

TABLE OF CONTENTS

CHAPTER 1	7
SHORT TITLE	7
Subdivision 1. Short Title	7
CHAPTER 2	7
INTENT AND PURPOSE	7
Subdivision 1. Intent and Purpose	7
CHAPTER 3	9
DEFINITIONS	9
Subdivision 1. Definitions	9
CHAPTER 4	19
ADMINISTRATION	19
Subdivision 1. Interpretation Standard	19
Subdivision 2. Zoning Permits	19
Subdivision 3. Moving Buildings Onto Lots	19
Subdivision 4. Enforcing Officer	19
Subdivision 5. Duties of the Zoning Administrator	19
Subdivision 6. Creation, Membership and Duties of the Planning Commission	20
CHAPTER 5	21
BOARD OF ADJUSTMENT	21
Subdivision 1. Creation and Membership	21
Subdivision 2. Powers	21
Subdivision 3. Appeals	21
Subdivision 4. Findings	22
Subdivision 5. Procedure	22
Subdivision 6. Recording	23
Subdivision 7. Lapse of Variance by Non-Use	23
CHAPTER 6	25
CONDITIONAL USE PERMIT	25
Subdivision 1. Application	25
Subdivision 2. Public Hearing	25
Subdivision 3. Review	25
Subdivision 4. Authorization	26
Subdivision 5. Findings	26
Subdivision 6. Authority to Impose Conditions	26
Subdivision 7. Compliance	26
Subdivision 8. Review	26
Subdivision 9. Revocation	26
Subdivision 10. Discontinuance	26
Subdivision 11. Recording	26
CHAPTER 7	29
AMENDMENTS/REZONING	29
Subdivision 1. Authority	29
Subdivision 2. Application	29
Subdivision 3. Procedure	30
Subdivision 4. Action and Authorization	30
Subdivision 5. Recording	30
CHAPTER 8	31

CERTIFICATE OF COMPLIANCE, FEES, VIOLATIONS AND PENALTIES.....	31
Subdivision 1. Certificate of Compliance	31
Subdivision 2. Fees	31
Subdivision 3. Violations and Penalties	32
CHAPTER 9.....	33
CLASSIFICATION OF DISTRICTS.....	33
Subdivision 1. Zoning Districts	33
Subdivision 2. Zoning District Map	33
Subdivision 3. Zoning District Boundaries	33
Subdivision 4. Permitted Uses	33
Subdivision 5. Prohibited Uses	34
Subdivision 6. Uses Not Provided for in Zoning District	34
Subdivision 7. Appeals as to District Boundaries	34
CHAPTER 10.....	35
AGRICULTURAL DISTRICT	35
Subdivision 1. Purpose	35
Subdivision 2. Permitted Uses	35
Subdivision 3. Conditional Uses	35
Subdivision 4. Permitted Accessory Uses	36
Subdivision 5. Lot Size, Setback, Yard and Height Requirements	36
Subdivision 6. Regulation for Any Non-Farm Dwelling	36
Subdivision 7. Confined Feedlot Regulations	37
Subdivision 8. General Regulation	37
CHAPTER 11.....	39
“RESERVED”.....	39
CHAPTER 12.....	41
“RESERVED”.....	41
CHAPTER 13.....	43
SHORELAND DISTRICTS.....	43
Subdivision 1. Purpose	43
Subdivision 2. Location and Classification of Protected Waters	43
Subdivision 3. Natural Environment Lakes	43
Subdivision 4. Recreational Development Lake	44
Subdivision 5. “Reserved”.	45
Subdivision 6. “Reserved”.	45
Subdivision 7. Rivers and Streams	45
Subdivision 8. Shoreland Zoning Districts	45
Subdivision 9. General Dimensional Requirements	45
Subdivision 10. Significant Historic Sites	45
Subdivision 11. Steep Slopes	45
Subdivision 12. Forest Management Standards	45
Subdivision 13. Vegetation Alterations	46
Subdivision 14. Topographic Alterations/Grading and Filling.	46
Subdivision 15. Placement & Design of Roads, Driveways & Parking Areas	47
Subdivision 16. General Standards for Stormwater Management	48
Subdivision 17. Specific Standards for Storm Water Management	48
Subdivision 18. Agricultural Use Standards	48
Subdivision 19. Extractive Use Standards	49

Subdivision 20. Standards for Commercial, Industrial, Public and Semi-Public Use	49
Subdivision 21. Mining of Metallic Minerals and Peat.	50
Subdivision 22. Conditional Uses	50
Subdivision 23. Subdivision/Platting Provision in Shoreland Areas	50
Subdivision 24. Stairways, Lifts, and Landings	51
Subdivision 25. Notifications to Department of Natural Resources	51
Subdivision 26. Types of PUD’s Permissible	52
Subdivision 27. Processing of PUD’s	52
Subdivision 28. Application for a PUD	52
Subdivision 29. Site “Suitable Area” Evaluation	52
Subdivision 30. Residential and Commercial PUD Density Evaluation	53
Subdivision 31. Maintenance and Design	54
Subdivision 32. Conversions	56
CHAPTER 14	59
“SL-1” SPECIAL PROTECTION DISTRICT	59
Subdivision 1. Purpose	59
Subdivision 2. Permitted Uses	59
Subdivision 3. Conditional Uses	59
Subdivision 4. Permitted Accessory Uses	59
Subdivision 5. Special Development Standards	60
CHAPTER 15	61
“SL-2” RESIDENTIAL RECREATIONAL DISTRICT	61
Subdivision 1. Purpose	61
Subdivision 2. Permitted Uses	61
Subdivision 3. Conditional Uses	61
Subdivision 4. Permitted Accessory Uses	62
Subdivision 5. Special Development Standards	62
CHAPTER 16	63
“SL-B” Shoreland Business District	63
Subdivision 1. Purpose	63
Subdivision 2. Permitted Uses	63
Subdivision 3. Conditional Uses	63
Subdivision 4. Permitted Accessory Uses	63
Subdivision 5. Special Development Standards	63
CHAPTER 17	65
“RESERVED”	65
CHAPTER 18	67
“SL-C” SHORELAND CONSERVATION DISTRICT	67
Subdivision 1. Purpose	67
Subdivision 2. Permitted Uses	67
Subdivision 3. Conditional Uses	67
Subdivision 4. Permitted Accessory Uses	67
Subdivision 5. Special Development Standards	67
CHAPTER 19	69
“R-1” SINGLE FAMILY RESIDENTIAL DISTRICT	69
Subdivision 1. Purpose	69
Subdivision 2. Permitted Uses	69
Subdivision 3. Conditional Uses	69

Subdivision 4. Permitted Accessory Uses	69
Subdivision 5. Lot Size, Setback, Yard and Height Requirements Without Central Utilities	69
Subdivision 6. Lot Size, Setback, Yard and Height Requirements with Central Utilities	70
Subdivision 7. General Regulations	70
CHAPTER 20.....	71
“HB” HIGHWAY BUSINESS DISTRICT	71
Subdivision 1. Purpose	71
Subdivision 2. Permitted Uses	71
Subdivision 3. Conditional Use	72
Subdivision 4. Permitted Accessory Uses	73
Subdivision 5. Lot Size, Setback, Yard and Height Requirements Without Central Utilities	73
Subdivision 6. Lot Size, Setback, Yard and Height Requirements with Central Utilities	73
Subdivision 7. General Regulations	74
CHAPTER 21	75
“I” INDUSTRY DISTRICT.....	75
Subdivision 1. Purpose	75
Subdivision 2. Permitted Uses	75
Subdivision 3. Conditional Uses	76
Subdivision 4. Permitted Accessory Uses	77
Subdivision 5. Lot Size, Setback, Yard and Height Requirements Without Central Utilities	77
Subdivision 6. Lot Size, Setback, Yard and Height Requirements With Central Utilities	77
Subdivision 7. General Regulations	77
CHAPTER 22.....	79
“RESERVED”	79
CHAPTER 23.....	81
“RESERVED”.....	81
CHAPTER 24.....	83
ESSENTIAL SERVICE REGULATIONS.....	83
Subdivision 1. Scope of Regulations.	83
Subdivision 2. Exempt from Regulation	83
Subdivision 3. Major Essential Service Facilities Procedure	83
Subdivision 4. Minor Essential Service Facilities Procedure	84
Subdivision 5. Need for Timely Service	84
Subdivision 6. Location of Major & Minor Essential Service Line	84
CHAPTER 25.....	85
SIGN AND BILLBOARD REGULATIONS.....	85
Subdivision 1. Signs Generally	85
Subdivision 2. Real Estate Sign.	85
Subdivision 3. Construction Sign	85
Subdivision 4. Election Sign	86
Subdivision 5. Signs Permitted with Residences	86
Subdivision 6. Signs Permitted with Businesses	86
Subdivision 7. Signs Permitted with Industries	86
Subdivision 8. Billboards (Off-Premise Advertising Signs).	87
Subdivision 9. Removal of Signs and Billboards.	87
CHAPTER 26.....	89
GENERAL REGULATIONS	89
Subdivision 1. General Regulations	89

Subdivision 2. Off-Street Parking and Loading Regulations	89
Subdivision 3. General Parking Provisions	89
Subdivision 4. Parking Location Requirements	89
Subdivision 5. Parking Design Requirements	90
Subdivision 6. Required Off-Street Parking Spaces	90
Subdivision 7. Off-Street Loading Spaces	91
Subdivision 8. Off-Street Loading Design Requirements	91
Subdivision 9. Required Off-Street Loading Spaces	91
Subdivision 10. Drive-In Businesses Location and Site Requirements	91
Subdivision 11. Motor Fuel Station General Provisions and Site Requirements	92
Subdivision 12. Land Reclamation	92
Subdivision 13. Mining	92
Subdivision 14. Mobile Home Regulations	92
Subdivision 15. Performance Standards	93
Subdivision 16. Bulk Storage (Liquid).	94
Subdivision 17. Screening	94
Subdivision 18. Residential Fences	94
Subdivision 19. Erosion, Sediment, and Runoff Control Standards	94
Subdivision 20. Traffic Control	95
Subdivision 21. Access Driveways	95
Subdivision 22. Sight Triangle	95
Subdivision 23. Additional Lot and Yard Regulations	95
Subdivision 24. Home Occupations	96
Subdivision 25. Accessory Buildings	96
Subdivision 26. Exceptions and Modifications to the Zoning Development Standards	96
Subdivision 27. Sanitary Provisions	96
Subdivision 28. Bed & Breakfast and Guest Cottage Establishments	97
CHAPTER 27	99
NON-CONFORMING USES AND STRUCTURES	99
Subdivision 1. Purpose	99
Subdivision 2. Sanitary Facilities in Shoreland Areas	99
Subdivision 3. Junk Yards	99
Subdivision 4. Non-Conforming Signs and Billboards	99
Subdivision 5. Discontinuance of a Non-Conforming Use	100
Subdivision 6. Alterations to Non-Conforming Uses	100
Subdivision 7. Restoration of Damaged Structures	100
Subdivision 8. Normal Maintenance	100
Subdivision 9. Lots of Record	100
CHAPTER 28.....	101
PLANNED DEVELOPMENT	101
Subdivision 1. Purpose	101
Subdivision 2. Administrative Procedure	101
Subdivision 3. General Regulations	101
Subdivision 4. Density of Development.	101
Subdivision 5. Modification of Development Standards	102
Subdivision 6. Private Roadways	102
Subdivision 7. Shoreland Zones	102
CHAPTER 29	103

“RESERVED”	103
(CONFINED FEEDLOT REGULATIONS)	103
CHAPTER 30	105
“RESERVED”	105
CHAPTER 31	107
“RESERVED”	107
CHAPTER 32	109
“RESERVED”	109
CHAPTER 33	111
VALIDITY	111
Subdivision 1. Validity	111
ADOPTION AND EFFECTIVE DATE	113
ADOPTION	115
AMENDMENTS	115

MARTIN COUNTY ZONING ORDINANCE

ORDINANCE NUMBER ONE

An Ordinance for the purpose of promoting health, safety, order, convenience and general welfare, by regulating the use of land, the location and the use of buildings and the arrangement of buildings on lots, the density of population and the division of the county into districts for the orderly future development of the area of Martin County, Minnesota, or parts thereof outside the incorporated limits of the municipalities.

The Martin County, Minnesota Board of Commissioners ordains:

CHAPTER 1

SHORT TITLE

Subdivision 1. Short Title. This Ordinance shall be known, cited and referred to as the Martin County Zoning Ordinance, except as referred to herein, where it shall be known as this Ordinance.

CHAPTER 2

INTENT AND PURPOSE

Subdivision 1. Intent and Purpose. This ordinance is adopted for the purpose of: protecting the public health, safety, comfort, convenience and general welfare; dividing the unincorporated portions of the county into zones and districts and regulating therein the location, construction, reconstruction, alteration and use of structures and land; promoting orderly development of the residential, business, industrial, recreational and public areas; providing for adequate light, air and convenience of access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties; limiting congestion in the public right-of-ways; providing for the administration of this Ordinance and defining the powers and duties of the administering officer as provided hereinafter; prescribing penalties for the violation of the provisions in this Ordinance or any amendment thereto.

CHAPTER 3

DEFINITIONS

Subdivision 1. Definitions. For the purpose of these regulations, the following terms, phrases, words and their definitions shall have the meaning given them in this section. When inconsistent with the context, words used in the present tense shall include the future tense; words in singular tense shall include the plural and words in the plural shall include the singular. The masculine gender includes the feminine and neuter genders.

- (1) **Accessory Structure or Facility.** Any building or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal high water level structure setbacks.
- (2) **Administrator, Zoning.** The duly appointed person charged with enforcement of this Ordinance.
- (3) **Agriculture.** The cultivation of the soil activities incident thereto; the growing of soil crops in the customary manner on open tracts of land or other growing methods; the accessory raising of livestock and poultry; farming; farm dwellings; seed sales; and the sale of produce from the premises.
- (4) **Applicant.** Any person, provider, firm, partnership or company who files application for any permit required for this Ordinance for the construction, replacement, or alteration of WECS/Solar/Construction/Development or any component thereof.
- (5) **Attorney.** The Martin County Attorney.
- (6) **Basement.** A portion of a building located partly underground. A basement shall be counted as a story if it has one-half (1/2) or more of its height above the highest level of the adjoining ground and/or if it is intended to be used for dwelling or business purposes.
- (7) **Bed & Breakfast.** An owner-occupied dwelling unit where short-term lodging rooms and meals are provided.
- (8) **Bluff.** A topographic feature such as a hill, cliff, or embankment having all of the following characteristics:
 - a) Part or all of the feature is located in a shoreland area;
 - b) The slope rises at least twenty-five (25) feet above the ordinary high water level of the water body;
 - c) The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high water level averages thirty (30) percent or greater; and
 - d) The slope must drain toward the water body.An area with an average slope of less than eighteen (18) percent over a distance of fifty (50) feet or more shall not be considered part of the bluff.
- (9) **Bluff Impact Zone.** A bluff and land located within twenty (20) feet from the top of a bluff.
- (10) **Board of Adjustment and Appeals.** An officially constituted quasi-judicial body appointed by the County Board whose principle duties are to hear appeals from decisions of the Zoning Administrator and, where appropriate, grant variances from the strict application of this Ordinance.
- (11) **Boarding House (Rooming or Lodging House).** A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodgings are provided for three or more persons, but not to exceed twenty persons.
- (12) **Building.** Any structure which will provide shelter or enclosure of persons, animals or chattel. When said structure is divided by party walls without opening each portion of such building so

- separated shall be deemed a separate building.
- (13) **Building Height.** The vertical distance from the average elevation of the adjoining ground level to the highest point of the structure.
 - (14) **Building Setback Line.** A line within a lot or other parcel land parallel to a public road, street, highway right-of-way line or ordinary high water level defining that minimum distance between the building and property line which buildings or structures may not be placed.
 - (15) **Campground.** A facility licensed by the Minnesota Department of Health for the purposes of camping.
 - (16) **Cellar.** A portion of a building located partly or wholly underground and having more than one-half (1/2) of the floor to ceiling height below the average grade of the adjoining ground.
 - (17) **Central Utilities.** A source of water and/or a water distribution system and a system of sewage control and processing serving a group of building lots as an area of the county, with the design and construction of such system as approved by the County and State of Minnesota.
 - (18) **Channel.** A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.
 - (19) **Channel Flow.** Water which is flowing within the limits of a defined channel.
 - (20) **Church.** As defined in Minnesota Statute 272, as amended.
 - (21) **Club or Lodge.** An association of persons who are bona fide members paying dues and the use of the premises is restricted to members and their guests.
 - (22) **Cluster.** A lot or lots developed as a unit rather than as an individual development wherein two or more buildings may be located in relationship to each other rather than to lot lines.
 - (23) **Commercial Recreation.** Bowling alley, cart track, campground, jump center, golf course, pool hall, vehicle racing or amusement facility, dance hall, skating rink, tavern, theater, firearms range, or similar uses.
 - (24) **Commercial Use.** The principal use of land or buildings for the sale, lease, rental or trade of products, goods, and services.
 - (25) **Commercial WECS.** A WECS or combination of WECS that is designed to have a capacity in excess of the amount needed for residential and agricultural uses and that has a combined nameplate capacity of 125 KW or more.
 - (26) **Commissioner.** The commissioner of the Department of Natural Resources.
 - (27) **Comprehensive Plan.** The policies, statements, goals, and interrelated plans for private and public land and water use, transportation, and community facilities including recommendations for plan execution, documented in texts, Ordinances and maps which constitute the guide for the future development of the county or any portion of the county.
 - (28) **Conditional Use.** Means a specific type of structure or land use listed in the official control that may be allowed, but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building code and upon a finding that: (1) certain conditions as detailed in the Zoning Ordinance exist and (2) the structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.
 - (29) **County.** Martin County, Minnesota.
 - (30) **County Board.** The words county board includes the county commissioners, the board of county commissioners, or any other word or words meaning the Martin County Board of Commissioners.
 - (31) **County Engineer.** The Martin County Highway Engineer.
 - (32) **County Recorder.** The Martin County Recorder.
 - (33) **Deck.** A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.
 - (34) **Demolition Disposal Facility.** Means a land disposal facility constructed expressly for the

disposal of debris resulting from the demolition of the buildings, roads, and other man-made structures, including concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock and plastic parts.

- (35) **Duplex, Triplex, and Quad.** A dwelling structure on a single lot, having two, three and four units respectively, being attached by common walls, and each unit equipped with separate sleeping, cooking, eating, living and sanitation facilities.
- (36) **Dwelling.** A building or portion thereof, designed exclusively for residential occupancy; the term does not include hotels, tents, tent trailers, travel trailers or recreational vehicles, boarding or rooming houses or tourist homes.
- (37) **Dwelling Farm.** A dwelling located on a farm which the resident of said dwelling either owns, operates or is employed thereon.
- (38) **Dwelling, Multiple.** A dwelling designed exclusively for occupancy by two or more families living independently of each other; the term includes double bungalows and duplexes.
- (39) **Dwelling Non-farm.** A dwelling located on a parcel of land contiguous to or surrounded by farm land which is under separate ownership and which the resident of said dwelling neither operates nor is employed thereon.
- (40) **Dwelling, Single Family.** A detached dwelling designed exclusively for occupancy by one family.
- (41) **Dwelling Site.** A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.
- (42) **Efficiency Apartment.** A dwelling unit that is part of and subordinate to a principal single family dwelling and designed for 2 or less people and with no extra driveway or garage and no additional outside appearance other than normal for a residential area.
- (43) **Encroachment Lines.** Limits of obstruction to flood flows. The lines are established by assuming that the area landward (outside) of the encroachment lines will be ultimately developed in such a way that it will not be available to convey flood flows. The stream channel and adjoining flood plain between these lines will be maintained as open space and will be adequate to convey a flood without adversely increasing flood heights.
- (44) **Essential Services.** The term essential service means any surface overhead or underground electric, gas transportation, hydrocarbon, steam, water or refuse transmission, distribution or collection system operated by any utility company or governmental agency.
 - a) **Minor Essential Service Facilities.** Any essential service line or structure located within any county easement or county right-of-way and providing single service distribution lines, i.e., single service electrical distribution lines (less than 35 K.), other single service distribution lines (telephone & gas), shall not require a conditional use permit, however, such service facilities shall be governed by the procedures described herein.
 - b) **Major Essential Service Facilities.** Any essential service line or structure providing transmission services, i. e, utility service such as high voltage (greater than 35 KV) electrical power or bulk gas or fuel being transferred from station to station and not intended for en route consumption shall require a conditional use permit as regulated in Chapter 6 of this Ordinance in addition to being governed by the procedures described herein.
- (45) **Essential Service Line.** The term essential service line means any primary or subsidiary conductor designed or utilized for the provision or maintenance of essential services including any pole, wire, drain, main, pipe, conduit, cable, fire hydrant, fire alarm box, police call box, right-of-way, but not including any structure.
- (46) **Essential Service Structure.** The term essential service structure means any appurtenant structure required to be on-line to accommodate the proper provision or maintenance of essential services, including any electric substation, water tower, sewage lift station, or any other similar facility.
- (47) **Extractive Use.** The use of land for surface or subsurface removal of sand, gravel, rock,

- industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, sections 93.44 to 93.51.
- (48) **Family.** An individual, or two or more persons each related by blood, marriage, or adoption living together as a single housekeeping unit, or a group of not more than four (4) persons not so related, maintaining a common household.
 - (49) **Farmstead.** That area which includes the farm dwelling and other buildings in close proximity to the farm dwelling.
 - (50) **Feed Lot, Confined.** A lot or building intended for the confined feeding, breeding, raising, or holding of animals, and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of this Ordinance open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal facilities.
 - (51) **Fence.** Any partition, structure, wall or gate erected as a dividing marker, barrier, or enclosure which is at least thirty (30) percent open to the passage of light and air.
 - (52) **Fence, Slatted or Solid.** A fence less than thirty (30) percent open to the passage of light and air.
 - (53) **Flood.** A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.
 - (54) **Flood Plain.** The land adjacent to the body of water which has been or may hereafter be covered by flood water.
 - (55) **Floodway.** The channel of a stream and those portions of the flood plain adjoining the channel that are required to carry and discharge the flood water or flood flows of any river or stream.
 - (56) **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 to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.
 - (57) **Floor Area.** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls, or from the center line of walls separating two buildings and shall include basement floor area except for porches, balconies, breezeways, and attic areas having a head room of less than seven (7) feet six (6) inches.
 - (58) **Forest Land Conversion.** The clear cutting or forested lands to prepare for a new land use other than re-establishment of a subsequent stand.
 - (59) **Guest Cottage.** Means a structure used as a dwelling unit that may contain sleeping places, kitchen or bathroom facilities in addition to those provided in the primary dwelling unit on a lot. Such cottage shall only be permitted as an accessory use to the primary dwelling.
 - (60) **Health Care Facilities.** Facilities principally engaged in providing services for health maintenance and the treatment of mental or physical conditions including but not limited to hospitals, clinics and nursing homes.
 - (61) **Home Occupation.** A gainful occupation when engaged in by person or persons residing in the dwelling and which is not noticeable or dangerous to the surrounding properties.
 - (62) **Industrial Use.** The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
 - (63) **Intensive Vegetation Clearing.** The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
 - (64) **Intermediate Waste Disposal Facility.** Is primarily a facility for the storage, processing, or preliminary disposal of solid waste including but not limited to, transfer stations, resource recovery facilities, and compaction or baling facilities.
 - (65) **Junk Yards.** An area where used, waste, discarded, salvaged materials or inoperable motor vehicles are brought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including but not limited to scrap iron, and other metals, paper, rags, rubber products, bottles and used building materials. Storage of material in conjunction with construction or a manufacturing

- process shall not be included. Such use shall not include garbage.
- (66) **Kennel.** A place where four (4) or more dogs or four (4) or more cats or a combination of both over four (4) months of age are boarded, bred or offered for sale.
 - (67) **Land Reclamation.** The deposit of four hundred (400) cubic yards or more of earth materials so as to elevate the grade.
 - (68) **Lot.** A piece, or portion of land designed by metes and bounds, registered land survey, auditor's plat, or other means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof,
 - a) **Lot, Corner.** A lot located at the intersection of two streets, having two adjacent sides abutting streets; the interior angle of the intersection does not exceed one hundred thirty five (135) degrees,
 - b) **Lot, Interior.** A lot other than a corner lot, including through lots.
 - c) **Lot, Through.** Any lot other than a corner which abuts more than one street.
 - (69) **Lot Area.** The area of a lot on a horizontal plane bounded by the lot lines.
 - (70) **Lot Depth.** The mean horizontal distance between the front line and the rear lot line.
 - (71) **Lot Line.** The property line bounding a lot except that where any portion of a lot extends into the right-of-way or a proposed public right-of-way, the line of such a right-of-way shall be the lot line.
 - (72) **Lot of Record.** Any lot which has been recorded in the office of the County Recorder prior to the adoption of this Ordinance.
 - (73) **Lot Width.** The horizontal distance between the side lot lines of the lot measured parallel to the front line of the lot at the setback line.
 - (74) **May.** For purposes of this Ordinance the word may is permissive.
 - (75) **Mean Flow Level.** The average flow elevation of a stream or river computed as the mid-point between extreme low and extreme high water.
 - (76) **Meteorological Tower.** For the purposes 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.
 - (77) **Micro WECS.** A WECS which is less than one hundred (100) feet in total height.
 - (78) **Mining.** The extraction of sand, gravel, rock, soil, or other material from the land in the amount of four hundred (400) cubic yards or more and the removal thereof from the site. The only exclusion from this definition should be removal of minerals associated with the normal construction of a building.
 - (79) **Mobile Home.** A single-family dwelling designed to be moved by being built on a frame or chassis and further specifically designed and constructed so that wheels are, or may be, attached for transportation on public streets, or highways and designed without the need for permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks or other foundations, excluding basement or cellar, connection to utilities and the like.
 - (80) **Mobile Home Park.** A contiguous parcel of land which has been planned for the placement of two or more mobile homes or mobile home lots.
 - (81) **Motor Fuel Station.** A retail place of business engaged primarily in the sale of motor fuels, but also may be engaged in supplying goods and services generally associated with the operation and maintenance of motor vehicles. These may include sale of petroleum products, sale and servicing of tires, batteries, automotive accessories, and replacement items, washing and lubrication services; and the performance of minor automotive maintenance and repair part which does not require the removal of the engine head or pan, engine, transmission or differential; incidental body and fender work, minor painting and minor upholstering service.
 - (82) **Non-Commercial WECS.** A WECS or combination of WECS that is designed to have a

- capacity for residential and agricultural uses and has a combined nameplate capacity of less than 125 KW.
- (83) **Nonconformity.** The same as that term is defined or described in Minnesota Statutes, Chapter 394.
- (84) **Noxious Matter or Materials.** Material capable of causing injury to living organisms by chemical reaction, or capable of causing detrimental effects on the physical or economic well-being of individuals.
- (85) **Official Map.** The map established by the County Board, in accordance with State Statutes, showing streets, highways, and parks and drainage, both existing and proposed.
- (86) **Open Burning Brush Sites.** Site where open burning is done for any more than one
- (87) Person, done for hire or municipalities using a site for anyone other than the owner or occupant of a single family agricultural household.
- (88) **Open Sales Lot.** Land devoted to the display of goods for sale, rent lease or trade where such goods are not enclosed within a building,
- (89) **Open Storage.** Storage of material outside of a building.
- (90) **Ordinary Water Level.** The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowage, the ordinary high water level is operating elevation of the normal summer pool.
- (91) **Outlot.** Being open space included in a plat, labeled “outlot”, not intended for use as structural development/buildable lot.
- (92) **Owner.** Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having proprietary interest in the land.
- (93) **Person.** An individual, to include both male and female and shall also extend and be applied to bodies political and corporate and to partnership and other unincorporated associations.
- (94) **Planned Development.** A lot or lots developed as a unit rather than as an individual development wherein two or more buildings may be located in relationship to each other rather than to lot lines.
- (95) **Planned Unit Development.** A type of development characterized by a unified site design for four (4) or more dwelling units or dwelling sites on a parcel, whether for sale, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, campgrounds, recreational vehicle parks, resorts, hotel, and conversions of structures and land uses to these uses.
- (96) **Planned Unit Development, Commercial.** Typically uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.
- (97) **Planned Unit Development, Residential.** A use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartment, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments.
- (98) **Planning Commission.** The duly appointed Planning and Zoning Advisory Commission of the County Board.
- (99) **Primitive Campground.** A land area used for nature enjoyment or interpretative purposes and

where overnight tenting (not trailers or recreational vehicles) is allowed and which has not permanent development other than access roads, trails, storage sheds and outhouses.

- (100) **Public Cemetery.** A cemetery or memorial garden is defined as a place to bury the dead, is governed by a cemetery association, local government or congregation of worshippers and is pre-existing on the date of the adoption of this provision. (March 20, 2001).
- (101) **Public Water.** Any waters as defined in Minnesota Statutes, section 103G.005.
- (102) **Recycling Facility.** Means a site primarily used to store or to collect, process, and prepare recyclable materials for reuse in their original form or for use in the manufacturing process.
- (103) **Road.** A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however, otherwise designated.
- (104) **Semipublic Use.** The use of land by a private, organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
- (105) **Sensitive Resource Management.** The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock. Highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.
- (106) **Setback.** The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.
- (107) **Setback, Shoreland.** The minimum horizontal distance between a structure and the normal high water mark.
- (108) **Setback, Windbreak.** The distance from the street right-of-way line to the street side edge of a windbreak of shrubs, trees or vines.
- (109) **Sewage System.** Pipelines or conduits, pumping stations, and force main, and all other constructions, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.
- (110) **Sewage Treatment System.** A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in chapter 7080.
- (111) **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 other construction, devices, appliances, or appurtenances used for conducting sewage or individual waste or other wastes to the treatment plant. This definition does not include cluster systems or any SSTS as defined by MPCA regulation, nor any privately owned and operated sewage treatment systems.
- (112) **Shall.** For purposes of this Ordinance the word “shall” is mandatory and not discretionary.
- (113) **Shore Impact Zone.** Land located between the ordinary high water level or a public water and a line parallel to it at a setback of fifty (50) percent of the structure setback.
- (114) **Shoreland.** Land located within the following distance from public waters: One thousand (1,000) feet from the ordinary high water level of a lake, pond, or flowage; and three hundred (300) feet from a river or stream, or the landward extend of a flood plain designated by Ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.
- (115) **Sign.** The use of any words, numerals, pictures, figures, devices or trademarks by which anything is made known such as are used to show an individual, firm, profession or business and are visible to the general public. The term shall include billboard.

- a) **Sign, Business.** Any sign which identifies a business or group of businesses, either retail or wholesale, or any sign which identifies a profession or is used in the identification or promotion of any principal commodity or service, including entertainment, offered or sold upon the premise where such sign is located.
 - b) **Sign, Construction.** A sign placed at a construction site identifying the project or the name of the architect, engineer, contractor, financier or other involved parties.
 - c) **Sign, Election.** A temporary sign promoting and candidacy of a person running for a governmental office, or promoting an issue to be voted on at a governmental election.
 - d) **Sign, Flashing.** An illuminated sign upon which the artificial light is not kept constant in terms of intensity or color at all times when the sign is illuminated. Excluded are time and temperature signs.
 - e) **Sign, Illuminated.** Any sign which is lighted by an artificial light source either directed upon it or illuminated from an interior source.
 - f) **Sign, Nameplate.** A sign which states the name and/or address of the occupant.
 - g) **Sign, Off-Premise Advertising or Billboard.** Any poster panel, painted bulletin board, or other communicative device which is used to advertise products, goods, or services which are not exclusively related to the premise on which the sign is located.
 - h) **Sign, Real Estate.** A business sign placed upon a property advertising that particular property for sale, or for rent or lease.
- (116) **Sign Area.** That area within the marginal lines of the surface which bears the advertisement or, in the case of messages, figures or symbols attached directly to the part of a building; that area which is included in the smallest connecting geometric figures which can be made to circumscribe the message, figure or symbol displayed thereon. Only changeable copy areas of marquee or canopies shall be considered in determining the total sign area.
- (117) **Significant Historic Site.** Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. 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.
- (118) **Solar Energy System.** A set of devices whose primary purpose is to collect solar energy and convert and store it for useful purposes including heating and cooling buildings or other energy using processes, or to produce generated power by means of any combination of collecting, transferring, or converting solar energy. This definition also includes structural design features, the purpose of which is to provide daylight for interior lighting.
- (119) **Solar Energy System, Large.** A solar energy system with a nameplate capacity of forty (40) kilowatts or more.
- (120) **Solar Energy System, Small.** A solar energy system with a nameplate capacity of less than forty (40) kilowatts.
- (121) **Solar Energy System, Reflecting.** A solar energy system that employs one (1) or more devices designed to reflect solar radiation onto solar collector. This definition includes systems of mirrors that track and focus sunlight onto collectors located at a focal point.

The collectors may be thermal or photovoltaic.

- (122) **Steep Slopes.** Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and 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 these regulations. Where specific information is not available. Steep slopes are lands having average slopes over twelve (12) percent, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.
- (123) **Structure.** Anything constructed or erected, the use of which requires permanent location on the ground, or to something having permanent location on the ground, including signs, decks or other construction or erection with special function or form, except fences or walks, and for the purposes of this Ordinance mobile homes which are otherwise herein defined and restricted.
- (124) **Structural Alterations.** Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.
- (125) **Structure, Non-Conforming.** A structure which is legally existing upon the effective date of this Ordinance, which would not conform to this applicable regulations if the structure were to be erected under the provisions of this Ordinance.
- (126) **Subdivision.** Land that is divided for the purpose of sale, rent, or lease, including planned unit development.
- (127) **Toe of the Bluff.** 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 determined to be the lower end of a fifty-foot (50) segment, measured on the ground, with an average slope exceeding eighteen (18) percent.
- (128) **Top of the Bluff.** 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 top of the bluff shall be determined to be the upper end of a fifty-foot (50) segment, measured on the ground, with an average slope exceeding eighteen (18) percent.
- (129) **Use.** The purpose or activity for which the land or structure thereon is designated, arranged, or intended, or for which it is occupied, utilized or maintained.
- (130) **Use, Accessory.** A use clearly incidental or accessory to the principal use of a lot or a building located on the same lot as the principal use.
- (131) **Use, Conditional.** Conditional use means a land use or development as defined by this Ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that (1) certain conditions as detailed in this Ordinance exist, and (2) the use or development conforms to the comprehensive Land Use Plan of the County and (3) is compatible with the existing neighborhood.
- (132) **Use, Conditional Permit.** A permit issued by the County Board in accordance with procedures specified in this Ordinance which would enable the board to assign dimensions to a proposed use or conditions surrounding it.
- (133) **Use, Permitted.** A public or private use which of itself conforms with the purposes, objectives, requirements, regulations and performance standards of a particular district.
- (134) **Variance.** As defined in Minnesota Statutes, Chapter 394, the waiving by the Board of Adjustment of the literal provisions of this Ordinance in cases where their strict

enforcement would cause undue hardship because of physical circumstances unique to the individual property involved. Variances shall be limited to height, bulk, density and yard requirements.

- (135) **Water-oriented Accessory Structure or Facility.** A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.
- (136) **Water-oriented Commercial.** The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, restaurants and campgrounds are examples of such use.
- (137) **Wetland.** A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition), which is hereby incorporated by reference, is available through the Minitex interlibrary loan system, and is not subject to frequent change.
- (138) **Wind Energy Conversion System (WECS).** A device such as a wind charger, windmill, or wind turbine and associated facilities that converts wind energy to electric energy, including, but not limited to: power lines, transformers, substations, and meteorological towers. The energy may be used on-site or distributed into the electrical grid.
- (139) **Yard.** Any space in the same lot with a building open and unobstructed from the ground to the sky.
 - a) **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.
 - b) **Yard Rear.** A space unoccupied except for accessory building 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.
 - c) **Yard Side.** An open unoccupied space on a lot between the main building and the side line of the lot, extending from the front to the rear of the main building.
- (140) **Zoning District.** An area within the limits of the zoning jurisdiction for which the regulations and requirements governing use, lot and bulk of structures and premises are uniform.

CHAPTER 4

ADMINISTRATION

Subdivision 1. Interpretation Standard. 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. Where the conditions of this Ordinance are comparable with conditions imposed by any other law, Ordinance, statute, resolutions, or regulation, the regulations which are more restrictive shall prevail. No structure shall be erected, converted, enlarged, reconstructed or altered, and no structures or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Ordinance.

Subdivision 2. Zoning Permits. Hereafter no person shall erect, alter, or move any structure, exterior part thereof, or on-site sewage systems or feedlot without first securing a zoning permit therefore. Application for a building permit shall be made to the Zoning Administrator on blank forms furnished by the County. Each application for a permit to construct or alter a building shall be accompanied by a plan drawn to scale showing the dimensions of the lot to be built upon, the size and location of the building and accessory buildings to be erected. Applications for any kind of zoning permit shall contain such other information as may be deemed necessary for the proper enforcement of this Ordinance.

Subdivision 3. Moving Buildings Onto Lots. Before any house or other building is moved onto a lot, the Planning Commission shall report to the County Board whether the structure will be compatible with other development in the area. The applicant shall submit photographs taken from two or more angles of the structure to be moved and photographs of the lot on which the structure is to be located together with photographs of adjacent lots and structures. These requirements do not apply to construction sheds, agricultural buildings, or temporary structures to be located on a lot for eighteen (18) months or less.

Subdivision 4. Enforcing Officer. This Ordinance shall be administered and enforced by a Zoning Administrator appointed by the County Board.

Subdivision 5. Duties of the Zoning Administrator.

- (1) Determine if applications and proposed uses comply with the terms of this Ordinance.
- (2) Conduct inspections of buildings and uses of land to determine compliance with the terms of this Ordinance.
- (3) Maintain permanent and current records of this Ordinance, including but not limited to, maps amendments, conditional uses, variances, appeals, applications and occupancy permits.
- (4) Receive, file and forward all applications for appeals, variances, conditional uses and amendments to the designated official bodies.
- (5) Institute in the name of the county any appropriate actions or proceedings against a violator of this Ordinance as provided for.
- (6) Serve as an ex-officio member of the Planning Commission.
- (7) May serve as the Building Official.
- (8) File with the County Recorder any certified copy of any order issued by the County Board of Adjustment or any Conditional Use Permit issued by the County Board.

Subdivision 6. Creation, Membership and Duties of the Planning Commission.

The Martin County Planning Commission is hereby established and vested such authority as is hereinafter provided and as provided in Minnesota Statutes 394.21 through 394.37.

- (1) The Martin County Board of Commissioners hereby established the Martin County Planning Commission. Such Planning Commission shall consist of seven (7) members appointed by the Board of Commissioners.
- (2) No more than four (4) members shall be residents of the incorporated communities of Martin County.
- (3) The term of each member shall be for three years. Appointments shall be made hence forth so that no more than three and no less than two terms are filled at the beginning of each calendar year.
- (4) Each member may be eligible at the discretion of the County Board for reappointment
- (5) No more than one voting member of the Planning Commission shall be an officer or employee of the county.
- (6) No voting member of the Planning Commission shall have received, during the two years prior to appointment, any substantial portion of his income from business operations involving the development of land within Martin County for urban and urban related purposes.
- (7) The County Board may designate any County Officer or employee as an ex-officio member of the Commission.
- (8) The Commission may call for the removal of any member for non-performance of duty or misconduct in office. If a member has four consecutive unexcused absences in any one year, the secretary shall certify this fact to the Commission and the Commission shall notify the County Board along with suggested action. The County Board shall appoint a replacement for the unexpired term, as if the member had resigned.
- (9) Should any vacancy occur among the members of this Planning Commission by reason of death, resignation, disability or otherwise, immediate notice thereof shall be given to the Chairman of the County Board by the Secretary. Should any vacancy occur among the officers of the Planning Commission, the vacant office shall be filled in accordance with the provisions of this Ordinance, such officer to serve the unexpired term of the office in which such vacancy shall occur.
- (10) The members of the Commission may be compensated in an amount determined by the County Board and may be paid their necessary expenses in attending meetings of the Commission and in the conduct of the business of the Commission.
- (11) The Planning Commission shall elect a Chairman from among its members. The Commission may select a secretary from its members or advisory members. The Planning Commission shall cooperate with employees of the County in preparing and recommending to the Board for adoption, comprehensive plans and recommendations for plan execution in the form of official controls and other measures, and amendments thereto. In all instances in which the Planning Commission is not the final authority, the Commission shall review all applications for Conditional Use Permits and plans for subdivisions of land and report thereon to the Board.
- (12) The Board may by Ordinance assign additional duties and responsibilities to the Planning Commission including but not restricted to the conduct of public hearings, the authority to order the issuance of some or all categories of Conditional Use Permits, the authority to approve some or all categories of Planned Unit Developments. The Planning Commission may be required by the Board to review any Comprehensive Plans and Official Controls and any plans for public land acquisition and development sent to the County for that purpose by any local unit of government or any state or federal agency and shall report thereon in writing to the Board.

CHAPTER 5

BOARD OF ADJUSTMENT

Subdivision 1. Creation and Membership.

- (1) A Board of Adjustment is hereby established and vested with such authority as is hereinafter provided and as provided by Minnesota Statutes 394.21 through 394.37
- (2) The Board of Adjustment shall consist of five (5) members. At least three members shall be a resident from the unincorporated area of the County. No elected officer of the County nor any employee of the County shall serve as a member of the Board of Adjustment.
The Board of Adjustment members shall be appointed by the County Board of Commissioners. The Board of Adjustment members shall be appointed for terms coinciding with terms on the County Planning Commission. The Zoning Administrator may act as Secretary of the Board of Adjustment.
- (3) Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a Board of Adjustment member from voting thereon shall be decided by majority vote of all Board of Adjustment members except the member who is being challenged.
- (4) The Board of Adjustment shall elect a Chairman and Vice Chairman among its members. The Board shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings and determination.
- (5) The meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the Board in its rules of procedure may specify.

Subdivision 2. Powers.

- (1) The Board of Adjustment shall have the authority to order the issuance of variances, hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official charged with enforcing any Ordinance adopted pursuant to the provisions of Minnesota Statutes, Section 394.21 to 394.37
- (2) The Board of Adjustment shall have the authority to order the issuance of permits for buildings in areas designated for future public use on an official map.
- (3) The Board of Adjustment shall have the authority to hear and determine appeals as to the exact boundaries of any zoning district and to permit the extension of any district where the boundary line thereof divides a lot in one ownership at the time of passage of this Ordinance, but such extension of any district shall not exceed one hundred (100) feet.
- (4) The Board of Adjustment shall have the authority to grant variances from restrictions placed on nonconformities.

Subdivision 3. Appeals.

- (1) Any aggrieved person, firm or corporation objecting to the ruling of any administrative official on the administering of the provisions of this Ordinance or other Ordinances adopted pursuant to the provisions of Minnesota Statutes 394.21 through 394.37 shall have the right to appeal to the Board of Adjustment.
- (2) Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of a town, municipality, county or state.

- (3) All decisions by the Board of Adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision, or determination shall be final except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right to appeal within 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.

Subdivision 4. Findings.

- (1) In exercising its authority to review any order, requirement, decision, or determination made by any administrative official the Board shall not grant any appeal or variance unless they find the following facts at the hearing where the applicant shall present a statement and evidence in such form as the Board of Adjustment may require:
 - (A) That there are special circumstances or conditions affecting the land, building or use referred to in the appeal that do not apply generally to other property in the same vicinity.
 - (B) That the granting of the application will not materially adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property of the applicant, and that the granting of the variance will not alter the essential character of the locality.
- (2) In the case of variances, they shall only be permitted when they are in harmony with the general purposes and intent of the official control in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control and when the terms of the variances are consistent with comprehensive plan.

Subdivision 5. Procedure.

- (1) Application for any appeal permissible under the provisions of this Section shall be made to the Board of Adjustment in the form of a written application for a Building Permit or for a permit to use the property or premises as set forth in the application.
- (2) Upon receipt of any application, the Board of Adjustment shall set a time and place for a public hearing before the Board on such application. At least ten (10) days before the date of the hearing, a notice of the hearing shall be published once in the official newspaper of the County.
- (3) All property owners of record within five hundred (500) feet of incorporated areas and or five hundred (500) feet of the affected property or to the ten properties nearest to the affected property, whichever would provide notice to the greatest number of owners, or unincorporated areas where the variance is requested shall be notified by depositing a written notice in the U.S. Mails, postage prepaid, as to the time and place of the public hearing. All municipalities within two (2) miles of the request shall be given proper notice.
- (4) The Board of Adjustment shall thereupon make its decision upon the application within thirty (30) days of the public hearing. In recommending any adjustment or variance under the provisions of this Chapter, the Board of Adjustment shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the Ordinance, regulation or provisions to which the adjustment or variance is granted.
- (5) The applicant for a variance which, in the opinion of the Board of Adjustments may result in a material adverse effect on the environment, may be required to demonstrate the

- nature and extent of the effect.
- (6) No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.

Subdivision 6. Recording.

- (1) A certified copy of any order issued by the Board of Adjustment acting upon an appeal from an order, requirement, decision or determination by an administrative official, or a request for a variance, shall be filed with the County Recorder for record. The order issued by the Board of Adjustment shall include the legal description of the property involved.
- (2) The Zoning Administrator shall be responsible for recording with the County Recorder any order issued by the Board of Adjustment.

Subdivision 7. Lapse of Variance by Non-Use

- (1) A variance shall become void one (1) year after its issuance by the Board of Adjustment unless it has been used or a petition for an extension of one (1) year time limit has been granted.

CHAPTER 6

CONDITIONAL USE PERMIT

Subdivision 1. Application. Applications for Conditional Use Permits shall be made to the Zoning Administrator together with required fees. The application shall be accompanied by a site plan showing such information as is necessary to show compliance with this Ordinance, including but not limited to:

- (1) Legal description of the property.
- (2) Site plan drawn at scale showing parcel and building dimensions.
- (3) Location of all buildings and their square footage.
- (4) Curb cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks.
- (5) Landscaping and screening plans.
- (6) Drainage plan.
- (7) Sanitary sewer and water plan with estimated use per day.
- (8) Soil type.
- (9) Such other information as is necessary and reasonable to adequately review the request.

Subdivision 2. Public Hearing.

- (1) Upon receipt in proper form of the application and other required material, the Planning Commission shall hold at least one (1) public hearing in a location to be prescribed by the Planning Commission. Such public hearing may be continued from time to time and additional hearings may be held.
- (2) At least ten (10) days in advance of each hearing, notice of the time and place of such hearing shall be published in the official newspaper of the County.
- (3) All property owners of record within five hundred feet (500) of the Incorporated areas and/or one-quarter (1/4) mile of the affected property or to the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners of unincorporated areas where the Conditional Use is proposed shall be notified by depositing a written notice in the U.S. mails, postage prepaid, as to the time and place of the public hearing. All municipalities within two miles (2) of the proposed conditional use shall be given proper notice.

Subdivision 3. Review.

- (1) A site plan on which the Conditional Use would be located shall be furnished by the applicant and shall be presented by the applicant for review by the Planning Commission and Board.
- (2) Review of conditions such as effects of the proposed use, landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing location, size and number of signs, higher performance standards, road and street dedications, certified survey maps, flood proofing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or additional parking, shall be required by the Planning Commission and/or the Board and changes made in such conditions when they find such changes are necessary in order to comply with and fulfill the purposes and

intent of this Ordinance.

Subdivision 4. Authorization. For each application for a Conditional Use, the Planning Commission shall report to the Board its findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. Upon receipt of the report of the Planning Commission, the Board may hold whatever public hearings it deems advisable and shall make a decision upon the proposal for Conditional Use Permit.

Subdivision 5. Findings. No Conditional Use shall be recommended by the Planning Commission and granted by the board unless said Commission and Board shall find all of the following:

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

Subdivision 6. Authority to Impose Conditions.

- (1) The Board in order to achieve the standards in Chapter 6, Subdivision 5 of this Ordinance may require reasonable changes in building design, landscaping screening, and may impose conditions requiring reasonable maintenance of the premises as a condition for approval.
- (2) The Board may require the posting of a performance bond as a condition of granting a Conditional Use Permit. The amount of such bond shall be established by the Board at the public hearing on the Conditional Use Permit.
- (3) The applicant for a Conditional Use Permit which, in the opinion of the Planning Commission, may result in a material adverse effect on the environment may be requested by the Board to demonstrate the nature and extent of the effect.

Subdivision 7. Compliance. Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms of such Permit.

Subdivision 8. Review. A periodic review of the permit and its conditions shall be maintained. The permit shall be issued for a particular use on a specific parcel and not for a particular person or firm.

Subdivision 9. Revocation. A violation of any condition set forth in a Conditional Use Permit shall be a violation of this Ordinance and automatically terminate the permit.

Subdivision 10. Discontinuance. A Conditional Use Permit shall become void one year after being granted by the Board unless used or if discontinued for a period of ninety (90) days.

Subdivision 11. Recording.

- (1)** A certified copy of any Conditional Use Permit shall be filed with the County Recorder for record. The Conditional Use Permit shall include the legal description of the property involved.
- (2)** The Zoning Administrator shall be responsible for recording with the County Recorder any Conditional Use Permit issued by the Board.

CHAPTER 7

AMENDMENTS/REZONING

Subdivision 1. Authority. Whenever the public necessity, convenience, general welfare or good land use require such amendment, the County Board may by Ordinance, amend, extend or add to the regulations of this Ordinance in accord with the applicable provisions of Minnesota Statutes 394.21 through 394.37.

Subdivision 2. Application.

- (1) An application for amendment, extension or addition to the regulations of this Ordinance shall be filed with the Zoning Administrator by one of the following:
 - (A) A petition from a property owners(s) for property within the jurisdiction of this Ordinance.
 - (B) A recommendation of the Planning Commission.
 - (C) Action by the County Board.
- (2) Said application shall be filed at least twenty (20) days prior to the hearing thereof.
- (3) An application for an amendment not initiated by the Planning Commission shall be referred to the Planning Commission for study and report and may not be acted upon by the Board until it has received the recommendations of the Planning Commission.
- (4) Required information accompanying application to change the wording of this Ordinance shall contain the following:
 - (A) Stated reason for change requested.
 - (B) Statement on compatibility to the County Comprehensive Plan.
 - (C) Text of portion of the existing Ordinance to be amended.
 - (D) Proposed amended text and statements outlining any other effects that the Amendment may have on other areas of this Ordinance.
 - (E) Additional information as may be requested by the Planning Commission.
- (5) Required information accompanying applications to change district boundaries shall contain the following:
 - (A) The names and addresses of the petitioner or petitioners, and their signatures to the petition.
 - (B) A specific description of the area proposed to be rezoned, and the names and addresses of all owners of property lying within such area, and a description of the property owned by each.
 - (C) The present district classification of the area and the proposed district classification.
 - (D) Proposed use of the land (a statement of the type, extent, area, etc.).
 - (E) Map and plot plan or survey.
 - (F) Compatibility with the Land Use Plan of Martin County (a statement of conditions warranting change in zoning).
 - (G) A legal description of the property(ies) to be rezoned.
 - (H) Map, plot plan, or survey plot of property to be rezoned (showing location, dimensions, zoning of adjacent properties, existing uses and buildings of adjacent properties within five hundred (500) feet in incorporated areas, and one half (1/2) mile in unincorporated areas drawn to scale)
 - (I) Additional information as may be requested by the Planning Commission.

Subdivision 3. Procedure.

- (1) Upon receipt of the proper application and other requested material for amendment or rezoning, the Planning Commission shall hold a Public Hearing in a location to be prescribed. Such public hearings may be continued from time to time and additional hearings may be held. All such hearings shall be held at the regularly scheduled Planning Commission meeting after the requirements of proper notice are complied with.
- (2) Notice of the time, place and purpose of any public hearings shall be give by publication in a newspaper of general circulation in the town, municipality, or other area concerned and in the official newspaper of the County, at least ten (10) days before the hearing.
- (3) For district boundary changes or zoning use changes, paragraph 1 and 2 of this Section shall apply, plus written notice of public hearings shall be sent by letter to all property owners of record within five hundred (500) feet of the affected property in incorporated areas, and one-half (2) mile in unincorporated areas, the affected Board of Town Supervisors and the Municipal Council of any Municipality within two (2) miles of the affected property.
- (4) For the purpose of giving mailed notice, the applicant shall be responsible for supplying the names of people within the jurisdiction of the application (Section 7.03 (3) of this Chapter). The failure to give mailed notice to the individual property owners, or defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply with this Subdivision has been made.
- (5) All proposed changes in zoning district boundaries or amendments to this Ordinance, when requested by the Planning Commission, shall be reviewed by the Martin County Soil and Water Conservation District, County Highway Engineer, County Board of Health and Sanitation to determine the adequacy to accommodate the change requested.

Subdivision 4. Action and Authorization.

- (1) Following the closing of the public hearing, the Planning Commission shall request the Zoning Administrator to report its findings and recommendations on the proposed amendment or rezoning to the County Board at their next regularly scheduled board meeting.
- (2) Upon the filing of such report or recommendation, the County Board may hold such public hearings upon the amendment as it deems advisable. After the conclusion of the hearings, if any, the County Board may adopt the Amendment or any part thereof in such form as it deems advisable. The Amendment shall be effective only if a majority of all members of the board concur in its passage.

Subdivision 5. Recording. Upon the adoption of any Ordinance or other official control including any maps or charts supplemented to or as a part thereof, the County Auditor shall file a certified copy thereof with the County Recorder for record. Ordinances, resolutions, maps or regulations filed with the County Recorder pursuant to this Ordinance do not constitute encumbrances on real property.

CHAPTER 8

CERTIFICATE OF COMPLIANCE, FEES, VIOLATIONS AND PENALTIES

Subdivision 1. Certificate of Compliance.

- (1) **Certificate of Compliance Required.** A Certificate of Compliance shall be obtained before: any open land is hereafter occupied or used, except for agricultural purposes, other than intensive livestock or poultry farming; or when any building hereafter erected or structurally altered is occupied or used.
- (2) **Application.** Application for a Certificate of Compliance for a new building or for an existing building which has been altered shall be made to the Zoning Administrator as part of the application for construction or alteration of such building. The certificate shall be issued within ten (10) days after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this Ordinance.
- (3) **Temporary Certificate of Compliance.** Pending the issuance of such a certificate, the Zoning Administrator may issue a temporary Certificate of Compliance for a period of not exceeding six (6) months during the completion of the erection or alteration of such building. The temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the county relating to the use or occupancy of the premises or any other matter except under such restrictions and provisions as will adequately insure the safety of the occupants.
- (4) **Change of Open Space.** Written application for a Certificate of Compliance for the use of vacant land or for a change in the character of the open use of the land as provided in Chapter 8, Subdivision 1, (1) shall be made before any such land shall be so occupied or used. Such a Certificate of Compliance shall be issued within five (5) days after the application therefore has been made if the use is in conformity with the provisions of this Ordinance.
- (5) **Compliance.** Every Certificate of Compliance shall state that the building or proposed use of a building or land complies with all provisions of this Ordinance.

Subdivision 2. Fees.

- (1) **Fees Required.** The fees for a Building Permit, Rezoning, Variance, Amendment or Conditional Use Permit shall be established by the Board. The Board may review and revise the fee schedule periodically. The Zoning administrator shall issue the building permit only after the fee has been paid and a determination has been made that the building plans, together with the application comply with the terms of this Ordinance. Any person filing a petition for an amendment to this Ordinance requesting a variance or a change in regulations within any use district shall pay the prescribed fees according to the schedule established by the Board before any work proposed may commence. The fee is payable at the time of filing a petition and is not refundable.
- (2) **Exemptions.** Municipal corporations and governmental agencies shall be exempt from the fee requirements as prescribed by this Ordinance.
- (3) **Any outside costs for consulting services to aid the Planning Commission/Board of Adjustment in making its decision on an application**

shall be paid by the applicant. Such fee shall be as determined by the County Board.

Subdivision 3. Violations and Penalties.

- (1) Fines.** Violation of this Ordinance shall be a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed \$300 and/or imprisonment for a period not to exceed 90 days for each offense. Each day that the violation is permitted to exist shall constitute a separate offense.
- (2) Action by Board.** In the event of a violation or a threatened violation of this Ordinance, the Board, or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violations or threatened violations and it is the duty of the Attorney to institute such action.
- (3) Mandamus Proceedings.** Any taxpayer of the county may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.

CHAPTER 9

CLASSIFICATION OF DISTRICTS

Subdivision 1. Zoning Districts. For purposes of this Ordinance, Martin County is hereby divided into classes of districts which shall be designated as follows:

- (1) **Agricultural District.**
“A” Agricultural District
- (2) **Flood Plain Districts.**
Flood plain is regulated by a separate Ordinance. The district is shown on the Flood Insurance Rate Map dated 9-1-1988.
- (3) **Shoreland Districts.**
“SL-1” Special Protection District
“SL-2” Residential Recreational District
“SL-C” Shoreland Conservation District
“SL-B” Shoreland Business District
- (4) **Single Family Residential District.**
“R-1” Single Family Residential District
- (5) **Highway Business District.**
“HB” Highway Business District
- (6) **Industrial District.**
“I” Industrial District

Subdivision 2. Zoning District Map. The boundaries of the districts as established by this Ordinance are as shown on the map designated as the “Zoning District Map”. A permanent and updated copy of the “Zoning District Map” shall be filed with the County Recorder. The “Zoning District Map” shall be filed with the County Recorder. The “Zoning District Map” is made a part hereof in Appendix “A” and may be amended in accordance with the provisions of this Ordinance.

Subdivision 3. Zoning District Boundaries. The district boundary lines are intended to follow street and highway right-of-way lines; street and highway center lines, lot and property or section lines, unless a boundary line is otherwise indicated on the map. In the case of unsubdivided property or in any case where street or lot lines are not used as boundaries, the district boundary lines shall be determined by the dimensions appearing on the map or those scaled from the map.

Subdivision 4. Permitted Uses. No structures, building or tract of land shall be devoted to any use other than a use permitted hereinafter in the Zoning District in which such structure or tract of land shall be located, with the following exceptions:

- (1) Conditional uses allowed in accordance with the provisions of Chapter 6 of this Ordinance.
- (2) Any structure which will, under this Ordinance, become non-conforming but for which a building permit has been lawfully granted prior to the effective date of this Ordinance and continues to completion within one year after the effective date of this Ordinance, shall be a non-conforming structure.
- (3) Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the non-conforming use.

Subdivision 5. Prohibited Uses. No cellar, garage, tent, trailer, basement with unfinished structure above, or accessory building shall at any time be used as a dwelling unit. The basement portion of a finished home may be used for normal living, eating and sleeping purposes provided it is properly damp-proofed, has suitable fire protection and exits, and is approved by the Zoning Administrator.

Subdivision 6. Uses Not Provided for in Zoning District. Whenever in any Zoning District a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such case the Board or the Planning Commission, on their own initiative or upon request of a property owner may conduct a study to determine if the use is acceptable and, if so, what Zoning District would be most appropriate and the determination as to conditions and standards relating to development of the use. The County Board or Planning Commission, upon receipt of the staff study shall, if appropriate, initiate an amendment to the Zoning Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the County.

Subdivision 7. Appeals as to District Boundaries. Appeals from the Commissioners or any administrative officer's determination of the exact location of district boundary lines shall be heard by the Board of Adjustment in accordance with the provisions of Chapter 5 of this Ordinance.

CHAPTER 10

AGRICULTURAL DISTRICT

Subdivision 1. Purpose. The “A” Agricultural District is intended to provide a district which will allow extensive areas of Martin County to be retained in agricultural use, control scattered non-farm development; preserve woodlands and other areas of aesthetic and scenic value, which, because of their physical features, are desirable as water retention areas, habitat for plant and animal life, green space or other environmental uses beneficial to the county.

Subdivision 2. Permitted Uses. The following uses shall be permitted within the “A” Agricultural District.

- (1) Any agriculture use; including any farm or any agricultural building.
- (2) Any flood control or watershed structure.
- (3) Any home occupation as regulated in Chapter 26, Subdivision 24 of this Ordinance
- (4) Any mobile home when used in conjunction with a farming operation
- (5) Any park, recreational area, wildlife area, game refuge or forest preserve owned by a governmental agency.
- (6) Any township hall.
- (7) Burn brush sites as regulated by State and County Ordinances.
- (8) Micro ~ WECS
- (9) Non-Commercial WECS
- (10) Solar Energy Systems (Small)

Subdivision 3. Conditional Uses. The following uses may be allowed in the “A” Agricultural District subject to obtaining a Conditional Use Permit in accordance with the provisions of Chapter 6 of this Ordinance.

- (1) Any commercial outdoor recreation area and accessory buildings, including organized group camps, golf courses and clubs and gun clubs.
- (2) Any church or public cemetery.
- (3) Any essential service line as regulated in Chapter 24 of this Ordinance.
- (4) Any essential service structure as regulated in Chapter 24 of this Ordinance.
- (5) Any extraction of minerals.
- (6) Any landing field and associated facilities.
- (7) Any sanitary landfill as regulated by the state and county.
- (8) Any single-family, non-farm dwelling as regulated in Chapter 10, Subdivision 6 of this Ordinance.
- (9) Any veterinary and animal clinics, including facilities for the care and/or breeding of animals.
- (10) Any Demolition Disposal Facility as regulated by State and County Ordinances.
- (11) Any Recycling Facility as regulated by State and County Ordinances.
- (12) Any Intermediate Waste Disposal Facility as regulated by State and County Ordinances.
- (13) Non-agricultural related retailers and/or businesses on existing farmsteads.
- (14) Uses determined by the Planning Commission to be of the same general character as the conditional uses above and found not to be detrimental to the general health and welfare

- of the county.
- (15) Guest Cottage.
- (16) Bed & Breakfast.
- (17) Waste Water Ponds ~ Public Sewage Treatment Systems
- (18) Commercial WECS
- (19) Meteorological Tower
- (20) Solar Energy Systems (Large and/or Reflecting)

Subdivision 4. Permitted Accessory Uses. The following uses shall be permitted accessory uses within the “A” Agricultural District.

- (1) Any accessory building or use in association with any permitted or conditional use, provided such accessory building or use shall be located on the same property.

Subdivision 5. Lot Size, Setback, Yard and Height Requirements. Every lot “A” Agricultural District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards.

- (1) **Lot Size.** Every lot on which a single-family dwelling is erected shall contain an area of not less than (3) acre, except that the (3) acre minimum shall not apply to the sale of lots of record at the time of enactment of this Ordinance.
- (2) **Lot Width.** Every lot shall be two hundred fifty (250) feet wide at the building line.
- (3) **Building Setback.** There should be a front yard setback of not less than two hundred (200) feet from the centerline of any public right-of-way for new building site effective February 17, 2004 and one hundred and thirty (130) feet from the centerline of any public right-of-way for existing building sites constructed before February 17, 2004. Existing building site cannot further encroach closer than the nearest present building from the centerline of the road provided greater than 130’ from centerline.
- (4) **Side Yard.** For every permitted or conditionally permitted building there shall be a side yard setback of not less than thirty (30) feet, except that setbacks above (#3) from the centerline of the road shall be required for corner lots.
- (5) **Rear Yard.** For every permitted or conditionally permitted building there shall be a rear yard setback of not less than thirty (30) feet.
- (6) **Windbreak Setback.** There shall be a windbreak setback of not less than fifty (50) feet from any public right-of-way.
- (7) **Building Height.** No height limitation shall be imposed for any agricultural building except where hazardous conditions may result. All other buildings shall not exceed thirty-five (35) feet in height.

Subdivision 6. Regulation for Any Non-Farm Dwelling. Prior to obtaining a building permit for any single-family, non-farm residence in an “A” Agricultural District approval of a Conditional Use Permit shall be required. In addition to the procedural, requirements and conditions of Chapter 6 the following conditions for approval of a single-family, non-farm dwelling shall also be complied with:

- (1) Presentation of a plan illustrating the location of the dwelling on the site, location of the septic tank and drainfield, location of the well and access from a public road. Reasonable revisions to the site plan may be required as a condition of approval.
- (2) When the proposed building site is characterized by steep topography (slopes in excess of twelve percent) or the predominant soils are of a type considered to be limited for septic tanks, a special engineering report may be qualified of the applicant as a condition of

approval.

- (3) The engineering report will be prepared by a qualified professional engineer and the expense of the report will be responsibility of the applicant. Such other reasonable conditions as may be necessary to maintain the intent and integrity of the “A” Agricultural District.

Subdivision 7. Confined Feedlot Regulations. Confined feedlots may be allowed in any “A” Agricultural District in accordance with the Provisions of the Martin County Feedlot Ordinance.

Subdivision 8. General Regulation. Additional requirements for paying for parking and other regulations in the “A” Agricultural District are set forth in Chapter 26 of this Ordinance.

CHAPTER 11

“RESERVED”

CHAPTER 12

“RESERVED”

CHAPTER 13

SHORELAND DISTRICTS

Subdivision 1. Purpose. The Shoreland Districts are adopted for the general purposes of:

- (1) Regulating suitable uses of land surrounding public water.
- (2) Regulating the size of parcels, length of water frontage and alteration of shorelands of public water.
- (3) Regulating the location of sanitary facilities adjacent to public waters.
- (4) Preservation of the natural vegetation, natural topography, and other natural resources to insure a high standard of environmental quality.

Subdivision 2. Location and Classification of Protected Waters. The protected waters of Martin County, Minnesota, have been classified consistent with the criteria found in Minnesota Regulations, Part 6120.3300 and the Protected Waters Inventory Map for Martin County, Minnesota. The Shoreland zoning areas include land within one thousand (1000) feet as further described in the definition section herein and are shown on the zoning map.

- (1) **NE.** Natural Environment
- (2) **RD.** Recreational Development

Subdivision 3. Natural Environment Lakes. The following lakes have been classified as Natural Environment Lakes:

<u>NAME</u>	<u>LAKE ID.#</u>	<u>TOWNSHIP</u>	<u>RANGE</u>	<u>SECTIONS</u>
Unnamed	46-1	101	29	6
Unnamed	46-8	101	30	1
Unnamed	46-9	101	29;30	6,7;1,12
East Chain	46-10	101	29,30	7,18,19,30;13,24,25
Unnamed	46-11	101	29;30	19,30;25
Imogene	46-12	102	29;30	7,18;12,13
Swag	46-13	101	30	35,36
Wilmert	46-14	101	30	7,18
North Silver	46-16	101	30	18,19,20
Unnamed	46-22	101	30	36
Bardwell	46-23	101;102	30	6;31
Halls	46-27	102	30	13
Unnamed	46-29	102	30	13,14,23,24
Rose	46-32	102	30	23,24,25,26
Sager	46-33	101;102	30	25;35,36
Mud	46-35	101;102	30	31

<u>NAME</u>	<u>LAKE I.D.#</u>	<u>TOWNSHIP</u>	<u>RANGE</u>	<u>SECTIONS</u>
Martin	46-36	103	30	5,6,7,8
High	46-37	103	30	7,17,18
Charlotte	46-39	103	30	17
Kiester	46-42	103	30	20,29
Canright	46-43	103	30	29
Buffalo	46-44	103	30	29,30,31,32
Perch	46-46	104	30	18,19
Murphy	46-48	104	30	29,30,31,32
Iowa	46-49	101	30;31	30,31,32,33;25
Okamanpeedan	46-51	101	31	21,28,29,31,32,33
Bright	46-52	101	31	8,9,16,17
Clayton	46-61	101	31	15,16,17,20,21
Perry	46-63	101	31	16,17
Unnamed	46-71	101	31	31
Pierce	46-76	101	31	27,28,33,34
Kings Slough	46-77	102	31	32,33
Eagle	46-78	103	31	19,30
Swan	46-80	103	31	30,31
Willow Creek	46-81	104	31	6
Round	46-84	104	31	18
Little Tuttle (inlet)	46-88	101	31	18,19,20
Susan	46-94	101	32	16,21,22
Fish	46-95	101	32	22,23
Unnamed	46-97	101	32	25,26,35,36
Dutton Slough	46-98	101	32	26
Unnamed	46-99	101	32	36
Temperance	46-103	102	32	5,6,7,8
Clam	46-111	103	32	9,10,15,16
Seymour	46-113	103	32	20,29
Round	46-116	103	32	21,28
Creek	46-117	103;104	32;33	1,2;35,36
Cedar	46-121	103;104	32;33	1,19,30;24,25,26
Little Twin	46-130	103	33	1,12
Watkins	46-132	103	33	8,9,16,17
Big Twin	46-133	103	33	12,13,14
Unnamed	46-139	103	33	26
Fish	46-145	101	32	1,2,11,12
Buffalo	46-146	104	33	12,13
North	46-147	104	33	13

Subdivision 4. Recreational Development Lake. The following lakes have been classified as Recreation Development Lakes.

<u>NAME</u>	<u>LAKE I.D.#</u>	<u>TOWNSHIP</u>	<u>RANGE</u>	<u>SECTIONS</u>
South Silver	46-20	101	30	29,30,31,32
Clear	46-96	101	32	22,23,26
Fox	46-109	102;103	32	4,5,6;31,32,33,34

Subdivision 5. “Reserved”.

Subdivision 6. “Reserved”.

Subdivision 7. Rivers and Streams. All rivers and streams in Martin County that have shoreland zoning are shown on the zoning map and are consistent with the Protected Waters Inventory Map for Martin County, Minnesota. Elm Creek, throughout the County, is classified as an Agricultural river, the rest are tributaries. The shoreland zoning areas include land within three hundred (300) feet of the flowage as further described in the definition section herein.

Subdivision 8. Shoreland Zoning Districts. The shorelands of Martin County are hereby classified into the following zoning districts:

- (1) **Special Protection District.** “SL-1”
- (2) **Residential Recreational District.** “SL-2”
- (3) **Shoreland Conservation District.** “SL-C”

Subdivision 9. General Dimensional Requirements. The minimum dimensions noted below are applicable to all the lake and stream zoning districts. Special district requirements are found in the district sections.

- (1) **Elevation of Lowest Floor.** The lowest floor in any dwelling unit shall be not less than three (3) feet above the ordinary high water elevation or the highest known water level, whichever is higher.
- (2) **Maximum Building Height.** 35 feet.
- (3) **Top of Bluff.** Minimum setback of 30 feet and no structures except stairways and landings shall be placed within bluff impact zones.
- (4) **Road Right-of-Way Setbacks.** Minimum of 50 feet on Federal, State and County, and minimum of 20 feet from all others.
- (5) **Unplatted Cemeteries.** Minimum setback of 50 feet.

Subdivision 10. Significant Historic Sites. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

Subdivision 11. Steep Slopes. The county must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

Subdivision 12. Forest Management Standards. The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Non-point Source pollution Assessment-Forestry and the provisions of Water Quality in Forest Management Best Management Practices in Minnesota.

Subdivision 13. Vegetation Alterations.

- (1) Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by this Ordinance are exempt from the vegetation alteration standards that follow.
- (2) Removal or alteration of vegetation, except for agriculture and forest management uses as regulated by this Ordinance is allowed subject to the following standards:
 - (A) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed.
 - (B) Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.
 - (C) In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted accessory structures or facilities, provided that:
 - I. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
 - II. Along rivers, existing shading of water surface is preserved; and
 - III. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

Subdivision 14. Topographic Alterations/Grading and Filling.

- (1) Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.
- (2) Public roads and parking areas are regulated by 13, Subdivision 15 of this Ordinance.
- (3) Notwithstanding Items 1 and 2 above, a grading and filling permit will be required for:
 - (A) The movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and
 - (B) The movement of more than fifty (50) cubic yards of material outside of steep slopes and shore and bluff impact zones.
- (4) The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:
 - (A) 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: *
 - I. Sediment and pollutant trapping and retention;
 - II. Storage of surface runoff to prevent or reduce flood damage;

- III. Fish and wildlife habitat;
- IV. Recreational use;
- V. Shoreland or bank stabilization; and
- VII. Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

*This evaluation must also include a comment of whether the wetland alteration being proposed may require 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.

- (B) Alterations must be designed and conducted in a manner that insures only the smallest amount of bare ground is exposed for the shortest time possible.
 - (C) 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.
 - (D) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
 - (E) 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.
 - (F) Fill or excavated material must not be placed in a manner that creates an unstable slope.
 - (G) 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.
 - (H) Fill or excavated material must not be placed in bluff impact zones.
 - (I) Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, section 103G.245. (This is the DNR permit program for work in public water basins.)
 - (J) 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.
 - (K) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three (3) feet horizontal to one (1) foot vertical, the landward extent of the riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three (3) feet.
- (5) **Connections to Public Waters.** Excavations where the intended purpose is connection to public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.

Subdivision 15. Placement & Design of Roads, Driveways & Parking Areas.

- (1) 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.

- (2) Roads, driveways, and parking areas must meet structure setbacks and 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.
- (3) 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 this Ordinance must be met.

Subdivision 16. General Standards for Stormwater Management.

- (1) When possible, existing natural drainage ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter and retain storm water runoff before discharge to public waters.
- (2) Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
- (3) When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle storm water runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

Subdivision 17. Specific Standards for Storm Water Management.

- (1) Impervious surface coverage of lots must not exceed 25 percent of lot area.
- (2) When constructed facilities are used for storm water management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
- (3) New constructed storm water outfall to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

Subdivision 18. Agricultural Use Standards.

- (1) General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in perennial vegetation or operated under an approved conservation plan that includes alternative riparian water quality practices based on the Natural Resources Conservation Service field office technical guide (FOTG), practices approved by the Board of Water and Soil Resources (BWSR), or practices based on local conditions approved by the local soil and water conservation district that are consistent with the FOTG. The shore impact zone for parcels with permitted agricultural land uses

is an area with a 50-foot average width and a 30-foot minimum width, as measured from ordinary high water level if identified, or the top or crown of bank or normal water level as provided in Minnesota Statutes, section 103F.48, subd 3(c), whichever is applicable.

- (2) Animal feedlots must meet the following standards:
 - (A) 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
 - (B) 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.

Subdivision 19. Extractive Use Standards.

- (1) **Site Development and Restoration Plan.** An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.
- (2) **Setbacks for Processing Machinery.** Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

Subdivision 20. Standards for Commercial, Industrial, Public and Semi-

Public Use. Surface water-oriented commercial uses and industrial, public, or semi-public 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. 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. Those with water-oriented needs must meet the following standards:

- (1) In addition to meeting impervious coverage limits, setbacks, and other zoning standards presented elsewhere in this Ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.
- (2) Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.
- (3) Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the 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 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 (10) 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.

- (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.

Subdivision 21. Mining of Metallic Minerals and Peat. Mining of metallic minerals and peat, as defined in Minnesota Statutes, sections 93.44 to 93.51, shall be a permitted use provided the provisions of Minnesota Statutes, sections 93.44 to 93.51, are satisfied.

Subdivision 22. Conditional Uses. Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for a review of conditional uses established community-wide. The following additional evaluation criteria and conditions apply with shoreland areas:

- (1) **Evaluation criteria.** A thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site must be made to ensure:
 - (A) The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
 - (B) The visibility of structures and other facilities as viewed from public waters is limited;
 - (C) The site is adequate for water supply and on-site sewage treatment; and
 - (D) The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.
- (2) **Conditions attached to conditional use permits.** The county, upon consideration of the criteria listed above and the purposes of this Ordinance shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:
 - (A) Increased setbacks from the ordinary high water level;
 - (B) Limitations on the natural vegetation to be removed or the requirements that additional vegetation be planted; and
 - (C) Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

Subdivision 23. Subdivision/Platting Provision in Shoreland Areas.

- (1) **Land Suitability.** Each lot created through subdivision, authorized under this Ordinance, must be suitable in its natural state for the purpose use with minimal alteration. Suitability analysis by the local unit of Government 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 subdivision or of the community.
- (2) **Consistency with Other Controls.** Subdivisions must conform to all official

controls of this community. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with this Ordinance and MPCA Chapter 7080 can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirement of this Ordinance, including a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.

- (3) **Information Requirements in Shoreland Areas.** Subdivision controls must require submission of adequate information to make a determination of land suitability. The information shall include at least the following:
- (A) Topographic contours at ten-foot (10) intervals or less from United States Geological Survey maps or more accurate sources showing limiting site characteristics;
 - (B) The surface water features required in Minnesota Statutes, section 505.02, subdivision 1 (platting statutes), to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;
 - (C) Adequate soil information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
 - (D) Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depth, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling storm water runoff and erosion, both during and after construction activities; and
 - (E) Location of 100-year flood plain areas from existing maps or data.
 - (F) A line or contour representing the ordinary high water level, the toe and top of bluffs and the minimum building setback distances.

Subdivision 24. 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, and public open-space recreational properties.
- (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 and public open-space recreational properties.
- (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.

Subdivision 25. Notifications to Department of Natural Resources.

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

Subdivision 26. Types of PUD’s Permissible. Planned unit developments (PUD’s) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. The land use districts in which they are an allowable use are identified in the land use district descriptions in this Ordinance and the official zoning map.

Subdivision 27. Processing of PUD’s. Planned unit developments must be processed as a conditional use. Approval cannot occur until the environmental review process (EAW/EIS) is complete.

Subdivision 28. Application for a PUD. The applicant for a PUD must submit the following documents prior to final action being taken on the application request.

- (1) A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at ten-foot intervals or less. When a PUD is a combined commercial and residential development, the site plan and/or plat must indicated and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.
- (2) A property owner’s association agreement (for residential PUD’s) with mandatory membership, and all in accordance with the requirements of this Chapter.
- (3) Deed restrictions, covenants, permanent easements or other instruments that:
 - (A) Properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUD’s; and
 - (B) Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in this Chapter.
- (4) When necessary, a master plan/drawing describing the project and the floor for all commercial structures to be occupied.

Subdivision 29. Site “Suitable Area” Evaluation. Proposed new expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in the following Subdivision (3). The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

Shoreland Tier Dimensions

	Unsewered (feet)	Sewered (feet)
Recreational development lakes.....	267.....	267

Natural environment lakes.....	400.....	320
All river classes.....	300.....	300

The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

Subdivision 30. Residential and Commercial PUD Density Evaluation. The procedures for determining the “base” density of a PUD and density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any other tier closer.

- (1) **Residential PUD “Base” Density Evaluation.** The suitable area within each tier is divided by the single residential lot size standard for lakes, or for rivers, the single residential lot width standard times the tier depth. Proposed locations and numbers of dwelling units or sites for residential planned unit developments are then compared with the tier, density, and suitability analysis herein and the design criteria in this Subdivision.
- (2) **Commercial PUD “Base” Density Evaluation.** Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space. Select the appropriate floor area ratio from the following table:

Commercial Planned Unit Development Floor Area Ratios* Public waters classes

Average unit floor area (sq. ft.)	Agricultural and Tributary river segments	Recreational Development Lakes	Natural Environment Lakes
200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500	.150	.075	.038

*For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured

home, or if unknown, the ratio listed for 1,000 square feet.

- (A) Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.
 - (B) Divided the total floor area by tier by the average inside living area size. This yields a base number of dwelling units and sites for each tier.
 - (C) Proposed locations and numbers of dwellings units or sites for the commercial planned unit development are then compared with the tier, density and suitability analysis herein and the design criteria in the Subdivision.
- (3) **Density Increase.** Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the shoreland dimensional standards of the district and the design criteria of this Subdivision are met or exceeded. The allowable density increases will only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography or additional means acceptable to the County and the setback is at least 25 percent greater than the minimum setback.

**Allowable Dwelling Unit or Dwelling Site
Density Increases for Residential or Commercial
Planned Unit Developments**

Density evaluation tiers	Maximum density increase within each tier (percent)
First	50
Second	100
Third	200
Fourth	200
Fifth	200

Subdivision 31. Maintenance and Design. Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.

- (1) **Open space preservation.** Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:
 - (A) Commercial uses prohibited (for residential PUD's);
 - (B) Vegetation and topographic alterations other than routine maintenance prohibited;
 - (C) Construction of additional buildings or storage of vehicles and other materials prohibited; and
 - (D) Uncontrolled beaching of watercraft prohibited.
- (2) **Development organization and functioning.** Unless an equally effective alternative community framework is established, when applicable, all residential planned

unit developments must use an owners association with the following features:

- (A) Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;
 - (B) Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;
 - (C) Assessments must be adjustable to accommodate changing conditions; and
 - (D) The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.
- (3) **Open space requirements.** Planned unit developments must contain open space meeting all of the following criteria:
- (A) At least 50 percent of the total project area must be preserved as open space;
 - (B) Dwelling units or sites, road right-of-way, or land covered by road surfaces, parking areas, or structures, except water oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space;
 - (C) Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;
 - (D) Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
 - (E) Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;
 - (F) Open space must not include commercial facilities or uses, but may contain water oriented accessory structures or facilities;
 - (G) The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and
 - (H) The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUD's, at least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial PUD's, at least 50 percent of the shore impact zone must be preserved in its natural state.
- (4) **Erosion Control and Stormwater Management.** Erosion control and storm water management plans must be developed and the PUD must:
- (A) Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limited the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by the soil and water conservation district may be required if project size and site physical characteristics warrant; and
 - (B) Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area.
- (5) **Centralization and Design of Facilities.** Centralization and design of facilities and structures must be done according to the following standards:
- (A) Planned unit developments must be connected to publicly owned water

supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and this Ordinance.

On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;

- (B) Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification, setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with this Subdivision for developments and density increases;
- (C) Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers;
- (D) Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increase setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided;
- (E) Accessory structures and facilities, except water oriented accessory structures, must meet the required principal structure setback and must be centralized; and
- (F) Water oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in this Ordinance and are centralized.

Subdivision 32. Conversions.

- (1) Local governments may allow existing resorts or other land uses and facilities to be converted to residential planned unit developments if all the following standards are met:
 - (A) Proposed conversions must be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.
 - (B) Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.

- (C)** Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:

 - I.** Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
 - II.** Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water; and
 - III.** If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.
- (D)** Existing dwelling unit or dwelling site densities that exceed standards herein may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

CHAPTER 14

“SL-1” SPECIAL PROTECTION DISTRICT

Subdivision 1. Purpose. The “SL-1” Special Protection District is used for shoreland areas of Natural Environment Lakes that need protection from development. It is also used for urban expansion areas that should only have sparse development until annexation and city services are available.

Subdivision 2. Permitted Uses. The following uses shall be permitted within the “SL-1” Special Protection District.

- (1) Any agricultural use (except new feedlots within 300' of ordinary high water level).
- (2) Any fish, forest or wildlife management use.
- (3) Any golf course.
- (4) Any hiking or riding trail.
- (5) Any nature study area.
- (6) Any wayside recreation areas, except that any overnight camping facility shall not be a permitted use.
- (7) Any wildlife preserve.
- (8) Any single family dwelling.
- (9) Any home occupation.
- (10) Micro-WECS
- (11) Non-Commercial WECS
- (12) Solar Energy (Small)

Subdivision 3. Conditional Uses. The following uses may be allowed in the “SL-1” Special Protection District subject to obtaining a Conditional Use Permit in accordance with the provisions of Chapter 6 of this Ordinance.

- (1) Any essential service line or any essential service structure provided that it can be shown that such facility cannot reasonably be located in another zoning district.
- (2) Any duplex, triplex or quad dwelling.
- (3) Any efficiency apartment.
- (4) Any primitive campground, provided it meets requirements of PUD Section.
- (5) Guest Cottage.
- (6) Bed & Breakfast.

Subdivision 4. Permitted Accessory Uses. The following uses shall be permitted accessory uses within the “SL-1” Special Protection District.

- (1) Any accessory building or use in association with any permitted or conditional use, provided such accessory building or use shall be located on the same property.

Subdivision 5. Special Development Standards.

- (1)** Minimum lot size per dwelling unit: Five (5) acres.
- (2)** Minimum lot width per dwelling unit: 500 feet at shoreline and building line.
- (3)** Minimum setback from ordinary highwater level: 200 feet.
- (4)** Minimum sideyard setback: 40 feet.
- (5)** Minimum rearyard setback: 75 feet.
- (6)** Minimum Sewage system setback from ordinary highwater level: Minimum of 150 feet.
- (7)** Additional standards for all shoreland development are found herein.

CHAPTER 15

“SL-2” RESIDENTIAL RECREATIONAL DISTRICT

Subdivision 1. Purpose. The “SL-2” Residential District is for shoreland areas that are appropriate in serving to meet the demand for a reasonable amount of freestanding rural residential development.

Subdivision 2. Permitted Uses. The following uses shall be permitted within the “SL-2” Residential Recreational District.

- (1) Any agricultural use.
- (2) Any fish, forest or wildlife management use.
- (3) Any golf course.
- (4) Any hiking or riding trail.
- (5) Any nature study area.
- (6) Any single-family dwelling.
- (7) Any wayside recreation area, except that any overnight camping facility shall not be a permitted use.
- (8) Any wildlife preserve.
- (9) State licensed residential facility serving six (6) or fewer mentally or physically handicapped persons.
- (10) Any home occupation.
- (11) Micro-WECS
- (12) Non-Commercial WECS
- (13) Solar Energy (Small)

Subdivision 3. Conditional Uses. The following uses may be allowed in the “SL-2” Residential District subject to obtaining a Conditional Use Permit in accordance with the provisions of Chapter 6 of this Ordinance.

- (1) Any essential service line or any essential service structure provided that it can be shown that such facility cannot reasonably be located in another zoning district.
- (2) Additions to organized group camps and to other campgrounds, provided that they comply with the requirements of MN Shoreland Regulations 612.3800.
- (3) Any efficiency apartment.
- (4) Any duplex, triplex or quad dwelling.
- (5) Any primitive campground, provided it meets requirements of PUD Section.
- (6) Guest Cottage.
- (7) Bed & Breakfast.

Subdivision 4. Permitted Accessory Uses. The following uses shall be permitted accessory uses within the "SL-2" Residential Recreational District.

- (1) Any accessory building or use in association with any permitted or conditional use provided such accessory building or use shall be located on the same property.

Subdivision 5. Special Development Standards.

- (1) **Minimum Lot Size per Dwelling Unit.** 40,000 square feet on Clear, Fox and South Silver Lakes and 80,000 square feet in all other "SL-2" areas.
- (2) **Minimum Lot Width per Dwelling Unit.** 150 feet on Clear, Fox and South Silver Lakes and 200 feet in all other "SL-2" areas. (At shoreline and building line)
- (3) **Setback From Ordinary Highwater Level:** 100 feet on Clear, Fox and South Silver Lakes and 150 feet in all other "SL-2" areas.
- (4) **Minimum Sideyard Setback.** 30 Feet.
- (5) **Minimum Rearyard Setback.** 50 Feet.
- (6) **Sewage System Setback from Ordinary Highwater Level.** Minimum of 75 feet on Clear, Fox and South Silver Lakes and 150 feet in all other "SL-2" areas.
- (7) Additional standards for all shoreland development are found herein.

CHAPTER 16

“SL-B” Shoreland Business District

Subdivision 1. Purpose. The “SL-B” Shoreland Business District is for shoreland areas that are suitable for development of water oriented commercial uses that benefit both residents and tourists and for development of multifamily residential uses. Suitable areas would have existing roads and no residential or agricultural conflicts. Also, the Natural Environment Lakes that exist more or less in their natural state, with no development, should be avoided.

Subdivision 2. Permitted Uses.

- (1) Any agricultural use (except feedlots).
- (2) Any fish, forest or wildlife management use.
- (3) Any golf course.
- (4) Any hiking or riding trail.
- (5) Any wayside recreation area.
- (6) Any nature study area.
- (7) Any wildlife preserve.
- (8) Micro-WECS
- (9) Non-Commercial WECS
- (10) Solar Energy (Small)

Subdivision 3. Conditional Uses.

- (1) Water oriented commercial uses.
- (2) Residential planned unit developments.
- (3) Water oriented commercial planned unit developments.
- (4) Any essential service line or structure.

Subdivision 4. Permitted Accessory Uses.

- (1) Any accessory building or use in association with any permitted or conditional use provided they are on the same property.

Subdivision 5. Special Development Standards.

- (1) **Minimum Lot Size per Dwelling Unit.** 1 acre on Clear, Fox and South Silver Lakes and 5 acres on the other lakes and on all the rivers.
- (2) **Minimum Lot Width per Dwelling Unit.** 200 feet on Clear, Fox and South Silver Lakes and 500 feet on the other lakes and on all the rivers (at shoreline and building line).
- (3) **Minimum Setback from Ordinary High Water Level.** 100 feet on Clear, Fox and South Silver Lakes and 150 feet on the other lakes and all the rivers.
- (4) **Minimum Sideyard Setback.** 40 feet.
- (5) **Minimum Rearyard Setback.** 75 feet.
- (6) **Minimum Dwelling Site Setback for Non-residential Structures.** 300 feet from

- adjacent property areas that are suitable as a dwelling site.
- (7) All campgrounds, resorts, hotels, motels and residential planned unit developments will be considered as planned unit developments and will have to go through the planned unit development process.

CHAPTER 17

“RESERVED”

CHAPTER 18

“SL-C” SHORELAND CONSERVATION DISTRICT

Subdivision 1. Purpose. The “SL-C” Shoreland Conservation District is intended to provide a district which is established to preserve and perpetuate in an open state, certain areas, such as wetlands, marshes, woodlands and other areas of aesthetic and scenic value which, because of their physical features are desirable as water retention areas, natural habitat for plant and animal life, green space or other uses beneficial to the county.

Subdivision 2. Permitted Uses. The following uses shall be permitted within the Conservation District.

- (1) Any harvesting of wild crops such as marsh hay, ferns, moss, berries, tree fruit or seeds.
- (2) Any public recreation such as hiking.
- (3) Any wildlife, fish or forest management area.
- (4) Micro ~ WECS
- (5) Non-Commercial WECS

Subdivision 3. Conditional Uses. The following uses may be allowed in the Conservation District subject to obtaining a Conditional Use Permit in accordance with the provisions of Chapter 6 of this Ordinance.

- (1) Any agricultural use, except that any confined feed lot shall not be allowed.
- (2) Any essential service line as regulated in Chapter 24 of this Ordinance.
- (3) Any essential service structure as regulated in Chapter 24 of this Ordinance.
- (4) Any home occupation as regulated in Chapter 26, Subdivision 24 of this Ordinance.
- (5) Any non-publicly owned recreational facility.

Subdivision 4. Permitted Accessory Uses. The following uses shall be permitted accessory uses within the Conservation District.

- (1) Any accessory building or use in association with any permitted or conditional use provided such accessory building or use shall be located on the same property.

Subdivision 5. Special Development Standards.

- (1) **Minimum Lot Size.** 5 acres.
- (2) **Minimum Lot Width.** 500 feet wide at shoreline and building line.
- (3) **Minimum Building Setback.** 130 feet from any public right-of-way.
- (4) **Setback from Ordinary Highwater Level.** 200 feet.
- (5) **Minimum Sideyard Setback.** 40 feet.
- (6) **Minimum Rearyard Setback.** 75 feet.
- (7) **Sewage System Setback from Ordinary Highwater Level.** Minimum of 75 feet.
- (8) Additional Standards for all shoreland development are found herein.

CHAPTER 19

“R-1” SINGLE FAMILY RESIDENTIAL DISTRICT

Subdivision 1. Purpose. The “R-1” Single Family Residential District is intended to provide a district which occurs in the small unincorporated villages and rural residential subdivisions allowing low density residential development and on-lot utilities where municipal or community utility systems may not be available.

Subdivision 2. Permitted Uses. The following uses shall be permitted within the “R-1” Single Family Residential District.

- (1) Any agricultural use, except that any confined feed lot shall not be allowed.
- (2) Any cultural, educational or religious institution.
- (3) Any forest or wetland management area.
- (4) Any home occupation as regulated in Chapter 26, Subdivision 24 of this Ordinance.
- (5) Any non-profit recreational or social facility.
- (6) Any single-family dwelling.
- (7) Micro ~ WECS
- (8) Non-Commercial WECS
- (9) Solar Energy Systems (Small)

Subdivision 3. Conditional Uses. The following uses may be allowed in the “R-1” Single Family Residential District subject to obtaining a Conditional Use Permit in accordance with the provisions of Chapter 6 of this Ordinance.

- (1) Any cemetery or mausoleum.
- (2) Any essential service line as regulated in Chapter 24 of this Ordinance.
- (3) Any essential service structure as regulated in Chapter 24 of this Ordinance.
- (4) Any nursery or greenhouse.
- (5) Any planned development as regulated in Chapter 28 of this Ordinance.
- (6) Guest Cottage.
- (7) Bed & Breakfast.

Subdivision 4. Permitted Accessory Uses. The following uses shall be permitted accessory uses within the “R-1” Single Family Residential District.

- (1) Any accessory building or use in association with any permitted or conditional use, provided such accessory building or use shall be located on the same property.

Subdivision 5. Lot Size, Setback, Yard and Height Requirements Without Central Utilities. Every lot on a “R-1” Single Family Residential District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards if central utilities are not provided.

- (1) **Lot Size.** Every lot shall contain an area of not less than one (1) acre.

- (2) **Lot Width.** Every lot shall be not less than one hundred fifty (150) feet wide at the building line.
- (3) **Building Setback.** Every building shall be setback not less than one hundred thirty (130) feet from any public right-of-way. On lots of record, every building shall be setback not less than thirty (30) feet from any public right-of-way.
- (4) **Side Yard.** For every permitted or conditionally permitted building there shall be a side yard setback of not less than forty (40) feet or not less the one hundred thirty (130) feet from the centerline of any public right-of-way. On lots of record, every building shall have a side yard setback of not less than ten (10) feet or not less than thirty (30) feet from any public right-of-way.
- (5) **Rear Yard.** For every permitted or conditionally permitted building there shall be a rear yard setback of not less than sixty (60) feet. On lots of record, every building shall have a rear yard setback of not less than thirty (30) feet.
- (6) **Windbreak Setback.** There shall be windbreak setback of not less than twenty (20) feet from any public right-of-way.
- (7) **Building Height.** No height limitation shall be imposed for any agricultural building except where hazardous conditions may result. All other buildings shall not exceed thirty-five (35) feet in height.

Subdivision 6. Lot Size, Setback, Yard and Height Requirements with

Central Utilities. Every lot in a “R-1” Single Family Residential District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards if central utilities are provided.

- (1) **Lot Size.** Every lot shall contain an area of not less than fifteen thousand (15,000) square feet.
- (2) **Lot Width.** Every lot shall be not less than ninety (90) feet wide at the building line.
- (3) **Building Setback.** Every building shall be setback not less than fifty (50) feet from any public right-of-way. On lots of record, every building shall be setback not less than thirty (30) feet from any public right-of-way.
- (4) **Side Yard.** For every permitted or conditionally permitted building there shall be a side yard setback of not less ten (10) feet or not less than fifty (50) feet from the centerline of any public right-of-way. On lots of record, every building shall have a side yard setback of not less than ten (10) feet or not less than thirty (30) feet from any public right-of-way.
- (5) **Rear Yard.** For every permitted or conditionally permitted building there shall be a rear yard setback of not less than thirty (30) feet. On lots of record, every building shall have a rear yard setback of not less than thirty (30) feet.
- (6) **Windbreak Setback.** There shall be a windbreak setback of not less than twenty (20) feet from any public right-of-way.
- (7) **Building Height.** No height limitation shall be imposed for any agricultural building except where hazardous conditions may result. All other buildings shall not exceed thirty-five (35) feet in height.

Subdivision 7. General Regulations. Additional requirements for parking and other regulations in the “R-1” Single Family Residential District are set forth in Chapter 26 of this Ordinance.

CHAPTER 20

“HB” HIGHWAY BUSINESS DISTRICT

Subdivision 1. Purpose. The “HB” Highway Business District is intended to provide a district for a wide range of merchandise, service, repair and certain processing establishments serving a large trade area. The trade area population served by these establishments requires easy access; therefore, it is desirable to group these uses at locations along major traffic routes providing for appropriate and adequate access ways.

Subdivision 2. Permitted Uses. The following uses shall be permitted within the “HB” Highway Business District.

- (1) Any ambulance service.
- (2) Any appliance store.
- (3) Any auction room.
- (4) Any barber shop.
- (5) Any beauty shop.
- (6) Any bicycle shop.
- (7) Any beverage bottling or distribution establishment.
- (8) Any blueprinting, photostating or lithographing establishment.
- (9) Any bus, railway or airline depot or ticket office.
- (10) Any casket supply or monument sales.
- (11) Any catalog service or mail order house.
- (12) Any church.
- (13) Any club or lodge.
- (14) Any dairy product's store.
- (15) Any discount store.
- (16) Any drug store.
- (17) Any dry cleaning shop.
- (18) Any electric contractor.
- (19) Any experimental or testing laboratory.
- (20) Any exterminator.
- (21) Any food locker plant.
- (22) Any funeral home or mortuary.
- (23) Any furniture store.
- (24) Any furrier.
- (25) Any garden supply store or landscape nursery.
- (26) Any general building contractor.
- (27) Any government building.
- (28) Any grocery store.
- (29) Any hall for meetings, conventions, or social gatherings.
- (30) Any hardware store.
- (31) Any hotel or motel.
- (32) Any ice plant.
- (33) Any janitorial service.

- (34) Any linen supply store.
- (35) Any medical appliances store.
- (36) Any motorcycle dealership.
- (37) Any print store.
- (38) Any painting or decorating contractor.
- (39) Any pawn shop or second hand store.
- (40) Any pet store.
- (41) Any photographic studio or picture processing establishment.
- (42) Any plumbing, heating or air conditioning contractor.
- (43) Any printing, publishing or allied industries.
- (44) Any radio or television broadcasting station, including any transmission tower.
- (45) Any roofing or sheet metal contractor.
- (46) Any school.
- (47) Any seed and feed store.
- (48) Any sign contractor.
- (49) Any second hand store.
- (50) Any upholstery shop.
- (51) Any tire recapping or tire store.
- (52) Any veterinarian.
- (53) Any wholesaler.
- (54) Micro ~ WECS
- (55) Non-Commercial WECS
- (56) Solar Energy Systems (Small)

Subdivision 3. Conditional Use. The following uses may be allowed in the “HB” Highway Business District subject to obtaining a Conditional Use Permit in accordance with the provisions of Chapter 6 of this Ordinance.

- (1) Any agricultural equipment sales or service.
- (2) Any auto glass, muffler or upholstery shop.
- (3) Any auto repair garage.
- (4) Any auto or truck wash.
- (5) Any auto sales establishment or lot.
- (6) Any auto service station.
- (7) Any auto storage; new or used.
- (8) Any auto parts and accessory sales establishment.
- (9) Any trucking establishment.
- (10) Any warehousing.
- (11) Any bank, including drive-in facilities.
- (12) Any boat sales and repair establishment.
- (13) Any bowling alley or billiard parlor.
- (14) Any building supply sales.
- (15) Any bulk fuel storage.
- (16) Any dance hall.
- (17) Any eating or drinking establishment.
- (18) Any essential service line as regulated in Chapter 24 of this Ordinance.
- (19) Any essential service structure as regulated in Chapter 24 of this Ordinance.
- (20) Any drive-in theater.

- (21) Any industrial or construction machinery sales or service.
- (22) Any land reclamation.
- (23) Any open sales lot.
- (24) Any planned development as regulated in Chapter 28 of this Ordinance.
- (25) Any switch, storage or other train operations other than operation of through trains.
- (26) Uses determined by the Planning Commission to be of the same general character as the conditional uses above and found not to be detrimental to the general health and welfare of the county.
- (27) Commercial WECS
- (28) Meteorological Tower
- (29) Solar Energy Systems (Large and/or Reflecting)

Subdivision 4. Permitted Accessory Uses. The following uses shall be permitted accessory uses within the “HB” Highway Business District.

- (1) Any accessory building or use in association with any permitted or conditional use, provided such accessory building or use shall be located on the same property.

Subdivision 5. Lot Size, Setback, Yard and Height Requirements Without Central Utilities. Every lot in an “HB” Highway Business District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards if central utilities are not provided.

- (1) **Lot Size.** Every lot shall contain an area of not less than five (5) acres.
- (2) **Lot Width.** Every lot shall be not less than two hundred fifty (250) feet wide at the building line
- (3) **Building Setback.** Every building shall be setback not less than one hundred thirty (130) feet from any public right-of-way.
- (4) **Side Yard.** For every permitted or conditionally permitted building there shall be a side yard setback of not less than forty (40) feet or not less than one hundred thirty (130) feet from the centerline of any public right-of-way.
- (5) **Rear Yard.** For every permitted or conditionally permitted building there shall be a rear yard setback of not less than forty (40) feet.
- (6) **Windbreak Setback.** There shall be a windbreak setback of not less than twenty (20) feet from any public right-of-way.
- (7) **Building Height.** Any permitted, conditionally permitted or accessory use shall not exceed forty (40) feet in height.

Subdivision 6. Lot Size, Setback, Yard and Height Requirements with Central Utilities. Every lot in an “HB” Highway Business District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards if central utilities are provided.

- (1) **Lot Size.** Every lot shall contain an area of not less than twenty thousand (20,000) square feet.
- (2) **Lot Width.** Every lot shall be not less than one hundred (100) feet wide at the building line.
- (3) **Building Setback.** Every building shall be setback not less than eighty (80) feet from any public right-of-way.

- (4) **Side Yard.** For every permitted or conditionally permitted building there shall be a side yard setback of not less than forty (40) feet or not less than eighty (80) feet from the centerline of any public right-of-way.
- (5) **Rear Yard.** For every permitted or conditionally permitted building there shall be a rear yard setback of not less than forty (40) feet.
- (6) **Windbreak Setback.** There shall be a windbreak setback of not less than twenty (20) feet from any public right-of-way.
- (7) **Building Height.** Any permitted, conditionally permitted or accessory use shall not exceed forty (40) feet in height.

Subdivision 7. General Regulations. Additional requirements for parking and other regulations in the “HB” Highway Business District are set forth in Chapter 26 of this Ordinance.

CHAPTER 21

“I” INDUSTRY DISTRICT

Subdivision 1. Purpose. The “I” Industry District is intended to provide a district for a broad range of industrial activities. Because of their potential adverse effects on other county land uses, these industrial developments should be located in areas capable of providing adequate utilities and transportation facilities and standards should be applied to control noise, odor, dust, smoke, glare or other hazards.

Subdivision 2. Permitted Uses. The following uses shall be permitted within the “I” Industry District.

- (1) Any aircraft rental, sale, servicing, manufacturing, and related activities.
- (2) Any art equipment supplies, manufacture.
- (3) Any bags, boxes and paper containers, manufacturing, and storage.
- (4) Any bakery.
- (5) Any bottling establishments.
- (6) Any blank books, looseleaf binders, fabrication and assembly.
- (7) Any book and bookbinding operation.
- (8) Any building materials sales and storage, lumber yards.
- (9) Any cabinet and woodworking establishments.
- (10) Any canning industry.
- (11) Any cartage and express facilities.
- (12) Any clothing manufacture.
- (13) Any camera and photographic manufacturing.
- (14) Any cold storage plants.
- (15) Any commercial printing, publishing, engraving and reproduction firms.
- (16) Any confectionery and related products, manufacture and packaging.
- (17) Any dairy products plant.
- (18) Any dental instruments and supplies manufacturing.
- (19) Any dry cleaning and dyeing establishments.
- (20) Any electric lighting and wiring equipment manufacturing.
- (21) Any electronic tubes and other components manufacturing.
- (22) Any electric measuring and testing equipment manufacturing.
- (23) Any electrical products and appliances manufacturing and assembly.
- (24) Any farm implement sales and storage.
- (25) Any footwear manufacturing and fabrication.
- (26) Any freight terminal.
- (27) Any frozen food lockers.
- (28) Any furniture manufacturing.
- (29) Any hand and edge tools manufacturing, assembly.
- (30) Any hardware warehousing and distribution operations.
- (31) Any highway maintenance shops and yards.
- (32) Any jewelry manufacturing.
- (33) Any laboratory instruments and associated equipment, scientific and testing.

- (34) Any laundries, large scale.
- (35) Any luggage, handbags, and similar items, manufacturing and assembly.
- (36) Any mail order houses.
- (37) Any medical and surgical instruments or supplies.
- (38) Any newspaper plants and offices.
- (39) Any optical instruments and lenses manufacture and assembly.
- (40) Any patterns, design and manufacture.
- (41) Any pottery shops.
- (42) Any precision instruments.
- (43) Any planned development as regulated in Chapter 28 of this Ordinance.
- (44) Any plastic extrusion and molding and fixture.
- (45) Any plumbing fixture and equipment, wholesale.
- (46) Any radio and television, assembly and parts fabrication.
- (47) Any sport equipment, manufacture and assembly.
- (48) Any scientific and research instruments and equipment, manufacture and assembly.
- (49) Any telephone and telegraph technical apparatus, manufacture and assembly.
- (50) Any temperature controls, fabricating and assembly.
- (51) Any trade schools.
- (52) Any welding supply.
- (53) Any wholesale business facilities.
- (54) Any warehousing facilities.
- (55) Any railroad yard, siding, spur or depot.
- (56) Micro ~ WECS
- (57) Non-Commercial WECS
- (58) Solar Energy Systems (Small)

Subdivision 3. Conditional Uses. The following uses may be allowed in the “I” Industry District subject to obtaining a Conditional Use Permit in accordance with the provisions of Chapter 6 of this Ordinance.

- (1) Any acid manufacturing.
- (2) Any airport.
- (3) Any junk yards, salvage yards, dumping grounds.
- (4) Any extraction, processing, storage of sand, gravel, stone or other raw material.
- (5) Any essential service line as regulated in Chapter 24 of this Ordinance.
- (6) Any essential service structure as regulated in Chapter 24.00 of this Ordinance.
- (7) Any cement, lime, gypsum or plaster of paris manufacture.
- (8) Any concrete block plant or any ready-mix plant.
- (9) Any distillation operations.
- (10) Any fat rendering.
- (11) Any fertilizer manufacture.
- (12) Any gas, illuminating or heating, manufacture.
- (13) Any glue manufacture.
- (14) Any petroleum refining.
- (15) Any smelting of ores.
- (16) Any tanneries.
- (17) Uses determined by the Planning Commission to be of the same general character as the conditional uses above and found not to be detrimental to the general health and welfare

of the county.

- (18) Commercial WECS
- (19) Meteorological Tower
- (20) Solar Energy Systems (Large and/or Reflecting)

Subdivision 4. Permitted Accessory Uses. The following uses shall be permitted accessory uses within the “I” Industry District.

- (1) Any accessory building or use in association with any permitted or conditional use, provided such accessory building or use shall be located on the same property.

Subdivision 5. Lot Size, Setback, Yard and Height Requirements Without

Central Utilities. Every lot in an “I” Industry District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards if central utilities are not provided.

- (1) **Lot Size.** Every lot shall contain an area of not less than five (5) acres.
- (2) **Lot Width.** Every lot shall be not less than two hundred fifty (250) feet wide at the building line.
- (3) **Building Setback.** Every building shall be setback not less than one hundred and thirty (130) feet from any public right-of-way.
- (4) **Side Yard.** For every permitted or conditionally permitted building there shall be a side yard setback of not less than forty (40) feet or not less than one hundred thirty (130) feet from the centerline of any public right-of-way.
- (5) **Rear Yard.** For every permitted or conditionally permitted building there shall be a rear yard setback of not less than forty (40) feet.
- (6) **Windbreak Setback.** There shall be a windbreak setback of not less than twenty (20) feet from any public right-of-way.
- (7) **Building Height.** Any permitted, conditionally permitted or accessory use shall not exceed forty (40) feet in height.

Subdivision 6. Lot Size, Setback, Yard and Height Requirements With

Central Utilities. Every lot in an “I” Industry District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards if central utilities are provided.

- (1) **Lot Size.** Every lot shall contain an area of not less than twenty thousand (20,000) square feet.
- (2) **Lot Width.** Every lot shall be not less than one hundred (100) feet wide at the building line.
- (3) **Building Setback.** Every building shall be setback not less than eighty (80) feet from any public right-of-way.
- (4) **Side Yard.** For every permitted or conditionally permitted building there shall be a side yard setback of not less than forty (40) feet or not less than eighty (80) feet from the centerline of any public right-of-way.
- (5) **Rear Yard.** For every permitted or conditionally permitted building there shall be a rear yard setback of not less than forty (40) feet.
- (6) **Windbreak Setback.** There shall be a windbreak setback of not less than twenty (20) feet from any public right-of-way.
- (7) **Building Height.** Any permitted, conditionally permitted or accessory building shall not exceed forty (40) feet in height.

Subdivision 7. General Regulations. Additional requirements for parking and other regulations in the “I” Industry District are set forth in Chapter 26 of this Ordinance.

CHAPTER 22

“RESERVED”

CHAPTER 23

“RESERVED”

CHAPTER 24

ESSENTIAL SERVICE REGULATIONS

Subdivision 1. Scope of Regulations. For purposes of this Ordinance essential service facilities shall be classified into two categories (major and minor essential service facilities) and regulated according to the procedures described herein.

Subdivision 2. Exempt from Regulation. Required maintenance or rebuilding of any major or minor essential service facility, when such maintenance or rebuilding does not expand the capacity or change the capability of the existing activity, shall be exempt from the regulation of this Chapter.

Subdivision 3. Major Essential Service Facilities Procedure. Application for locating any major essential service line or essential service structure in any zoning district shall require a Conditional Use Permit as regulated in Chapter 6 of this Ordinance in addition to being governed by the following procedures:

- (1) The applicant shall file in duplicate, with the Zoning Administrator such maps indicating location, alignment, and type of service proposed together with the status of any applications made or required to be made under state law to any State or Federal Agency.
- (2) One set of the above information shall be furnished to the County Engineer, who shall review the information and forward his comments and recommendations to the County Planning Commission and County Board.
- (3) The maps and accompanying data shall be submitted to the County Planning Commission for review and recommendations, regarding the relationship to urban growth, land uses, highways and recreation and parking area.
- (4) Following such review, the Planning Commission shall make a report of its findings and recommendations on the proposed essential service line and essential service structures and shall file such report with the County Board.
- (5) Upon receipt of the report of the Planning Commission on the essential service line or structures, the County Board shall consider the maps and accompanying data and shall indicate to the applicant its approval, disapproval, or recommend modifications considered desirable to carry out the policy of this Ordinance.
- (6) For any essential service line the Board may require modifications to protect existing agricultural drainage systems, tiles or ditches, whether public or private. The Board may require that compaction of dirt around existing agricultural drainage systems be controlled to insure maximum protection to such systems. The Board may require the applicant to modify the depth or routing of any essential service line to accommodate future agricultural drainage systems, tiles or ditches, whether public or private, if such information of future drainage systems, tiles, or ditches is provided by the landowner or ditch authority to the applicant. The Board may also require compensation to the landowner or ditch authority for future additional installation costs which are directly attributable to the presence of any essential service line.
- (7) The Board may require the applicant to construct any essential service line or any essential service structure to take into consideration the contemplated opening, widening, regrading or relocation of a County Highway, County State Aid Highway or Township Road.
- (8) The Board may require the applicant to provide a performance bond to cover any or all

phases of construction for any essential service line or essential service structure. The Board may also require any contractor to provide a performance bond to cover those phases of installation of any essential service line or essential service structure for which such contractor is responsible.

- (9) The Board may require that an inspector be on the site of installation of any essential service line or essential service structure. The Board shall approve the individual, firm, or department of the County responsible for such inspection. The Board may require the applicant to pay all costs associated with employment of such inspector. In the event, an inspector is employed such inspector shall provide a twenty-four (24) hour notice prior to the commencement of any installation of any essential service line or essential service structure.

Subdivision 4. Minor Essential Service Facilities Procedure. Applications for locating any minor essential service line or essential service structure in any county easement or any county right-of-way shall be governed by the following procedures:

- (1) The applicant shall file with the County Engineer, on forms supplied by the County, an application for such permit accompanied by maps indicating the locations, alignment and type of service proposed.
- (2) The application and accompanying data shall be reviewed by the County Engineer and the County Engineer may issue the permit after determining that the application is acceptable and in the best interest of the County.
- (3) The County Engineer may require in conjunction with the issuance of such permit that:
 - (A) The applicant submit as-built drawings of the essential service after construction.
 - (B) The applicant construct the essential service to take into consideration contemplated widening, regrading or relocation of a county highway or county state aid highway.

Subdivision 5. Need for Timely Service. Recognizing the need for adequate and timely service by owners of essential services, the County Engineer shall act upon all information filings or permit applications at the earliest opportunity.

Subdivision 6. Location of Major & Minor Essential Service Line. Location of any essential service, as described in this Ordinance, not installed within road right-of-way pursuant Chapter 24, Subdivision 4 shall conform to the following conditions: the utility owner shall submit complete scaled drawings showing the location and area of the proposed project to the governing road authority (county or township) before beginning the project. If at any time the governing road authority (county or township) shall deem it necessary to make any improvements or changes on all or any part outside of the right of way of the County Highway or Township Road which affect a utility located on county or township road then and in such event the owner of the utility shall within 15 days after written notice from the Board of Commissioners or Township Board or its authorized agent proceed to alter, change, vacate or remove said utility from the County Highway or Township Road outside of the right of way so as to conform to said County Highway or Township Road changes as directed by the Board of Commissioners or Township Board. Such work shall be done without any cost whatsoever to Martin County or the Township and shall be completed within the date specified in said written notice. The utility shall assume all liability and save Martin County and/or Township harmless from any and all claims of damage of any nature whatsoever occasioned by reason of not having removed said utility within the specified in said notice. Location of all major and minor essential service structures shall conform to meet the appropriate front yard setbacks when adjacent to the road.

CHAPTER 25

SIGN AND BILLBOARD REGULATIONS

Subdivision 1. Signs Generally. All signs hereinafter erected, altered, substantially repaired, relocated and maintained, except official traffic and road or street signs shall conform with the provisions of this Ordinance.

- (1) Signs are a permitted accessory use in all zoning districts; except as otherwise provided in Chapter 25, Subdivision 8 of this Ordinance.
- (2) All sign locations shall be kept free from unreasonable growth, debris or rubbish. Failure to correct such conditions after being so directed in writing by the Zoning Administrator shall be cause for revocation of the existing permit and removal of the sign or signs on said location or locations.
- (3) All signs shall be properly identified stating the name and address of the individual or firm responsible for the sign.
- (4) Private signs other than underground utility warning signs, are prohibited within public rights-of-way and easements, provided, however, such underground utility is located within such right-of-way or easement.
- (5) Illuminated signs may be permitted; except that devices giving off an intermittent or rotating beam of rays of light shall be prohibited.
- (6) No sign shall, by reason of position, shape or color interfere in any way with the proper functioning or purpose of a traffic sign or signal.
- (7) Signs shall not be painted on fences, rocks or similar structures or features nor shall paper or similar signs be attached directly to a building wall by an adhesive or similar means.
- (8) No lighting for signs shall directly reflect light beams onto any public road or highway.
- (9) All signs shall be located outside of any public right-of-way; except as otherwise allowed in this Chapter. A statement shall be filed with the Zoning Administrator on a form approved by the County Attorney stating that all costs of removal of the sign shall be borne by the applicant should the widening of the road necessitate removal or relocation of the sign.
- (10) No sign in excess of three (3) square feet shall be less than five hundred (500) feet from the intersection of two (2) or more public roads or less than five hundred (500) feet from the intersection of a public road and a railroad, provided that advertising may be affixed to or located adjacent to a building at such intersection in such a manner as not to cause any greater obstruction of vision that caused by the building itself.

Subdivision 2. Real Estate Sign. For the purpose of selling, renting or leasing a single parcel, a sign not in excess of twenty-five (25) square feet per surface may be placed within the front yard.

Subdivision 3. Construction Sign. For the purpose of selling or promoting a residential project, commercial area, or an industrial area, one sign not to exceed two hundred forty (240) feet of surface may be erected upon the project site.

Subdivision 4. Election Sign. Election signs are permitted in all districts provided such signs are removed within ten (10) days following the election. No election sign shall be permitted more than two (2) months preceding the election the sign relates to.

Subdivision 5. Signs Permitted with Residences.

- (1) One (1) nameplate sign for each dwelling not to exceed two (2) square feet in area per surface, and no sign shall be so constructed as to have more than two (2) surfaces.
- (2) One (1) nameplate sign for each dwelling group of six (6) square feet in area per surface and no sign shall be so constructed as to have more than two (2) surfaces.
- (3) One (1) nameplate sign for each permitted nonresidential use or use by conditional permit. Such signs shall not exceed twelve (12) square feet in area per surface and no sign shall be so constructed as to have more than two (2) surfaces.
- (4) Symbols, statues, sculptures and integrated architectural features on buildings may be illuminated by flood lights provided the source of light is not visible from a public right-of-way or adjacent property.
- (5) Any sign over one-half (2) square foot shall be setback at least ten (10) feet from any property line. No sign shall exceed ten (10) feet in height above the average grade level. Signs may be illuminated but such lighting shall be diffused or indirect and not illuminated beyond any lot line.

Subdivision 6. Signs Permitted with Businesses.

- (1) The aggregate square footage of sign space per lot shall not exceed the sum of one square foot for each front foot of lot, or one hundred sixty (160) square feet, whichever is less.
- (2) No sign shall extend in height more than six (6) feet above the highest outside wall or parapet of any principal building except that one identification sign in a commercial area of three (3) or more outlets may extend thirty (30) feet from any lot line.
- (3) Motor fuel stations and truck stops shall have no more than two (2) pedestal type business identification signs not to exceed thirty (30) feet in height erected within any yard except that no part of said sign shall be less than six (6) feet from a property line measured at a horizontal distance. Said sign shall have no more than three (3) faces and shall not exceed more than one hundred fifty (150) square feet per face. No part of said sign surface shall be less than sixteen (16) feet vertical distance from the grade of the nearest driveway or parking area. The pedestal shall not be less than five (5) feet from a driveway at its nearest point.
- (4) Motor fuel stations and truck stops may have two (2) accessory signs. Said signs shall have not more than two (2) faces per sign and shall not exceed more than thirty (30) square feet per face. The top of said sign shall not be more than twenty (20) feet in height from the grade of the nearest driveway or parking area.

Subdivision 7. Signs Permitted with Industries.

- (1) The aggregate square footage of sign space per lot shall not exceed the sum of four (4) square feet per front foot of building, plus one (1) square foot per front foot of property not occupied by a building. No individual sign surface shall exceed two hundred (200) square feet.
- (2) No ground sign shall exceed a height of thirty (30) feet above the average grade and no roof sign or sign attached to a building shall exceed a height of ten (10) feet above the

highest outside wall or parapet of any principal building. No sign shall be located closer than twenty (20) feet from any lot line.

Subdivision 8. Billboards (Off-Premise Advertising Signs).

- (1) Billboards may be permitted as a Conditional Use in all business, industrial and agricultural districts providing the aggregate square footage is not more than six hundred (600) square feet or less than one hundred sixty (160) square feet along freeways expressways and interstates. On other public roads and highways the aggregate square footage shall be not more than six hundred (600) square feet nor less than thirty-two (32) square feet.
- (2) No billboard shall be located within five hundred (500) feet of any national parks, state parks, local parks, historic sites, and public picnic or rest areas or within one hundred (100) feet of a church or school.
- (3) No billboard shall be located closer than thirteen hundred (1,300) feet from any other billboard on the same side of an interstate highway.
- (4) No billboard shall be located closer than eight hundred (800) feet from any other billboard on the same side of a trunk highway, county road, or township road.
- (5) Billboards shall not exceed thirty (30) feet above the average ground level at the base of the sign.

Subdivision 9. Removal of Signs and Billboards.

- (1) Any sign or billboard lawfully erected before the date of enactment of this Ordinance, and not conforming to the provisions thereof with respect to distance, spacing, or locations, shall be immediately removed by its owner. Any sign or billboard which is: erected or maintained contrary to the provisions of this Chapter; or, for which no permit has been obtained; or, for which the permit has been revoked; or, which is abandoned is hereby declared to be a public nuisance, illegal and non-conforming, and the Zoning Administrator may enter upon the land where the sign is located and may remove or destroy such sign after a hearing as provided by law and after thirty (30) days notice to the owner and permittee thereof, if known. No compensation shall be paid for any sign to be removed or destroyed, and the Zoning Administrator may collect the cost of removal or destruction from the person erecting or maintaining such sign or billboard. For the application of these regulations, whether a sign or billboard has been "abandoned," shall be determined by the County Assessor.

CHAPTER 26

GENERAL REGULATIONS

Subdivision 1. General Regulations. The guiding of land development into a compatible relationship of uses depends upon the maintenance of certain standards. In the various Use Districts, the permitted, accessory and conditional uses shall conform to the standards enumerated in this Chapter.

Subdivision 2. Off-Street Parking and Loading Regulations. All parking hereafter constructed or maintained shall conform with the provisions of this Chapter and any other Ordinances or regulations of Martin County.

Subdivision 3. General Parking Provisions.

- (1) If in the application of these provisions, a fractional number is obtained, one parking space shall be provided for that fraction. Each space required constitutes a gross area of three hundred (300) square feet including parking stall and driveways.
- (2) Existing off-street parking spaces upon the effective date of this Ordinance shall not be reduced in number unless said number exceeds the requirements set forth herein for a similar new use.
- (3) Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles, for the parking of automobiles belonging to the employees, owners, tenants, or customers of nearby business or manufacturing establishments; except that in the "A" Agricultural District those vehicles which are generally associated with farming may be permitted.
- (4) Required off-street parking space shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable or for sale or for rent.

Subdivision 4. Parking Location Requirements. All off-street parking facilities shall be located in accordance with the following provisions:

- (1) Spaces accessory to one family, two family and multiple dwellings shall be on the same lot as the principal use served.
- (2) Spaces accessory to business and industries shall be within three hundred (300) feet of a main entrance to the principal building served.
- (3) There shall be no off-street parking space within ten (10) feet of any public right-of-way.
- (4) No off-street open parking area containing more than four (4) parking spaces shall be located closer than fifteen (15) feet from any adjacent lot zoned or used for residential purposes.
- (5) Garage stalls and open parking spaces accessory to residential structures, may be located anywhere on the lot other than a required yard area except that garages may be located to within five (5) feet of an interior side lot line and to within eight (8) feet of a rear lot line. No garage stall accessory to a residential structure on a corner lot other similar situation shall be located within any required yard area abutting a street except by Conditional Use Permit.
- (6) Business and industrial off-street parking spaces shall not be less than fifteen (15) feet from a property line.

Subdivision 5. Parking Design Requirements.

- (1) Each parking stall shall be not less than ten (10) feet wide and twenty (20) feet in length, exclusive of access drives. All outside parking spaces shall be clearly designated.
- (2) Parking areas shall be designed so as to provide adequate means of access to public streets.
- (3) All of the area intended to be utilized for parking space and driveways shall be surfaced with a material which controls dust and drainage. Parking areas for less than three (3) vehicles shall be exempt from this requirement. Plans for surfacing and drainage shall be subject to approval to the County Engineer.
- (4) All lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining property and rights-of-way.
- (5) All open off-street parking areas shall provide a curb or a guard of normal bumper height to ensure that no portion of a vehicle encroaches into the required setback.
- (6) All off-street parking space shall have access off driveways and not directly off the public street.

Subdivision 6. Required Off-Street Parking Spaces.

- (1) Dwellings: Two (2) spaces per unit.
- (2) Churches, theaters, auditoriums, mortuaries, and other places of assembly: one (1) space for each three (3) seats based on maximum design capacity.
- (3) Business offices: One (1) space for each one hundred (100) square feet of gross floor space.
- (4) Medical and dental clinic: Three spaces for each doctor or dentist.
- (5) Hotel, motel: One (1) space per unit plus one (1) space per employee.
- (6) Schools, elementary and junior high: Two (2) spaces for class room plus one (1) additional space for each two hundred (200) student capacity.
- (7) Schools, high school and colleges: One space for each seven (7) students based on design capacity, plus two (2) additional spaces for each classroom.
- (8) Hospital, sanitarium, convalescent home, rest home, nursing home, or institution: one (1) space for each two (2) hospital beds, plus one (1) space for each three (3) employees, plus one (1) parking space for each resident and staff doctor.
- (9) Drive-in food establishment: One space for each ten (10) square feet of gross floor space in the building.
- (10) Bowling alley: Five (5) spaces for each alley, plus additional space as may be required herein for related uses such as a restaurant.
- (11) Motor fuel station: Four (4) off-street spaces plus two (2) off-street spaces for each service stall.
- (12) Retail store: One (1) off-street space for each one hundred (100) square feet of gross floor area.
- (13) Restaurants, cafes, bars, taverns, night clubs: One (1) space for each three (3) seats based on capacity design.
- (14) Wholesale, auto sales, repair shops: Three (3) spaces for each one thousand (1,000) square feet of gross floor area.
- (15) Open sales lots: Three (3) spaces for each five thousand (5,000) square feet of lot area.
- (16) Industrial: One space for each two (2) employees on maximum shift or one for each five hundred (500) square feet of gross floor area, whichever is the larger.
- (17) Uses not specifically noted shall be determined by the County Board following review by the Planning Commission.

Subdivision 7. Off-Street Loading Spaces. All off-street loading spaces hereafter constructed or maintained shall conform with the provisions of this Chapter and any other Ordinances or regulations of Martin County.

Subdivision 8. Off-Street Loading Design Requirements.

- (1) If in the application of these requirements a fractional number is obtained, one (1) loading space shall be provided for that fraction.
- (2) All required loading berths shall be off-street and shall be located on the same lot as the building or use to be served. A loading berth shall not be located less than one hundred (100) feet from the intersection of two (2) street rights-of-way in a residential district. Loading berths shall not occupy the required front yard space.
- (3) Unless otherwise specified, a required loading berth shall be not less than fifteen (15) feet in width, fifty (50) feet in length and fourteen (14) feet in height, exclusive of aisle and maneuvering space.
- (4) All loading berths and access ways shall be improved with a durable material to control the dust and drainage.
- (5) Any space allocated as a loading berth or maneuvering area shall not be used for the storage of goods, inoperable vehicles or be included as a part of the spacerequirements necessary to meet the off-street parking area.

Subdivision 9. Required Off-Street Loading Spaces.

- (1) Retail sales and service stores and offices: One (1) loading berth for each six thousand (6,000) square feet of floor area.
- (2) Manufacturing, fabrication, processing and warehousing: One (1) loading berth for each building having three thousand (3,000) square feet of floor area plus one (1) loading berth for each additional twenty-five thousand (25,000) square feet of floor area up to one hundred thousand (100,000) square feet plus one (1) loading berth for each fifty thousand (50,000) square feet of floor area over the first one hundred thousand (100,000) square feet of floor area.
- (3) Uses not specifically noted shall be determined by the County Board following review by the Planning Commission.

Subdivision 10. Drive-In Businesses Location and Site Requirements.

- (1) No drive-in business shall be located within five hundred (500) feet of a school or church.
- (2) No drive-in business shall be located within three hundred (300) feet of any residentially zoned or developed property.
- (3) No drive-in business shall be located on any street other than a thoroughfare or business service road.
- (4) No access drive shall be within fifty (50) feet of intersecting street right-of-way lines.
- (5) No less than thirty (30) percent of the gross lot area shall be landscaped.
- (6) The entire area other than that occupied by structure or landscaping shall be paved surface which will control dust and drainage.
- (7) Adequate area shall be designated for snow storage such that clear visibility shall be maintained from the property to any public street.
- (8) Lighting shall have no direct source visible from the public right-of-way or adjacent land.
- (9) A six (6) inch non-surmountable curbs shall separate all walks and landscape areas from

parking areas.

- (10) A screen fence not over six (6) feet in height nor less than four (4) feet in height, at least fifty (50) percent opaque throughout its height shall be constructed along the property line abutting a residential zoning district.

Subdivision 11. Motor Fuel Station General Provisions and Site Requirements.

- (1) For architectural purposes, each side of a motor fuel station shall be considered as a front face.
- (2) The storage of items for sale outside the principal building shall be displayed in specially designed containers.
- (3) All trash, waste materials, and obsolete parts shall be stored within a separate enclosure.
- (4) All goods for sale, other than those required for the operation and maintenance of motor vehicles shall be displayed within the principal structure.
- (5) Open storage of inoperable motor vehicles shall not be permitted for a period of more than forty-eight (48) hours.
- (6) All rental campers, trailers, or motor vehicles shall be stored within the rear and/or side yard not adjacent to the street.
- (7) Wherever a motor fuel station abuts residential property, a fence or compact evergreen hedge not less than fifty (50) percent opaque nor less than six (6) feet high shall be erected and maintained along the side and rear property line that abuts the residential property. Application of this provision shall not require a fence within fifteen (15) feet of any street right-of-way line.
- (8) A minimum fifteen (15) foot landscaped yard shall be planted and maintained behind all property lines except at driveway entrances.
- (9) The entire motor fuel station site, other than that part devoted to landscaping and structures, shall be surfaced with concrete or bituminous surfacing to control dust and provide adequate drainage.
- (10) No more than two (2) access drives to any street shall be permitted.
- (11) A six (6) inch non-surmountable curb shall separate all walks and landscape areas from parking and maneuvering areas.

Subdivision 12. Land Reclamation. In all districts, land reclamation shall be permitted only upon issuance of a Conditional Use Permit. Such permit shall include as a condition thereof, a finished grade plan which will not adversely affect the adjacent land, and as conditions thereof shall regulate the type of fill permitted, program for rodent control, plan for fire control and general maintenance of the site, control of vehicular ingress and egress, and for control of material dispersed by wind or hauling of material to or from the site.

Subdivision 13. Mining. In all districts, mining shall be permitted only upon issuance of a Conditional Use Permit. Such permit shall include as a condition thereof, a site plan where the processing is to be done, showing the route of trucks moving to and from the site in removing processed material from the site, the condition in which the site shall be left upon completion, and such permit shall be reviewed on an annual basis on the anniversary of the initial permit.

Subdivision 14. Mobile Home Regulations.

- (1) Mobile homes shall be located in an approved mobile home park; except as otherwise

provided for in this Ordinance. In no case shall a mobile home over five (5) years old be established as a new use.

- (2) All mobile homes shall be skirted between the bottom of the mobile home and the ground with a fire-proof material harmonious with the appearance of the mobile home within three months of the placement of the mobile home. Plywood, hardboard, cardboard or baled hay or straw shall be prohibited.
- (3) Steps and stoops shall be of acceptable wood, metal or concrete construction.
- (4) Storm entries and porches must be of durable materials harmonious in appearance with the mobile home.
- (5) Each mobile home not having a garage shall have an outside storage building, of at least 5'x7'x6' in height.

Subdivision 15. Performance Standards.

- (1) **Relationship To Other Laws.** Regardless of any other provision of this Ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection law or regulation.
- (2) **Noise.** Noise shall be measured on any property line of the tract on which the operation is located. Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, shrillness or intensity, except for noise from agricultural sources. Noise generated by agricultural use shall be exempted.
- (3) **Vibration.** Any use creating periodic earth-shaking vibrations shall be prohibited if such vibrations are perceptible beyond the lot line of the site on which the use is located. The standard shall not apply to vibrations created during the process of construction.
- (4) **Glare and Heat.** Any use producing intense heat or light transmission shall be performed with the necessary shielding to prevent such heat or light from being detectable at the lot line of the site on which the use is located.
- (5) **Smoke and Particulate Matter.** Any use established enlarged or remodeled after the effective date of this Ordinance shall be so operated as to meet the minimum requirements of the Minnesota Pollution Control Agency for the emission of smoke or particulate matter.
- (6) **Odors.** Any use established, enlarged, or remodeled shall be so operated as to prevent the emission of odorous matter of such quantity as to be readily detectable at any point beyond the lot line of the site on which such use is located. Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a building permit, except odors from agricultural sources.
- (7) **Exterior Lighting.** Any lights used for exterior illumination shall direct light away from adjoining properties.
- (8) **Toxic or Noxious Matter.** Any use established shall be so operated as not to discharge across the boundaries of the lot or through percolation into the subsoil beyond the boundaries of the lot wherein such use is located, toxic or noxious matter in such concentration as to be detrimental to or endanger the public health, safety, comfort or welfare, or cause injury or damage to property or business.
- (9) **Explosives.** Any use requiring the storage, utilization or manufacturing of products which could decompose by detonation shall be located not less than four hundred (400) feet from any residence. This section shall not apply to the storage or usage of liquified petroleum or natural gas for normal residential or business purposes.
- (10) **Radiation Emission.** All activities that emit radioactivity shall comply with the minimum requirements of the Minnesota Pollution Control Agency.
- (11) **Electrical Emission.** All activities which create electrical emissions shall comply with

the minimum requirements of the Federal Communications Commission.

- (12) **Toxic or Noxious Matter.** Any use shall not discharge into the atmosphere, water or subsoil, any toxic or noxious matter.
- (13) **Exterior Storage.** 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: construction on the premises, agricultural equipment and materials if these are used or intended for use on the premises, off-street parking except as otherwise regulated herein. Boats and recreational vehicles, less than twenty (20) feet in length, are permissible if stored in the rear yard not less than ten (10) feet distant from any property line.
- (14) **Compliance.** In order to insure compliance with the performance standards set forth above, the County Board of Commissioners may require the owner or operator of any Conditional Use to have made such investigations and tests as may be required to show adherence to the performance standards. Such investigation and tests as are required to be made shall be carried out by an independent testing organization as may be selected by the county, at the applicant's expense.

Subdivision 16. Bulk Storage (Liquid).

- (1) All uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals and similar liquids shall comply with the requirements of the Minnesota State Fire Marshall office and Minnesota Department of Agriculture and have documents from those offices stating that the use is in compliance.
- (2) All existing, above ground liquid storage tanks having a capacity in excess of two thousand (2,000) gallons shall comply with the requirements of Minnesota State Fire Marshall's office following enactment of this Ordinance.

Subdivision 17. Screening. Where any business or industrial use 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 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. The screening required herein shall consist of a solid fence or wall at least fifty (50) percent opaque not less than five (5) feet nor more than six (6) feet in height but shall not extend within twenty (20) feet of any street or driveway opening onto a street. The screening shall be placed along the property lines or in case of screening along a street, twenty (20) feet from the street right-of-way with landscaping, between the screening and the pavement.

Subdivision 18. Residential Fences.

- (1) Fences may be located on any lot line to a height of four (4) feet and a fence up to six (6) feet in height may be erected behind the nearest rear corner of the principal building.
- (2) Should the rear lot line be common with the side lot line of an abutting lot, that portion of the rear lot line equal to the required front yard of the abutting lot shall not be fenced to height of more than four (4) feet.

Subdivision 19. Erosion, Sediment, and Runoff Control Standards. No land shall be developed and no use shall be permitted which causes erosion, flood, or sediment damage to properties being developed, surrounding properties, or public water. Runoff water shall be properly channeled into a storm drain, water course, ponding area or other suitable facility. Measures used to control erosion and reduce sedimentation shall as a minimum meet standards and specifications of the Martin County Soil and Water Conservation District.

Subdivision 20. Traffic Control. The traffic generated by any use shall be channelized and controlled in a manner that will avoid congestion of public streets, safety hazards, or excessive traffic through residential areas.

Subdivision 21. Access Driveways.

- (1) The distance from a driveway to the intersection of two streets shall not be less than twenty (20) feet measured along the street curb line from the point of intersection of the property line extended and the curb line to the point of tangency of the curb return of the driveway with the street curb line, provided, however, that if, in the opinion of the Engineer, present or future traffic conditions warrant greater distances, such greater distances shall be required subject to approval by the County Board. The distance from a driveway to the intersection of two (2) thoroughfares shall be no less than one-hundred (100) feet as measured in the same manner.
- (2) The minimum distance between driveways shall be twenty-five (25) feet measured from the point of tangency of the street curb line with the curb return of the driveway; provided, however, that if, in the opinion of the Engineer, present or future traffic conditions warrant greater distances, such greater distances shall be required subject to approval by the County Board.
- (3) The driveway angle to the street shall be ninety (90) degrees unless otherwise recommended by the Engineer and approved by the County Board.
- (4) The distance from a driveway to the property line of an adjacent property shall not be less than five (5) feet measured along the street curbline between the point of intersection of the street curb line with the property line extended and the point of tangency of the street curb line with the curb return of the driveway unless otherwise recommended by the Engineer and approved by the County Board.
- (5) Access driveways for other than agricultural uses and single family dwellings, shall be thirty (30) feet wide measured along the property line between the curb faces of the driveway unless otherwise recommended by the Engineer and approved by the County Board.
- (6) Access driveways for agricultural uses and single family dwellings shall be not less than twelve (12) feet nor more than twenty-four (24) feet wide measured along the property line between curb fences of the driveway unless otherwise recommended by the Engineer and approved by the County Board.

Subdivision 22. Sight Triangle. On a corner lot, nothing shall be placed or no perennial vegetation allowed to grow in such a manner as to impede vision between a height of three (3) and ten (10) feet above the intersecting right-of-way lines within fifty (50) feet of the intersecting right-of-way lines.

Subdivision 23. Additional Lot and Yard Regulations. Yard and lot requirements are set forth under each zoning district. In addition, the following requirements shall be complied with:

- (1) Public rights-of-way are not a part of the buildable lot area and therefore shall not be included as part of the minimum lot area required; except that any lot area in excess of one (1) acre may be included in the right-of-way.
- (2) No required yard or other open space allocated to a building or dwelling group shall be used to satisfy yard, other open space, or minimum lot area requirements for any other building.

Subdivision 24. Home Occupations. In any zoning district where home occupations are authorized, the following regulations governing said home occupations shall be complied with:

- (1) Said use shall not occupy an area of more than twenty-five (25) percent of the gross floor area of the dwelling.
- (2) No such home occupations shall require substantial interior or exterior alterations of the dwelling.
- (3) Said use shall not create odor, dust, noise, electrical disturbances, glare or vibrations noticeable outside of the dwelling.
- (4) There shall be no outside storage of material or equipment or display of merchandise.
- (5) Signs shall be erected in conformance with the provision of Chapter 25, Subdivision 5.
- (6) Such occupation shall be conducted or carried on only by the persons residing on the premises.

Subdivision 25. Accessory Buildings.

- (1) In case an accessory building is attached to the main building, it shall be made structurally a part of the main building and shall comply in all respects with the requirements of this Ordinance applicable to the main building. An accessory building, unless attached to and made a part of the main building, shall not be closer than five (5) feet to the main building, except as otherwise provided in this Ordinance.
- (2) A detached accessory building shall not be located in any required front yard.
- (3) A detached accessory building shall not exceed twenty (20) feet in height and shall not occupy more than thirty (30) percent of the area of any rear yard, providing further that no detached accessory building shall be located within five (5) feet of any rear or side lot line.

Subdivision 26. Exceptions and Modifications to the Zoning Development Standards.

- (1) Height limitations set forth elsewhere in this Ordinance may be increased by one hundred (100) percent when applied to the following:
 - (A) Monuments.
 - (B) Flag poles.
 - (C) Cooling towers.
 - (D) Elevator penthouses.
 - (E) Grain elevators.
 - (F) Windmills.
- (2) Height limitations set forth elsewhere in this Ordinance may be increased with no limitation when applied to the following:
 - (A) Church spires, belfries or domes which do not contain usable space.
 - (B) Water towers.
 - (C) Chimneys or smokestacks
 - (D) Radio or television transmitting towers.
 - (E) Essential service structures.

Subdivision 27. Sanitary Provisions.

- (1) **Water supply.** Any public or private supply of water for domestic purposes must meet

or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency. Private wells must be located, constructed, maintained, and sealed in accordance with or in a more thorough manner than the Water Well Construction Code of the Minnesota Department of Health.

- (2) **Sewage treatment.** Any premises used for human occupancy must be provided with an adequate method of sewage treatment.
 - (A) Publicly-owned sewer systems must be used where available.
 - (B) All private sewage treatment systems must meet or exceed applicable rules of the Minnesota Department of Health, the Minnesota Pollution Control Agency, specifically chapter 7080 for individual sewage treatment systems, and any applicable local government standards.
- (3) Installers of private sewage systems other than their own (private contractors) shall be certified with the State of Minnesota.
- (4) Individuals without State Certification can install their own system if it is designed by a certified Private Sewage System Installer with approval by the County before construction.

Subdivision 28. Bed & Breakfast and Guest Cottage Establishments. The purpose of the Bed and Breakfast/Guest Cottage Section shall be to allow persons to engage in economic activities that do not disturb their neighbors or create safety or environmental concerns that are higher than as otherwise permitted in the areas.

- (1) The Bed & Breakfast facility shall not provide more than eight (8) rooms for rent or no more than twenty (20) guests at one time.
- (2) The Guest Cottage facility shall not provide more than one (1) unit for rent or no more than eight (8) guests at one time and may not exceed either 70-0 square feet or 15 feet in height. Guest Cottages are only allowed if the lot meets the lot area requirements for a duplex.
- (3) No meals will be provided other than breakfast served to persons who rent the rooms.
- (4) The Bed and Breakfast/Guest Cottage facility will follow state guidelines with regard to food and alcoholic beverages.
- (5) The Bed and Breakfast facility was originally built and occupied as, or was converted to, a single-family residence prior to being used as a place of lodging.
- (6) There shall be adequate parking for renters of the facility.
- (7) The septic system shall meet standards as set forth in Chapter 7080 of the Individual Sewage Treatment Standards and Martin County Sewage and Wastewater Treatment Ordinance.
- (8) The facility will be located on the same property as the owner's personal residence. Owner must live on the premises. Cottages shall only be permitted as an accessory use to the primary dwelling, must remain part of the property, and may not be split off and sold separately.
- (9) Bed & Breakfast/Guest Cottages must be fully compliant with other applicable standards including PUD requirements if needed in Shoreland Districts.
- (10) No additional recreational facilities for guests unless specifically allowed in Shoreland Districts. (example: boat access)

CHAPTER 27

NON-CONFORMING USES AND STRUCTURES

Subdivision 1. Purpose.

- (1) Within the districts established by this Ordinance or amendments that may later be adopted, there may exist lots, structures and uses of land, water and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendment.
- (2) It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- (3) To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner.

Subdivision 2. Sanitary Facilities in Shoreland Areas.

- (1) All septic systems not in conformity with this Ordinance and MPCA Chapter 7080 shall be brought into conformity prior to issuance of any permit or variance related to the site.
- (2) All septic systems not in conformity with this Ordinance and MPCA Chapter 7080 shall be upgraded within five (5) years of the passage of this Ordinance to conform to the provision hereof and MPCA Chapter 7080.
- (3) Publicly-owned sewer systems must be used where applicable.

Subdivision 3. Junk Yards. No junk yard or auto reduction yard may continue as a non-conforming use after the effective date of this Ordinance, except that it may continue as a conditional use in an industrial district if within that period it is completely enclosed within a building or contained within a continuous solid fence and/or landscaping not less than eight (8) feet high so as to screen completely the operation of the junk yard. Plans of such building or fence shall be reviewed by the Planning Commission and approved by the County Board before it is erected.

Subdivision 4. Non-Conforming Signs and Billboards. Signs and billboards 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; uses of signs and billboards 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.

Subdivision 5. Discontinuance of a Non-Conforming Use.

- (1) In the event that a non-conforming use of any building or premises is discontinued or its normal operation stopped for a period of one (1) year, such use shall thereafter conform to the regulations of the district in which it is located.

Subdivision 6. Alterations to Non-Conforming Uses.

- (1) The lawful use of a building existing at the time of the adoption of this Ordinance may be continued although such use does not conform with the provisions hereof. If no structural alterations are made, a non-conforming use of a 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.
- (2) Alterations may be made to a residential building containing non-conforming residential units when they will improve the livability of such units, provided, however, that they do not increase the number of dwelling units in the building.

Subdivision 7. Restoration of Damaged Structures. 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 conformity with the regulations of this Ordinance.

Subdivision 8. Normal Maintenance. Maintenance of a building or other structure containing or used by a non-conforming use will be permitted when it includes necessary, non-structural 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 safe condition when said structure is declared unsafe by the Zoning Administrator.

Subdivision 9. Lots of Record.

- (1) Lots of record in the office of the County Recorder prior to the date of enactment of this Ordinance which do not meet the requirements as prescribed may be allowed as building sites provided such use is permitted in the zoning district, the lot is in separate ownership from abutting lands, the sanitary requirements are complied with, and the lot is at least sixty (60) percent of the lot size required by this Ordinance for the district it is located in.
- (2) In such case where buildings exist on lots on either side of a lot of record, with front yard setbacks that do not conform to this Ordinance, the setback for the lot of record shall be determined to be equal to a straight line drawn between the front yard setback lines of the two adjacent buildings. In such case where there is a non-conforming setback on a building adjacent to one side of a lot of record and the lot on the other side is vacant, the setback for the lot of record shall be the setback of the non-conforming building plus one-half of the difference between the setback of the non-conforming building and the setback required by this Ordinance.

CHAPTER 28

PLANNED DEVELOPMENT

Subdivision 1. Purpose. The purpose of a Planned Development is to enable imaginative and creative land uses to be developed in a manner which emphasizes flexibility and open space, yet preserves the overall density requirements for the district. The customary one lot one building requirement is altered in an effort to accomplish the following:

- (1) To encourage a more creative and efficient approach to the use of land.
- (2) To allow variety in the types of environment available to the residents of the community.
- (3) To provide the means for greater creativity and flexibility in environmental design than is provided under the strict application of the zoning and subdivision Ordinances while at the same time preserving the health, safety, order, convenience, prosperity and general welfare of the community and its inhabitants.

Subdivision 2. Administrative Procedure.

- (1) An applicant for a Planned Development shall follow the procedure as outlined for a Conditional Use Permit in Chapter 6 of this Ordinance.
- (2) The applicant for a Planned Development shall obtain the application for the Conditional Use Permit at the office of the Zoning Administrator and simultaneously follow the Martin County Subdivision Ordinance to secure both preliminary and final design approval from the Planning Commission and the County Board.

Subdivision 3. General Regulations.

- (1) All other development regulations of the appropriate Zoning District not specified in this Chapter or specified as a condition to the Conditional Use Permit shall apply to a Planned Development.
- (2) It is the intent of this Chapter that subdivision of the land involved (residential, commercial, or industrial) be carried out simultaneously with the review of a Planned Development.
- (3) The application for a Conditional Use Permit shall state precisely the reasons for requesting the consideration of the property for Planned Development.
- (4) The land which is to be set aside as open space or common area shall be clearly indicated on the plan. Provisions for recreational area and for continual maintenance of that area and for continual maintenance of that area not dedicated and accepted by the County shall be required.
- (5) All buildings shall be used only for those purposes and the customary accessory uses of the Zoning District in which the Planned Development is located.

Subdivision 4. Density of Development. Permitted maximum residential densities in the Planned Development shall not exceed the permitted maximum densities in the original district. Minimum land area requirements for each use shall be provided as required in the original district.

Subdivision 5. Modification of Development Standards. Deviation from the applicable requirements for lot area, lot dimensions, yards, setbacks, location of parking area, and public street frontage may be allowed only if such deviation is consistent with the total design of the Planned Development.

Subdivision 6. Private Roadways. Private roadways within the project shall be installed to County specifications for public roadways.

Subdivision 7. Shoreland Zones. Planned developments will not be allowed in shoreland zones.

CHAPTER 29

“RESERVED”

(CONFINED FEEDLOT REGULATIONS)

Chapter 29 previously contained the county feedlot ordinance. In 1999 this chapter was more fully developed and has been treated as a separate ordinance. The Martin County Feedlot Ordinance is available from the Martin County Planning and Zoning Department.

CHAPTER 30

“RESERVED”

CHAPTER 31

“RESERVED”

CHAPTER 32

“RESERVED”

CHAPTER 33

VALIDITY

Subdivision 1. Validity. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

ADOPTION AND EFFECTIVE DATE

Repeal. The Martin County Zoning Ordinance, adopted on the 1st day of January, 1972, and as amended, is hereby repealed on February 17, 2004. The adoption of the ordinance, however, shall not effect nor prevent any pending or future prosecution of, or action to abate, any existing violation of said ordinance, adopted February 17, 2004.

Planning Commission Recommendations. The Martin County Planning Commission, after proper notice and publication, held public hearings on the adoption of the ordinance on January 27, 2004, at the Martin County Commissioners Room. After hearing public testimony and with due deliberation, the Planning Commission voted unanimously to recommend adoption of the ordinance to the Martin County Board of Commissioners.

Adoption by Board of Commissioners. The Martin County Board of Commissioners, after proper notice and publication, and with due deliberation, voted unanimously to adopt this ordinance on February 17, 2004, at the Martin County Commissioners Room.

Effective Date. The ordinance shall be in full force and effective beginning February 17, 2004.

Passed February 17, 2004.

Jack Potter
Chairperson, Martin County Board of Commissioners

Attest:

Scott Higgins
Martin County Coordinator

ADOPTION

Martin County Zoning Ordinance
 Ordinance Number 1 January 1, 1972

AMENDMENTS

General Amendments

Essential Service Regulations March 21, 1995
 Definitions..... March 21, 1995
 Agricultural District March 21, 1995
 Board of Adjustment April 21, 1998
 Residential District “R-1” setbacks..... September 7, 1999
 Agricultural District “A” setbacks September 7, 1999
 Agricultural District “A” setbacks..... February 17, 2004
 Board of Adjustment, Lapse of Variance by Non-use..... August 16, 2005
 Certificate of Compliance, Fees, Violations and Penalties, Fees..... August 16, 2005
 Bed & Breakfast/Guest Cottages Establishments September 18, 2007
 Definitions..... August 5, 2008
 Highway Business “HB” District..... August 5, 2008
 Industrial Business “I” District..... August 5, 2008
 Essential Service Regulations..... January 6, 2009
 Definitions – “Sewage Treatment System, Public” June 19, 2012
 Agricultural District – add # 17 Waste Water Ponds ~ Public Sewage Treatment..... June 19, 2012
 Wind Energy Conversion System (WECS)/Solar Energy/Meteorological Tower July 21, 2015

Shoreland

DNR Mandate Change January 5, 1993
 Revision to include PUD language April 1, 1997
 Shoreland Districts, Additional Property Owner Notification (deleted)..... August 16, 2005
 Shoreland Districts, Addition to lot width and building line January 16, 2007
 Shoreland Districts, Subdivision 18; Agricultural Use Standards; Number 1 ~
 Buffers..... December 19, 2017

Floodplain Regulations

Floodplain Ordinance..... August 16, 1988