	130	County Road State Aid
	65	100	Local Street(Twp. Rd.)
	25	100	From right of way of cul- de-sac or approved "T"

- (b) Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.

(3) Side Yard Regulations:

There shall be side yard width of not less than one hundred (100) feet for buildings which will house livestock or any farm animals, and thirty (30) feet for all other buildings.

(4) Rear Yard Regulations:

The rear yard setback depth shall be fifty (50) feet for all non-livestock buildings and no less than 100 feet for buildings that will house livestock.

(5) General Regulations

Additional requirements for parking, signs, sewage systems, and other regulations are set forth in Section 7.

604.6 Requirements and Standards for Dwellings and Permitted Divisions

(1) Limiting Definitions

- (a) A quarter-quarter section is a parcel of land consisting of approximately forty (40) acres and constituting the northeast, northwest, southwest or southeast quarter of a quarter section of land in the United States Government survey grid system of land survey. For the purposes of this section of the zoning ordinance, a government lot shall be considered a quarter-quarter section provided it contains at least thirty (30) acres of land above Ordinary High Water.
- (b) An "eligible quarter-quarter section" shall be any quarter-quarter section which meets all of the following:
  - it is complete and under common ownership;
  - it has frontage on a public road; and
  - it does not include any existing dwelling, commercial use or other non-agricultural development.
- (c) An "eligible lot of record" shall be a lot of record pursuant to Section 404 which does not include any existing dwelling, commercial use or other nonagricultural use or structure other than accessory uses such as garages, storage sheds, etc., and which is greater than 10 acres in size but does not qualify as an eligible quarter-quarter section.
- (d) An eligible lot of record or quarter-quarter section may be permitted one single family dwelling on the parcel as a whole, or one division as regulated in section 604.6(4) for the purpose of developing the division. This right shall be referenced as the parcel's "entitlement".

(2) Existing Residences

- (a) legally existing single-family dwelling on a quarter-quarter section or lot of record over (10) ten acres in size may be subdivided out onto a smaller parcel provided:
- the requirements for a division in section 604.6(4) are met; and
  - the remainder of the property has frontage on a public road.

(3) Determining Entitlements on Large Parcels

- (a) On a farm or adjoining parcels, including all contiguous land under common ownership, extra entitlements shall be available to the entire parcel provided the following conditions are met:

- (1) the lands involved comprise more than sixty (60) acres;

**AND**

- (2) if the parcel is the result of a division since August 1, 1978, then the number of entitlements shall be determined by basing the calculations in (b) to all contiguous lands under common ownership as they existed on August 1, 1978. These entitlements shall be allocated to the new parcels by the Zoning Administrator based on acreage and the standards contained herein, and appeals shall be heard by the Board of Adjustment provided that no extra entitlements may be created.

- (b) Entitlements for such parcels shall be determined by the zoning administrator as follows:

- (1) The total acreage of the parcel shall be calculated using the best information available (the administrator or Board of Adjustment may require the applicant to provide a survey of the property in case of dispute over size).
- (2) Forty acres shall be subtracted from this total for each existing house on the parcel, and for each entitlement division which has occurred since August 1, 1978.
- (3) The result from (1) and (2) shall be divided by 40 acres, and that result rounded to the nearest whole number, which shall be the number of entitlements the entire parcel is allocated. The use of these entitlements shall be subject to all regulations in this ordinance, including public road frontage requirements.

- (c) The purpose of this provision is to provide relief to potentially inequitable situations where large landholdings may be unduly restricted due to the location of substantial acreage without road frontage. The intent is not to increase residential density in the AG zone above an average of one house per forty acres. If a large parcel is subdivided into agricultural parcels, the entitlements shall be allocated at the time of sale in accord with the standards contained within, (provided that no new entitlements may be created) unless otherwise specified and appropriately recorded through deed restrictions or action by the Board of Adjustment or Planning Commission.

(4) Entitlement Divisions

If a landowner chooses to use an entitlement on an eligible lot of record or quarter-quarter section as a division, the division and remainder of the eligible parcel shall be subject to the following requirements.

- (a) Deed Restriction - The owner(s) (including, in all cases, the fee owner) of the eligible parcel must sign and record a deed restriction to apply to the remainder of the parcel. The restriction shall limit any further residences, divisions or nonagricultural development of the remainder in accord with the terms of this section, unless it is rezoned. The restriction shall be on a form provided by the zoning administrator.
- (b) Landlocked parcels prohibited - The remainder must have frontage on a public road, or must be held in common ownership with contiguous lands which have road frontage. No lot nor parcel may be created which does not have road frontage in accord with the requirements herein.
- (c) Lot Standards
  - (1) The minimum lot size shall be one (1) acre. Minimum road frontage, lot width, depth, setback and other standards shall be the same as for the residential zoning district closest to the lot's size.
  - (2) A private access strip no less than thirty-three (33) nor more than sixty-six (66) feet in width, which abuts a public road, may be approved by the zoning administrator in lieu of the standard road frontage requirement, if the intent is to provide access to a wooded site, or to otherwise preserve active agricultural land or practices. The strip shall not be an easement, but owned in fee with the division. Maintenance shall be the complete responsibility of the property owner. In no case may such a strip be used to serve more than one residence, unless accepted as a public road by the township. Refusal by the zoning administrator to approve such a strip may be appealed to the Board of Adjustment.

(3) Maximum lot size shall be:

- Five (5) acres for divisions from eligible lots of record

- Two and one-half (2.5) acres for divisions from eligible quarter-quarter sections if the building site is undeveloped cropland classified as prime farmland or farmland of statewide importance as defined in the Land Use Plan

- Ten (10) acres in all other instances

(d) Lot Status - The division shall remain zoned AG, General Agriculture, but for the application of rules pertaining to livestock, outdoor storage and other general standards, a division ten (10) acres or less in size shall be considered a residential lot.

(5) Entitlement Transfers

Entitlements may be transferred to contiguous property under common ownership (but not between owners, nor to separate parcels) provided the proposed divisions comply with 604.6(4). Said transfers may be approved by the zoning administrator if all other regulations are met. Transfers shall require the issuance of a Conditional Use Permit by the Planning Commission if the transfers result in the grouping of three or more homes at one location. The purpose of allowing such transfers is to preserve productive farmlands, and to minimize the effects of the residences on the environment, the surrounding neighborhood and nearby farm operations. In no case shall the use of entitlement transfers be used to increase the potential residential density in the Agricultural or Agricultural/Residential Zones. If a new road is proposed or required to serve a group of lots, a plat will be required and the road must be accepted by the Township Board

(6) Certain Conditional Uses

An entitlement may be used for a division to allow a conditional use provided a deed restriction is placed on the remainder pursuant to 604.6(4)a and the division size is set by the Planning Commission as part of the Conditional Use Permit process. The requirement for a deed restriction may be waived by the Planning Commission if the division is less than one (1) acre in size and for the sole purpose of utility or public service structures needed to promote public health, safety or welfare. The Planning Commission shall waive the requirement for a deed restriction if the division is solely for the creation of a site for a Township Hall.

(7) Alteration of Existing Lots

Existing legal lots of record may be altered in size in compliance with these regulations provided an order approving such alteration is signed by the zoning administrator and filed with the County Recorder. Said Order shall prohibit the creation of any new residential building sites except in accord with this Ordinance.

(8) General

The intent of these standards shall be to preserve an average density of one dwelling per forty (40) acres in the AG district, except where legal lots of record are involved. This intent shall be considered when questions regarding interpretation of these regulations may arise.

## 605. URBAN/RURAL TRANSITIONAL R-1

### 605.1 Purpose

This District is established in areas within the County for the purpose of allowing limited urban growth. The major purpose of this District is to provide areas within the county where urban development can take place and where urban services can be readily extended and provided. This District may be allowed adjacent to cities where sanitary sewer and other services are available and for riparian shoreline lots on suitable lakes.

### 605.2 Permitted Uses

Single family detached residences.  
Any agricultural land use already existing.  
Community center.  
Forestry.  
Nurseries, excluding greenhouses.  
Public Recreation.  
Livestock, poultry and animals subject to provision 714.2

### 605.3 Accessory Uses

Fences.  
Gardening and other horticultural uses where no sale of products is conducted on the site.  
Decorative landscape features such as statues, rocks, reflecting ponds and benches.  
Public Recreation equipment.  
Garages and Non-Commercial pole structures subject to the following size restrictions:

- (a) Lot area under 20,000 square feet - maximum 800 square feet structure with maximum side wall height of 12 feet.
- (b) Lot area over 20,000 square feet but less than 80,000 square feet - maximum 1400 square feet structure with maximum side wall height of 14 feet.
- (c) Lot area over 80,000 square feet - maximum 2000 square feet structure with maximum side wall height of 14 feet.

### 605.4 Conditional Uses

Essential Services -Telephone, telegraph, and power distribution poles and lines and necessary appurtenant equipment and structures such as transformers, unit substations, and equipment houses.  
Fire Station.  
Police Station.  
All home occupations.  
Cemeteries.  
Any change in agricultural practice that marks an intensification of present agricultural use.  
Commercial Outdoor Recreation.  
Seasonal produce stands.  
One mobile home per farmstead (necessary to farm operations and at least 800 square feet in area).

Medical and Dental clinics.  
 Other Essential Services -water supply buildings, reservoirs, wells, regional pipelines.  
 Golf courses.  
 Churches.  
 Residential Subdivisions.  
 Schools within one-half mile of incorporated cities.  
 Commercial Day Care Center

605.41 Prohibited Uses

All other uses not listed as permitted, accessory or conditional shall be prohibited.

605.5 Performance Standards

(Parcels in the R-1 District shall be limited to 1/2 animal unit per acre and less than 10 animal units total, except as allowed under Section 405.2 of this Ordinance.)

(1) Height Regulations:

No building hereafter erected shall exceed two and one-half (2 1/2) stories or thirty five (35) feet in height.

(2) Front Yard Regulations:

(a)	Required Setback Distance From Road Centerline	Required Setback Distance From Road Centerline For Livestock Buildings	Road Class
	130	130	State Highway
	130	130	County Road State Aid
	65	100	Local Street(Twp. Rd.)
	25	100	From right of way of cul-de- sac or approved "T"

(b) Where a lot is located at the intersection of two (2) or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.

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

(3) Side Yard Regulations:

There shall be a minimum side yard of fifteen (15) feet for principal uses and ten (10) feet for accessory uses unless the building is housing livestock, then the setback is 100 feet for livestock buildings.

(4) Rear Yard Regulations:

For all non-livestock buildings there shall be a rear yard having a depth of not less than fifteen (15) feet with the setback at one hundred (100) feet for a livestock building.

(5) Lot Area Regulations:

(a) For dwelling units with private on-site sewage treatment systems water wells - one (1) acre.

(b) For dwelling units with public sewage treatment systems - twenty thousand (20,000) square feet.

(6) Lot Width and Depth Regulations:

(a) For dwelling units with private sewage treatment systems:

Lot Width - 150 feet.

Lot Depth - 150 feet.

(b) For dwelling units with public sewage treatment systems:

Lot Width - 100 feet.

Lot Depth - 100 feet.

(7) Structures may be so located on each lot such that subdivision is possible when central sewer and water facilities become available.

(8) General Regulations:

Additional requirements for parking, signs, sewage systems, and other regulations set forth in Section 7.

## 606. SUBURBAN RESIDENTIAL R-2

### 606.1 Purpose

The major purpose of this District is to allow for a "rural life-style" by permitting low-density residential development in areas that are marginal or non-feasible for agriculture.

### 606.2 Permitted Uses

Single family detached residences.  
Any agricultural land use already existing at the time of subdivision.  
Forestry.  
Nurseries, excluding greenhouses.  
Public Recreation.

### 606.3 Accessory Uses

Garages.  
Fences.  
Gardening and other horticultural uses where no sale of products is conducted on the site.  
Decorative landscape features such as statues, rocks, reflecting ponds and benches.  
Recreation Equipment.  
Livestock, poultry, and animals subject to provisions of 714.2.  
Pole sheds less than 2,000 square feet.  
Non-Commercial wind chargers.

### 606.4 Conditional Uses

Essential Services -Telephone, telegraph, sewer, water, gas, and power distribution poles and lines and necessary appurtenant equipment and structures such as transformers, unit substations, and equipment houses.  
Fire Station.  
Police Station.  
Subdivisions -a 2 1/2 acre minimum lot subdivision in areas designated as such in the land use plan.  
All home occupations.  
Cemeteries.  
Any change in agricultural practice that marks an intensification of present agricultural use.  
Commercial Outdoor Recreation.  
Seasonal produce stands.  
One mobile home per farmstead (necessary to the operation of the farm operation at a minimum floor area of 800 square feet).  
Churches.  
Community Centers.

### 606.41 Prohibited Uses

All other uses not listed as permitted, accessory or conditional shall be prohibited.

## 606.5 Performance Standards

(Parcels in the R-2 District shall be limited to ½ animal unit per acre and less than 10 animal units total, except as allowed under Section 405.2 of this Ordinance.)

### (1) Height Regulations:

No building hereafter erected shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

Shall not apply to wind chargers which are at least fifty (50) feet from any property line.

### (2) Front Yard Regulations:

(a)	Required Setback Distance From Road Centerline	Required Setback Distance From Road Centerline For Livestock Buildings	Road Class
	130	130	State Highway
	130	130	County Road State Aid
	65	100	Local Street(Twp. Rd.)
	25	100	From right of way of cul-de- sac or approved "T"

(b) Where a lot is located at the intersection of two (2) or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.

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

### (3) Side Yard Regulations:

There shall be a minimum side yard of thirty (30) feet for principal uses and ten (10) feet for accessory uses unless the building is housing livestock, then the setback is 100 feet for livestock buildings.

### (4) Rear Yard Regulations:

There shall be a rear yard having a depth of not less than fifty (50) feet for non-livestock buildings and a setback of 100 feet for livestock buildings..

### (5) Lot Area Regulations:

The minimum lot size shall be two and one-half (2 1/2) acres.

(6) Lot Width and Depth Regulations:

The minimum lot width shall be two hundred (200) feet and the minimum lot depth shall be three hundred (300) feet.

(7) General Regulations:

Additional requirements for parking, signs, sewage systems, and other regulations set forth in Section 7.

606.A Suburban Residential R-2(a)

606.a1 Purpose

The major purpose of this District is to allow for a "rural life-style" by permitting low-density residential development in areas that are marginal or non-feasible for agriculture.

606.a2 Permitted Uses

Single family detached residences.  
Any agricultural land use already existing at the time of subdivision.  
Forestry.  
Nurseries, excluding greenhouses.  
Public Recreation.

606.a3 Accessory Uses

Garages.  
Fences.  
Gardening and other horticultural uses where no sale of products is conducted on the site.  
Decorative landscape features such as statues, rocks, reflecting ponds and benches.  
Recreation Equipment.  
Livestock, poultry and animals subject to the provisions of 714.2.  
Pole Barns.  
Non-Commercial wind chargers.

606.a4 Conditional Uses

Essential Services -Telephone, telegraph, sewer, water, gas, and power distribution poles and lines and necessary appurtenant equipment and structures such as transformers, unit substations, and equipment houses.  
Fire Station.  
Police Station.  
Subdivisions - 5 acre minimum lot subdivision in areas designated as such in the land use plan.  
All home occupations.  
Bed and Breakfast Units in Single Family Dwellings  
Cemeteries.  
Any change in agricultural practice that marks an intensification of present agricultural use.  
Commercial Outdoor Recreation.  
Seasonal produce stands.  
One mobile home per farmstead (necessary to the operation of the farm operation at a minimum floor area of 800 square feet).  
Churches.  
Community Centers.

606.a41 Prohibited Uses

All other uses not listed as permitted, accessory, or conditional shall be prohibited.

606.a5 Performance Standards

(Parcels in the R-2(a) District shall be limited to ½ animal unit per acre and less than 10 animal units total, except as allowed under Section 405.2 of this Ordinance.)

(1) Height Regulations:

No buildings hereafter erected shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

Shall not apply to windchargers which are at least fifty (50) feet from any property line.

(2) Front Yard Regulations:

(a)	Required Setback Distance From Road Centerline	Required Setback Distance From Road Centerline For Livestock Buildings	Road Class
	130	130	State Highway
	130	130	County Road State Aid
	65	100	Local Street(Twp. Rd.)
	25	100	From right of way of cul-de-sac or approved "T"

(b) Where a lot is located at the intersection of two (2) or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.

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

(3) Side Yard Regulations

There shall be a minimum side yard of thirty (30) feet for principal uses and ten (10) feet for accessory uses unless the building is housing livestock, then the setback is 100 feet.

(4) Rear Yard Regulations

There shall be a rear yard having a depth of not less than fifty (50) feet for non-livestock buildings and a setback of 100 feet for livestock buildings.

(5) Lot Area Regulations:

The minimum lot size shall be five (5) acres.

(6) Lot Width and Depth Regulations:

The minimum lot width shall be three hundred (300) feet and the minimum lot depth shall be three hundred (300) feet.

(7) General Regulations:

Additional requirements for parking, signs, sewage systems, and other regulations set forth in Section 7.

## 607. MULTIPLE FAMILY URBAN DISTRICT R-3

### 607.1 Purpose

An R-3 District is established to allow multiple family dwellings in areas that are provided with community water and sewer systems or systems approved by the Pollution Control Agency, the County Sanitarian and substantiated by specific engineering data.

### 607.2 Permitted Uses

All uses permitted in urban/rural residential districts.

### 607.3 Accessory Uses

All accessory uses permitted in urban/rural residential districts.

### 607.4 Conditional Uses

Essential Services -Telephone, telegraph, and power distribution poles and lines and necessary appurtenant, equipment and structures such as transformers, unit substations, and equipment housing.

Multiple family dwellings.

Student Housing.

All home occupations.

City or Town Hall.

Agricultural land use already existing at time of zoning. No intensification or modification of agricultural activities should be allowed in multiple family dwelling areas.

Commercial recreational areas.

Prefabricated or modular manufactured housing units.

Medical and Dental Clinics.

Single family attached dwellings.

Duplexes.

Rest Homes, Hospitals.

Community Center.

Boarding or Lodging houses.

Churches.

Schools.

Public Recreation including golf courses (public or private)

Mobile Home Parks subject to the standards in Section 726.

### 607.41 Prohibited Uses

All other uses not listed as permitted, accessory or conditional shall be prohibited.

## 607.5 Performance Standards

### (A) Locational Requirements

Apartment developments should be located on major thoroughfares, near open green space or in large areas specifically designed for high density development.

- (1) When possible, apartment should serve as a buffer between single family homes and non-residential uses.
- (2) The site should not be located in such a manner as to channel traffic onto minor streets in low density residential neighborhoods.

### (B) Site Development

#### (1) Height Regulations:

No building hereafter erected shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

#### (2) Front Yard Regulations:

(a)	<u>Required Setback Distance From Road Centerline</u>	<u>Road Class</u>
	130	State Highway
	130	County Road
	65	Local Street (TWP Road)
	25	From right-of-way of cul-de-sac

- (b) Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.

#### (3) Side Yard Regulations:

Side yard (setback) adjacent to another lot - 15 feet or 3/4 the height of the building, whichever is greater.

#### (4) Front and Rear Yard Regulations:

There shall be a front yard having a depth of at least thirty-two (32) feet and a rear yard of fifty (50) feet.

#### (5) Lot Area Regulations:

The density of single-family attached or multi-family units shall not exceed eight (8) per acre. No more than thirty (30) percent of the lots' ground area shall be covered by structures.

(6) Lot Width and Depth Regulations:

There shall be a lot width of at least eighty-five (85) feet and a lot depth of eighty-five (85) feet.

- (7) The design shall make use of all land contained in the site. All of the site shall be related to the circulation, recreation, screening, building, storage, landscaping, etc. so that no portion of the site remains undeveloped.

607.6 General Regulations

In shoreland areas additional restrictions concerning docking facilities and other centralized facilities may apply in accordance with Statewide Standards for Management of Shorelands Areas.

Additional requirements for R-3 Districts are set forth in Section 7.

## 608. HIGHWAY BUSINESS DISTRICT B-1

### 608.1 Purpose

A B-1 District is established to accommodate those types of businesses that require an accessibility to highways to successfully function. To minimize unmanageable strip development, B-1 should only allow the type of businesses that absolutely require highway accessibility.

### 608.2 Conditional Uses

Drive-In Movie Theater.

Drive-In Restaurant.

Recreation Equipment Sales.

Motels.

Auto Service Stations.

Seasonal Produce Stand.

Auto Sales Lot.

Cafes and Restaurants.

Parking Lots.

Any other incidental repair, processing and storage necessary to conduct a permitted principal use provided that said accessory use does not exceed thirty (30) percent of the floor space of the principal building.

Essential Services - Utility lines and other necessary appurtenant structures.

Other highway-oriented business activities of the same general character as listed.

Church

Commercial Recreation.

Subdivisions - minimum size of one acre.

Commercial Day Care Centers

Convenience - type retail outlets with high customer turnover rate.

### 608.3 Performance Standards

B-1 Districts shall be located only adjacent to thoroughfares. Service roads shall be encouraged in the B-1 Districts. The service roads shall have access to thoroughfares only. No service roads shall have access to local residential streets nor shall highway business oriented traffic be routed on or directed to local residential streets.

#### (1) Service Road Standards:

- (a) Each service road shall have a minimum of thirty (30) feet of right-of-way exclusive of adjoining thoroughfare right-of-way.
- (b) Each service road shall be at least twenty-four (24) feet wide and must be surfaced and have curbs.
- (c) Two way traffic shall be allowed on service roads.
- (d) No parking shall be allowed on service roads.
- (e) Access from service roads shall be no more frequent than one access for each five hundred (500) feet of thoroughfare frontage.

(2) Height Regulations:

No building shall hereafter be erected or structurally altered to exceed two and one half (2 1/2) stories or thirty-five (35) feet in height.

(3) Front Yard Regulations:

(a)	<u>Required Setback Distance From Road Centerline</u>	<u>Road Class</u>
	160	State/Federal Highway
	160	County Road
	95	Local Road (TWP Road)

(b) Where a lot is located at the intersection of two (2) or more roads or highways which bound two or more sides of the lot, no building shall project beyond the front yard line of either road.

(4) Side Yard Regulations:

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

(b) No building shall be located within fifty (50) feet of any side lot line abutting a lot in any Residential or Agricultural District.

(5) Rear Yard Regulations:

(a) There shall be a minimum rear yard of thirty-five (35) feet.

(b) No building shall be located within fifty (50) feet of any side lot line abutting a lot in any Residence or Agricultural District.

(6) Lot Width and Depth Regulations

There shall be a minimum lot width and depth of one hundred fifty (150) feet.

(7) Water and Sewer System:

The developer shall be required to indicate the proposed water and sewage disposal system to serve the development.

(8) Screening and Fencing

The County may require the screening and fencing of commercial uses especially on side and rear yards facing Residential and Agricultural Districts.

(9) No more than fifty (50) percent of the lot ground area shall be covered by buildings.

(10) General Regulations:

Requirements for signs, parking, shopping centers, and other regulations are set forth in Section 7.

608.4 Multiple Use Buildings

In general, only one principal use may be permitted per lot. Where buildings are proposed which will contain more than one use, each use or change of use shall require a separate Conditional Use Permit.

609. GENERAL BUSINESS DISTRICT B-2

609.1 Purpose

The General Business District is intended to provide a district that will allow general retail and commercial uses to serve existing population.

609.2 Conditional Uses

- Commercial Recreation.
- Hospitals.
- Hotel and Motel.
- Offices and Medical Centers.
- Retail Trade.
- Government Buildings.
- Wholesale Business.
- Indoor Recreation, such as Movie Theater.
- Restaurants, Cafes and Supper Clubs.
- Passenger Transportation Terminal.
- Drive-In Business.
- Clubs, Lodges.
- Automobile Service Stations.
- Subdivisions - minimum lot size of one acre.
- Landscaping.
- Parking Facilities.
- Fences.
- Any incidental repair, processing and storage necessary to conduct a principal use but not exceeding thirty percent (30) of the floor space of the principal building.
- Essential Services -Telephone, telegraph and power distribution poles and lines and necessary appurtenant equipment and structures.
- On-Off Sale Liquor Establishment.
- Freight Transportation Terminals.
- Industry, such as a printing company, that requires direct contact with the public for sales.
- Single dwelling units.
- Commercial Day Care Centers.

609.3 Performance Standards

(1) Height Regulations:

No building shall hereafter be erected or structurally altered to exceed two and one half (2 1/2) stories or thirty-five (35) feet in height.

(2) Front Yard Regulations:

(a)	<u>Required Setback Distance From Road Centerline</u>	<u>Road Class</u>
	130	State Highway
	130	County Road
	65	Local Street (TWP Road)

- (b) Where a lot is located at the intersection of two (2) or more roads or highway side of each corner lot. No building shall project beyond the front yard line of either road.
- (3) Side Yard Regulations:
  - (a) Minimum side yard shall be twenty (20) feet.
  - (b) No building shall be located within fifty (50) feet of any side lot line abutting a lot in any Residential or Agricultural District.
- (4) Rear Yard Regulations:
  - (a) There shall be a minimum rear yard of thirty-five (35) feet.
  - (b) No building shall be located within fifty (50) feet of any rear lot line abutting a lot in any Residential or Agricultural District.
- (5) Lot Width and Depth Regulations

There shall be a minimum lot width and depth of one hundred fifty (150) feet.
- (6) Sewage Disposal and Water System

The developer shall be required to indicate the proposed water and sewage disposal systems to serve the development.
- (7) Screening and Fencing

The County may require the screening and fencing of commercial uses especially on side and rear yards facing Residential and Agricultural uses.
- (8) General Regulations

Requirements for signs, parking, shopping centers, and other regulations are set forth in Section 7.
- (9) No more than fifty (50) percent of the lot ground area shall be covered by buildings.

#### 609.4 Multiple Use Buildings

In general, only one principal use may be permitted per lot. Where buildings are proposed which will contain more than one use, each use or change of use shall require a separate Conditional Use Permit.

## 610. GENERAL INDUSTRY DISTRICT I-1

### 610.1 Purpose

The intent of the I-1 General Industry District is to provide a district that will: (1) allow general industrial development related to the existing development in the urban communities of the County, (2) encourage development that is compatible with surrounding or abutting districts, and (3) provide developmental standards that will not impair the traffic-carrying capabilities of abutting roads and highways.

### 610.2 Conditional Uses

Subdivisions - minimum lot size of one acre.

Billboards, signs, as regulated.

Bottling establishments.

Building material sales and storage and lumber yards.

Camera and photographic supplies manufacturing.

Cartage and express facilities.

Cartography and Bookbinding.

Commercial radio and television transmitting stations and towers.

Contractor's offices, shops and yards for plumbing, heating, glazing, painting, paper hanging, roofing, ventilating, air conditioning, masonry, electrical and refrigeration.

Dry cleaning plants.

Electric light or power-generating stations.

Electrical and electronic products manufacturers.

Electrical service shops.

Engraving, printing and publishing.

Extraction, processing or storage of sand, gravel, stone or other minerals, bituminous plants and concrete mixing plants.

Farm implement dealerships.

Feed and fertilizer manufacturing.

Freight terminal.

Garage for storage, repair and servicing of motor vehicles.

Highway maintenance shops and yards.

Ice sales and storage.

Jewelry manufacturer.

Junk yards, salvage yards, sanitary landfills.

Laundries.

Medical, Dental and Optical laboratories.

Monument works.

Public service structures, including power substations, gas regulator stations, sewage disposal plant, telephone exchange, police or fire station, elevated tanks, water works and other essential utilities.

Railroad rights-of-way and railroad yards.

Slaughter houses.

Storage or warehousing.

Wholesale business and office establishments.

Any use permitted in the B-2 General Business District.

Any manufacturing, fabrication, production, processing, cleaning, storage, servicing, repair and testing of materials, goods or products which conform with the performance standards set forth for this District.

### 610.3 Conditions

- (1) Storm drainage facilities shall be provided.
- (2) Municipal sanitary sewer and water shall be provided or a substitute acceptable to the County Sanitarian.
- (3) Wright County Planning Commission shall set additional conditions on any Conditional Use Permit to carry out the intent of the Comprehensive Plan and Section 610 of this Ordinance.

### 610.4 Accessory Uses

Accessory uses customarily incidental to the uses permitted in 610.2 and shall be Permitted Accessory Uses within a I-1 General Industry District.

### 610.5 Height, Yard and Lot Width and Building Coverage Regulations:

#### (1) Height Regulations:

No building shall hereafter be erected or structurally altered to exceed four (4) stories or forty-five (45) feet in height.

#### (2) Front Yard Regulations:

- (a) There shall be a front yard setback of not less than one hundred thirty (130) feet from the centerline of U.S. Highways and State Highways and one hundred thirty (130) feet from the centerline of all County State Aid Highways and County Highways.
- (b) There shall be a front yard setback of not less than sixty-five (65) feet from the centerline of all other public rights-of-way.
- (c) Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard line of either road.

#### (3) Side Yard Regulations:

A minimum side yard of twenty-five (25) feet shall be required, except that no building shall be located within fifty (50) feet of any side lot line abutting any residence district.

#### (4) Rear Yard Regulations:

A minimum rear yard of fifty (50) feet shall be required.

#### (5) Lot Width and Depth Regulations

There shall be a minimum lot width and depth of one-hundred fifty (150) feet.

(6) Lot Coverage Regulations:

Not more than fifty (50) percent of the total area of a lot shall be covered by buildings.

610.6 General Regulations

Additional requirements for signs, parking and other regulations in the I-1 General Industry District are set forth in Section 7.

## 611. FLOOD PLAIN OVERLAY DISTRICT - FP

### 611.1 Authorization, Findings and Purpose

The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 104 and Chapter 394 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the following regulations are incorporated into the Wright County Zoning Ordinance.

The flood hazard areas of Wright County, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. This Ordinance is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.

The standards in this district have been developed from the "Sample Three District Flood Plain Management Ordinance - One Map Format" promulgated by the Department of Natural Resources. Changes have been made to adjust the model to fit within this Wright County Zoning Ordinance, but in no case have provisions been made less strict than the sample ordinance.

The Flood Plain Overlay District shall apply in addition to all standards within the primary zoning district and applicable shoreland regulations. In case of conflict between any such standards, the most restrictive shall apply. The Flood Plain Overlay District shall be comprised of three areas as specified in Sections 611.3, 611.4 and 611.5.

### 611.2 General Provisions

#### (1) Application

The Flood Plain Overlay District shall apply to all lands within the jurisdiction of Wright County shown on the Zoning Map and/or attachments thereto as being located within the boundaries of the Floodway, Flood Fringe or General Flood Plain areas.

- (a) District Map - The Zoning Map is hereby amended to include the Flood Insurance Study for Wright County, Minnesota - Unincorporated Areas, prepared by the Federal Insurance Administration dated August 18, 1992 and the Flood Insurance Range Maps dated August 18, 1992. These maps shall be on file in the offices of the Wright County Auditor and Zoning Administrator.
- (b) Interpretation - The provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Governing Body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes. The boundaries of the zoning areas shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year)

flood profile and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board and to submit technical evidence.

(2) Abrogation and Greater Restrictions

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

(3) Warning and Disclaimer of Liability

This Ordinance does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Wright County or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

(4) Compliance

- (a) No new structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance. Within the Floodway, Flood Fringe and General Flood Plain Areas, all uses not listed as permitted uses or conditional uses in Sections 611.3, 611.4, and 611.5 that follow, respectively, shall be prohibited.
- (b) New and replacement manufactured homes and mobile homes, as defined by this ordinance, and certain travel trailers are subject to the special provisions in Section 611.8
- (c) Modifications, additions, structural alterations or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Ordinance and specifically Section 405.
- (d) As-built elevations for elevated or flood-proofed structures must be certified by ground surveys and flood proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Ordinance and specifically as stated in Section 611.9 of this Ordinance.

611.3 Floodway Area

(1) Floodway Area

The Floodway Area shall include those areas designated as floodway on the Flood Insurance Rate Map adopted in Section 611.2(1)

(2) Permitted Uses

Shall have a low flood damage potential, be permitted in the primary zoning district and not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

- (a) General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, wild crop harvesting.
- (b) Industrial-commercial loading areas, parking areas, and airport landing strips.
- (c) 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.
- (d) Residential lawns, gardens, parking areas, and play areas.

(3) Conditional Uses

- (a) Structures accessory to the uses listed in (2) above and the uses listed below.
- (b) Extraction and storage of sand, gravel, and other material.
- (c) Marinas, boat rentals, docks, piers, wharves, and water control structures.
- (d) Railroads, streets, bridges, utility transmission lines, and pipelines.
- (e) Storage yards for equipment, machinery, or materials.
- (f) Placement of fill.
- (g) Travel trailers and travel vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of Section 611.8 of this Ordinance.
- (h) Structural works for flood control such as levees, dikes and flood walls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

(4) Standards for Floodway Conditional Uses

- (a) All Uses

No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a Conditional Use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.

- (b) All floodway Conditional Uses shall be subject to the procedures and standards contained in Section 611.9(6) of this Ordinance.
- (c) Fill
  - (1) Fill, dredge spoil and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.
  - (2) Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.
  - (3) As an alternative, and consistent with Subsection (2) immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the Governing Body has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available.
- (d) Accessory Structures
  - (1) Accessory structures shall not be designed for human habitation.
  - (2) Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
  - (3) Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size, and for a detached garage, the 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:
    - 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
    - Any mechanical and utility equipment in a structure must be elevated to or above the Regulatory Flood Protection Elevation or properly flood proofed.

- (e) Storage of Materials and Equipment:
  - (1) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
  - (2) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.
- (f) 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 105. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.
- (g) A levee, dike or flood wall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

#### 611.4 FLOOD FRINGE AREA

- (1) Flood Fringe Area

The Flood Fringe shall include those areas designated as floodway fringe. The Flood Fringe shall constitute those areas shown on the Flood Insurance Rate Map as adopted in Section 611.2(1) as being within Zone AE but being located outside of the floodway.

- (2) Permitted Uses

Permitted Uses shall be those uses of land or structures listed as Permitted Uses in the underlying zoning district(s). All Permitted Uses shall comply with the standards for all Flood Fringe "Permitted and Conditional Uses" listed in Section 611.4(4).

- (a) All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the Regulatory Flood Protection Elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the Regulatory Flood Protection Elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.
- (b) As an alternative to elevation on fill, 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 611.3(4)d.2
- (c) The storage of any materials or equipment shall be elevated on fill to the Regulatory Flood Protection Elevation.

(3) Conditional Uses

Conditional Uses shall be those uses or structures listed as Conditional Uses in the underlying zoning district, those structures proposed to be flood proofed by methods other than elevating on fill, and the storage of materials or equipment on flood fringe lands not elevated above the Regulatory Flood Protection Elevation. An application for a Conditional Use shall be subject to all standards and criteria listed in Section 611.4 and elsewhere in this Ordinance.

(a) Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the Regulatory Flood Protection Elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) is designated to internally flood and is constructed with flood resistant materials; and 3) is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

(1) Design and Certification- The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the Regulatory Flood Protection Elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

(2) Specific standards for above-grade, enclosed areas above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

The minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. When openings are placed in a structure's walls to provide for entry of flood waters to equalize pressures, the bottom of all openings shall be no higher than one-foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

(b) Basements, as defined by Section 302. of this Ordinance, shall be subject to the following:

(1) Residential basement construction shall not be allowed below the Regulatory Flood Protection Elevation.

- (2) Non-residential basements may be allowed below the Regulatory Flood Protection Elevation provided the basement is structurally dry flood proofed in accordance with Section 611.4(3)c of this Ordinance.
- (c) 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 and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.
- (d) When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted. The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the Governing Body. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.
- (e) Storage of Materials and Equipment:
- The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
  - 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 Governing Body.
- (4) Standards for All Flood Fringe Uses:
- (a) All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the Regulatory Flood Protection Elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.
- (b) Commercial Uses - accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the Regulatory Flood Protection Elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted 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.

- (c) Manufacturing and Industrial Uses - measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Section 611.4(4)b. above. 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.
- (d) Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation - FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.
- (e) Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.
- (f) Standards for manufactured homes, travel trailers and travel vehicles are contained in Section 611.8.

#### 611.5 General Flood Plain Area

##### (1) General Flood Plain Area

The General Flood Plain shall include those areas designated as unnumbered A Zones on the Flood Insurance Rate Map adopted in Section 611.2(l).

##### (2) Use Regulations

- (a) The uses listed in Section 611.3(2) shall be permitted uses.
- (b) All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to Section 611.5(3) below. Section 611.3 shall apply if the proposed use is in the Floodway District and Section 611.4 shall apply if the proposed use is in the Flood Fringe District.

##### (3) Procedures for Floodway and Flood Fringe Determinations Within the General Flood Plain District.

- (a) Upon receipt of an application for a use within the General Flood Plain District, the applicant shall be required to furnish such of the following information as is deemed necessary by the Zoning Administrator for the determination of the Regulatory Flood Protection Elevation and whether the proposed use is within the Floodway or Flood Fringe District.

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.

Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets; photographs showing existing land uses and vegetation upstream and downstream; and soil type.

Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.

- (b) The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District and to determine the Regulatory Flood Protection Elevation. Procedure consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:
- Estimate the peak discharge of the regional flood.
  - Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
  - 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 .5 foot shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.
- (c) The Zoning Administrator shall present the technical evaluation and findings of the designated engineer or expert to the Governing Body. The Governing Body must formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary or deny the permit application. The Governing Body, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources or the Planning Commission for review and comment. Once the Floodway and Flood Fringe Boundaries have been determined, the Governing Body shall refer the matter back to the Zoning Administrator who shall process the permit application consistent with the applicable provisions of Section 611.3 and 611.4 of this Ordinance.

## 611.6 Subdivisions

### (1) Review Criteria

No land shall be subdivided which is unsuitable for the reasons of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall contain a building site at or above the Regulatory Flood Protection Elevation.

All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Ordinance and have road access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation. For all subdivisions in the flood plain, the Floodway and Flood Fringe boundaries, the Regulatory Flood Protection Elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

### (2) Floodway/Flood Fringe Determinations in the General Flood Plain District

In the General Flood Plain District, applicants shall provide the information required in Section 611.5(3) of this Ordinance to determine the 100-year flood elevation, the Floodway and Flood Fringe District boundaries and the Regulatory Flood Protection Elevation for the subdivision site.

### (3) Removal of Special Flood Hazard Area Designation

The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevation 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.

## 611.7 Public Utilities, Railroads, Roads, and Bridges

### (1) Public Utilities

All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood-proofed in accordance with the State Building Code or elevated to above the Regulatory Flood Protection Elevation.

### (2) Public Transportation Facilities

Railroad tracks, roads, and bridges to be located within the flood plain shall comply with Sections 611.3 and 611.4 of this Ordinance. Elevation to the Regulatory Flood Protection Elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

611.8 Manufactured Homes and Manufactured Home Parks and Placement of Travel Trailers and Travel Vehicles

- (1) New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by Section 611.6(1).
- (2) The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with Section 611.4. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with Section 611.4(4); then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the Governing Body.
- (3) 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 to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
- (4) Travel trailers and travel vehicles that do not meet the exemption criteria specified below shall be subject to the provisions of this Ordinance and as specifically spelled out in Section 6) and 7), below.

Exemption - Travel trailers and travel vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in Section 5) below and further they meet the following criteria:

- (a) Have current licenses required for highway use.
  - (b) Are highway ready (meaning on wheels or the internal jacking system) are attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks and the travel trailer/travel vehicle has no permanent structural type additions attached to it.
  - (c) The travel trailer or travel vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.
- (5) Areas Exempted for Placement of Travel/Recreational Vehicles:
- (a) Individual lots or parcels of record.
  - (b) Existing commercial recreational vehicle parks or campgrounds.
  - (c) Existing condominium type associations.
- (6) Travel trailers and travel vehicles exempted in Section 4, lose this exemption when development occurs on the parcel for structural addition to the travel trailer/travel vehicle or an accessory structure such as a garage or storage building. The travel trailer/travel vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restrictions specified in Sections 611.3 and 611.4 of this Ordinance.

- (7) New commercial travel trailer or travel vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:
- (a) Any new or replacement travel trailer or travel vehicle will be allowed in the Floodway or Flood Fringe Districts provided 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 this Ordinance. No fill placed in the floodway to meet the requirements of this Section shall increase flood stages of the 100-year or regional flood.
  - (b) All new or replacement travel trailers or travel vehicles not meeting the criteria of (a) above may, as an alternative, be allowed as a Conditional Use if in accordance with the following provisions and the provisions of 611.9(b) of the Ordinance. The applicant must 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. All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with State Rules.

#### 611.9 Administration

In addition to the requirements in Sec. 5 of this Ordinance, the following shall apply.

(1) State and Federal Permits

Prior to granting a Permit or processing an application for a Conditional Use Permit or Variance, in the Flood Plain Overlay District, the Zoning Administrator shall determine that the applicant has obtained all necessary State and Federal Permits.

(2) Certification

The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Flood-proofing measures shall be certified by a registered professional engineer or registered architect.

(3) Record of First Floor Elevation

The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures or additions to existing structure in the flood plain. The Zoning Administrator shall also maintain a record of the elevation to which structures or additions to structures are flood proofed.

(4) Variances

No variance shall permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area, or permit standards lower than those required by State law.

(5) Flood Insurance Notice and Record Keeping

The Zoning Administrator shall notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and 2) Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

(6) Conditional Use Permits

In passing upon Conditional Use applications, the Planning Commission shall consider all relevant factors specified in other sections of this Ordinance, and:

- (a) The danger to life and property due to increased flood heights or velocities caused by encroachments.
- (b) The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
- (c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- (d) The susceptibility of the proposed facility and its contents to the flood damage and the effect of such damage on the individual owner.
- (e) The importance of the services provided by the proposed facility to the community.
- (f) The requirements of the facility for a waterfront location.
- (g) The availability of alternative locations not subject to flooding for the proposed use.
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (i) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- (j) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (k) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- (l) Such other factors which are relevant to the purposes of this Ordinance.

(7) Amendments

The flood plain designation on the Official Zoning Map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regional flood and is contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he determines that, through other measures, lands are adequately protected for the intended use.

All amendments to Section 6ll. including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given 10-days written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the ordinance amendment or technical study under consideration.

## 612. Shoreland Zoning Regulations

### 612.1 Purpose

The major purpose of the Shoreland Regulations is to control the density and location of developments in the shorelands of the public waters of the County in order to preserve the water quality and the natural characteristics of the Shorelands and public waters in the County. These regulations conform to the standards and requirements of the State Shoreland Management Act.

### 612.2 Classification System

Water bodies in Wright County have been divided into Lake and River Classifications in accord with the MN DNR Shoreland Management Standards. The three categories of lakes are Natural Environment, Recreational Development, and General Development. General Development and Recreational Development Lakes are larger in size and potentially more suitable for development and recreation purposes and can thus support a higher density of residential development on the shoreland. Natural Environment Lakes are smaller, often marshy in character, and require stricter shoreland standards to protect the quality of the lake resource. The three categories of rivers used in the County are Transition, Agriculture, and Tributary. Transition River areas have a mixture of land uses and development densities. Agriculture Rivers are located in intensively cultivated areas and have potential for additional development, however water quality constraints and competing land uses, particularly agriculture, will inhibit expansions. Tributary Rivers also have a wide variety of existing land uses. There is potential for additional development and recreational use, particularly those located near roads and cities. For a more thorough review of the classification system, reference is made to the MN DNR Statewide Standards.

### 612.3 Lakes Classifications

The Shorelands Zoning Regulations of Wright County will apply to all lakes classified as either Natural Environment (NE), Recreational Development (RD), or General Development (GD) by the Department of Natural Resources (DNR).

The following Lakes as mapped on the Protected Waters and Wetlands Map, 1984 by the Department of Natural Resources, incorporated herein by reference, are included under the Shoreland Zoning District:

LAKE ID #	LAKE NAME	CLASSIFICATION
100128	SWAN	NE
430020	COON	NE
470001	MAPLE	NE
470002	FRANCIS	GD
730014	MARIE	RD
860001	FOSTER	NE
860002	RICE	NE

860008	UNNAMED	NE
860009	MARTHA	GD
860010	WAGNER	NE
860011	CHARLOTTE	GD
860015	SCHOOL	NE
860016	UNNAMED	NE
860017	UHL	NE
860018	UNNAMED	NE
860019	GONZ	NE
860020	WILHELM	RD
860021	MUD	NE
860022	STEELE	NE
860023	BEEBE	RD
860024	UNNAMED WETLAND	NE
860025	SCHOOL	NE
860026	MUD	NE
860027	UNNAMED	NE
860028	MOORE	NE
860029	SCHMIDTS	NE
860031	PELICAN	NE
860032	RICE	NE
860033	UNNAMED	NE
860034	CEDAR	NE
860035	UNNAMED	NE
860036	UNNAMED	NE
860038	MUD	NE
860039	UNNAMED	NE
860041	DEAN	RD
860042	UNNAMED	NE
860043	UNNAMED (AKA ROONEY)	NE
860044	MUD	NE
860046	CRAWFORD	RD
860047	UNNAMED	NE
860048	COOK	NE
860049	MARY	NE
860050	WRENS SLOUGH	NE
860051	CONSTANCE	RD
860053	PULASKI	GD
860056	WASHINGTON	NE
860061	SCHMIDT	NE
860062	UNNAMED	NE
860063	GREEN MOUNTAIN	NE
860064	GILCHRIST	NE
860065	UNNAMED	NE
860066	BIRCH	RD
860068	MUD	NE
860069	LONG	NE
860070	BERTRAM	NE
860071	EAST TWIN	NE
860072	NORTH	NE
860073	CEDAR	RD

860075	UNNAMED	NE
860078	SLOUGH	NE
860082	PARADISE	NE
860084	UNNAMED	NE
860085	MUD	NE
860086	FOUNTAIN	NE
860087	FAUST SLOUGH	NE
860088	MINK	RD
860089	TAMARACK	NE
860090	BUFFALO	GD
860091	VARNER	RD
860092	LITTLE IDA	NE
860093	SLOUGH	NE
860094	WESTTWIN	NE
860095	BLACK	NE
860096	BLACK	NE
860097	CARRIGAN	NE
860098	UNNAMED	NE
860099	RUCKLES	NE
860100	LAUZERS	NE
860101	DOG	NE
860102	POOLES	NE
860103	IDA	NE
860105	UNNAMED	NE
860106	LITTLE WAVERLY	RD
860107	DEER	RD
860108	GOOSE	NE
860109	FADDEN	NE
860110	UNNAMED	NE
860111	UNNAMED	NE
860112	MALARDI	NE
860114	WAVERLY	GD
860116	BIRCH	NE
860119	SULLIVAN	RD
860120	RAMSEY	RD
860122	LIGHT FOOT	RD
860123	NORTH TWIN	NE
860124	UNNAMED	NE
860125	MARY	NE
860126	SOUTH TWIN	NE
860127	ALBERT	NE
860128	UNNAMED	NE
860129	UNNAMED	NE
860131	BERTHIAUME	NE
860132	ABBIE	NE
860133	ANGUS	NE
860134	MAPLE	GD
860136	UNNAMED	NE
860137	MARIA	NE
860139	LITTLE MARY	NE
860140	SILVER	RD

860142	SLOUGH	NE
860146	IDA	GD
860147	LITTLE EAGLE	RD
860148	EAGLE	GD
860152	MILLSTONE	NE
860153	UNNAMED	NE
860154	UNNAMED	NE
860156	MARY	RD
860157	UNNAMED	NE
860158	UNNAMED	NE
860159	UNNAMED	NE
860161	WEST	NE
860163	LIMESTONE	RD
860164	RICE	NE
860165	UNNAMED	NE
860168	LOCKE	GD
860170	TWIN	NE
860171	EMBER	NE
860172	UNNAMED	NE
860174	NORTH	NE
860176	MELROSE	NE
860177	YAEGER	NE
860178	DOG	RD
860179	MAINS	NE
860180	SCHOOL SECTION	NE
860181	LITTLE ROCK	NE
860182	ROCK	RD
860183	FISH	RD
860184	DUTCH	RD
860185	MUD	NE
860187	MILKY	NE
860188	EMMA	RD
860190	ANN	RD
860191	UNNAMED	NE
860192	ROUND	NE
860193	MARY	RD
860194	LONG	NE
860196	UNNAMED	NE
860197	MAPLE	NE
860198	BUTLER	NE
860199	HOWARD	GD
860200	SPRING	NE
860202	JUNKINS	NE
860203	UNNAMED	NE
860204	TAYLOR	NE
860206	DOERFLER	NE
860208	SWART WATTS	NE
860209	WILLIMA	NE
860210	HENRY	NE
860211	EDWARD	NE
860212	ALBION	NE

860213	HENSHAW	NE
860214	WHITE	NE
860215	SLOUGH	NE
860216	ABBAY	NE
860217	GRANITE	RD
860218	MAXIM	NE
860219	MUD	NE
860220	UNNAMED	NE
860221	CAMP	RD
860222	UNNAMED	NE
860223	INDIAN	RD
860224	SANDY	NE
860225	UNNAMED	NE
860227	CEDAR	GD
860229	MINK	RD
860230	SOMERS	RD
860233	SUGAR	GD
860234	BASS	GD
860238	NIXON	NE
860239	SHELDON	NE
860241	CORNELL	NE
860242	WIEGAND	NE
860243	GRASS	NE
860244	UNNAMED	NE
860245	UNNAMED	NE
860246	LONG	NE
860250	SMITH	NE
860251	PLEASANT	GD
860252	CLEARWATER	GD
860253	BUTTERNUT	NE
860254	UNNAMED	NE
860255	SHAKOPEE	NE
860256	CHELGREN	NE
860257	GRASS	NE
860258	UNNAMED	NE
860259	UNNAMED	NE
860261	UNNAMED	NE
860263	COKATO	RD
860264	BROOKS	RD
860265	DAHLGREN SLOUGH	NE
860266	SKIFSTROM	NE
860268	UNNAMED	NE
860270	UNNAMED	NE
860271	MOSES	RD
860273	FRENCH	RD
860274	DANS	NE
860275	UNNAMED	NE
860277	UNNAMED	NE
860278	GOOSE	NE
860279	TWIN	GD
860280	PICKEREL	NE

860281	CAROLINE	RD
860282	LOUISA	GD
860284	AUGUSTA	RD
860285	UNNAMED	NE
860286	LITTLE JOHN	NE
860288	JOHN	RD
860289	SYLVIA	GD
860290	UNNAMED	NE
860292	UNNAMED	NE
860293	COLLINWOOD	RD
860295	SWAN	NE
860296	BEAVER DAM	NE
860297	SCOTT	NE
860298	UNION	RD
860301	UNNAMED	NE

#### 612.4 River and Stream Classifications

The Shorelands Zoning Regulations of Wright County will apply to all Rivers as follows (except the Mississippi River which is zoned Wild and Scenic):

<u>River</u>	<u>Classification</u>
North Fork of the Crow River	Transition
South Fork of the Crow River	Agriculture
Crow River (main stem)	Agriculture
Clearwater River	Agriculture

All other water courses shown on the Protected Waters Inventory Map of Wright County which are not classified above are assigned a classification of Tributary.

## 612.5 Shoreland Performance Standards

### 612.5 (1) General Performance Standard for Lakes

Performance standards in shoreland areas are additional to standards of the primary zoning district. In case of a conflict, the stricter standard shall apply as well as any additional requirements if flood plain elevations have been established.

The minimum lot size of the underlying zoning district applies only where soil percolation tests indicate the lot is sufficiently large to provide for the drainfield and septic tank setbacks required by this Ordinance.

#### (a) General Development Minimum Standards:

Structure setback from NOHW	75 ft.
Structure setback from Bluff	30 ft.
Height	2 1/2 stories (35 ft.)
Elevation of lowest floor above highest known water level	4 ft.
Water Oriented Accessory Structure setback from NOHW	10 ft.

The lot width may be reduced to 100 feet if public sewage treatment facilities are provided.

#### (b) Recreational Development Standards:

Structure setback from NOHW	100 ft.
Structure setback from Bluff	30 ft.
Height	2 1/2 stories (35 ft.)
Elevation of lowest floor above highest known water level	4 ft.
Water Oriented Accessory Structure Setback from NOHW	10 ft.

The lot width may be reduced to 100 feet if public sewage treatment facilities are provided.

#### (c) Natural Environment Standards:

Structure setback from NOHW	200 ft.
Structure setback from Bluff	30 ft.
Lot Size	2 acres
Lot Width	200 ft.
Lot Depth	200 ft.
Side Yard Setback	20 ft.
Height	2 1/2 stories (35 ft.)
Elevation of lowest floor above highest known water level	4 ft.

\*\*Water Oriented Accessory Structures are not permitted on Natural Environment Lakes.

## 612.5 (2) General Performance Standards for Rivers

Performance standards in shoreland areas are additional to standards of the primary zoning district. In case of a conflict, the stricter standard shall apply as well as any additional requirements if flood plain elevations have been established.

### (a) Transition Standards:

Structure setback from NOHW	200 ft.
Structure setback from Bluff	30 ft.
Lot Size	2 acres
Lot Width	250 ft.
Lot Depth	200 ft.
Side Yard Setback	20 ft.
Height	2 1/2 stories (35 ft.)
Elevation of lowest floor above highest known water level	4 ft.

\*\* Water Oriented Accessory Structures are not permitted on Transition Rivers.

### (b) Agriculture and Tributary Standards:

Structure setback from NOHW	100 ft.
Structure setback from Bluff	30 ft.
Lot Width	150 ft.
Height	2 1/2 stories (35 ft.)
Elevation of lowest floor above highest known water level	4 ft.
Water Oriented Accessory Structures setback from NOHW	10 ft.

### 612.5 (3) Design Criteria for Certain Structures

#### (a) Stairways, Lifts, and Landings.

Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements.

- (1) Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;
- (2) Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open-space recreational properties, and planned unit developments;
- (3) Canopies or roofs are not allowed on stairways, lifts, or landings;
- (4) Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
- (5) Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
- (6) Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subitems (1) to (5) are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.

#### (b) Decks must meet the structure setback standards. Decks that do not meet the structure setback requirements from public waters may be allowed without a variance to be added to structures existing on the date the shoreland structure setbacks were established by ordinance, if all of the following criteria and standards are met:

- (1) a thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
- (2) the deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing shoreline setback of the structure from the ordinary high water level or does not encroach closer than 30 feet or does not encroach closer than the existing legally placed structures on adjacent property, whichever is more restrictive; and
- (3) the deck is constructed primarily of wood and is not roofed or screened.

- (c) Water-oriented Accessory Structures and facilities. All accessory structures and facilities, except those that are water-oriented, must meet or exceed structure setback standards. If allowed by water classification, each residential lot may have one water-oriented accessory structure or facility located closer to public waters than the structure setback if all of the following standards are met:
- (1) the structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight feet above grade at any point;
  - (2) the setback of the structure or facility from the ordinary high water level must be at least ten feet;
  - (3) the structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, or other means assuming summer, leaf-on conditions;
  - (4) the roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area;
  - (5) the structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities; and
  - (6) for general development water bodies, water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the configuration of the shoreline.

#### 612.5 (4) Agriculture Use Standards.

- (a) 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) General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are allowed if permitted uses, if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency.
- (c) Animal feedlots as defined by the Minnesota Pollution Control Agency, where allowed by zoning district designations, must be reviewed as conditional uses and must meet the following standards:
  - (1) New feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of 300 feet from the ordinary high water level of all public waters basins; and

- (2) Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.
- (3) A certificate of compliance, interim permit, or animal feedlot permit, when required by MN P.C.A. regulations must be obtained by the owner or operator.
- (d) Use of fertilizer, pesticides, or animal wastes within shorelands must be done in such a way as to minimize impact on the shore impact zone or public water by proper application or use of earth or vegetation.

612.5 (5) Land Suitability

Each lot created through subdivision must be suitable for development in its natural state for the proposed use with minimal alteration. Suitability analysis shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health safety, or welfare of future residents of the proposed divisions or of the community.

## 612.6 Special Protection Shorelands District S-1

### (1) Purpose

The intent of the S-1 Special Protection Shoreland District is to guide the wise development and utilization of shorelands of public waters for the preservation of water quality and natural characteristics of all public waters in the unincorporated areas of the County and to manage areas unsuitable for development due to wet soils, steep slopes, or larger areas of exposed bedrock; and to manage areas of unique natural and biological characteristics in accordance with compatible uses.

The S-1 Special Protection Shoreland District shall be an overlay district. Standards in the S-1 district shall apply in addition to those in the underlying district. In the case of a conflict, the stricter standard shall apply. Only the AG zoning district will be allowed as underlying district with the S-1 district.

On the following lakes all shoreland area surrounding the lake is designated as S-1. The County will conduct further studies, as resources become available, to determine the need to refine and extend the S-1 District to other areas.

<u>LAKE</u>	<u>ID</u>
Pelican.	860031
Malardi	860112
Rice	860002
Beaver Dam	860296

### (2) Permitted Uses

Permitted uses shall be those listed as permitted in the underlying zoning district, except that no wetlands shall be drained to facilitate cultivation of shoreland areas within specified distances of lakes or streams depending upon topography.

### (3) Accessory Uses

Accessory uses customarily incident to the permitted uses.

### (4) Conditional Uses

Conditional Uses in the underlying zoning district shall not be allowed in the S-1 district. Only those conditional uses listed below may be allowed.

- (a) All approved aerial or underground utility line crossings such as electrical, telephone, telegraph, or gas lines which cannot be reasonably located in other than a special protection district.
- (b) Non-residential structures used solely in conjunction with raising wild animals or fish provided the structures are of a design approved by the Planning Commission as being compatible with other general allowable uses of the district.
- (c) New agricultural feedlots

- (d) Development of parks and historic sites
  - (e) Mining, Sand, and Gravel Extraction
  - (f) Other uses of the same general character as permitted uses provided they comply with the Statewide Standards for Management of Shoreland Areas.
- (5) General Regulations

Requirements for signs, parking, sewage disposal, etc. are set forth in Sec. 7.

## 612.7 Residential-Recreational Shorelands District S-2

### (1) Purpose

The intent of the S-2 Residential-Recreational Shorelands District is to preserve areas which have natural characteristics suitable for both passive and active recreational usage and to manage areas suitable for residential development of varying types including permanent and seasonal housing. The S-2 Residential-Recreational Shorelands District shall be an overlay district. Standards in the S-2 district shall apply in addition to those in the underlying district. In the case of a conflict, the stricter standard shall apply. Only the AG, A/R, R-1, R-2, and R-2(a) districts may be allowed as underlying districts with the S-2 district.

### (2) Permitted Uses

Permitted uses shall be those listed as permitted in the underlying zoning district.

### (3) Accessory Uses

- (a) Private garages.
- (b) One water Oriented Accessory Structure per lot.
- (c) Park structures including shelter, toilets, storage buildings, garages, observation towers, and caretakers living quarters.
- (d) Signs, as regulated in Section 724.

### (4) Conditional Uses

In addition to the conditional uses listed below, those conditional uses listed in the underlying zoning district may be considered in the S-2 district. However, the Planning Commission shall give special consideration to conditional use permits in shoreland areas, in addition to the review specified in Section 505. The Planning Commission may deny a conditional use permit in the shoreland district if the Commission finds that the use could have a detrimental effect on the lake or stream or that the proposed use is not suited to a shoreland area.

- (a) Golf clubhouses, country club, public swimming pool, private swimming pools serving more than one family.
- (b) Riding academies, stables.
- (c) Organized group camps.
- (d) Home occupations.

### (5) General Regulations

Requirements for signs, parking, sewage disposal, etc. shall be set forth in Section 7.

## 612.8 Commercial-Recreational Shoreland District S-3

### (1) Purpose

The intent of the S-3 Commercial-Recreational Shorelands District is to provide suitable locations for, and to encourage the development of, commercial recreation facilities in those areas of the County which benefit the recreational needs of both residents and tourists and restrict incompatible commercial and industrial uses. S-3 Commercial-Recreational Shoreland District shall not be an overlay district, but shall be an exclusive district when used. It shall be the only district where commercial uses are allowed in the shoreland areas. Such uses shall be limited to those listed below. Performance standards shall be those listed in Section 612.4 and as otherwise applicable in this ordinance. If any standards contained with Minnesota Rules, parts 6120.2500 or 6120.3800 are more restrictive than this Ordinance the stricter standards shall apply.

### (2) Permitted Uses: - None

### (3) Conditional Uses

- (a) Resort facilities to include lodges, guest houses, and cabins.
- (b) Taverns where the main function is servicing a resort or recreational development.
- (c) Restaurants where the main function is servicing a resort or recreational development.
- (d) Golf courses and clubhouses.
- (e) Indoor theaters.
- (f) Sporting goods, establishments, outfitters and suppliers, bait shops, and rental goods establishments.
- (g) Ski areas and lodges.
- (h) Single family detached dwellings for personnel directly connected with the operating of resort or recreation facilities only, as regulated in S-2 Residential-Recreational Shorelands District.
- (i) Motels and auto courts.
- (j) Yacht slips, service and storage marinas, harbor and docking facilities subject also to all approved regulations and ordinances of governmental agencies for the same.
- (k) Recreational trailer parks and commercial camping facilities for short duration uses, subject to all requirements of this Subsection.
- (l) Nature trails, snowmobile trails, ski trails and similar facilities.

- (m) Other commercial and industrial uses included in the B-1, B-2, or I-1 districts, only if the use is to utilize an existing building located in the shoreland area which is not suited to being used as an otherwise permitted or conditional use. The Planning Commission must determine that the proposed use will not have an adverse impact on the lake or stream involved.

(4) Accessory Uses to Allowed Conditional Uses

- (a) Swimming pools, saunas, outdoor recreational equipment and structures.
- (b) Boathouses, docks, and piers.
- (c) Storage garages.

(5) Special District Provisions

- (a) Any principal structure hereafter erected, constructed, altered, moved or substantially renovated in any manner which includes in its function the providing of services, entertainment or lodging for residents or tourists shall be equipped with indoor toilet and running water (hot and cold) facilities, and adequate heating system based on floor area and occupancy criteria, and the facilities for maintaining access routes where operated on a year-round basis. It shall be the responsibility of the Zoning Administrator to evaluate or have evaluated the adequacy of utilities using standards established by the Board of County Commissioners and the State Department of Public Health.

(b) Standards for Commercial, Industrial, Public, and Semipublic Uses.

- (1) Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:

- in addition to meeting impervious coverage limits, setbacks, and other zoning standards in this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;

- uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and

- 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 must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and

- (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.
- (2) Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.
- (6) Recreational Campground Provisions. Recreational Campgrounds must meet the following requirements as well as any additional requirements set forth in the Statewide Standards for the Management of Shoreland Areas.
- (a) Definition - A Recreational Camp shall constitute any area used on a daily, nightly or weekly basis for the accommodation of three or more occupied tents or travel trailers whether privately or publicly owned; and whether use of such accommodation is granted free of charge or for compensation.
  - (b) Licensing - Every person, organization or municipality establishing or having control of a Recreational Camping Area shall obtain all necessary licenses and permits required by the State of Minnesota and the State Health Department.
  - (c) Caretaker - A responsible attendant or caretaker shall be in charge of every recreational camping area at all times and the duties of said attendant or caretaker shall be to maintain records of the park, keep the facilities and the equipment in a clean, orderly and sanitary condition. The caretaker or attendant shall be the owner or operator of the camping area, or his appointed representative.
  - (d) Recreational Camping Area Location - No recreational camping area shall be located that the drainage from the park or camp area will endanger any water supply. No waste water from recreational camping vehicles shall be deposited on the surface of the ground.
  - (e) Recreational Camping Area Spacing - A site size appropriate to meet all spacing requirements shall be provided for each recreational camping vehicle or tent in

camping areas. The Planning Commission shall determine the location density, and spacing of recreational camping vehicles, tents, primary, and accessory structures whether permanent or temporary based upon water supply and waste disposal facilities, topography, drainage, and other locational and natural characteristics of the site. Any accessory structure such as attached awnings, car ports or individual storage facilities shall, for the purposes of the setbacks and separation requirements, be considered to be part of the recreational camping vehicle, tent or other structure.

- (f) Density - At least 50 percent of the total project area must be preserved as open space as defined in the State Standards for Management Shoreland Areas.
- (g) Water Supply - Facilities for water supply and waste disposal must meet the minimum requirements of the State Health Department and any other State laws or regulations and the County standards for sewage treatment.
- (h) Garbage and Refuse Disposal - All garbage and refuse shall be stored and disposed of in a manner that will not create or tend to create a nuisance, or provide a breeding place for flies. Garbage and refuse containers shall be constructed of non-absorbent materials with tight fitting lids. All containers shall be washed at least once each week and sprayed with effective insecticides. Garbage or refuse containers shall be supplied for each four camp sites, and shall be not more than two hundred feet from the farthest site. Containers shall be emptied twice weekly or more often if required.
- (i) Picnic Areas - Picnic areas shall be provided with suitable toilets, or privies and refuse containers consistent with the usage demands. Such facilities shall be constructed in accordance with standards of the State Health Department.
- (j) Swimming Areas - Natural swimming areas shall be located only on lakes and streams which are relatively free from human, animal and industrial pollution, and where swimming will not endanger the quality of a domestic water supply. Swimming areas shall be located at least seventy-five (75) feet (preferably 150 feet) from boat docks or boat landing slips and shall be roped off by floats and cables to designate the safe limits of the swimming areas. Artificial swimming and wading pools shall be constructed in accordance with standards of the State Health Department.
- (k) Submission of Plans
  - (1) No recreational vehicle camp shall be constructed nor shall any system of plumbing, sewage system, water supply or swimming pool for the vehicle camp be installed or altered until four (4) plans drawn to scale have been submitted to and approved by the County Planning Commission and the State Health Department.
  - (2) An applicant for a Recreational Vehicle Camping Area Conditional Use Permit shall submit a development plan for the proposed park including the following:
    - The proposed site and existing development.

Proposed size, location and arrangement of buildings.  
Parking areas and stall arrangements.  
Entrance and exit drives.  
Proposed sewer and water system.  
Recreation areas.

(7) General Regulations

Requirements for signs, parking, sewage disposal, etc. are set forth in Section 7.

## 613. WILD AND SCENIC RIVER DISTRICT W

### 613.1 Purpose

The purpose of this district is to protect and preserve the scenic, recreational, natural and historical values of the Mississippi River in Wright County by carefully controlling development of this river corridor consistent with the State Wild and Scenic River Act and Minnesota Regulations NR 78-81.

### 613.2 Designation of District

In order to preserve and protect the Mississippi River and its adjacent land which possess scenic, recreational, natural and historical values, the Mississippi River in Wright County has been given a Recreational River classification and lands adjacent to the river are hereby designated by land use districts, the boundaries of which are based upon the Mississippi River Management Plan, NR 2400.

The boundaries of the Mississippi River Recreation land use district is shown on the Wright County Zoning Map which is made part of the Wright County Zoning Ordinance.

### 613.3 Permitted Uses

Governmental campgrounds.

Public Accesses, road access type with boat launching facilities.

Public Accesses and trail access type.

Other governmental open space recreational uses.

Agricultural uses.

Single family residential uses.

Forestry uses.

Essential services.

Private roads and minor public streets.

Signs approved by 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.

Government resource management for improving fish and wildlife habitat; wildlife management areas; nature areas; accessory roads.

### 613.4 Conditional Uses

Private campgrounds, subject to management plan specifications, NR-2400.

Other private open space recreational uses.

Underground mining that does not involve surface excavation in the land use district.

Utility transmission power lines and pipelines.

Public roads.

Residential Subdivision subject to management plan specification NR-2400 and the Wright County Land Use Plan.

## 613.5 Performance Standards

### (1) Lot Area Regulations:

The minimum lot size shall be two (2) acres.

Lot width at building line - 200'

Lot width at ordinary high water mark - 200'

### (2) Setback Requirements:

(Also apply to tributaries designated in NR-24000)

Building setbacks:

-from ordinary high water mark - 100'

-from bluffline -30'

-from side yard-30 feet for principal use and accessory uses over 800 square feet

- 10 feet for other accessory uses

- from roads- County or State Highway 130 feet from centerline

- Township or other Road - 65 feet from centerline

- from rear yard (non-riparian) - 50 feet

On-site sewage treatment system setback from ordinary high water mark - 75'

Maximum structure height - 35'

Controlled vegetative cutting area setback from ordinary high water mark - 100'

No structure shall be placed on any slope greater than 13% (13 feet vertical rise in 100 feet horizontal distance) unless such structure can be screened and sewage disposal system facilities can be installed.

No structures shall be placed in any floodway. Structures proposed within a floodplain shall be consistent with the Flood Plain District of this Ordinance.

For substandard lots of record, setback standards may be reduced to coincide with the Urban/Rural Transition (R-1) district (Section 605.5).

### SUBSTANDARD LOTS:

Lots of record in the office of the County Recorder on the effective day of enactment of this Ordinance which do not meet the dimensional requirements of this Ordinance shall be allowed as building sites, provided: such use is permitted in the land use district(s); the lot was in separate ownership on the date of enactment of this Ordinance; all sanitary and dimensional requirements are complied with, as practicable; and the lot is at least twenty thousand (20,000) square feet in area.

### (3) Vegetative Cutting

(a) Within the controlled vegetative cutting areas clear cutting, except for any authorized public services such as roads and utilities, shall not be permitted.

- (b) Selective cutting of trees in excess of four inches in diameter at breast height shall be permitted providing cutting is spaced in several cutting operations and a continuous tree cover is maintained.
- (c) The above cutting provisions shall not be deemed to prevent:
  - (1) The removal of diseased or insect infested trees, or of rotten or damaged trees that present safety hazards.
  - (2) Pruning understory vegetation, shrubs, plants, bushes, grasses, or from harvesting crops, or cutting suppressed trees or trees less than four inches in diameter at breast height.

(4) Clear Cutting

Clear cutting anywhere in the designated land use district on the Mississippi River is subject to the following standards and criteria:

- (a) Clear cutting shall not be used as a cutting method where soil, slope, or other watershed conditions are determined by the zoning authority to be fragile and subject to severe erosion and/or sedimentation.
- (b) Clear cutting shall be conducted only where clear-cut blocks, patches or strips are, in all cases, shaped and blended with the natural terrain.
- (c) The size of clear-cut blocks, patches, or strips shall be kept at the minimum necessary.
- (d) Where feasible all clear cuts shall be conducted between September 15 and May 15. If natural regeneration will not result in adequate vegetative cover, areas in which clear cutting is conducted shall be replanted to prevent erosion and to maintain the aesthetic quality of the area. Where feasible, replanting shall be performed in the same spring, or the following spring.

(5) Grading, Filling, Alterations of Beds of Public Waters

Any grading and filling work done shall require a permit and shall comply with the following:

- (a) Grading and filling of the natural topography which is not accessory to a permitted or conditional use shall not be permitted.
- (b) Grading and filling of the natural topography which is accessory to a permitted or conditional use shall not be conducted without a grading and filling permit from the zoning authority.
- (c) Grading and filling of the natural topography which is accessory to permitted or conditional use shall be performed in a manner which minimizes earthmoving, erosion, tree clearing and the destruction of natural amenities.

(d) Grading and filling of the natural topography shall also meet the following standards:

--The smallest amount of bare ground is exposed for as short a time as feasible.

--Temporary ground cover such as mulch is used and permanent ground cover such as sod is planted.

--Methods to prevent erosion and to trap sediment are employed.

--Fill is established to accept engineering standards.

(6) Utility Transmission Lines

All utility transmission crossings of land within the Mississippi River land use district(s) shall require a conditional use permit. The construction of such transmission services shall be subject to the standards and criteria of the Minnesota Regulations NR 79 (i)(2).

(7) Public Roads

In addition to such permits as may be required by Minnesota Statutes Section 105.42, a conditional use permit shall be required for any construction or reconstruction of new public roads within the Minnesota River land use district(s). Such construction or reconstruction shall be subject to the standards and criteria of Minnesota Regulations NR 79 (j)(2). A conditional use permit is not required for minor public streets which are streets intended to serve primarily as an access to abutting properties.

(8) Land Suitability

No land shall be subdivided which is determined by the governing body, or the commissioner, to be unsuitable by reason of flooding, inadequate drainage, soil and rock formation with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage treatment capabilities or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or the community.

(9) Planned Cluster Development

A planned cluster development may be allowed subject to the requirements of Section 614 only when the proposed clustering provides a better means of preserving agricultural land, open space, woods, scenic views, wetlands, and other features of the natural environment than traditional subdivision development. Except for minimum setbacks and height limits, altered dimensional standards may be allowed as exceptions to this Ordinance for planned cluster developments provided:

(a) Preliminary plans are approved by the Commissioner prior to their enactment by the governing body.

(b) Central sewage facilities are installed which meet the standards, criteria, rules or regulations of the Minnesota Department of Health and the Pollution Control Agency.

- (c) Open space is preserved. This may be accomplished through the use of restrictive deed covenants, public dedications, granting of scenic easements, or other methods.
- (d) There is not more than one centralized boat launching facility for each cluster.

(10) General Regulations

Requirements for signs, parking, sewage disposal, etc. are set forth in Section 7.

613.6 Notification of Proposed Zoning Amendments, Variances and Inconsistent Plats

- (1) The Zoning Administrator shall submit to the Commissioner of Natural Resources a copy of any application for a zoning amendment including proposed changes to district lines, variances, and plats which are inconsistent with the local land use ordinance for certification. A copy of the notice of any public hearing, or where a public hearing is not required, a copy of the application for zoning amendment, variances and inconsistent plats shall be sent so as to be received by the Commissioner at least thirty (30) days prior to such hearing or meeting to consider such action. The notice of application shall include a copy of the proposed ordinances or amendment, or a copy of the proposed inconsistent plat or a description of the requested variances.
- (2) The County shall notify the Commissioner of its final decision on the proposed action within ten (10) days of the decision.
- (3) The action becomes effective when and only when either:
  - (a) The final decision taken by the County has previously received certification of approval from the Commissioner; or
  - (b) The County receives certification of approval after its final decision; or
  - (c) Thirty (30) days have elapsed from the day the Commissioner received notice of the final decision, and the County has received from the Commissioner neither certification of approval nor notice of non-approval; or
  - (d) The Commissioner certifies his approval within thirty (30) days after conducting a public hearing.
- (4) In case the Commissioner gives notice of non-approval of an ordinance, variance or inconsistent plat, either the applicant or Zoning Administrator may within thirty (30) days of said notice, file with the Commissioner a demand for hearing. If the demand for hearing is not made within thirty (30) days, the notice of non-approval becomes final.
  - (a) The hearing will be held within sixty (60) days of the demand and after at least two (2) weeks published notice.
  - (b) The hearing will be conducted in accordance with Minnesota Statutes 105.44, subdivision 5 and 6 (1971) as amended.
  - (c) The Commissioner shall either certify his approval or disapproval of the proposed action within thirty (30) days of the hearing.

## 614. Planned Unit Development (PUD)

### 614.1 Purpose

The purpose of the Planned Unit Development District is to encourage flexibility in the design and development of land in order to promote its appropriate use; to facilitate the adequate and economical provisions of streets and utilities; and to preserve natural and scenic qualities. The PUD district shall be an overlay district, however, it shall apply only to specific projects which have been approved through the procedures outlined herein. If any standards contained with Minnesota Rules, parts 6120.2500 or 6120.3800 are more restrictive than this Ordinance the stricter standards shall apply.

### 614.2 General Standards

- (1) Three types of P.U.D. projects may be approved, dependent upon the primary zoning district and the standards outlined below.
  - (a) A standard P.U.D. may include lands within any one, or more than one, primary zoning district
  - (b) A Rural P.U.D. shall include lands only within the Agricultural/Residential (A/R) district
  - (c) A Resort Conversion P.U.D. shall include only lands which exist as a resort and lie within the Commercial Recreation Shorelands (S-3) district
- (2) Except in the case of a resort conversion, every P.U.D. district must contain a minimum of twenty acres of contiguous land to be treated as a unified project.
- (3) In addition to the general standards for zoning amendments in Section 504, the Planning Commission may recommend the establishment of a P.U.D. district only if it finds that the proposal satisfies the following criteria:
  - (a) The planned unit development is consistent with the Comprehensive Plan of the County.
  - (b) The planned unit development is an effective and unified treatment of the development possibilities on the project site and the development plan provides for the preservation of unique natural amenities such as streams, stream banks, wooded cover, rough terrain, and similar areas.
  - (c) The planned unit development can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site.

### 614.3 Number of Units

- (1) Standard Planned Unit Development

In the planned unit development the number of dwelling units proposed for the entire site shall not exceed the total number permitted under the density control provisions of the zoning district(s) in which the land is located. If the planned unit development is in more than one zoning district, the number of allowable dwelling units must be separately

calculated for each portion of the planned unit development that is in a separate zone, and must then be combined to determine the number of dwelling units allowable in the entire planned unit development.

The Planning Commission shall determine the number of dwelling units which may be constructed within the planned unit development by dividing the net acreage of the project area by the required lot area per dwelling unit which is required in the district which the planned unit development is located. The net acreage shall be defined as the project area less the land area dedicated for public streets. Fractional results shall be rounded to the nearest whole number.

(2) Rural Planned Unit Development

For a Rural Planned Unit Development, the number of dwelling units shall be determined by multiplying the gross acreage of the project area by 6/40 (six-fortieths). Fractional results shall be rounded to the nearest whole number. Multi-family structures shall not be permitted in a Rural P.U.D.

(3) Resort Conversion Planned Unit Development

For a Resort Conversion Planned Unit Development the number of dwelling units shall not exceed the number of dwellings or rental units (excluding campsites) which legally exist at the resort prior to the conversion. The conversion must also comply with all Minnesota Department of Natural Resource standards, and provide proof of ability to meet all state and local sewage treatment standards.

#### 614.4 Coordination with Subdivision Control Ordinance

- (1) It is the intent of this Ordinance that subdivision review under the subdivision control ordinance be carried out simultaneously with the review of a planned development under this chapter of the zoning ordinance. All P.U.D. proposals must be platted.
- (2) The plans required under this Section must be submitted in a form which will satisfy the requirements of the subdivision control ordinance for the preliminary and final plats required under those regulations.

#### 614.5 Variances

It is the intent of this Section, Planned Unit Development, to provide a means to allow variances from the provisions of this Ordinance including lot sizes, setbacks, height, and similar regulations not including parking requirements, off-street loading, necessary landscaping, and the like. Variances may be granted for the planned unit developments under the following conditions:

- (1) Certain regulations contained in this Ordinance may not realistically apply to the proposed development due to its unique nature.
- (2) The variances, if granted, would be fully consistent with the general intent and purpose of this Ordinance.
- (3) The planned unit development would produce development of equal or superior quality to that which would result from strict adherence to the provision of this Ordinance.

- (4) The variances will not constitute a threat to the property values, safety, health, and general welfare of the owners or occupants of adjacent or nearby land, nor be detrimental to the health, safety, morals and general welfare of the people of the County.
- (5) It shall be determined that the variances are required for a reasonable and practical physical development according to a comprehensive development plan and are not required solely on the basis of financial considerations.
- (6) Except in the case of a Resort Conversion, or when a community water and sewer system will be provided, lot sizes shall meet or exceed the minimum standards set forth for the Urban/Rural Transition (R-I) zone.

#### 614.6 Procedure - Establishment of P.U.D.

- (1) General procedures for the establishment of a P.U.D. district shall be the same as for rezoning, as outlined in Section 504. In addition, applications for the establishment of a P.U.D. district shall be accompanied by an outline development plan.
- (2) An outline development plan must include both maps and written statements, and must show enough of the area surrounding the proposed planned unit development to demonstrate the relationship of the planned unit development to adjoining uses.
- (3) The maps which are part of the outline development plan may be in general schematic form, and must contain the following information:
  - (a) The general topographic character of the land.
  - (b) Existing and proposed land uses and the approximate location of buildings, lots, utilities, and unique development features of the site.
  - (c) The location of existing and proposed roads.
  - (d) Public uses, including schools, parks, playgrounds, and other open spaces.
- (4) The written statement to accompany the outline development plan must contain the following information:
  - (a) An explanation of the character of the planned development and the manner in which it has been planned to take advantage of the planned development regulations.
  - (b) A statement of the present ownership of all of the land included within the planned development.
  - (c) A general indication of the expected schedule of development including progressive phasing and time schedules.
  - (d) A statement of preliminary approval from the Township Board, which indicates that any proposed roads will be accepted as Township roads.
  - (e) Proposed uses and ownership of undeveloped land and common open space.

- (5) After review by the Planning Commission, the Outline Development Plan shall be submitted to the County Board for its final decision on establishment of the P.U.D. district.

#### 614.7 Procedure - Preliminary Development Plan Approval

- (1) General procedures for the approval of a preliminary development plan shall be the same as for the approval of a conditional use permit for a preliminary plat, as outlined in the County Subdivision Regulations and Section 505 of this Ordinance. If more than ninety (90) days elapses between the establishment of the P.U.D. district and approval of a preliminary development plan, the Planning Commission may order renotification of nearby property owners before final approval.
- (2) The preliminary development plan must include all of the following information, in addition to that required for a preliminary plat:
  - (a) Proposed uses and location of common open space and restricted lands.
  - (b) Areas proposed to be conveyed, dedicated, or reserved for parks, parkways, playgrounds, public buildings, and similar public and semi-public uses.
  - (c) A plot plan for each building site and common open area, showing the approximate location of all buildings, structures, and improvements.
  - (d) Elevation and perspective drawings for all proposed structures and improvements except single-family residences and their accessory buildings.
  - (e) A development schedule indicating:
    - The approximate date when construction of the project can be expected to begin.
    - The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.
    - The approximate dates when the development of each of the stages in the development will be completed.
    - The area and location of common open space that will be provided at each stage.
  - (f) Agreements, provisions, or covenants which govern the use, maintenance, and continued protection of the planned unit development and any of its common open areas or restricted lands.
  - (g) Any other plans or studies determined necessary by the Planning Commission to protect the public health, safety or welfare.
- (3) In its final approval of a preliminary development plan, the Planning Commission may include conditions which must be met before approval of a final development plan, and also conditions which are permanent. Only the permanent conditions need be recorded.

#### 614.8 Final Development Plan

- (1) A final development plan shall be submitted which meets the same requirements as a final plat in the County Subdivision Regulations.
- (2) If no final development plan is submitted within six months of approval of the preliminary development plan, the Planning Commission may revoke approval of the preliminary development plan.
- (3) The final development plan shall comply in all respects with the approved preliminary development plan. Changes in the approved preliminary development plan shall require an amended Conditional Use Permit.
- (4) Roads and other improvements, including improvements to common open spaces, must be completed prior to recording the final development plan, unless adequate financial guarantees are provided the County in accord with Subdivision Regulation requirements.
- (5) After recording the final development plan, no alterations of the approved preliminary development plan may be made by the developer unless approved by the Planning Commission. Minor changes in the siting of single-family dwellings and accessory structures may be approved by the Zoning Administrator.

#### 614.9 Common Open Space

- (1) Except for the establishment of restricted lands in a rural planned unit development, as provided in Section 614.10, all lands shown on the preliminary development plan as common open space must be conveyed under one of the following options. Under no circumstances may lands used to calculate the Number of Units be transferred or used for any purpose not included in the approved preliminary development plan.
  - (a) It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.
  - (b) It may be conveyed to trustees provided in an indenture establishing an association or similar organization for the maintenance of the planned development. The common open space must be conveyed to the trustees subject to covenants to be approved by the Planning Commission which restrict the open space to the uses specified on the preliminary development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose.
- (2) The following standards shall be used by the Planning Commission to review the provision of common open spaces.
  - (a) The location, shape, size and character of the common open space must be suitable for the planned development.
  - (b) Common open space must be used for amenity or recreational purposes. The

uses authorized for the common open space must be appropriate to the scale and character of the planned unit development, considering its size, density, expected population, topography, and the number and type of dwellings to be provided.

- (c) Common open space must be suitably improved for its intended use, but common space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space having regard to its topography and unimproved condition.
- (d) The development schedule which is part of the preliminary development plan must coordinate the improvement of the common open space, the construction of buildings, structures, and improvements in the common open space, and the construction of residential dwellings in the planned unit development.
- (e) If the preliminary development plan provides for buildings, structures, or improvements in the common open space the developer must provide a bond or other adequate assurance that the buildings, structures, and improvements will be completed.

#### 614.10 Restricted Lands

- (1) In general, the creation of restricted lands shall be for the purpose of preserving productive agricultural land while providing for the clustering of residential sites on non-productive land. Such use will only be permitted within a rural P.U.D.
- (2) Unlike Common Open Space, restricted lands used to calculate the number of units may be transferred and/or used for private purposes unrelated to the P.U.D. However, restricted lands may not be developed for residential or commercial uses, but shall be strictly limited to agricultural or open space uses. Reasonable restrictions upon such lands shall be stated by the Planning Commission at the time of preliminary development plan approval, and said restrictions shall be recorded with the final development plan.
- (3) Alteration or removal of the conditions and restrictions on restricted lands may only be enabled through rezoning the property. Because said restrictions are an integral part of the Rural P.U.D. approval, said rezoning may only take place after the Planning Commission and County Board make the following findings.
  - (a) The Land Use Plan for the area has been changed in a manner which allows for more intensive development.
  - (b) The character of the area has substantially changed in a manner which invalidates the reasons for original establishment of the Rural P.U.D.

## 615. ADULT USES OVERLAY DISTRICT AU

### 615.1 Purpose

The major purposes of the Adult Uses Overlay District and the Adult Uses Licensing and Performance Standards are (i) to provide space for the location of sexually oriented businesses in appropriately zoned districts within the land use jurisdiction of the county; (ii) to separate sexually oriented businesses from areas in which children and other persons who are particularly vulnerable to crime may be expected to frequent; (iii) to minimize the negative impact of traffic, glare and noise generated by the normal operation of sexually oriented businesses on adjacent properties; and, (iv) to minimize any potential negative impact on the value and marketability of land adjacent to sexually oriented businesses.

### 615.2 Definitions

For the purposes of this section and WCZO 771, and in addition to the provisions of WCZO 302, the following definitions shall apply:

- (1) **Adult Uses.** Adult uses include adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse facilities, adult enterprises, 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.
- (2) **Adult bookstores.** A building or portion of a building used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audiotape, videotape, or motion picture film if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” or the barter, rental or sale of instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities, “substantial or significant portion of items,” for purposes of this ordinance, shall mean more than fifteen (15) percent of usable floor area.
- (3) **Adult 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 “specified sexual activities” or “specified anatomical areas.”
- (4) **Adult 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 “specified sexual activities” or “specified anatomical areas.”
- (5) **Adult health/sports club.** A health/sports club which excludes minor by reason of age, or if such club is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

- (6) Adult massage parlor. A massage parlor which restricts minors by reason of age, or which provides the service of “massage,” if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- (7) Adult mini-motion picture theater. A building or portion of a building with a capacity for less than fifty (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 the depiction or description of “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
- (8) Adult motion picture theater. A building or portion of a building with a capacity of fifty (50) or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
- (9) Adult steam room/bathhouse facility. A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- (10) Nude or specified anatomical areas.
  - (a) Less than completely and opaquely covered:
    - 1. Human genitals;
    - 2. Pubic region;
    - 3. Buttocks; and,
    - 4. Female breast below a point immediately above the top of the Areola; and
  - (b) Human male genitals in a discernibly turgid state, even if complete and opaquely covered.
- (11) Specified sexual activities:
  - (a) Human genitals in a state of sexual stimulation or arousal;
  - (b) Acts of human masturbation, sexual intercourse or sodomy; and
  - (c) Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

### 615.3 Permitted Uses

All the activities defined in Section 615.2, to the extent not otherwise restricted by law.

### 615.4 The District Area

The Adult Uses Overlay District shall apply to all lands within the jurisdiction of Wright County shown on the zoning maps and designated General Industry (I-1), Highway Business (B-1), and General Business (B-2) as of December 31, 2004. Any rezoning for the expansion of the I-1, B-1 or B-2 districts after December 31, 2004, shall not expand the area of the Adult Uses Overlay District, unless that intent is expressly made in the amending ordinance.

### 615.5 Prohibited Uses

Adult uses shall not be established or maintained as permitted, conditional or accessory uses in any area other than those described and designated in the Adult Uses Overlay District.

### 615.6 Adult Use Distance Requirements

- (1) No adult use shall be located within one thousand (1000) feet of:
  - (a) Any area zoned R-1, R-2, R-2a or R-3.
  - (b) Any school, public or private, that meets the definition in Minnesota Statutes 120A.05, Subd. 9, 11, 13 and 17.
  - (c) Any church, as defined in the Wright County Zoning Ordinance above.
  - (d) Any day care facility that provides for the periodic care of four or more children, while parents or guardians are absent, licensed by Wright County or the State of Minnesota; or, any residential or non-residential program, as defined in Minnesota Statute 245A.02.
  - (e) Any hotel or motel.
  - (f) Any public park.
- (2) Distances shall be measured from the nearest point of the property line where the adult use establishment is located to the nearest property line of one of the above listed facilities, or to the nearest boundary of the indicated residential district, whichever is greatest.

### 615.7 Amortization of Nonconforming Uses

Adult uses legally established prior to the enactment of this ordinance provision shall be permitted and regulated as nonconforming uses until December 31, 2007 at which time said uses shall be unlawful.

### 615.8 Additional Requirements and Restrictions

- (1) **Additional Requirements.** The requirements and standards of this section shall apply to all adult uses in the Adult Overlay Zoning District. These requirements and standards are in addition to those of the underlying I-1, B-1 and B-2 zoning districts. Minimum setbacks from roads, building bulk limitations, as well as minimum lot and building dimensions shall be determined by referring to the specific standards set forth in the underlying zoning district. In the event of a conflict between provisions listed in this section and those listed in other appropriate sections of the Wright County Zoning Ordinance, the more restrictive provisions shall apply.
- (2) Alcoholic beverages shall not be provided, sold, purchased or consumed at any adult establishment where adult uses exist, as defined in 615.2, nor within 500 feet of the building or structure housing said adult use.
- (3) **Licensing.** The licensing provisions of WCZO 771 apply to adult uses as specified.

## SECTION 7. PERFORMANCE STANDARDS

### 701. PURPOSE

The performance standards established in this Section are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. The performance standards are designed to prevent and eliminate those conditions that cause blight. All future development in all Districts shall be required to meet these standards. The standards shall also apply to existing development where so stated. The County Board shall be responsible for enforcing the standards.

Before any building permit is approved, the Zoning Administrator shall determine whether the proposed use will conform to the performance standards. The developer or land owners shall supply data necessary to demonstrate such conformance. Such data may include description of equipment to be used, hours of operation, method of refuse disposal and type and location of exterior storage.

### 702. EXTERIOR STORAGE

In residential districts, all materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following: laundry drying and recreational equipment, construction and landscaping materials and equipment currently (within a period of thirty-six (36) hours) being used on the premises, agricultural equipment and materials if these are used or intended for use on the premises, off-street parking of licensed and operable passenger automobiles and pick-up trucks. Personal boats and unoccupied trailers, less than twenty (20) feet in length and a licensed recreational vehicle less than 40 feet in length, are permissible if stored in the rear yard more than ten (10) feet from the property line. Existing uses shall comply with this provision within twelve (12) months following enactment of this Ordinance.

In all districts, the County Board may require a Conditional Use Permit for any exterior storage if it is demonstrated that such storage is a hazard to the public health, safety, convenience, morals, or has a depreciating effect upon nearby property values, or impairs scenic views, or constitutes threat to living amenities.

### 703. REFUSE

In all districts, all waste material, debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse. Existing uses shall comply with this provision within six (6) months following enactment of this Ordinance.

Except as provided below or specifically permitted, outdoor storage of inoperative or unlicensed vehicles, boats, recreational vehicles, farm implements and other machinery or vehicle parts shall be considered refuse. One unlicensed or inoperative passenger vehicle or truck may be parked within setbacks in the rear yard of any residential district or any lot ten acres or less in size for a period not to exceed thirty (30) days; inoperative shall mean incapable of movement under their own power and in need of repairs or junk yard. In the Agricultural District, on lots larger than ten acres in size, exterior storage of not more than two (2) unlicensed or inoperable vehicles or machines shall be permitted provided no repair or dismantling business takes place and the storage area is completely screened and not visible from any other property or public road at all

times of the year. All exterior storage not included as a permitted accessory use, a permitted use, or included as part of a conditional use permit, or otherwise permitted by provisions of this Ordinance shall be considered as refuse.

#### 704. SCREENING and FENCES

Screening shall be required in residential zones where (a) any off-street parking area contains more than four (4) parking spaces and is within thirty (30) feet of an adjoining residential zone, and (b) where the driveway to a parking area of more than six (6) parking spaces is within fifteen (15) feet of an adjoining residential use or zone.

Where any business (structure, parking or storage) is adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, parking lot, or industry is across the street from a residential zone, but not on that side of a business or industry considered to be the front (as determined by the Zoning Administrator).

All exterior storage shall be screened. The exceptions are: (1) merchandise being displayed for sale; (2) materials and equipment presently being used for construction on the premises; (3) merchandise located on service station pump islands.

The screening required in this section may consist of a fence, trees, shrubs and berms not less than five (5) feet high but shall not extend within fifteen (15) feet of any street or driveway. The screening shall be placed along property lines or in case of screening along a street, fifteen (15) feet from the street right-of-way with landscaping between the screening and pavement. The screening shall not block direction vision. Planting of a type approved by the Planning Commission may also be required in addition to or in lieu of fencing.

Fences which impede visual sight lines in anyway shall not encroach closer to any shoreline than the principal building setback. Electrified or barbed fences shall be prohibited in residential districts. Swimming pools with a capacity exceeding 5000 gallons shall be surrounded by a fence at least four (4) feet in height with a self-latching gate.

#### 705. LANDSCAPING MAINTENANCE

In all districts, all structures requiring landscaping and fences shall be maintained so as not to be unsightly or present harmful health or safety conditions.

#### 706. GLARE

In all districts, any lighting used to illuminate an off-street parking area, sign, or other structure, shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, where 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. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way.

Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle (meter reading) as measured from the centerline of said street. Any light or combination of lights which cast light on residential property shall not exceed 0.4 foot candles (meter reading) as measured from said property.

## 707. PARKING

### 707.1 Surfacing and Drainage

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 without damage to adjoining property. These requirements shall also apply to open sales lots. Durable and dustless surface may include crushed rock and similar treatment for parking accessory to one, two, three, and four-unit residential structures; all other uses shall utilize asphalt, concrete, or other surface (water sealed) as approved by the Zoning Administrator.

### 707.2 Location

All accessory off-street parking facilities required herein shall be located as follows:

- (1) Spaces accessory to one and two-family dwellings on the same lot as the principal use served.
- (2) Spaces accessory to multiple-family dwellings on the same lot as the principle use served or within two hundred (200) feet of the main entrance to the principal building served.
- (3) Spaces accessory to uses located in a Business, within eight hundred (800) feet of a main entrance to the principal building served.
- (4) There shall be no off-street parking space within five (5) feet of any street right-of-way.
- (5) No off-street open parking area containing more than four (4) parking spaces shall be located closer than five (5) feet from an adjacent lot zoned or used for residential purposes.

### 707.3 General Provisions

- (1) Access drives may be placed adjacent to property lines except that drives consisting of crushed rock, or other non-finished surfacing shall be no closer than one (1) foot to any side or rear lot line.
- (2) Parking spaces. Each parking space shall not be less than nine (9) feet wide and twenty (20) feet in length exclusive of an adequately designed system of access drives.
- (3) Control of off-street parking facilities. When required accessory off-street parking facilities are provided elsewhere than on the lot in which the principal use served is located, they shall be in the same ownership or control, either by deed or long-term lease, as the property occupied by such principal use, and the owner of the principal use shall file a recordable document with Wright County requiring the owner and his or her heirs and assigns to maintain the required number of off-street spaces during the existence of said principal use.
- (4) Use of parking area. Required off-street parking space in any District shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable or for sale or for rent.

#### 707.4 Design and Maintenance of Off-Street Parking Areas

- (1) Parking Areas shall be designed so as to provide adequate means of access to a public alley or street. Such driveway access shall not exceed twenty-two (22) feet in width and shall be so located as to cause the least interference with traffic movement.
- (2) Signs. No signs shall be located in any parking area except as necessary for orderly operation of traffic movement and such signs shall not be a part of the permitted advertising space.
- (3) Curbing and Landscaping. All open off-street parking areas designed to have head-in parking along the property line shall provide a bumper curb not less than three (3) feet from the side property line or a guard of normal bumper height not less than one (1) foot from the side property line. When said area is for six (6) spaces or more, a curb or fence not over five (5) feet in height shall be erected along the front yard set-back line and grass or planting shall occupy the space between the sidewalk and curb or fence.
- (4) Parking space for six (6) or more cars. When a required off-street parking space for six (6) cars or more is located adjacent to a Residential District, a fence of adequate design, not over five (5) feet in height nor less than four (4) feet in height shall be erected along the Residential District property line.
- (5) Maintenance of off-street parking space. It shall be the joint and several responsibility of the operator and owner of the principal use, uses and/or building to maintain, in a neat and adequate manner, the parking space, access ways, landscaping and required fences.
- (6) Determination of areas. A parking space shall not be less than three hundred (300) square feet per vehicle of standing and maneuvering area.

#### 707.5 Other Parking in Residential Areas

Parking in residential areas (off-street and on-street) shall be limited to the use of the residents of those homes. Except for short-term parking (six (6) hours or less) and guest parking, the number of vehicles parked on or in front of a residential lot shall not exceed double the number of persons residing on the premises and having automobile driver's licenses.

#### 707.6 Off-Street Spaces Required (One space equals 300 square feet)

- |   |   |
|---|---|
| (1) One and Two Family residences                                 | Two (2) spaces per dwelling unit.   |
| (2) Multiple Dwellings  | Two (2) spaces per dwelling unit.   |
| (3) Churches, Theaters, Auditoriums, and other places of assembly | One (1) space for each three (3) seats or for each five (5) feet of pew length. Based upon maximum design capacity. |
| (4) Business and Professional Offices gross floor space.          | One (1) space for each 400 square feet of   |

- |      |   |   |
|------|---|---|
| (5)  | Medical and Dental Clinics                    | Five (5) spaces per doctor or dentist, plus one (1) space for each employee.  |
| (6)  | Hotel or Motel                                | One (1) space per rental unit plus one (1) space per employee.  |
| (7)  | Schools                                       | At least one (1) parking space for each four (4) students based on design capacity, plus one (1) additional space for each classroom.   |
| (8)  | Hospital                                      | At least one (1) parking space for each three (3) hospital beds, plus one (1) space for each four (4) employees, other than doctors, plus one (1) parking space for each resident and regular staff doctor. |
| (9)  | Drive-In Food                                 | At least one (1) parking space for each fifteen (15) establishment square feet of gross floor space in building allocated to drive-in operation.  |
| (10) | Bowling Alley                                 | At least five (5) parking spaces for each alley, plus additional spaces as may be required herein related uses such as restaurant, plus one (1) additional space for each employee.                         |
| (11) | Automobile Service                            | At least two (2) off-street parking spaces plus four Station (4) off-street parking spaces for each service stall.  |
| (12) | Retail Store                                  | At least one (1) off-street parking space for each one hundred fifty (150) square feet of gross floor area.   |
| (13) | Restaurants, Cafes, Bars, Taverns, Nightclubs | At least one (1) space for each three (3) seats based on capacity designs.  |
| (14) | Uses not specifically                         | As determined by the governing body noted specifically noted following review by the Planning Commission.   |

708. TRAFFIC CONTROL

The traffic generated by any use shall be channelized and controlled in a manner that will avoid: (a) congestion on the public streets, (b) traffic hazards, and (c) excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be so regulated as to ensure its safe and orderly flow. Traffic into and out of business areas shall in all cases be forward moving with no backing into streets. On corner lots, (including rural areas) no structures shall be placed or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 1/2) and ten (10) feet above the centerline grades of the intersecting streets to a distance such that a clear line of vision is possible of the intersecting street from a distance of fifty (50) feet from the intersection of the right-of-way lines.

## 709. TREE AND WOODLAND PRESERVATION

709.1 The following restrictions shall apply to all residential development occurring in wooded area.

- (1) Structures shall be located in such a manner that the maximum number of trees shall be preserved.
- (2) Prior to the granting of a building permit, it shall be the duty of the person seeking the permit to demonstrate that there are no feasible or prudent alternatives to the cutting of trees on the site and that if trees are cut, he will restore the density of trees to that which existed before development but in no case shall he be compelled to raise the density above in ten (10) trees per acre.
- (3) Forestation, reforestation or landscaping shall utilize a variety of tree species and shall not utilize any species presently under disease epidemic. Species planted shall be hardy under local conditions and compatible with the local landscape.
- (4) Development including grading and contouring shall take place in such a manner that the root zone aeration stability of existing trees shall not be affected and shall provide existing trees with a watering equal to one-half the crown area.

### 709.2 Shoreland Areas

The removal of natural vegetation shall be restricted to prevent erosion into public waters, to consume nutrients in the soil, and to preserve shoreland aesthetics. Clear-cutting shall be prohibited in the shore and bluff impact zones.

### 709.3 Forest Management Standards

The harvesting of timber and associated reforestation or conversion of forested use to a non-forested use must be conducted consistent with the following standards:

- (1) Timber harvesting and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota."
- (2) When not part of a conditional use permit otherwise required, forest land conversion to another use require issuance of a conditional use permit and adherence to the following standards:
  - (a) shore and bluff impact zones must not be intensively cleared of vegetation; and
  - (b) an erosion and sediment control plan is developed and approved by the local soil and water conservation district before issuance of a conditional use permit for the conversion.
- (3) Use of fertilizer, pesticides, or animal wastes within shorelands must be done in such a way as to minimize impact on the shore impact zone or public water by proper application or use of earth or vegetation.

## 710. SOIL EROSION AND SEDIMENT CONTROL

The following standards shall apply to all development and activity that necessitates the grading, stripping, cutting, filling or exposure of soils.

### 710.1 General Standards

- (1) The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.
- (2) Erosion and siltation control measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.
- (3) Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.
- (4) The drainage system shall be constructed and operational as quickly as possible during construction.
- (5) Whenever possible, natural vegetation shall be retained and protected.
- (6) If it is necessary to remove top soil from a site being graded or excavated, sufficient top soil shall be hauled back upon completion of the activity to cover the area to a depth of 4 inches. The top soils hauled in and spread on the disturbed area shall be of a quality at least equal to the top soil removed from the site.
- (7) When soil is exposed, the exposure shall be for the shortest feasible period of time. No exposure shall be planned to exceed 60 days. Said time period shall be extended only if the Planning Department is satisfied that adequate measures have been established and will remain in place.
- (8) The natural drainage system shall be used as far as is feasible for the storage and flow of runoff. Storm water drainage shall be discharged to marshlands, swamps, retention basins or other treatment facilities. Diversion of storm water to marshlands or swamps shall be considered for existing or planned surface drainage. Marshlands and swamps used for storm water shall provide for natural or artificial water level control. Temporary storage areas or retention basins scattered throughout developed areas shall be encouraged to reduce peak flows, erosion damage, and construction costs.

### 710.2 Exposed Slopes

The following control measures shall be taken to control erosion during construction.

- (1) No exposed slope should be steeper in grade than five (5) feet horizontal to one (1) foot vertical.
- (2) Exposed slopes steeper in grade than ten (10) feet horizontal to one (1) foot vertical should be contour plowed to minimize direct runoff of water.

- (3) At the foot of each exposed slope, a channel and berm should be constructed to control runoff. The channelized water should be diverted to a sedimentation basin (debris basin, silt basin or silt trap) before being allowed to enter the natural drainage system.
- (4) Along the top of each exposed slope, a berm should be constructed to prevent runoff from flowing over the edge of the slope. Where runoff collecting behind said berm cannot be diverted elsewhere and must be directed down the slope, appropriate measures shall be taken to prevent erosion. Such measures should consist of either an asphalt paved flow apron and drop chute laid down the slope or a flexible slope drain. At the base of the slope drain or flow apron, a gravel energy dissipator should be installed to prevent erosion at the discharge end.
- (5) Exposed slopes shall be protected by whatever means will effectively prevent erosion considering the degree of slope, soils material, and expected length of exposure. Slope protection shall consist of mulch, sheets of plastic, burlap or jute netting, sod blankets, fast growing grasses or temporary seedings of annual grasses. Mulch consists of hay, straw, wood chips, corn stalks, bark or other protective material. Mulch should be anchored to slopes with liquid asphalt, stakes, and netting, or should be worked into the soil to provide additional slope stability.
- (6) Control measures, other than those specifically stated above, may be used in place of the above measures if it can be demonstrated that they will as effectively protect exposed slopes.

### 710.3 Design Standards

When constructed facilities are used for stormwater management, they must be designed and installed consistent with the fields office technical guide of the local soil and water conservation districts.

#### (1) Waterways

- (a) The use of the natural above ground drainage system to dispose of runoff should be strongly encouraged. Storm sewers should only be used where it can be demonstrated that the use of the above ground natural drainage system will not adequately dispose of runoff. Above ground runoff disposal waterways may be constructed to augment the natural drainage system. To the extent possible, the natural and constructed waterways should be coordinated with an open space trail system.
- (b) The widths of a constructed waterway shall be sufficiently large to adequately channel runoff from a ten (10) inch storm. Adequacy shall be determined by the expected runoff when full development of the drainage area is reached.
- (c) No fences or structures shall be constructed across the waterway that will reduce or restrict the flow of water.
- (d) The banks of the waterway shall be protected with a permanent turf vegetation.

- (e) The banks of the waterway shall not exceed five (5) feet horizontal to one (1) foot vertical in gradient.
- (f) The gradient of the waterway bed should not exceed a grade that will result in a velocity that will cause erosion of the banks of the waterway.
- (g) The bed to the waterway shall be protected with turf, sod, or concrete. If turf or sod will not function properly, rip rap may be used. Rip rap shall consist of quarried limestone, fieldstone (if random rip rap is used) or construction materials provided said construction materials are limited to asphalt cement and concrete. The rip rap shall be no smaller than two (2) inches square nor no larger than two (2) feet square. Construction materials shall be used only in those areas where the waterway is not used as part of a recreation trail system.
- (h) If the flow velocity in the waterway is such that erosion of the turf side-wall will occur and said velocity cannot be decreased via velocity control structures, then other materials may replace turf on the sidewalls. Either gravel or rip rap would be allowed to prevent erosion at these points.

(2) Water Velocity

- (a) The flow velocity of runoff in waterways shall be controlled to a velocity that will minimize erosion of the waterway.
- (b) Flow velocity should be controlled through the installation of diversions, berms, slope drains, and other similarly effective velocity control structures.

(3) Sediment Control

- (a) To prevent sedimentation of waterways, pervious and impervious sediment traps and other sediment control structures shall be incorporated throughout the contributing watershed.
- (b) Temporary pervious sediment traps could consist of a construction of bales of hay with a low spillway embankment section of sand and gravel that permits a slow movement of water while filtering sediment. Such structures should serve as temporary sediment control features during the construction stage of a development.
- (c) Permanent impervious sediment control structures consist of sediment basins (debris basins, desilting basins, or silt traps) and shall be utilized to remove sediment from runoff prior to its disposal in any permanent body of water.
- (d) New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

(4) Maintenance of Erosion Control System

- (a) The erosion and velocity control structures shall be maintained in a condition that will insure continuous functioning according to the provisions of this Ordinance.

- (b) Sediment basins shall be maintained as the need occurs to insure continuous desilting action.
- (c) The areas utilized for runoff waterways and sediment basins shall not be allowed to exist in an unsightly condition. The banks of the sediment basins and waterways shall be landscaped.
- (d) Prior to the approval of any plat for development, the developer shall make provision for continued maintenance on the erosion and sediment control system.

#### 711. EXPLOSIVES

No activities involving the storage, utilization or manufacture of materials or products such as TNT or dynamite which could decompose by detonation shall be permitted except as are specifically licensed by the County Board.

#### 712. GUEST HOUSES

Guest houses, for purpose of this Ordinance, shall be an accessory building detached from the principal building where accommodations for sleeping are provided but no kitchen facility provision is made. The use is for persons visiting the occupants of this principal building. Guest houses shall be permitted in all Residential Districts and shall be located the required depth of the rear yard or more from the principal building and shall conform to the side yard requirement for the principal building. Guest houses shall be located on lots at least 20,000 square feet in area, and no guest house shall be used as rental property.

Only one guest house shall be permitted per parcel of land, providing that adequate sanitary facilities can be provided and that no guest house shall exceed 750 square feet in total floor area. The Board of Adjustment shall review requests for guest houses on lots with no principal dwelling.

## 713. DRIVE-IN BUSINESS DEVELOPMENT STANDARDS

The following standards shall apply to drive-in businesses in all districts.

713.1 The entire area of any drive-in business shall have a drainage system approved by the county engineer.

713.2 The entire developed area other than that occupied by structures or planting shall be surfaced with a hard surface material which will control dust and drainage.

713.3 A fence or screen of acceptable design not over six (6) feet in height or less than four (4) feet shall be constructed along the property line abutting a residential district and such fence or screen shall be adequately maintained. The fence shall not be required in front of the setback line.

### 713.4 General

- (1) Any drive-in business serving food or beverages shall also provide, in addition to vehicular service areas, in-door food and beverage service seating area are sufficient to accommodate at least twenty-four (24) customers.
- (2) The hours of operation shall be set forth as a condition of the conditional use permit for drive-in business.
- (3) Each drive-in business serving food may have outside seating.
- (4) Each food or beverage drive-in business shall place refuse receptacles at all exits as well as one (1) refuse receptacle per ten (10) vehicle parking spaces within the parking area.

### 713.5 Locations

- (1) No drive-in business shall be located within four hundred (400) feet of a public or parochial school, church, public recreation area, or any residential district.
- (2) No drive-in business shall be located such that it may increase traffic volumes on nearby residential streets.
- (3) No drive-in shall be located on any street other than one designated as a thoroughfare or business service road.

### 713.6 Site Plan

- (1) The site plan shall clearly indicate suitable storage containers for all waste material. All commercial refuse containers shall be screened.
- (2) A landscaping plan shall be included and shall set forth complete specifications for plant materials and other features.
- (3) Adequate area shall be designated for snow storage such that clear visibility shall be maintained from the property at any public street.

- (4) The design of any structure shall be compatible with other structures in the surrounding area.
- (5) Electronic devices such as loudspeakers, automobile service order devices, drive-in theater car speakers and similar instruments shall not be located within four hundred (400) feet from any residentially zoned or used property, nor within two hundred (200) feet of any adjacent lot regardless of use or zoning district.
- (6) No service shall be rendered, deliveries made, or sales conducted within the required front yard; customers served in vehicles shall be parked to the sides and/or rear of the principal structure.
- (7) No permanent or temporary signs visible from the public street shall be erected without specific approval in the permit.
- (8) No plan shall be approved which will in any way constitute a hazard to vehicular or pedestrian circulation. No access drive shall be within fifty (50) feet of intersecting street curb lines.

713.7 In the case of a drive-in theater, a solid fence not less than eight (8) feet in height and extending at least to within two (2) feet of the ground shall be constructed around the property.

713.8 The lighting shall be designed so as to have no direct source of light visible from the public right-of-way or adjacent land in residential use.

## 714. NUISANCES

### 714.1 Nuisance Characteristics (non-agricultural uses)

No noise, odors, vibration, smoke, air pollution, liquid, or solid wastes, heat, glare, dust, or other such adverse influences shall be permitted in any district that will in any way have an objectionable effect upon adjacent or nearby property. All wastes in all districts shall be disposed of in a manner that is not dangerous to public health and safety nor will damage public waste transmission or disposal facilities. These regulations shall not apply to normal farm operations.

### 714.2 Livestock and Animals

- (1) In all Zoning Districts, livestock, poultry and farm animals shall not be allowed on any lots or parcels smaller than 4 acres. On lots larger than 4 acres in the A/R, R-1, R-2, R-2(a), R-3, S-1, S-2, S-3 and W districts, animals shall be allowed at a maximum density of 1/2 animal unit per acre. Parcels in the A/R District and all Residential Districts are limited to less than 10 animal units total regardless of acreage. These restrictions shall not apply to normal farm operations existing prior to the adoption of this ordinance or to farms in the AG District on parcels over 10 acres in size. Livestock shall include those animals listed in Section 302(3)b except for dogs, cats and rabbits as domestic pets.
- (2) Any building or open feedlot enclosure, not to include pastures, in which livestock are kept shall be a distance of one hundred (100) feet or more from any other parcel. These regulations shall not apply to normal farm operations which existed prior to the adoption of this ordinance provided no expansion shall take place except in accord with these regulations.
- (3) In all Districts, the manure from livestock and domestic pets shall be properly treated and disposed with best management practices, and not allowed to accumulate in any manner which may cause public health problems.
- (4) The County Board may order the owner of any animals to apply for a conditional use permit if it is deemed to be in the interest of the public health, safety or welfare.
- (5) Keeping four (4) or more dogs on any parcel for any reason shall be deemed a kennel. Kennels are permitted by Conditional Use in the Ag and A/R Districts only.

### 714.3 Miscellaneous Nuisances

- (1) It shall be unlawful for any person to store or keep any vehicle of a type requiring a license to operate on the public highway, but, without a current license attached thereto, whether such vehicle be dismantled or not, outside of an enclosed building in residential or agricultural districts except as provided in Section 703 Refuse.
- (2) It shall be unlawful to create or maintain a junkyard or vehicle dismantling yard except as provided herein.
- (3) It shall be unlawful to create a nuisance affecting the health, peace or safety of any person.
- (4) The following are declared to be nuisances affecting public health or safety:
  - (a) The effluent from any cesspool, septic tank, drainfield or human sewage disposal system, discharging upon the surface of the ground, or dumping the contents thereof at any place except as authorized.
  - (b) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances.
  - (c) Carcasses of animals not buried or destroyed or otherwise disposed.
  - (d) The placing or throwing on any street, alley, road, highway, sidewalk, or other public property of any glass, tacks, nails, bottles or other nuisance which may injure any person or animal or damage any pneumatic tire when passing over the same.
  - (e) The ownership, possession or control of any unused refrigerator or other container, with doors which fasten automatically when closed of sufficient size to retain any person to be exposed and accessible to the public without removing the doors, lids, hinges or latches or providing locks to prevent access by the public.

## 715. AUTO SERVICE STATIONS

The following standards shall be applicable to auto and truck service stations in all districts.

### 715.1

A surface water drainage system, subject to approval by the County Engineer, shall be installed. The developed area site other than that taken up by a structure or planting, shall be surfaced with concrete or other material approved by the Planning Commission. Pump islands shall not be placed in the required yards. The area around the pump island to a distance of eight (8) feet on each side, shall be concrete. A box curb not less than six (6) inches above grade shall separate the public right-of-way from the motor vehicle service areas, except at approved entrances and exits. No driveways at a property line shall be less than fifty (50) feet from the intersection of two (2) street right-of-way lines. Each service station shall have at least two (2) driveways with a minimum distance of one hundred seventy (170) feet between centerlines when located on the same street.

### 715.2

No vehicles shall be parked on the premises other than those utilized by employees or awaiting service. No vehicle shall be parked or be waiting service longer than fifteen (15) days. Existing service stations shall comply with this requirement within forty-five (45) days of the effective date of this Ordinance.

### 715.3

Exterior storage besides vehicles shall be limited to service equipment and items offered for sale on pump islands; exterior storage of items offered for sale shall be within yard setback requirements and shall be located in containers such as the racks, metal trays, and similar structures designed to display merchandise. Existing service stations shall comply with this requirement within three (3) months of the effective date of this Ordinance.

### 715.4

All areas utilized for the storage, disposal, or burning of trash, debris, discarded parts, and similar items shall be fully screened. All structures and grounds shall be maintained in an orderly, clean, and safe manner. Existing service stations shall comply with this requirement within nine (9) months of the effective date of this Ordinance.

### 715.5

Business activities not listed in the definition of service stations in this Ordinance are not permitted on the premises of a service station unless a conditional use permit is obtained specifically for such business. Such activities include but are not limited to the following: (a) automatic car and truck wash; (b) rental of vehicles, equipment, or trailers; and (c) general retail sales.

## 716 SEWAGE AND WASTEWATER TREATMENT AND DISPOSAL STANDARDS

### 716.1 Purpose and Intent

The purpose of the Sewage and Wastewater Treatment and Disposal Standards shall be to provide minimum standards for and regulation of individual sewage treatment systems (ISTS) and septage disposal including the proper location, design, construction, operation, maintenance and repair to protect surface water and groundwater from contamination by human sewage and waterborne household and commercial waste; to protect the public's health and safety, and eliminate or prevent the development of public nuisances pursuant to the authority granted under Minnesota Statutes Chapters 115 and 145A and Minnesota Rules Chapter 7080 as amended that may pertain to sewage and wastewater treatment.

### 716.2 General Provisions

- (1) Standards adopted by reference. The County hereby adopts, by this reference, Minnesota Rules Chapter 7080 and Minnesota Statutes Section 115.55, along with any future amendments.
- (2) Permits. No person shall install, alter, repair or extend any individual sewage treatment system in Wright County without first applying for and obtaining a permit from the Environmental Health Office (EHO) and at the same time paying a fee as listed in the fee schedule determined by the County Board of Commissioners. Maintaining the system as originally designed and installed is excluded from the previous requirements. Staff will notify the permittee of an incomplete application, when the requirements are met a permit will be issued. Such permit shall be valid for a period of twelve (12) months from the date of issuance. A full design must be submitted before a permit for new construction is approved. When weather does not allow a full site evaluation to be completed, a design of the worst case scenario shall be submitted. Worst case scenario shall be a mound system, septic tank(s) and lift station. If Wright County Soil Survey is consulted and research of neighboring systems indicates that an in ground system is appropriate, that may be designed. Verification is required when weather permits.
- (3) Inspections. The permittee shall notify the EHO prior to the completion and covering of the ISTS. The installation and construction of the ISTS shall be in accordance with the permit requirements and application design. Inspections will be made at least once during the construction of the ISTS at such time to assure that the system has been constructed per submitted and approved design.
  - (a) No part of the system shall be covered until it has been inspected and accepted by the Inspector unless prior arrangements have been made.
  - (b) Proposals to alter the permitted construction shall be reviewed and the proposed change accepted in writing by both the designer and the EHO.
  - (c) It shall be the responsibility of the property owner or authorized agent to notify the Inspector on the workday preceding the day inspection is desired.

- (d) If proper notice is given and the Inspector does not appear for an inspection within two hours after the time is set, the permittee may complete the installation. The permittee shall then file a signed As-Built, including photographs of the system prior to covering, with the EHO within five working days. The As-Built shall include a certified statement that the work was installed in accordance with submitted design and permit conditions and that it was free from defects.
  - (e) Upon satisfactory completion and final inspection of the system the Inspector shall issue a Certificate of Compliance. If upon inspection the Inspector discovers that any part of the system is not constructed in accordance with the minimum standards provided in this Ordinance, the Inspector shall give the applicant written notification describing the defects. The applicant shall be responsible for the correction or elimination of all defects, and no system shall be placed or replaced in service until all defects have been corrected or eliminated.
- (4) Neither the issuance of a permit nor the inspection of a system shall constitute any warranty or guarantee of operation of the system.
- (5) Existing System Compliance Inspections. An ISTS shall require a compliance inspection when any one of the following conditions occur:
- (a) Any time that a permit is applied for in a Shoreland Management Area (1000 feet of a lake, pond or flowage; or 300 feet of a river or stream or the landward extent of a floodplain).
  - (b) No owner of a tract of land on which a dwelling is located, or tract of land on which a structure which is required to have an ISTS is located, shall sell or transfer to another party said tract of land unless requirements as stated in the Wright County Point of Sale Certification Ordinance for On-Site Septic Systems are met.
  - (c) Addition of a bedroom on the property, or variance issued in accordance with Minnesota Rules Chapter 7080.0305 Subp. 3 (General Requirements for Local Units of Government).
    - If a request for an additional bedroom or variance is received between November 1 and April 30 the County may issue a permit or variance immediately with the requirement that a compliance inspection be completed by the following June 1 and the applicant submits a certificate of compliance by the following September 30.
    - If a system constructed between May 27, 1989 and January 23, 1996 does not comply with applicable requirements, and is not an imminent public health threat, a property owner applying for a zoning permit to construct a bedroom addition has five years from the date of issuance of such zoning permit to bring the system into compliance.
  - (d) If an existing system (constructed prior to April 1, 1996) is not an immediate public health threat, the tank is watertight and provides at least two feet of soil separation, the system need not be upgraded, repaired or replaced or its use discontinued, as long the system is not located in the shoreland area, wellhead protection areas (200 feet from any public water supply well, that is any well serving 25 persons or more for sixty days of the year) and serving food/ beverage/lodging facilities. The three foot rule applies in those circumstances.

- (e) Certificates of Compliance or Notices of Noncompliance shall be issued on the Minnesota Pollution Control Agencies Inspection Form for Existing Septic Systems. Copies shall be provided to the property owner and County within 30 days.
- (6) Failing septic systems must be properly abandoned according to part 7080.0176 within the following time frames:
- (a) A failing ISTS shall be upgraded, replaced or its use discontinued within one (1) year. The Environmental Health Office will give consideration to weather conditions as it establishes compliance dates.
  - (b) An ISTS posing an imminent threat to public health or safety shall be abated within 10 days of notice. The system shall be upgraded, replaced, or repaired or its use discontinued, within 6 months.
- (7) License requirements. No person shall engage in the evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance or pumping of on-site individual sewage treatment systems without first obtaining a license to perform such tasks from the Minnesota Pollution Control Agency, except as provided under part 7080.0700, subpart 1. An individual may be permitted to install or repair an ISTS on their own property if the system is designed by a licensed Designer and said Designer oversees their work. Pressurized systems cannot be constructed by anyone other than a licensed installer.
- (8) Additional soil treatment area requirements. On lots created after January 23, 1996, the system design shall include at least one designated additional soil treatment area which can support a standard soil treatment system.
- (9) Holding Tanks
- (a) Holding tanks shall not be used as a sanitary system for new residential construction or for improvements greater than 50% of the assessed value of the structure at the time of the application for the improvement. Subsequent improvements shall count towards the 50% value limit for improvement.
  - (b) Holding tanks shall only be used as a corrective action for sewage disposal for pre-existing uses when a standard treatment system cannot be installed.
  - (c) Undeveloped lots of record on which a holding tank is the only practical means of sewage disposal are unsuitable for residential use.
  - (d) Holding tanks shall not be installed on undeveloped lots of record for recreational uses unless the lot has been found to be suitable for a dwelling and can support a full septic system.
  - (e) Holding tanks must have a visual or audio alarm for the prevention of overflow.

716.3 Standard systems shall take priority for new construction and on upgrades where those systems can be reasonably installed. \*Systems classified as other, performance, and/or experimental shall meet the requirements of Chapter 7080. Warrantied systems are allowed if sized according to Tables 1 and 2. If a non-standard system is installed on a site where more than one sewer site is available and a standard system could be installed, a design for a standard system must also be included and that site must be reserved for that sewer.

\*Standard systems shall be defined as systems constructed in unaltered soils and are drainfields, pressure beds, at-grades, and mounds

716.4 Site Evaluation and Design Requirements

- (1) Chapter 7080 must be followed.
- (2) A minimum of two soil borings are to be conducted within the primary treatment area and one soil boring in the secondary treatment area.
- (3) The larger soil sizing factor must be used when there is a discrepancy between the soil texture and percolation test or a justification for a smaller sizing shall be submitted with the design report.
- (4) Include the percent and direction of slope on site evaluations along with elevations of the trenches, corners of the pressure bed or rock bed of the mound.

**Table 1**

**Septic Tank Requirements**

Bedrooms	Gravity	Garbage Disposal (with Split Tank)	Lift in Basement* (with Split Tank)	Lift and Disposal (with Split Tank)
2-4	1250	1500	1500*	2000
5-6	1500	2250	1500*	3000
7-9	2000	3000	2000*	4000

Dosing volume has to be 1% or less of first compartment. If dosing volume exceeds 1% and is not over 5%, tank capacity must be 2000 gallons split for 2 to 4 bedrooms, 3000 gallons split for 5 to 6 bedrooms and 4000 gallons split for 7 to 9 bedrooms. Capacity can be achieved with multiple tanks.

- (5) At minimum a 1000 gallon pump tank is needed for lifting the effluent to the soil treatment area. The EHO may make exceptions to this provision for upgrades on existing lots of record/platted lots.
- (6) All mounds/pressurized systems require a minimum of a compartmented tank before the pump tank.

Table 2

## Drainfield Sizing

Bedrooms	0.83	1.27	1.67	2.00	2.20
2	600	600	600	600	660
3	700	800	800	900	990
4	800	900	1002	1200	1320
5	900	1000	1253	1500	1650

- (7) Trenches designed to have twelve inches of rock under the distribution pipe shall be sized according the above chart.
- (8) Mound systems are to be sized at 1.0 sq.ft./GPD.
- (9) All mounds shall have at least 3 laterals to distribute the effluent more evenly.
- (10) Mounds must have a vertical inspection pipe of at least four inches in diameter.

Table 3

## Minimum Setback Distances (Feet)

	Sewage or Holding Tank	Soil Treatment or Absorption Area	Building Sewer or Supply Pipes
Water Supply Wells* (50 feet of continuous casing or encountering 10 feet of impervious material)	50	50	50**
Water Supply Wells* (less than 50 feet of continuous casing)	50	100	50**
Buried water suction pipe*	50	50	50**
Buried pipe distributing water under pressure*	10	10	10
Buildings***	10	20	-
Property Lines****	10	10	-
Subsurface drainage systems such as field tile lines	50	50	-
Surface drainage systems such as open ditches	30	30	-
The ordinary high water mark of the following types of lakes:			
Natural Environmental Lakes and Transitional River Segments (North Fork of the Crow)	150	150	-
Recreational Development Lakes, Mississippi River, Agricultural Rivers and Tributaries as defined in Section 612.4	75	75	-
General Development Lakes	50	50	-
All public water wetlands as defined by Minnesota Statutes, Section 103G.005, Subd. 15a or successor statute	50	50	-

- \* Setbacks from buried water pipes and water supply well as governed by Minnesota Rules, Chapters 4715 and 4725, respectively.
- \*\* The setback can be reduced from 50 to 20 feet if the building sewer or supply pipe is air tested by holding 5 pounds of air pressure for 15 minutes.
- \*\*\* For structures other than buildings (as defined by Minnesota Rules Chapter 7080.0020 subp. 7a), these setbacks may be reduced if necessary due to site conditions, but in no case shall any part of the individual sewage treatment system be located under or within the structure.
- \*\*\*\* The setback from the treatment area to a platted road may be reduced with written approval from the Township.

#### 716.5 Setbacks and Placement of Building Sewer

- (1) The building sewer pipe extending from the house to the tank shall not be less than four (4) inches in diameter and must meet the strength requirements of Schedule 40 plastic pipe. The pipe shall be supported in such manner so that there is no deflection during backfilling and subsequent settling of the soil between the building foundation and the inlet to the septic tank. Construction of the line shall provide a grade of not less than 1/8 inch per foot for minimum grades as recommended by the Minnesota Pollution Control Agency. No 90 degree ells shall be permitted, and where the direction of the sewer is changed in excess of 22 1/2 degrees accessible cleanouts shall be provided.
- (2) The sewer pipe extending from the tank to the distribution medium must meet the strength requirements of Schedule 40 plastic pipe. Sewer pipe lines, manholes and other appurtenances shall be constructed in accordance with the State Plumbing Code and Minnesota Pollution Control Agency requirements.

#### 716.6 Septage Disposal. See Section 770.8 Item 6-Land Application of Septage.

#### 716.7 Enforcement

- (1) Any person who violates any of the provisions of this Ordinance or who makes any false statement on a Certificate of Compliance, shall be guilty of a misdemeanor, punishable by imprisonment or a fine or both as defined by law.
- (2) In the event of a violation of this Ordinance, in addition to the other remedies, the County Attorney may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations.

#### 716.8 Subject to Change

The requirements of this Ordinance are intended to be comparable to the Environmental Protection Agency and Minnesota Pollution Control Agency standards. Should this Ordinance differ from other agency standards or should EPA or MPCA standards change, the more strict standards shall apply.

#### 717. DWELLING UNITS PROHIBITED

No garage, tent, trailer, motor home, accessory building, nor any vehicle or building not specifically approved by the Building Inspector shall at anytime be used as a dwelling. The basement portion of finished home or apartment may be used for normal eating and sleeping purposes provided it is properly damp-proofed, has suitable fire protection and exits, and is otherwise approved by the Building Inspector.

One travel trailer or motor home (not to include mobile homes nor park trailers) is permitted for seasonal use on any lot provided that the following conditions are met:

- (1) Only one such unit is allowed per lot.
- (2) Sewage must be properly treated or hauled away. On lots which have been declared by the Board of Adjustment to be unacceptable as a building site, the unit shall have a self-contained holding tank and sewage shall be hauled away for treatment and disposal.
- (3) The travel trailer is for guests or recreational use only. It may not be occupied on any lot for more than 90 days in any one year.
- (4) The unit must have a current license attached in accord with state law.
- (5) Placement of the unit shall comply with all setback requirements for a principal structure.

#### 718. RELOCATION OF STRUCTURES

A conditional use permit shall be required for all permanent relocation of residence and for the relocation of any building requiring a permit in residential areas. Relocated sheds, farm buildings, cribs and other farm structures onto farms do not require a conditional use permit.

Relocation of construction sheds to be located on a lot for less than eighteen (18) months requires no permit. For relocation of structures requiring a permit, the applicant shall submit photographs showing all sides of the structure to be moved and proposed site plan of the lot on which the structure is to be located. The Planning Commission shall also require a map indicating location of surrounding lots and structures. The Planning Commission shall consider the compatibility of the structure to be relocated with structures and uses on surrounding lots. If the Planning Commission decides that relocation of the structure would depreciate the value of structures or lots surrounding the lot upon which it is to be moved, then the permit shall be denied. The relocation of railroad cars and cabooses onto lots shall be prohibited in all districts.

A conditional use permit shall be required to locate a mobile home on any property for use as a storage shed or other non-residential use.

#### 719. VACATED STREETS

Whenever any street, alley, easement or public way is vacated by official action, the zoning district abutting the centerline of the said vacated area shall not be affected by such proceeding. If a street is vacated, within a zoning district, the provision of that district shall apply to the new parcels.

## 720. PERMITTED ENCROACHMENTS

The following shall be considered as permitted encroachments on setback and height requirements except as herein provided:

- (1) In any yard: Posts, off-street open parking spaces, flues, leaders, sills, pilasters, lintels, cornices, eaves, gutters, awnings, open terraces, service station pump islands, open canopies, steps, chimneys, flag poles, ornamental features, and fences, and all other similar devices incidental and appurtenant to the principal structure except as restricted elsewhere herein.
- (2) In side and rear yards: Bays not to exceed a depth of three (3) feet or contain an area of more than thirty (30) square feet, fire escape not to exceed a width of three (3) feet. Breezeways, detached outdoor picnic shelters, open arbors and trellises may extend to within five (5) feet of a side or rear lot line except that no structure shall exceed five hundred (500) square feet. Covered porches may extend twenty (20) feet into the rear yard but not closer than ten (10) feet from the rear lot line, and must meet shoreland standards.
- (3) Height limitations shall not apply to barns, silos, and other non-residential farm structures; to church spires, belfries, cupolas and domes; monuments; chimneys and smokestacks; flag poles, public utility facilities; transmission towers of commercial and private radio broadcasting station; television antenna, private ham radio towers and parapet walls extending not more than four (4) feet above the limiting height of the building except as provided in municipal airport zoning provisions.
- (4) In no event shall off-street parking space, structures of any type, buildings, or other features cover more than fifty (50) percent of the lot area resulting in less than fifty (50) percent landscaped area in Residential Districts.

## 721. ACCESS DRIVES AND ACCESS

- 721.1 Access drives may not be placed closer than five (5) feet to any side or rear lot line. No access drive shall be closer than three (3) feet to any single or two family residence, no closer than five (5) feet to any multiple family building or commercial building. The number and types of access drives onto major streets may be controlled and limited in the interests of public safety and efficient traffic flow.
- 721.2 Access drives onto county roads shall require a review by the County Engineer. The County Engineer shall determine the appropriate location, size, and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow. Access drives onto township roads shall be approved by the appropriate township board.
- 721.3 Access drives to principal structures which traverse wooded, steep, or open field areas shall be constructed and maintained to a width and base material depth sufficient to support access by emergency vehicles. The Building Inspector shall review all access drives (driveways) for compliance with the accepted community access drive standards.
- 721.4 All driveways shall have a minimum width of ten (10) feet with a pavement strength capable of supporting emergency and fire vehicles.

- 721.5 All lots or parcels shall have direct adequate physical access for emergency vehicles along the frontage of the lot or parcel from either an existing dedicated public roadway, or an existing private roadway approved by the County Planning Commission, County Board or Township Board.
- 721.6 Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
- 721.7 Roads, driveways, and parking areas must meet shoreland structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.
- 721.8 Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Section 5.32 of this ordinance must be met.

## 723. IRRIGATION SYSTEMS

### 723.1 Permits

All proposed irrigation systems shall require a permit from the Department of Natural Resources (DNR).

## 724. SIGN REGULATIONS

All signs hereafter erected or maintained shall conform with the provisions of this Ordinance and any other ordinances or regulations of Wright County except, (1) official traffic and street signs; and (2) signs in locations subject to Minnesota Statutes, Chapter 173, but not including signs subject to these laws in cases where this Ordinance is more restrictive.

### 724.1 General Provisions

#### (1) Sign Types:

- (a) Canopy – A protective roof like covering, made of canvas or similar fabric, mounted on a frame over a walkway, door, or window of a building.
- (b) Wall – A painted or non-painted sign affixed on the side of a building.
- (c) Monument – a ground sign having a solid appearance and a generally low profile. Must be attached to a proportionate enclosed base (fifty percent minimum). The sign may be constructed with stone, concrete, metal, routed wood planks or beams, or similar materials which harmonize with the establishment it serves. The sign base area shall not exceed the actual sign face area by ten percent.
- (d) Identification sign – A sign that identifies a place of business or occupant of the lot where sign is placed.
- (e) Temporary signs - A sign that is not permanent in nature and must be removed within a specific time frame.
- (f) Pole/Pylon – A freestanding sign that is suspended by no more than three (3) metal, wood, or concrete poles.
- (g) Window – A painted or freestanding sign placed in/on a window of a business.
- (h) Billboard – A large freestanding signboard, on or off premise, which displays a message or advertising in a public place alongside a highway or freeway.

(2) All signs, unless otherwise noted, shall require a permit.

#### (3) Sign Illumination:

- (a) The light from any illuminated sign or from any light source, including interior of a building, shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private roads, highways or parking areas. Light shall not shine or reflect in or into residential structures. Where a sign is illuminated, the source of light shall not shine upon any part of a single residential district.
- (b) No signs shall have blinking, flashing or fluttering lights or other illuminating devices which have a changing light intensity, brightness or color, or which are so constructed and operated as to create an appearance or illusion of writing or printing. No signs should have flashing or rotating signs resembling emergency vehicles. An exception may be recommended by the Planning Commission for movement showing the date, the time and the temperature exclusively.

724.2 Signs in the S-2 Residential-Recreational Shorelands District, S-3 Commercial Recreation Shorelands A/R Agricultural-Residential, AG General Agriculture District, and R-1, R-2, R-2a and R-3 Residential Districts.

In S-2, S-3, A/R, AG and R-1, R-2, R-2a, and R-3 Districts, no sign shall be erected except as follows:

- (1) One (1) sign is allowed per lot frontage, except political signs where one (1) per each candidate is permitted and agricultural/farm signs where one (1) for each demonstration plot is permitted.
- (2) One (1) identification sign, not to exceed thirty (30) square feet in area for the following uses: church, school, hospital, parks, recreation areas, and signs advertising goods and products raised and sold on the premises that would not require a Conditional Use Permit. Such signs shall be solely for the purpose of displaying the name of the use and its activities and services. It may be illuminated, but not flashing.
- (3) Signs, located on the premises, for allowed conditional uses, subject to the following provisions:
  - (a) No more than one (1) freestanding pole/pylon sign of not more than thirty-five (35) square feet in surface area and not more than ten (10) feet in height above the average grade OR,
  - (b) No more than one (1) wall sign, which shall not exceed thirty-five (35) square feet in surface area OR,
  - (c) No more than one (1) monument, which shall not exceed thirty-five (35) square feet in surface area.
  - (d) No sign shall be erected within thirty (30) feet from the road right of way.
  - (e) No sign shall be erected within ten (10) feet of any abutting property line.

724.3 Signs in B-1 Highway Service, B-2 General Business and I-1 Limited Industry Districts

In B-1, B-2 and I-1 Districts, no sign shall be erected except as follows:

- (1) Signs as permitted in S-2, S-3, A/R, and AG Districts.
- (2) Signs, located on premises, subject to the following provisions:
  - (a) No more than one (1) pole/pylon or monument sign located on the premises. Except as provided in Section 3 below, it shall not exceed the permitted building height. The maximum surface area cannot exceed more than ninety-six (96) square feet.
  - (b) No sign shall be erected within ten (10) feet of any abutting property line.

- (c) No sign shall be erected within thirty (30) feet from the road right of way.
  - (d) Canopy, window, or wall sign shall not exceed ten (10) percent of the front façade. These can be in addition to the pole/pylon or monument.
- (3) Along US Highway 12, State Highway 55, and Interstate Highway 94 no more than one (1) pole/pylon sign with a maximum square footage of ninety-six (96) square feet per each approved conditional use on that property, not to exceed 300 square feet. Signs shall not exceed fifty (50) feet in height above the average grade.

#### 724.4 Billboards

- (1) Only permitted along US Highway 12, State Highway 55, and Interstate Highway 94 in B-1, B-2, and I-1 Districts and in conjunction with a conditional use hearing.
- (2) Billboards may contain no more than a maximum total area of six hundred seventy two (672) square feet per side, with a maximum of two (2) sides. Billboards may not be stacked vertically.
- (3) Maximum height of the billboard cannot exceed forty (40) feet above existing grade of the sign site with a minimum ground clearance of ten (10) feet.
- (4) No billboard shall be erected within a hundred (100) feet of any abutting property line in a district where billboards are prohibited. Otherwise billboards shall meet the same side and rear setback as any other building or structure in that district.
- (5) No billboard shall be permitted within fifty (50) feet from the right of way of any street or road.
- (6) No billboard shall be located within a radius of six hundred sixty (660) feet of any existing billboard.
- (7) No billboard shall be located within three hundred (300) feet of a dwelling, at grade intersection of two (2) or more roads, or at grade intersection of any road and a railroad.

#### 724.5 Exempt Signs

The following signs shall not require a permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this ordinance or any other law or ordinance regulation the same.

##### (1) Public Signs

Any public sign (directional, safety, danger, trespassing, traffic, warning, public information or public organization) whose primary purpose is to communicate community events erected by, or on the order of, a duly constituted public office of City, County, State, or Federal governments in pursuance of their public duties and provided signs are erected by or on order of a public officer or employee in the performance of official duty.

(2) Integral Signs

Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure.

(3) Private Traffic Direction Signs

Signs directing traffic movement onto a premise or within a premise, not exceeding eight (8) square feet in area for each sign. Illumination of these signs shall conform to 724.1 (3) hereof, except that standard traffic signal light devices may be used if needed. Horizontal directional signs on and flush with paved areas are exempt from these standards.

(4) All political signs must comply with State Regulations.

(5) The changing of the display surface on a previously approved painted or printed sign.

(6) One identification sign six (6) square feet or less in size and no more than five (5) feet in height per lot.

724.6 Signs Prohibited

(1) No signs shall be permitted in the F-P Flood Plain District or the S-1 Special Protection Shoreland Districts, except where deemed essential by the Planning Commission.

(2) Flashing or rotating signs resembling emergency vehicles, official traffic control devices, or railroad signs or signals shall not be permitted in any District.

(3) Digital signs shall not be permitted in any District.

(4) No sign shall be permitted to obstruct any door, fire escape, stairway or other opening intended to provide light, air, ingress or egress of any building or structure.

(5) No sign shall be placed that resembles any official marker erected by a governmental agency or shall display such words as "stop" or "danger".

(6) Signs shall not be permitted within public right-of-way or easements.

(7) Abandoned Signs shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Zoning Administrator shall remove it in accordance with 724.9(3) hereof. These removal provisions shall not apply where a succeeding owner or lessee conducts the same type of business and agrees to maintain the signs as provided in this Ordinance or changes copy on the signs to advertise the type of business being conducted on the premises and provided the signs comply with the other provisions of this Ordinance.

(8) Any sign which becomes structurally unsafe or endangers the safety of a building or

premises or endangers the public safety must be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure or land upon which the sign is located.

- (9) Unless otherwise noted, no sign shall be placed on public street/traffic signs, utility poles or public property. Signs in violation of this Subdivision may be removed by County personnel at their discretion, without advance notice to the sign owner.
- (10) Any other structure, banner, balloon, trailer, building, portable device, or anything visible from a public road which is used as an advertising device is prohibited unless specifically authorized by this ordinance.

#### 724.7 Temporary Signs

Do not require a permit unless they extend past the allowed duration of the sign.

- (1) Temporary signs advertising a new subdivision or development. Each subdivision or development shall be allowed one (1) sign not to exceed ninety-six (96) square feet in surface area, no more than fifteen (15) feet in height. Such signs shall be allowed no more than twenty-one (21) days prior to sale and must be removed within six (6) months from that date.
- (2) Temporary unilluminated signs identifying an engineer, architect, contractor or product engaged in or used in the construction of a building, provided such signs shall not exceed twelve (12) square feet each in surface area and are no more than fifteen (15) feet in height and shall be removed within six (6) months from the start of construction.
- (3) Temporary real estate signs, pertaining to a sale or lease of a building or property, shall not exceed twelve (12) square feet in area located on the subject property and limited to one (1) such sign for each frontage of a home, lot, parcel or tract under two (2) acres in area. Signs shall be removed within seven (7) days of the sale. Temporary real estate directional signs not exceeding three (3) square feet in area and four (4) in number showing a directional arrow and placed back of the property line shall be permitted on approach routes to an open house. The top of such signs shall not exceed three (3) feet in height.
- (4) Temporary signs announcing any public, charitable, educational or religious event or function, located entirely within the premises of that institution and set back no less than ten (10) feet from the property line up to a sign area of twenty-four (24) square feet. Such signs shall be allowed no more than twenty-one (21) days prior to the event or function and must be removed within seven (7) days after the event or function. Such signs may be illuminated in accordance with the restrictions set forth in 724.1(3) thereof. If building mounted, these signs shall be flat wall signs and shall not project above the roofline. If ground mounted, the top shall be no more than six (6) feet above ground level.
- (5) Temporary signs that relate to an event, date, or time that has passed shall be removed within seven (7) days of the event, date, or time specified therein. If they are not removed by this date, the Zoning Administrator or his/her designee may remove it and charge the costs of removal to the individual or enterprise responsible or property owner per the County's Fee Schedule.

## 724.8 Permits and Fees

- (1) The property owner or other persons having control of signs subject to the requirements of this Ordinance shall be responsible to see that the regulations contained herein are followed.
- (2) The erection of any new sign outlined in this ordinance, unless otherwise noted, shall require a permit. The fee for sign permits shall be established by resolution of the County Board.
- (3) It shall be the duty of the Zoning Administrator and/or the Building Official upon filing of an application for a sign permit, to examine such plans and specifications and other data; and if it appears that the proposed structure is in compliance with all requirements of this Ordinance and all other laws and Ordinances of the County, then he/she shall grant the sign permit. In addition, all illuminated signs shall be subject to the provisions of the State Electrical Code and shall comply with the Underwriter's standard as defined in the current Underwriter Laboratories standard for safety, electric sign.
- (4) Where work for which a permit is required by this ordinance is started or proceeded with prior to obtaining a permit, the fee as provided by the County Board shall be doubled. Payment of such double fee shall neither relieve any persons from fully complying with the requirements of this Ordinance in the execution of the work nor from any other penalties prescribed herein.
- (5) If the work authorized under a sign permit has not been completed within six (6) months after the date of issuance, said permit shall expire automatically and renewal of the permit shall be required.

## 724.9 Inspection, Removal, Safety

### (1) Inspection

Any sign for which a permit is required may be inspected periodically by the Zoning Administrator for compliance with this Ordinance and all other applicable laws.

### (2) Maintenance

- (a) The owner, lessee or manager of any ground sign and the owner of the land on which the same is located shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which a sign is located.
- (b) All signs shall contain current information. Outdated signs or signs with information that is outdated shall be removed by the property owner.
- (c) Painting, repainting, cleaning and normal maintenance and repair of a sign or sign structure is required to protect the sign and prevent its deterioration and maintain its neat appearance. Such maintenance is allowed without permit unless a structural change is made. All signs must be maintained in a neat and orderly condition.

(3) Removal of Signs

The Zoning Administrator shall order the removal of any sign erected or maintained in violation of this Ordinance. Ten (10) days notice in writing shall be given to the owner of such sign, or of the building, structure or premises on which such sign is located, to remove the sign or to bring it into compliance with the Ordinance. Upon failure to remove the sign or to comply with this notice, the Zoning Administrator may remove the sign. The Zoning Administrator may remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any costs of removal incurred by the Zoning Administrator shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary department or in the manner of taxes and all costs shall be assessed against the property. Signs located within the right-of-way of County Roads may be removed by the County at any time without notice.

## 725. ESSENTIAL SERVICES

### 725.1 Permit Required

Since essential services, as defined by this Ordinance, may have an effect upon urbanizing areas of the County, and the County Parks and Recreation areas, the location, design and relevant information shall be filed with the Zoning Administrator, for review by the Planning Commission and the County Board of Commissioners for approval and issuance of a utility permit as regulated herein, prior to commencement of any construction by the applicant. Lines which lie within or legally abutting public road rights-of-way or within pre-existing easements for their entire length shall be exempt from this requirement provided all necessary permits are obtained from the road authority and all state and federal requirements are met. "As-built" plans for such lines which specify the location must be filed with the County Surveyor in a format specified by the Surveyor.

Essential services as treated herein shall refer to trunk transmission collection or distribution lines and excepting lateral or house lines.

### 725.2 Application Procedures

The following application procedure shall be observed:

- (1) Applicant shall file with the Zoning Administrator such maps indicating the location, alignment, and type of service proposed as shall be necessary to determine the potential impacts of the line(s).
- (2) The Essential Service permit then shall be treated as a Conditional Use Permit and the applicant shall be responsible to comply with all terms of this ordinance applicable to such permits.

### 725.3 Time Limit

Essential Service Utility Permits shall be valid for two (2) years unless otherwise specified and all conditions in an Essential Service Utility Permit shall be commenced within two (2) years and shall be completed with within one (1) more year unless otherwise specified.

### 725.4 Pipeline Safety

Where any construction or development is proposed adjacent to a pipeline as defined in Minn.Stat. 299J.05, said project shall comply with all provisions for pipeline safety and setback standards as specified in Minn.Stat. 299J.05

## 726. MOBILE HOME PARKS

### 726.1 Intent

The intent and purpose of this Section is to assure quality development equal to that found in other types of residential areas throughout the community. Excellence of design, development, and maintenance is the desired objective.

726.2 No person shall attempt to develop or operate a mobile home park within the community without first obtaining a permit therefore. The requirements of a permit shall prevail over all other standards and requirements notwithstanding the more restrictive sections of the Ordinance. A permit for a mobile home park may contain other requirements beyond those mentioned in this Section.

### 726.3 Application

The applicant for a permit, in addition to other requirements, shall include the name and address of the developer and a general description of the construction schedule and construction cost. The application for a permit shall be accompanied by twelve (12) copies of plans which indicate the following:

- (1) Location and size of the mobile home park.
- (2) Location, size and character of all mobile home lots, mobile home stands, storage areas, recreation areas, laundry drying areas, central refuse disposal, roadways, parking spaces and sites, and all setback dimensions.
- (3) Detailed landscaping plans and specifications.
- (4) Location and width of sidewalks.
- (5) Plans for sanitary sewage disposal, surface drainage, water systems, electrical service, telephone service, and gas service.
- (6) Plans for an overhead street lighting system shall be submitted for approval by the County Engineer.
- (7) The method of disposing of garbage and refuse.
- (8) Location and size of all streets abutting the mobile home park and all driveways from such streets to the park.
- (9) Plans and specifications for all road construction either within the park or directly related to park operation.
- (10) Floor plans of all service buildings to be constructed within the mobile home park.
- (11) Such other information as may be required or requested by the community.
- (12) Detailed description of maintenance procedures and grounds supervision.

#### 726.4 Performance Standards for Mobile Home Parks

- (1) A mobile home park shall contain at least one hundred fifty (150) fully developed lots. A minimum of fifty (50) mobile home stands must be fully developed, together with all required auxiliary buildings and areas, before any mobile home may be occupied.
- (2) All mobile homes shall be properly connected to a central water supply and a public sanitary sewer system. All water and sewer systems shall be constructed in accordance with plans and specifications approved by the County Engineer. Where a public water supply is available to the mobile home park or at the boundary of the park, a connection to said public water supply shall be provided for each mobile home.
- (3) All mobile home parks shall have one (1) or more recreational areas which shall be easily accessible to all park residents. Recreational areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located. The size of such recreational area shall be based upon a minimum of fifteen percent (15%) of the land area (exclusive of streets), but no outdoor recreational area shall contain less than two thousand (2,000) square feet. All equipment installed in such an area shall be owned and maintained by the owner or operator at his own expense.
- (4) Each mobile home park shall maintain a paved off-street overload parking lot for guests of occupants in the amount of one (1) space for each three (3) coach sites and located within three hundred (300) feet of the unit to be served.
- (5) All utilities, such as sewer, water, fuel, electric, telephone and television antenna lead-ins, shall be buried to a depth specified by the County Engineer, and there shall be no overhead wires or support poles except those essential for street or other lighting purposes. All utility connections shall be approved by the Zoning Administrator prior to connection and electrical service shall be at least one hundred twenty (120) volt, one hundred (100) ampere capacity. Plan for the disposal of surface storm water shall be approved by the County Engineer.
- (6) A properly landscaped area shall be adequately maintained around each mobile home park. All mobile home parks shall be screened with a fence along the property boundary lines separating the park from residential and non-residential uses to protect adjoining property owners.
- (7) No mobile home, off-street parking space, or building shall be located within thirty (30) feet of the exterior boundary of any mobile home park. No mobile home shall be located within one hundred twenty-five (125) feet of the existing or planned centerline of a public street.
- (8) Signs shall be limited to one (1) nameplate or identification sign not to exceed twenty-five (25) square feet, with lighting, height and location as approved by the Zoning Administrator and have a fifteen (15) foot setback from the front line.
- (9) The area beneath all mobile homes shall be enclosed with a material that shall be generally uniform through the entire mobile home park, except that such an enclosure must be so constructed that it is subject to reasonable inspection. No obstruction shall be permitted that impedes the inspection of plumbing, electrical facilities, and related mobile home equipment.

- (10) Each mobile home lot shall be served by a central fuel supply system such as natural gas or a central LP system. No separate private fuel containers, such as fuel oil tanks or LP tanks shall be allowed in the mobile home park.
- (11) All mobile home parks shall have an area or areas set aside for dead storage. Boats, boat trailers, hauling trailers, and all other equipment not generally stored within the mobile home or within the utility enclosure, that may be provided, shall be stored in a separate place provided by the park owner. This storage place shall be screened. Such equipment shall not be stored upon a mobile home lot which is occupied by a mobile home nor upon the streets within the mobile home park.
- (12) Each mobile home lot within a mobile home park shall abut on and have access to a private road used by the inhabitants of the park and built and maintained by the owner thereof. This road shall lead to and furnish ingress and egress from a public street through controlled driveways which shall have a right-of-way at least sixty (60) feet in width. The private roads and the access roads to public streets shall be paved with a concrete or bituminous material complying with the specifications for the construction of any community street. The paved surface shall be at least thirty-six (36) feet in width from curb to curb. A concrete curb and gutter shall comply with all applicable community ordinances. There shall also be a paved three (3) foot wide walkway from the slab to the frontage curb. Access drives off roads to all parking spaces and mobile home slab sites shall be paved.
- (13) Each mobile home park shall have one (1) or more central community buildings with central heating which must be maintained in a safe, clean, and sanitary condition. Said buildings shall be adequately lighted during all hours of darkness and shall contain laundry washers, dryers and drying areas, public telephones, and public mail boxes, in addition to public toilets and lavatory. For each one hundred (100) mobile home lots or fractional part thereof, there shall be one (1) flush toilet and one (1) lavatory for each sex.
- (14) Every structure in the mobile home park shall be developed and maintained in a safe, approved and substantial manner. The exterior of every such structure shall be kept in good repair, and shall be repainted or refinished when so directed by the community building inspector. All of said structures must be constructed to meet existing community codes. Portable fire extinguishers rated for electrical and liquid fires shall be kept in all service buildings and other locations conveniently and readily accessible for use by all occupants.
- (15) All structures shall require a building permit. It is not the intent of this Section to repeal or abrogate any part of the Building Code. The provisions of the Section shall be enforced in addition to and in conjunction with the provisions of the Building Code.

#### 726.5 Mobile Home Park Lots

- (1) Each mobile home site shall contain at least six thousand (6,000) square feet of land area for the exclusive use of the occupant and shall be at least sixty (60) feet wide, which size site allows for a maximum length mobile home of fifty five (55) feet. Larger mobile homes will require longer lots to comply with the following requirements of this Ordinance.

- (2) Mobile homes shall be placed upon mobile home lots so that there shall be at least a twenty (20) foot clearance between mobile home and twenty (20) feet between the front of the mobile home and the front lot line and twenty five (25) feet between the rear of the mobile home and the rear lot line. Mobile homes shall be parked no closer than ten (10) feet to a side lot line.
- (3) The area occupied by a mobile home shall not exceed fifty percent (50%) of the total area of a mobile home site; land may be occupied by a mobile home, a vehicle, a building, a cabana, a ramada, a carport, an awning, storage closet or cupboard or any structure.
- (4) The yards shall be landscaped except for the necessary driveway and sidewalk needs which shall not exceed one-half (1/2) the width of the site. Landscaping shall include at least one (1) tree, hedges, grass, fences, windbreaks, and the like. Temporary storage shall not be allowed in the lawn area.
- (5) Each mobile home lot shall have paved off-street parking space for at least two (2) automobiles. Each space shall be ten (10) feet by twenty (20) feet minimum or as approved by the Zoning Administrator.
- (6) The corners of each mobile home lot shall be clearly marked and each site shall be numbered.
- (7) Each mobile home lot shall be so designed that automobiles may not be parked within five (5) feet of the side of any mobile home or within five (5) feet of the front or back of the mobile home.

#### 726.6 Mobile Home Stands

The area of the mobile home stand shall be improved to provide adequate support for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, sliding, rotation, and overturning.

- (1) The mobile home stands shall not heave, shift, or settle unevenly under the weight of the mobile home, due to frost action, inadequate drainage, vibration, or other forces acting upon the structure.
- (2) The mobile home stand shall be provided with anchors and tie-downs, such as cast-in-place concrete foundations or runways, screw augers, arrowhead anchors or other devices providing for stability of the mobile home.
- (3) Anchors and tie-downs shall be placed at least at each corner of the mobile home stand and each anchor shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds or as approved by the current Minnesota State Uniform Mobile Home Standards Code whichever is more restrictive.
- (4) All land areas shall be adequately drained and properly maintained free of dust, refuse, garbage, rubbish, or debris. The proposed method of garbage, waste, and trash disposal must be approved by the community and must conform to the regulations of the State Pollution Control Agency. Refuse collection stands shall be provided for all refuse containers. Such stands shall be so designed as to prevent containers from

being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them. The storage, collection, disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

- (5) No mobile homes shall be located in the mobile home park that do not conform to the requirements of the most current Minnesota State Uniform Mobile Home Standards Code and has the State Seal of Compliance affixed to it. No mobile home shall be allowed therein which is in an unsanitary condition, or which has an exterior in bad repair, or which is structurally unsound, or which fails to protect the inhabitants of said mobile home against all the elements.
- (6) No person shall erect, place, construct, reconstruct, relocate, alter, maintain, use or occupy a structure in a mobile home park without the written consent of the owner or operator of said park.
- (7) Dogs and animals shall not be permitted to run at large within the mobile home park.
- (8) No public address or loud speaker system shall be permitted.
- (9) No tents shall be erected, or occupied, and there shall be no outdoor camping anywhere in the trailer park.
- (10) Laundry and clothes shall be hung out to dry only on lines located in approved areas established and maintained exclusively for that purpose.
- (11) No person shall bring or keep an automobile into the mobile home park that does not have a current license and is not in operable condition.
- (12) Land in the mobile home park shall be used for residential purposes only.
- (13) Each mobile home shall be equipped with an approved fire extinguisher.
- (14) No open fires shall be permitted within the park and no fires in burners or incinerators shall be left unattended at any time. The operator shall provide safe, adequate incinerator service in full compliance with any State laws or local ordinances pertaining thereto.

## 727. MINING AND EXTRACTION

### 727.1 Purpose

Modern life styles create a continuing demand for the various subsurface resources used throughout this country. These resources are unevenly and sometimes sparsely distributed, thus creating a continual shortage of some materials. Unfortunately, excavation of these resources may not only present conflicts with adjacent land uses but have often, in the past, left unsightly scars upon the landscape. This provision is designed to minimize the conflicts and eliminate the scars as far as is feasible.

### 727.2 Administration

Permit Review - A permit shall be required for all commercial mining operations. Said permit shall be valid for a period of time set by the County Planning Commission; after which a permit renewal shall be required.

Persons requesting a mining permit shall submit said fee to the Wright County Planning Commission together with all information required in this section. The owner shall provide five (5) copies of the required information.

All residents and landowners within one thousand (1,000) feet of the proposed mining operations shall be notified in writing of the permit request and the date of the Planning Commission review. Notification shall be mailed at least ten (10) days prior to the Planning Commission review.

For mining operations which will last only one season, such as for road projects, the Planning Commission may issue a Temporary Mining Permit. Such permit may include the placement of a bituminous hot mix plant and other accessory equipment. Said permits shall only apply if the mining site is to be opened, closed and reclaimed within one year. The Zoning Administrator may waive some of the information required by Section 727.3 in the case of a Temporary Mining Permit. A Temporary Mining Permit shall be administered as a Conditional Use Permit.

If the request is denied no reapplication shall be made for a period of six (6) months.

### 727.3 Information Required

The following information shall be provided by the person requesting the permit:

- (1) Name and address of person requesting the mining permit.
- (2) The exact legal property description and acreage of area to be mined.
- (3) The following maps of the entire site and to include all areas within five hundred (500) feet of the site. All maps shall be drawn to a scale of one (1) inch to one hundred (100) feet unless otherwise stated below:

Map A - Existing conditions to include:

Contour lines at five (5) foot intervals.

Existing vegetation.

Existing drainage and permanent water areas.

Existing structures.  
Existing wells.

Map B - Proposed operations to include:

Structures to be erected.  
Location of sites to be mined showing depth of proposed excavation.  
Location of tailings deposits showing maximum height of deposits.  
Location of machinery to be used in the mining operation.  
Location of storage of mined materials, showing height of storage deposits.  
Location of vehicle parking.  
Location of storage of explosives.  
Erosion and sediment control structures.

Map C - End use plan to include:

Final grade of proposed site showing elevations and contour lines at five (5) foot intervals.  
Location and species of vegetation to be replanted.  
Location and nature of any structures to be erected in relation to the end use plan.

- (4) A soil erosion and sediment control plan.
- (5) A plan for dust and noise control.
- (6) A full and adequate description of all phases of the proposed operation to include an estimate of duration of the mining operation.
- (7) Any other information requested by the Planning Commission or Zoning Administrator.

#### 727.4 Renewal of Mining Permits

All property owners and residents within one thousand (1,000) feet of the mining operation shall be notified of a mining permit renewal request.

#### 727.5 Use Restrictions

Mining operations shall be a Conditional Use in the Agricultural District.

The crushing, washing, refining or processing other than the initial removal of material shall be considered a Conditional Use.

In stone quarries the production or manufacturing of veneer stone, sills, lintels, cut flagstone, hearthstones, paving stone and similar architectural or structural stone and the storing or stock-piling of such products on the site shall be considered a Conditional Use.

The manufacture of concrete building blocks or other similar blocks, the production or manufacture of lime products, the production of ready-mixed concrete and any similar production or manufacturing processes which might be related to the mining operation shall be considered as a Conditional Use.

The governing body may impose additional performance standards as part of the Conditional Use Permit.

## 727.6 Performance Standards

- (1) General Provisions - Weeds and any other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance and to prevent seeding on adjoining property.

No sand and gravel operation shall be conducted on parcels of less than twenty (20) acres in size. This limitation shall not apply when the tract of land is contiguous to an active mining operation, provided that both tracts are being operated by the same sand and gravel producer.

All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as is practicable, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity. All non-conforming uses shall apply and obtain a permit.

- (2) Water Resources - The mining operation shall not be allowed to interfere with surface water drainage beyond the boundaries of the mining operation.

The mining operation shall not adversely affect the quality of surface or subsurface water resources.

Surface water originating outside and passing through the mining district shall, at its point of departure from the mining site, be of equal quality to the water at the point where it enters the mining site. The mining operator shall perform any water treatment necessary to comply with this provision.

- (3) Safety Fencing - Any mining operation adjacent to a residential zone or within three hundred (300) feet of two (2) or more residential structures shall be bound by the following standards.

(a) Where collections of water occur that are one and one-half (1 1/2) feet or more in depth existing for any period of at least one (1) month, and occupy an area of seven hundred (700) square feet or more, all access to such collections of water shall be barred by a fence or some similarly effective barrier such as a snow fence at least four (4) feet in height.

(b) In locations where slopes occur that are steeper than one (1) foot vertical to three (3) feet horizontal existing for a period of one (1) month or more, access to such slopes shall be barred by a fence or some similarly effective barrier such as a snow fence of at least four (4) feet in height.

- (4) 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 the public road in view so that any turns onto the public road can be completed with a margin of safety.

- (5) Screening Barrier - To minimize problems of dust and noise and to shield mining operations from public view, a screening barrier shall be maintained between the mining site and adjacent residential and commercial properties. A screening barrier shall also be maintained between the mining site and any public road within five hundred (500) feet of any mining or processing operations. The screening barrier shall be planted with a species of fast growing trees such as green ash. Existing trees and ground cover along public road frontage shall be preserved, maintained (and supplemented), for the depth of the roadside setback except where traffic safety requires cutting and trimming.
- (6) Setback - processing of minerals shall not be conducted closer than one hundred (100) feet to the property line nor closer than five hundred (500) feet to any residential or commercial structures located prior to commencement of processing operations without the written consent of all owners and residents of said structures. The processing of minerals shall not be conducted within shoreland structure setback distances.

Mining operations shall not be conducted closer than thirty (30) feet to the boundary of any zone where such operations are not permitted, nor shall such production or processing be conducted closer than thirty (30) feet to the boundary of an adjoining property line, unless the written consent of the owner in fee of such adjoining property is first secured in writing.

Mining operations shall not be conducted closer than thirty (30) feet to the right-of-way line of any existing or platted street, road or highway, except that excavating may be conducted within such limits in order to reduce the elevation thereof in conformity to the existing or platted street, road or highway.

- (7) Appearance - All buildings, structures, and plants used for the production of processing of sand and gravel shall be maintained in such a manner as is practicable and according to acceptable industrial practice as to assure that such buildings, structures and plants will not become dangerously dilapidated.
- (8) House of Operation - All mining operations shall be conducted between the hours of 7:00 AM and 7:00 PM. Any operations not conducted between the hours of 7:00 AM and 7:00 PM shall require a Conditional Use Permit. Such permits shall be granted for public or private emergency or whenever any reasonable or necessary repairs to equipment are required to be made.
- (9) Dust and Dirt - All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as practicable, dust conditions which are injurious or substantially annoying to persons living within six hundred (600) feet of the mining operations lot line.

All access roads from mining operations to public highways, roads or streets or to adjoining property shall be paved or surfaced with gravel to minimize dust conditions.

These limitations above shall not apply to any mining operation in any industrial zone, unless such operations are closer than one hundred fifty (150) yards to another zone other than an industrial zone.

## 727.7 Land Rehabilitation

All mining sites shall be rehabilitated immediately after mining operations cease.

Rehabilitation shall be complete within one (1) year. The following standards shall apply:

- (1) Within a period of three (3) months after the 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 a mining permit, all buildings, structures and plants incidental to such operation shall be dismantled and removed by, and at the expense of, the mining operator last operating such buildings, structures and plants. A temporary variance may be granted for those buildings, structures, machinery and plants required to process previously mined materials stored on the site. Such variance may apply for only one (1) year, after which said buildings, structures, machinery and plants shall be removed.
- (2) The peaks and depressions of the area shall be graded and backfilled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No finished slope shall exceed twenty-three (23) percent in grade.
- (3) Reclaimed areas shall be sodded or surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding, and to a depth of at least three (3) inches.

Such required topsoil shall be planted with legumes and grasses. Trees and shrubs may also be planted but not as a substitute for legumes and grasses. Such planting shall adequately retard soil erosions.

Excavations completed to a water producing depth need not be back-filled if the water depth is at least ten (10) feet and if banks shall be sloped to the water line at a slope no greater than two (2) feet horizontal to one (1) foot vertical.

The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site upon which mining operations have been conducted. The finished plan shall restore the mining site to a condition whereby it can be utilized for the type of land use proposed to occupy the site after mining operations cease.

## 728. LAND ALTERATIONS

### 728.1 Permit Required

(1) A Land Alteration Permit shall be required in all cases where excavation, grading and/or filling of any land within the county would result in a substantial alteration of existing ground contour or would change existing drainage or would cause flooding or erosion or would deprive an adjoining property owner of lateral support and would remove or destroy the present ground cover resulting in less beneficial cover for present and proposed development, uses and enjoyment of any property in the County.

(2) Substantial alteration shall be defined as the extraction, grading, or filling of land involving movement of earth and materials in excess of fifty (50) cubic yards in the Shorelands Districts and in excess of five hundred (500) cubic yards in all other districts except drain tiles and ditch cleaning in agricultural areas. Such substantial alteration shall require a conditional use permit.

The creation of wildlife ponds, pollution control structures, and erosion control structures shall not require a conditional use permit, provided that said construction is approved by an official of the Soil and Water Conservation District and abides by all other applicable rules, regulations and ordinances.

(3) The extraction, grading, or filling of land involving the movement of earth and materials in excess of ten (10) cubic yards within shore, bluff impact zones, or steep slopes in shoreland areas shall require an Administrative Permit but not a conditional use permit.

(4) Public road improvement projects, and grading and excavation directly related to such projects (not to include gravel pits), shall not require a Land Alteration Permit provided the work is directly supervised by the County Engineer or the Governing Body of a local unit of government.

(5) A Land Alteration Permit is also required from the County and from the Commissioner of Natural Resources for any alteration in the Flood Plain District and the Shorelands Districts. Such alteration shall include any filling, dredging, channeling, or any other work in the beds of public waters which would change the course, current or cross section of a public water.

(6) A Land Alteration Permit shall be valid for a period of six (6) months from the date of issue. A Land Alteration Permit shall be administered in the same manner as a Conditional Use Permit.

## 728.2 Requirements

Before the issuance of a Land Alteration Permit or an Administrative Land Alteration Permit, it must be established that all of the following conditions are met. These conditions must also be adhered to during the issuance of construction permits, permits, conditional use permits, variances and subdivision approvals:

- (1) Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland (this evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. The applicant will be so advised):
  - (a) sediment and pollutant trapping and retention;
  - (b) storage of surface runoff to prevent or reduce flood damage;
  - (c) fish and wildlife habitat;
  - (d) recreational use;
  - (e) shoreline or bank stabilization; and
  - (f) noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.
- (2) Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;
- (3) Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;
- (4) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
- (5) Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;
- (6) Fill or excavated material must not be placed in a manner that creates an unstable slope;
- (7) Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
- (8) Fill or excavated material must not be placed in bluff impact zones;

- (9) Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, section 105.42;
- (10) Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
- (11) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.

### 728.3 Connections to Public Waters

Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, require a conditional use permit. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.

740. SINGLE FAMILY DWELLING STANDARDS

In order to prevent blight, to protect the general welfare and property values, and to ensure reasonable consistency with existing housing styles and designs, the following minimum standards shall apply to all single family dwellings, in addition to any other standards or conditions contained within this Ordinance.

- (1) Building shall be anchored to a permanent concrete or treated wood foundation, in accord with State Building Code standards.
- (2) The minimum width of the structure shall be twenty-four (24) feet, as measured across the narrowest portion. Width measurements shall not take into account overhangs nor other projections beyond principal walls.
- (3) There shall be a minimum 3:12 roof pitch with a minimum 12 inch soffit. Alternative roof styles may be approved by the building inspector based on generally accepted construction practices, building codes and the nature of the surrounding neighborhood. Unadorned flat roofs shall be prohibited.
- (4) Only new units shall be permitted. The relocation of previously occupied units shall require a conditional use permit.

## 741. RULES AND DEFINITION OF HOME EXTENDED BUSINESS

- (1) Business must be located on the homestead of the business operator.
- (2) No more than one employee in addition to the owner/operator and family members residing at the homestead.
- (3) No outside storage of supplies, equipment or maintenance items; all work and work related items shall be kept in an enclosed structure.
- (4) Shall provide two (2) parking spaces per employee of one (1) space for each 400 square feet of building area, whichever is greater.
- (5) Excessive noise levels are prohibited (that which may be considered a nuisance, L10 at 55 dBA decibels as regulated by NPC regulations).
- (6) Lot coverage must comply with all zoning standards.
- (7) Site must be capable of supporting on-site sanitary facilities; sewer and water.
- (8) All effluent consisting of any liquid, gaseous, or solid waste substance resulting from any process of manufacturing (i.e. sewage or industrial waste) shall not be discharged into the soil, water or air unless it is at a location determined appropriate by the Planning Commission, Planning Staff, and/or Pollution Control Agency.
- (9) The operator must properly dispose of all waste including but not limited to garbage, decayed wood, sawdust, shavings, bark, lime, sand, ashes, oil, tar, chemicals, offal, and all other substances.
- (10) Working hours shall be set by the Wright County Planning Commission.
- (11) A business sign shall be permitted which is no larger than 35 square feet; it may not be illuminated.
- (12) If located on a Township road and determined necessary by the Town Board, a letter of agreement containing any dust control measures determined necessary by the Township shall be provided prior to issuance of the Conditional Use Permit and renewed annually (January 1st of every year).
- (13) All posted road limits shall be obeyed.
- (14) Distance from building to next residence shall be at least 500 feet.
- (15) Must be outside of platted areas.
- (16) Building shall be no larger than 2,000 square feet.
- (17) After four (4) founded nuisance or permit violation complaints have been made and verified with written notice to the holder of the Conditional Use Permit or at any time upon the written request of the Town Board a hearing shall be called to re-consider the Conditional Use Permit within 60 days.
- (18) Building must conform to present buildings and to neighborhood.

## 742 PERFORMANCE STANDARDS FOR RETREAT CENTERS

### 742.1 Size and Density for Residential Buildings

A Retreat Center must be located on a parcel of land which includes at least 40 contiguous acres. The number of residential buildings may not exceed the number of residences on the land as allowed by the underlying zoning district, but may include the number that would be allowed by transferring entitlements from contiguous property as defined in section 604, but not any extra units that may have accrued to a Rural PUD as defined in section 614. For as long as the Retreat Center operates, there shall be no other residential buildings nor subdivisions allowed on the land designated for the Retreat Center. The residential buildings shall be detached from any communal facilities, accommodations for sleeping and sanitation may be provided. The residential buildings shall not be dwelling units, and shall not include kitchen facilities, except that one unit may be approved as a residence for a caretaker and family. Other than a caretaker's residence, no one person or family may occupy the residential buildings (one, or more than one in combination) for more than thirty days per year. Each residential building shall be detached from every other residential building. Except for a caretaker's residence, no residential building shall exceed 750 square feet of total floor area. No dormitories, apartments, condominium nor any other type of multiple dwelling units are allowed. Each residential building shall be accessible to emergency service vehicles by path or private road, but internal improved streets are not required.

### 742.2 Communal Facilities

All structures not defined as residential buildings shall be communal facilities, which may include a nature center, conservatory, interpretive center, exhibit, museum, library or closely related use. One communal facility may provide common showers, bathrooms and kitchen and dining facilities for guests at the Retreat Center, but no food service nor restaurant may be open to the public. The communal facilities shall not be used as dwelling units, nor motel, hotel, dormitory, rooming house nor any residential occupancy. In no case shall the number of communal facilities exceed three. Buildings used for communal facilities shall not exceed a total of 10,000 square feet of floor space for all such facilities combined.

Only one communal facility shall be used as an interpretive center, museum, library or similar use, and the hours of operation and programming shall be consistent with a Retreat Center as defined in this ordinance, and as approved by the Planning Commission as part of the Conditional Use Permit. The communal facility buildings shall be principally, but not exclusively, for the use of the persons occupying the residential buildings. The one communal facility which may be used as an interpretive center, museum, library or similar use may be available to private guests of the owner of the Retreat Center, and to the general public only at such hours and days as approved in the Conditional Use Permit and as consistent with the location in a rural area.

Unless the Retreat Center contains only one structure, there shall not be a separate lot of record for each structure (no lot divisions). Parking requirements shall be included in the terms of the Conditional Use Permit, but the Retreat Center shall provide at least two parking spaces at any communal facility, and at least 2 off street parking stalls for each residential building.

### 742.3 Other Standards and Requirements

Any use allowed in the zoning district as a conditional use may only be allowed with the Retreat Center if expressly included in the conditional use permit for the Retreat Center, except that commercial outdoor recreation uses are not allowed within the area of the Retreat Center. The performance standards of 603.5 and 604.5 shall apply except that a separate lot shall not be required nor permitted for each structure, and that commercial outdoor-commercial recreation use is not included in the Retreat Center. Commercial campgrounds and recreation vehicle camps are not allowed, but camping sites may be provided as long as occupancy (number) does not exceed the number that would be allowed if each camping site was a residential building/unit (one family each).

Yard requirements (604.5(2)-(4), 603(2)-(6), shall not apply to each building and shall only to the Retreat Center as a whole. Clustering of the buildings on the site shall be allowed, as long as the total number of structures does not exceed the number that would be allowed if the Retreat Center land was divided into the maximum number of lots permitted in the underlying district for that amount of land. Residential buildings may be clustered as such, but must remain as detached structures with no common walls.

## 750. FARMLAND PRESERVATION PROPERTY TAX CREDIT PROGRAM

### 750.1 Purpose

The Property Tax Credit Program is enacted to assist in the preservation of commercial agricultural uses and the rural environment necessary for continuing agricultural practices. Wright County's Program is enacted to carry out the goals within Minnesota Statutes Chapter 40A, Agricultural Land Preservation Program, and the Wright County Land Use Plan.

### 750.2 Eligibility

- (1) Any and all eligibility requirements contained within Minnesota Statutes Chapter 40A are incorporated herein by reference, and shall apply as if set forth herein.
- (2) Only legally created parcels, lots or lots of record which are designated as Agricultural or Agricultural/Residential in the Wright County Land Use Plan shall be eligible. In those cases where a lot or parcel may lie within two (2) different designations in the Land Use Plan, the land will be eligible provided:
  - (a) the majority of the parcel is designated as Agricultural or Agricultural/Residential; and
  - (b) no part of the parcel is designated as a Major Growth Area.
- (3) Only lands which lie entirely within the AG - General Agriculture zoning district (Section 604.) shall be eligible. A residential density no greater than one (1) residence per forty (40) acres shall be maintained, however, residences existing prior to the adoption of this section shall not preclude eligibility.
- (4) Lands enrolled in the Program must be legally created parcels, lots or lots of record which are at least thirty-five (35) acres in size. Smaller parcels may be enrolled subject to approval by resolution of the County Board, provided that:

- (a) the smaller parcels adjoin other parcels being enrolled in the program to provide a total greater than thirty-five (35) acres in size;
  - (b) no such parcel may be withdrawn from the program except in conjunction with similar parcels with total at least thirty-five (35) acres in size;
  - (c) no such parcel may be used as a new residential building site despite any eligibility granted by the Wright County Zoning Ordinance, unless an overall density of one (1) residence per forty (40) acres is maintained.
- (5) Parcels, lots or lots of record may not be subdivided for the purpose of enrolling only part of the property in the program while retaining other parts for development or other non-agricultural uses. Divisions which strictly comply with the provisions of Section 604. General Agriculture zoning district may take place before or after enrollment in the Program.
- (6) Lands lying within any Township which has adopted its own zoning ordinance may be eligible provided all of the eligibility requirements are met the local zoning complies with County zoning requirements, and approval is obtained, in writing, from the Township Board of Supervisors.

#### 750.3 Procedure/Application

- (1) Requirements for application and inclusion in an exclusive agricultural use zone, as defined in Minnesota Statutes Chapter 40A, and for obtaining the benefits thereof, shall include all those set forth in said Chapter 40A, and shall be adopted herein by reference.
- (2) An application fee for processing the application shall be set by the County Board. In addition, the applicant shall be required to pay all necessary fees charged by the County Recorder.

#### 750.4 Benefits and Restrictions

The benefits and restrictions which apply to property enrolled in exclusive agricultural use zones shall be as set forth in Minnesota Statutes Chapter 40A, and shall be incorporated herein by reference.

#### 750.5 Duration and Termination

The duration and termination of an exclusive agricultural use zone shall be as set forth in Minnesota Statutes Chapter 40A, and shall be incorporated herein by reference.

## 760. ANTENNAS AND SUPPORT STRUCTURES

### 760.1 Definitions

Antenna, Personal Wireless Service: A device consisting of a metal, carbon fiber, 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 the support structure thereof.

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.

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. (Allowed by Conditional Use in the I-1 district only.)

Antenna, Radio and Television Receiving: A wire, set of wires, metal or carbon fiber element(s), other than satellite dish antennas, used to receive radio, television, or electromagnetic waves, and including the supporting structure thereof.

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.

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.

Antenna Support Structure: Any pole, telescoping mast, tower, tripod, or any other structure which supports a device used in the transmitting or receiving of electromagnetic energy.

### 760.2 General Standards

The following standards shall apply to all antennas.

- (a) All obsolete and unused antenna shall be removed within twelve (12) months of cessation of use, unless a written exemption is granted by the Zoning Administrator.
- (b) All antenna shall be in compliance with all Federal, State and local building, electrical and other relevant code requirements.
- (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 nor 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 feet of the ground surface must 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 antenna shall be accompanied by any required federal, state, or local agency licenses or proof of application thereof.
- (g) Antenna support structures under two hundred (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 any antenna unless all lot size requirements for the relevant zoning district are met and subdivision approval is obtained.
- (i) No antenna to be used for any commercial purpose shall be placed on any land enrolled in the exclusive agricultural use zone Farmland Preservation Property Tax Credit Program pursuant to section 750.
- (j) The addition of antennas and associated equipment of an additional provider to an existing legal structure shall be considered co-location and not require an amendment to the conditional use permit.

### 760.3 Permitted and Accessory Uses

- (1) 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.
  - (a) Antennas and necessary support structures, monopoles or towers may extend a maximum of fifteen (15) feet above the building height restriction for the affected zoning district.
  - (b) Any antenna or antenna support structure not located on a building must be located in the rear yard, no closer to any property line than the height of the structure.
  - (c) The installation of more than one (1) support structure per property shall require the approval of a conditional use permit.
  - (d) Satellite dish antennas larger than two (2) meters in diameter must meet all building setback standards, and dishes over three (3) meters in diameter are prohibited in all residential and shoreland districts.

- (2) 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.
  - (a) The maximum support structure height shall be 75 feet and all other standards of section 760.2 must be met.
  - (b) A use and building permit shall be required in accord with section 506.
  - (c) Radio support structures (towers) must be installed in accordance with the instructions furnished by the manufacturer of that tower model. Antenna mounted on such a 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 manufacturers specifications.
  - (d) Any antenna or antenna support structure not located on a building must be located in the rear yard, no closer to any property line than the height of the structure.

#### 760.4 Personal Wireless Service and Microwave Antennas

- (1) Residential and Shoreland Districts
  - (a) Antenna and support structures shall not exceed 75 feet in height in the R-1, R-2, R-2a and all Shoreland and Wild and Scenic Districts.
  - (b) Commercial antennas (other than co-location) and support structures of any type in the R-1, R-2, R-2a and all Shoreland and Wild and Scenic Districts shall require a conditional use permit and be subject to all other requirements for a conditional use listed in section 760.5.
  - (c) Any antenna or antenna support structure not located on a building must be located in the rear yard, no closer to any property line than the height of the structure.
- (2) Agricultural Districts (AG, General Agriculture and A/R, Agricultural/Residential)
  - (a) The zoning administrator may issue an administrative use 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. An application filed for any new structure must include all the information required for a conditional use permit as specified in section 760.5. If the zoning administrator finds that the information submitted does not properly address all of the requirements of this ordinance, he may require a conditional use permit upon providing the applicant a written summary of the reasons for this finding.
  - (b) 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.

(3) Commercial Districts (B-1, B-2 and I-1)

- (a) The zoning administrator may issue an administrative use 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. An application filed for any new structure must include all the information required for a conditional use permit as specified in section 760.5. If the zoning administrator finds that the information submitted does not properly address all of the requirements of this ordinance, he may require a conditional use permit upon providing the applicant a written summary of the reasons for this finding.
- (b) 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.

760.5 Standards and Requirements for Conditional Use Permits

(1) Information required with application

In addition to the standard application materials required by section 505 for a Conditional Use Permit, no application for an antenna shall be complete unless the following data has been submitted.

- (a) 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 ½ 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.
- (b) Documentation that the communications equipment planned 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:
  - (1) The planned 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
  - (2) The planned equipment would cause interference with other existing or planned equipment at location as documented by a qualified radio frequency (RF) engineer, and the interference cannot be prevented at a reasonable cost; or
  - (3) No existing or approved structures or buildings within a half-mile radius meet the radio frequency (RF) design criteria; or

- (4) Existing or approved structures and buildings within a one-half mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified radio frequency (RF) engineer.
  - (5) A good faith effort to co-locate on existing structures within a one-half mile radius was made, but an agreement could not be reached.
- (c) An agreement stating that structures over 130 feet tall will be designed for not less than three 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.

(2) Standards and Conditions

In addition to any terms or conditions applied as a result of the process for issuing a conditional use, the following standards shall apply to all antenna and support structures unless specifically waived by the Planning Commission.

- (a) Antenna 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 with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.
- (b) Antenna support structures shall be constructed of, or treated with, corrosive resistant material.
- (c) 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 users.
- (d) 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 eight foot high chain link fence with a locked gate.
- (e) All antennas and support structures shall utilize building materials, colors, textures, screening and landscaping that blend the tower facilities within the surrounding natural setting and built environment to the greatest extent possible.

- (f) 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 County.

## 761. Wind Energy Conversion Systems

### 761.1 Purpose

This Ordinance is established to regulate the installation and operation of Wind Energy Conversion Systems (WECS) within Wright County not otherwise subject to siting and oversight by the State of Minnesota under MS 216F.

### 761.2 Definitions

- (1) Aggregate Project – Aggregated projects are those which are developed and operated in a coordinated fashion, but which may 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 aggregate project.
- (2) Commercial WECS – A WECS of equal to or greater than 40 kW in total nameplate generating capacity.
- (3) Non-Commercial WECS – A WECS of more than 5, but less than 40 kW in total nameplate generating capacity.
- (4) Fall Zone – The area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.
- (5) 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.
- (6) Meteorological Tower – For the purpose of this Ordinance, meteorological towers are those towers which are erected primarily to measure wind speed and directions plus other data relevant to siting WECS. Meteorological towers do not include towers and equipment used by airports, the Minnesota Department of Transportation, or other similar applications to monitor weather conditions.
- (7) Micro-WECS–Micro WECS are WECS of 5 kW nameplate generating capacity or less.
- (8) Rotor Diameter – The diameter of the circle described by the moving rotor blades.
- (9) Substations – Any electrical facility designed to convert electricity produced by the wind turbines to a voltage greater than 35,000 (35 KV) for interconnection with high voltage transmission lines shall be located outside of the road right-of-way.
- (10) Total Height – The height of a WECS as measured from ground level to the highest point reached by a rotor tip or any other part of the WECS.
- (11) Tower – Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment.

- (12) Tower Height – The total height of the WECS exclusive of rotor blades.
- (13) Transmission Line – Those electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electrical energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.
- (14) Public Conservation Lands – Land owned in fee title by County, State or Federal agencies and managed specifically for conservation purposes, including but not limited to County Parks, State Wildlife Management Areas, State Parks, State Scientific and Natural Areas, Federal Wildlife Refuges and Waterfowl Production Areas. For the purpose of this section, public conservation lands will also include lands owned in fee title by non-profit conservation organizations. Public conservation lands do not include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.
- (15) Wind Turbine – A wind turbine is any piece of electrical generating equipment that converts kinetic energy of blowing wind into electric energy through the use of airfoils or similar devices to capture the wind.

### 761.3 Applications

- (1) All applications for Micro WECS, Non-Commercial WECS, and Meteorological Towers shall include the following information:
  - (a) The name of project applicant.
  - (b) The name of the property owner.
  - (c) The legal description and address of the property.
  - (d) A description of the project including: number, type, nameplate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
  - (e) Site layout, including the location of property lines, wind turbines, electrical wires, interconnection points with the electrical grid, and all related accessory structures. The site layout shall include separation/setback distances and be drawn to scale.
  - (f) Plan designed by a Minnesota Licensed Engineer for footings and structure.
  - (g) Documentation of land ownership or legal control of the property.
  - (h) Life expectancy of the WECS and proposed abandonment date.
- (2) All applications for Commercial WECS shall also include:
  - (a) The latitude and longitude of individual wind turbines.
  - (b) A half-section map of the property and surrounding area, including any other WECS within quarter mile of the proposed WECS.

- (c) Location of wetlands, and natural areas (including bluffs) within one-quarter mile of the proposed WECS.
- (d) FAA Permit Application.
- (e) Evidence of power purchase contracts.
- (f) Location of all known Communication Towers within two (2) miles of the proposed WECS.
- (g) Decommissioning plan.
- (h) Description of potential impacts on nearby WECS and wind resources on adjacent properties.
- (i) Road and grading plans, including drainage and erosion control measures.
- (j) A National Pollutant Discharge Elimination System (NPDES) Permit, if required.

#### 761.4 Aggregated Projects

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. The Minnesota Public Utilities Commission shall be the site permitting authority for all WECS with a nameplate generating capacity of five (5) megawatts or more.

#### 761.5 District Regulations

District	Micro-WECS	Non-Commercial WECS	Commercial WECS	Meteorological Tower
AG – General Agriculture	Permitted*	Permitted*	Conditional Use Permit	Permitted*
AR – Ag/Residential	Permitted*	Conditional Use Permit	Prohibited	Prohibited
R1 – Urban Rural Transition	Prohibited	Prohibited	Prohibited	Prohibited
R2 – Suburban Residential	Conditional Use Permit	Prohibited	Prohibited	Prohibited
R2a -Suburban Residential (a)	Conditional Use Permit	Conditional Use Permit	Prohibited	Prohibited
B1 – Highway Business	Permitted*	Conditional Use Permit	Conditional Use Permit	Permitted*
B2 – General Business	Permitted*	Conditional Use Permit	Conditional Use Permit	Permitted*
I1 – General Industry	Permitted*	Conditional Use Permit	Conditional Use Permit	Permitted*
WS – Wild and Scenic	Prohibited	Prohibited	Prohibited	Prohibited
Shoreland Overlay	Prohibited	Prohibited	Prohibited	Prohibited

\*Any WECS support tower or Meteorological tower one-hundred-thirty (130) feet or more in height shall require a Conditional Use Permit.

## 761.6 Setbacks – Wind Turbines, Tower, and Related Structures

	Micro-WECS	Wind-Turbine – Non-Commercial WECS	Wind Turbine – Commercial WECS & Meteorological Towers
Property Lines	1.1 times the total height	1.1 times the total height	1.5 times the total height
Neighboring Occupied Structures	1.5 times the total height	750 feet	1,000 feet
Road Right-Of-Ways	1.1 times the total height	1.1 times the total height	1.1 times the total height
Other Right-Of-Ways (railroads, power line, and other easements)	1.1 times the total height	1.1 times the total height	1.1 times the total height
Public Conservation Lands	1.1 times the total height	1.1 times the total height	600 feet
Wetlands, USFWS Types III, IV & V	1.1 times the total height	1.1 times the total height	600 feet
Other Structures	1.1 times the total height	1.1 times the total height	1.1 times the total height
Existing WECS	300 feet	750 feet	750 feet
Bluffs	1,000 feet	1,000 feet	1,000 feet

Minimum setback standards for substations and feeder lines shall be consistent with the standards for essential services established in Section 725 of the Wright County Zoning Ordinance or as established in the underlying zoning district, whichever is more restrictive.

## 761.7 Requirements and Standards

### (1) Safety Design Standards

- (a) Engineering Certification – For all WECS, 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.
- (b) Clearance – Rotor blades or airfoils must maintain at least twenty (20) feet of clearance between their lowest point and the ground.
- (c) Warnings – For all Commercial WECS, a sign or signs shall be posted on the tower, transformer, and substation warning of high voltage. The signs must include emergency contact information.

For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors, or tape shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of ten (10) feet above the ground. Visible fencing around the anchor points of guy wires may be substituted for the above referenced markers.

All towers and support structures shall be reasonably protected against unauthorized

climbing. The bottom of the structure (measured from ground level to fourteen (14) feet above ground level) shall be designed in a manner to preclude unauthorized climbing and/or shall be enclosed with a minimum of an eight (8) foot chain link fence with a locked gate. The chain link fence will meet the requirements of the 2006 IBC 3109.4.1.5. Depending on design, monopole structure may be exempt for the fence requirement.

(2) Standards

- (a) Any WECS support tower or Meteorological tower one-hundred-thirty (130) feet or more in height shall require a Conditional Use Permit.
- (b) Non-Commercial WECS shall have a total height of less than two-hundred (200) feet.
- (c) All wind turbines which are part of a Commercial WECS shall be installed with a tubular, monopole type tower.
- (d) Meteorological towers must be guyed.
- (e) All wind turbines and towers that are part of a Commercial WECS shall be white, gray, or another non-obtrusive color. Blades may be black in order to facilitate de-icing. Finishes shall be matte or non-reflective.
- (f) Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the Federal Aviation Administration permits and regulations. Red strobe lights are preferred for night-time illumination. Red pulsating incandescent lights should be avoided.
- (g) All signage on-site shall comply with Section 724 of the Wright County Zoning Ordinance. The manufacturer's or owner's company name and/or logo may be placed upon the compartment containing the electrical generator of the WECS.
- (h) All communications and feeder lines, equal to or less than 34.5 kV in capacity, installed as part of a WECS shall be buried.
- (i) Solid and hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state, and federal regulations.
- (j) A WECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the Wright County Zoning Administrator outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to ground level within ninety (90) days of the discontinued use.
- (k) Each Commercial WECS shall have a decommissioning plan outlining the

anticipated means and costs of removing WECS at the end of their serviceable life or upon becoming a discontinued use. The cost estimate shall be 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.

- (l) Upon issuance of a conditional use permit, all Commercial WECS shall notify the Environmental Quality Board Power Plant Siting Act program staff of the project location and details on the survey form specified by the Environmental Quality Board.
- (m) All WECS shall comply with Minnesota Rules 7030 governing noise.
- (n) All WECS shall comply with Federal Aviation Administration (FAA) standards and permits.
- (o) All WECS shall comply with the Building Code adopted by the State of Minnesota.
- (p) Applicants for WECS shall be responsible for restoring or paying damages to all applicable road authority sufficient to restore the roads and bridges to preconstruction conditions.
- (q) The applicant for a WECS shall be responsible for the immediate repair or damage to public drainage systems stemming from the construction, operation, or maintenance of the WECS.
- (r) Guy wires and guy wire anchors shall not be erected within public or private easements and shall be setback a minimum of five (5) feet from all property lines.
- (s) No land may be subdivided for the purpose of providing space for any WECS unless all lot size requirements for the relevant zoning district are met and subdivision approval is obtained.

(3) Interference

The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS. The applicant shall notify all communication tower operators within five (5) miles of the proposed WECS location upon application to the County for permits. No WECS shall be constructed so as to interfere with the County or Minnesota Department of Transportation microwave transmissions.

(4) Abandonment

- (a) At such time that a WECS is scheduled to be abandoned or discontinued, the applicant will notify the building inspector by U.S. mail of the proposed date of the abandonment or discontinuation of operations.
- (b) Upon abandonment or discontinuation of use, the owner or applicant shall physically

remove any small wind energy system greater than one-hundred-thirty (130) feet in height within ninety (90) days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the building inspector. "Physically remove" shall include, but not be limited to:

- (1) Removal of the wind generator, tower, and all related above-grade structures.
  - (2) Restoration of the location of the small wind energy system to its natural condition, except that any landscaping, grading, or below-grade foundation may remain in its same condition at initiation of abandonment.
- (c) In the event that an applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out-of-service for a continuous twelve (12) month period. After the twelve (12) months of inoperability, the building inspector may issue a Notice of Abandonment to the owner of the small wind energy system. The owner shall have the right to respond to the Notice within thirty (30) days from receipt of Notice. After review of the information provided by the owner, the building inspector shall determine if the small wind energy system has been abandoned. If it is determined that the small wind energy system has not been abandoned, the building inspector shall withdraw the Notice of Abandonment and notify the owner of the withdrawal.
- (d) If the owner fails to respond to the Notice of Abandonment or if, after review by the building inspector, it is determined that the small wind energy system has been abandoned or discontinued, the owner of the system shall physically remove the system at the owner's sole expense within ninety (90) days of the receipt of the Notice of Abandonment. If the owner fails to physically remove the system after the Notice of Abandonment procedure, the building inspector may pursue legal action to have the small wind energy system removed at the owner's expense.

## 771. ADULT USES LICENSING AND PERFORMANCE STANDARDS

### 771.1 Hours of Operation

No adult uses may be open to the public between the hours of 10:00 p.m. and 8:00 a.m.

### 771.2 Performance Standards for Adult Cabarets

- (1) No owner, operator or manager of an adult cabaret shall permit or allow any dancer or other live entertainer to perform nude. Nude shall be applied in this section as it is defined at 615.2 (10) above.
- (2) No dancer, live entertainer, performer, patron or any other person shall be nude in an adult cabaret.
- (3) The owner, operator or manager of an adult cabaret shall provide the following information to the county concerning any persons who dance or perform live entertainment at the adult cabaret: The persons full name including all previously used legal names, home address, home telephone number, date of birth and any presently or previously used aliases.
- (4) No dancer, live entertainer or performer shall be under 18 years old.
- (5) All dancing or live entertainment shall occur on a platform intended for that purpose and which is raised at least two feet from the level of the floor.
- (6) No dancer or performer shall perform any dance or live entertainment closer than ten feet to any patron.
- (7) No dancer or performer shall fondle or caress any patron and no patron shall fondle or caress any dancer or performer.
- (8) No patron shall pay or give any gratuity to any dancer or performer.
- (9) No dancer or performer shall solicit any pay or gratuity from any patron.

### 771.3 License Required

- (1) No person shall own or operate an adult use establishment without having first secured a license as provided for in this section. Notwithstanding any other provision of this code to the contrary, the procedures set forth in this section establish the exclusive method for obtaining an adult establishment license.
- (2) The application for an adult use establishment license shall be submitted on a form provided by the county and shall include:
  - (a) If the applicant is an individual, the name, residence, phone number, and birth date of the applicant. If the applicant is a partnership, the name, residence, phone number, and birth date of each general and limited partner. If the applicant is a corporation, the names, residences, phone numbers, and birth dates of all those persons holding more than five percent of the issued and outstanding stock of the corporation.

- (b) The name, address, phone number, and birth date of the operator and manager of such operation, if different from the owners.
- (c) The address and legal description of the premises where the adult establishment is to be located.
- (d) A statement detailing any gross misdemeanor or felony convictions relating to sex offenses, obscenity or the operation of an adult establishment or adult business by the applicant, operator or manager and whether or not the applicant, operator or manager has ever applied for or held a license to operate a similar type of business in other communities. In the case of a corporation, a statement detailing any felony convictions by the owners of more than five percent of the issued and outstanding stock of the corporation, and whether or not those owners have ever applied for or held a license to operate a similar type of business in other communities.
- (e) The activities and types of business to be conducted.
- (f) The hours of operation.
- (g) The provisions made to restrict access by minors.
- (h) A building plan of the premises detailing all internal operations and activities.

If an application form is not available from the county, on request at the time of applying, the applicant may provide the information in letter form so long as it is complete.

#### 771.4 License Fee

- (1) An annual license fee for an adult establishment shall be set from time to time by resolution of the County Board. Commencing with the enactment of this ordinance section, the fee shall be as specified in Appendix A hereto.
- (2) Each application for a license shall be submitted to the Wright County Sheriff, and payment made to the County. Each application for a license shall be accompanied by payment in full of the required license fee. Upon rejection of any application for a license, the County shall refund the license fee.
- (3) All licenses shall expire on the last day of December in each year. Each license shall be issued for a period of one year, except that if a portion of the license year has elapsed when the application is made, a license may be issued for the remainder of the year for a pro rated fee. In computing such fee, any unexpired fraction of a month shall be counted as one month.
- (4) No part of the fee paid by any license shall be refunded, except that pro rata portion of the fee shall be refunded in the following instances upon application to the County Zoning Administrator within 30 days before the expiration of the license:
  - (a) Destruction or damage of the licensed premises by fire or other catastrophe.
  - (b) The licensee's illness.

- (c) The licensee's death.
  - (d) A change in the legal status making unlawful for licensed business to continue.
- (5) Each application shall contain a provision on the application in bold print indicating that any withholding of information or the providing of false or misleading information will be grounds for denial or revocation of a license. Any changes in the information provided on the application or provided during the investigation shall be brought to the attention of the County Board by the applicant(s) or licensee. If said changes take place during the investigation, said data shall be provided to the Sheriff's Department or the County Board in writing. Failure to report said changes by the applicant(s) or the licensee may result in a denial or revocation of a license.

#### 771.5 Investigative Fee

- (1) Upon applying for the license, an investigative fee shall be required for each application submitted to the County. The investigative fee amount shall be set from time to time by resolution of the County Board. Commencing with the enactment of this ordinance section, the fee shall be as specified in Appendix A hereto.
- (2) If it appears that the investigative costs will exceed the amount set forth in Appendix A, the Sheriff or the County Zoning Administrator shall notify the applicant and give the applicant an estimate of costs. The applicant shall either make an additional deposit equal to the difference or shall withdraw the application. If the additional deposit is not paid within 14 days, the application shall be deemed withdrawn.
- (3) If the costs of administration, issuance and investigation are less than the additional deposit, the balance shall be refunded upon the issuance or denial of the license. No license shall be issued until the applicant has paid the entire cost of administration, including required license fees and investigative fees.

#### 771.6 Granting of License

- (1) The County Board, or such persons as they shall designate, shall complete their investigation within 45 days after the Board receives a complete application and all license and investigative fees.
- (2) If the application is for a renewal, the applicant shall be allowed to continue business until the Board has determined to renew or refuse to renew a license.
- (3) If after such investigation, it appears that the applicant and the place proposed for the business are eligible for a license under the criteria set forth in this section, then the license shall be issued by the County Board within the requirements of Minn.Stat. 15.99.
- (4) Each license shall be issued to the applicant only and shall not be transferable to another holder. Each license shall be issued only for the premises described in the application. No license may be transferred to another premise without the approval of the County Board. If the licensee is a partnership or a corporation, a change in the identity of the principals of the partnership or corporation shall be deemed a transfer of the license. All adult establishments existing at the time of the adoption of this section shall be required to obtain an annual license.

#### 771.7 Persons Ineligible for License

No license shall be granted to or held by any person:

- (1) Under 21 years of age;
- (2) Who is overdue or whose spouse is overdue in their payment to any unit of government for taxes, fees, fines or penalties assessed against them or imposed upon them;
- (3) Who has been convicted or whose spouse has been convicted of a gross misdemeanor or felony relating to sex offenses, obscenity offenses or adult establishments in any jurisdiction within the past five years;
- (4) Who has been convicted or whose spouse has been convicted of a misdemeanor under state law or local ordinance, or of violating any equivalent law of this state relating to sex offenses, obscenity offenses or adult establishments within the past three years;
- (5) Who is not the proprietor of the establishment for which the license is issued;
- (6) Who is residing with a person who has been denied a license by the County or any other Minnesota municipal corporation to operate an adult use, or residing with a person whose license to operate an adult use has been suspended or revoked within the preceding 12 months;
- (7) Who has not paid the license and investigative fees required by this section.

#### 771.8 Places Ineligible for License

- (1) No license shall be granted for adult uses on any premises where the applicant or any of its officers, agents or employees has been convicted of a violation of this section, or where any license hereunder has been revoked for cause, until one year has elapsed after such conviction or revocation.
- (2) No license shall be granted for any adult use which is not in full compliance with all the provisions of this County's zoning ordinance, the building code, the fire code, the County's health regulations and all provisions of state and federal law.

#### 771.9 Conditions of License

Every license shall be granted subject to the following conditions:

- (1) All the provisions of this section shall be followed, and all applicable sections of the County Zoning Ordinance, the building code, the fire code, the County's health regulations and other specific provisions of county, state and federal law.
- (2) No minor shall be permitted on the licensed premises.
- (3) Any designated inspection officer of the County shall have the right to enter, inspect, and search the premises of a licensee during business hours.

- (4) Every licensee shall be responsible for the conduct of their place of business and shall maintain conditions of order.
- (5) No adult goods or material services shall be offered, sold, transferred, conveyed, given, displayed, or bartered to any minor.

#### 771.10 Penalty

- (1) Any person violating any provision of this section is guilty of a misdemeanor and is subject to all the applicable provisions of Section 801 below.
- (2) Any violation of this section shall be a basis for the suspension or revocation of any license granted hereunder. In the event that the county Board proposes to revoke or suspend the license, the licensee shall be notified in writing of the basis for such proposed revocation or suspension. The Board shall hold a hearing for the purpose of determining whether to revoke or suspend the license, which hearing shall be within thirty (30) days of the date of the notice.
- (3) The county board shall determine whether to suspend or revoke a license within thirty (30) days after the close of the hearing or within sixty (60) days of the date of the notice, whichever is sooner, and shall notify the licensee of its decision within that period.

#### 771.11 Right of Appeal

- (1) In the event that the County Board determines to suspend, or revoke a license, such suspension or revocation shall not be effective until fifteen days after notification of the decision to the licensee. If, within that fifteen (15) days, the licensee files and serves an action in state or federal court challenging the board's action, then the suspension or revocation shall be stayed until the conclusion of such action.
- (2) If the County Board determines not to renew a license, the licensee may continue its business for fifteen (15) days after receiving notice of such non-renewal. If the licensee files and serves an action in state or federal court within that fifteen (15) days for the purpose of determining whether the County acted properly, the licensee may continue in business until the conclusion of the action.
- (3) If the County Board decides not to grant a license to an applicant, then the applicant may commence an action in state or federal court within fifteen (15) days for the purpose of determining whether the County acted properly. The applicant shall not commence doing business unless the action is concluded in its favor.
- (4) Additionally, any taxpayer or citizen may proceed with any action provided for in Section 801 below.

## SECTION 8. ENFORCEMENT

### 801. VIOLATIONS AND PENALTIES

#### 801.1 Violations

- (1) In the event of a violation or a threatened violation of this Ordinance, the County Board, or any member thereof, in addition to other remedies, may request the County Attorney to institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations, or threatened violations.
- (2) Any taxpayer or taxpayers of the County may institute mandamus proceedings in the District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.
- (3) Any person, firm, corporation or other entity who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine and/or by imprisonment as set forth in Minn. Stat. 609.03. Each day that a violation continues shall constitute a separate offense.
- (4) Any person, firm, corporation or other entity who aids, abets, counsels or assists another in the commission of any of the acts prescribed in (3), whether acting as an employee, servant, agent or otherwise, shall be guilty of a misdemeanor. Any property owner who permits any person, firm, corporation or other entity to commit any of the acts prescribed in (3) shall be guilty of a misdemeanor.
- (5) When an ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall investigate the situation and document the nature and extent of the violation of the official control. In the case of violations of the Flood Plain Overlay District (Section 611.), as soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the Community's plan of action to correct the violation to the degree possible.
- (6) The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other Official Controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted. If the construction or development is already completed, then the Zoning Administrator may either (1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls, or (2) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed thirty (30) days.
- (7) It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure unless the use of the building or land conforms to the requirements of this Ordinance.

- (8) All permits, variances, and Conditional Use Permits issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance.
- (9) Applications for any permit may be denied by the Zoning Administrator if the land upon which the permit application is made is subject to any of the following conditions:
  - (a) a nonconforming sewage treatment or disposal system exists on the property; this requirement is mandated in shoreland areas:
  - (b) the property is part of a subdivision or conveyance which does not comply with the provisions of this Ordinance or the Wright County Subdivision Regulations: or
  - (c) a nuisance, as specified within 714. of this Ordinance, exists on the property.

The Zoning Administrator shall provide the applicant with a written statement setting forth with reasons for said denial and the actions necessary to correct the problem. The applicant may appeal said denial to the Board of Adjustment.

#### 801.2 Recording Conveyances

- (1) A copy of all instruments which convey real estate where the land lies within the jurisdiction of this ordinance shall be submitted by the County Recorder to the Zoning Administrator for review after recording pursuant to Minnesota Statutes Section 394.37, Subdivision 1. The following conveyances need not, however, be submitted.
  - (a) The re-conveyance of a lot of record, as defined herein.
  - (b) The conveyance of any tract which does not involve or result in the subdivision of any existing tract.
- (2) The Zoning Administrator shall examine those instruments of conveyance submitted by the County Recorder to determine whether the conveyance complies with this ordinance. If the conveyance does not comply with this ordinance, the Zoning Administrator shall notify the parties to the conveyance of the violation or potential violation and may institute appropriate action to enforce compliance. Failure of the Zoning Administrator to provide such notice shall not be construed to indicate approval of any conveyance.

#### 801.3 Application to County Personnel

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

## SECTION 9. SEPARABILITY, SUPREMACY, AND EFFECTIVE DATE

### 901.1 Separability

Every Section, provision, or part of this Ordinance or any permit issued pursuant to this Ordinance is declared separable from every other Section, provision, or part thereof to the extent that if any section, provision, or part of this Ordinance or any permit issued pursuant to this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

### 901.2 Supremacy

When any condition imposed by any provision of this Ordinance on the use of land or buildings or on the bulk of buildings is either more restrictive or less restrictive than similar conditions imposed by any provision of any other County Ordinance or regulation, the more restrictive conditions shall prevail.

This Ordinance is not intended to abrogate any easements, restrictions, covenants, relating to the use of land or imposed on lands within the County by private declaration or agreement, but where the provisions of this Ordinance are more restrictive than any such easement, restriction, or covenant, or the provision of any private agreement, the provisions of this Ordinance shall prevail.

### 901.3 Effective Date

This Ordinance shall be full force and effect from and after August 1, 1978 or the date of its passage and publication according to law, whichever occurs first.

(This publication includes all amendments to the Ordinance through February 2, 2010.)