

200. RULES AND DEFINITIONS

201. Application of this Ordinance

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

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

202. Rules: The language set forth in the text of this ordinance shall be interpreted in accordance with the following rules of construction:

The singular number includes the plural and the plural the singular.

The present tense includes the past and future tenses, and the future the present.

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

The masculine gender includes the feminine and neuter genders.

Whenever a word or term defined hereinafter appears in the text of this ordinance, its meaning shall be construed as set forth in such definition.

All measured distances expressed in feet shall be to the nearest tenth of a foot and shall be measured horizontally unless otherwise specified.

In event of conflicting provisions within this ordinance, the more restrictive provision shall apply.

203. Definitions: For the purpose of this Ordinance, certain words and terms are herein defined as follows:

Abut: To border upon a parcel of land, to share all or part of a common property line with another parcel.

Access Lot: A parcel of land that provides non-public access to public waters.

Accessory Use or Structure: A land use or structure subordinate to and serving the principal use or structure and customarily incidental to permitted uses in the zoning district in which the use and/or structure is located. Accessory structures shall not be designed for human habitation.

ACUB: This is the acronym that stands for the Camp Ripley Army Compatible Use Buffer (ACUB) zone. It is an established overlay zone requiring landowners wishing to split off parcels or develop parcels to sign off on a notification that the parcel is in an area that is subject to periodic military use noise impacts.

Administrative Plat: a MS 505 plat which is reviewed and approved by County staff and does not require approval or public hearings from the Planning Commission and County Board

Administrator: The duly appointed person charged with enforcement of this ordinance.

Adult Uses: See Section 1400 of this Ordinance for definitions.

Aggregated Project (WECS): Aggregated projects are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.

Agriculture Preservation Areas: Land areas within Morrison County where it is desirable to enact restrictive rules for non-ag development due to the high quality soils and high productive capacity of the land and to preserve, promote, maintain and enhance the use of land for agricultural purposes.

Commented [AK1]: The ordinance does not reference this term, remove

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

- (1) Field crops, including barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers.
- (2) Livestock, including cattle, goats, horses, sheep, hogs, poultry, game birds, ponies, deer, rabbits and mink.
- (3) Livestock products, including milk, butter, cheese, eggs, meat, fur and honey.

Agricultural Building or Structure: Any building or structure existing or erected which is used principally for agricultural purposes.

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

Alley: Any dedicated public way providing a secondary means of ingress and/or egress to land or structures thereon.

Alteration: To change or make different; to remodel or modify.

Animal, Exotic or Dangerous: Any animal in the large cat family including lion, tiger, cougar or mountain lion, leopard, bobcat, lynx, or any resulting off-spring from the crossbreeding of domestic cats and the aforementioned cats or other similar animals, any animal in the bear family including black bear, brown bear, grizzly bear or other similar animal, wolf, coyote, or any resulting off-spring from the crossbreeding of domestic dogs and wolves or coyotes, and any invertebrate species that would be a hazard to public health and safety should the animal escape, including constrictor snakes.

Animal Feedlot: A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure in excess of 50 animal units or in excess of 10 animal units in shoreland zoning districts. For purposes of these parts, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts.

Animal Unit: A unit of measure to compare differences in the production of animal wastes which has as a standard the amount of waste produced on a regular basis by a slaughter steer or heifer.

Car/Truck Wash: A building or area that provides hand or machine-operated facilities for washing and cleaning motor vehicles.

Cemetery: Public and private cemeteries as defined in Minnesota Statutes, Chapter 306 and 307.

Certificate of Compliance, ISTS: A document, written after a compliance inspection, certifying that a system is in compliance with applicable requirements at the time of the inspection.

Certificate of Survey: A graphic representation of the boundary survey of a parcel of real property along with the description of the land and the signed certification of a Minnesota licensed land surveyor.

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

Clear-cutting: The removal of an entire stand of vegetation.

Clinic: A public or proprietary institution providing diagnostic, therapeutic or preventive treatment of ambulatory patients by a group of doctors acting conjointly and in the same building for the purposes aforesaid.

Club, lodge: A non-profit organization catering exclusively to members and their guests.

Cluster Development: A subdivision development planned and constructed so as to group housing units into relatively tight patterns while providing a unified network of open space and wooded areas, and meeting the overall density requirements of these regulations and the Zoning Ordinance (See also Planned Unit Development).

Commented [AK2]: No need for this definition with the allowance of additional dwellings with a CUP

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

Commercial Planned Unit Development: 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.

Commissioner: The commissioner of the Minnesota Department of Natural Resources.

Commissioner of Public Safety: The Commissioner of Public Safety of the State of Minnesota.

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

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

505. Variances

505.1 Procedures for Variances. The following procedures shall be followed for requests for variances made before the PC/BOA acting in its capacity as the Board of Adjustment:

- a. The person applying for a variance shall fill out and submit to the Planning & Zoning Administrator a variance application including complete sketches of the proposed plans and other information as required by the Administrator or Board of Adjustment. If the request is to encroach on a property line, a survey of the property line in question must be provided with the application. The application shall include a statement of the practical difficulties claimed, along with the filing fee.
- b. The official submission date for the application will not start until the application and all required documentation is submitted, and the filing fees have been fully paid. The Zoning Administrator shall refer the application to the Board of Adjustment for review.
- c. After the request for a variance is filed with the Board of Adjustment, the Board shall set a date for hearing thereon and hear any parties who may appear in person or by agent or attorney.
- d. Notice of the time and place of hearing shall be published once in the official newspaper of the county at least ten (10) days in advance of the hearing. Notice of the time and place of hearing shall be mailed not less than ten (10) days in advance of the hearing to the person filing the notice and to owners of property within one-half (1/2) mile of the subject property or to at least ten (10) property owners whichever is greater. Failure of any property owner to receive such notification shall not invalidate the proceedings. If the notification contains a misspelling, a location error, or some other omission, this will also not invalidate the proceedings.
- e. The petitioner or his representative shall appear before the Board of Adjustment in order to present evidence concerning the proposed variance.
- f. The Board of Adjustment may impose conditions on the granting of variances to insure compliance and to protect adjacent properties and the public interest.
- g. The Board of Adjustment must make a ruling on the variance within sixty (60) days of the County's receipt of a completed variance application request, unless exercising a time extension pursuant to Minnesota Statute 15.99 or successor statutes.
- h. A certified copy of any order issued by the Board of Adjustment acting upon a request for a variance, shall be filed for record with the County Recorder. The order issued by the Board of Adjustment shall include the legal description of the property involved. The Zoning Administrator shall be responsible for meeting the requirements of this subdivision.
- i. The Zoning Administrator shall be responsible for giving written notice of the decision or order of the Board of Adjustment to the proper parties having matters before the Board of Adjustment.

505.2 Criteria for Granting Variances. The Board of Adjustment shall not grant an application for a variance unless it determines that the strict enforcement of this ordinance would cause a practical difficulty, as defined herein, because of circumstances unique to the individual property under consideration and that the granting of such variance(s) will be in keeping with the **AG Agriculture District.**

Commented [AK3]: This language had been in ordinance but came out by mistake. Adding it back in

604.1 **Purpose.** The purpose of this district is to promote and protect areas which have high quality agricultural lands and are essentially rural in nature. Within this district agricultural activities shall be given ~~precedence~~ preference over other land uses.

Commented [AK4]: soften

604.2

Permitted Principal Uses		
Agricultural uses	Single family home <u>Single Family Dwelling</u> (see 604.11 & 12 for Land Use Notification requirements)	Duplex (see 604.11 & 12 for Land Use Notification requirements)
Licensed Day Care facility serving up to 12 persons	Licensed Group Family Day Care facility serving over 12 persons	Greenhouse, Nursery and Sales
Historical Sites	Essential Services (minor) & Utility Substations	Wetland, habitat creation, restoration, improvements
Parks (neighborhood, community, or regional		

Commented [AK5]: Uses defined term

604.3

Permitted Accessory Uses		
Garages & sheds	Decks (see Section 1204)	Agricultural Buildings
Outdoor Wood Boilers		

604.4

Permitted Uses with Performance Standards (See Section 1200)		
Community Solar Energy System (Rooftop)	Contaminated soil treatment, land applied sludge	Feedlot (tier 1) – to 300 AU
Forestry	Gravel pits & other extractive uses, except quarries	Ground-Mount Solar Energy System
Home occupation	Outdoor storage	Seasonal produce stands
Second dwelling unit on same parcel (see 604.13 & 1202.3 for applicable standards)	Signs: Class A (on-site)	Recreational Vehicles
Rooftop Solar Energy System	Wind Energy Conversion Systems (non-commercial) towers (section 1227)	

Commented [AK6]: Clarifying language

604.5

Conditional Uses		
Athletic facilities	Cemeteries	Churches (places of worship)
Community facilities (town hall, post office, fire hall, police station, etc.)	Cultural facilities (library, museum, etc.)	Duplex in excess of allowable density; see 604.9 & 14
Essential Services (major) & Pipelines	Farm equipment sales	Feed, grain & supplies
Fish or game management non-residential structures	Golf or country clubs	Landfills, compost sites
Landing strips	Mini-storage	Parks (state or national)
Permanent bituminous/concrete facilities	Quarries	Recycling Centers
Schools	Single Family Dwelling in excess of allowable density; see 604.9 & 14	Solid waste facilities
Transfer stations	Veterinary clinic	Water & Wastewater Treatment Plants

Commented [AK7]: Mechanism to allow additional density – no variance needed

Commented [AK8]: Mechanism to allow additional density – no variance needed

604.6

Conditional Uses with Performance Standards (See Section 1200)		
Campground, including RV Park	Communications towers & Wind Energy Conversion Systems (commercial) towers	Community Solar Energy Systems (Ground-Mount)
Feedlots – Tier II (301 to 650 AU)	Feedlots – Tier III (651 to 1,000 AU)	Feedlots – Tier IV (more than 1,000 AU)
Planned Unit Developments	Resorts, tourist camps, youth camps	Solar Farm
Winery		

604.7

Interim Uses		
Automotive Repair	Bed & Breakfast	Contractor's yard & storage
Licensed residential treatment center	Outdoor recreation	

604.8

Interim Uses with Performance Standards (See Section 1200)		
Home Extended Business	Kennels	Limited Rural Business
Meteorological Towers	Retreat Center	Wood Products Manufacturer

604.9

Design Standards	
Density Standard	Three (3) dwellings per $\frac{1}{4} \text{ acre}$, or, if all are clustered, four (4) per $\frac{1}{4} \text{ acre}$; additional allowed with a CUP (see 604.14)
Lot Area	Five (5) acres, or, if all are clustered, two and a half (2 $\frac{1}{2}$) acres. One (1) acre minimum
Lot Width Minimum	Two Hundred (200') Feet. One hundred fifty (150) feet
Side Yard Setback	
Principal buildings	Twenty five (25') Feet
Accessory buildings	Twenty five (25') Feet, except that any accessory structure housing animals, including feeding stations, shall be setback a minimum of fifty (50') feet.
Rear Yard Setback	
Principal buildings	Thirty five (35') Feet
Accessory buildings	Thirty five (35') Feet, except that any accessory structure housing animals, including feeding stations, shall be setback a minimum of fifty (50') feet.
Road Rights-of-Way Setback	Forty (40') Feet
Wetland Setback – types 1, 2, 6, 7 & 8	Twenty Five (25') feet*
Wetland Setback – types 3, 4 & 5	Fifty (50') feet*
Wetland Setback (Protected)	Seventy Five (75') feet*
Maximum Lot Coverage & Impervious Surface Allowance	Fifteen (15%) percent
Maximum Building Height	Thirty five (35') feet. Non-residential agricultural structures are exempt from these height restrictions.
Parking Requirements	See section 1226

* in the event the wetland setback cannot be met on a lot of record, the Zoning Administrator may allow an administrative variance to the setback from the wetlands.

604.10 Additional Setbacks

- Setbacks from pipelines and pipeline easements. Buildings, structures and places of public assembly shall not be constructed closer to a pipeline than the boundary of the pipeline easement.
- Dwelling Unit Setbacks from Feedlots. No dwelling units shall be located closer to an existing feedlot than the non-feedlot residence setback requirements of this ordinance, unless the new residence is being built to replace an existing residence. Replacement dwellings may not further encroach on the existing setback.

604.11 Residential Construction in the Agriculture District. Before a land use permit can be issued for a new dwelling or an addition to an existing dwelling in Ag district, the applicant shall sign a land use notification form. These forms shall be provided by the Morrison County Planning Office and shall state:

Commented [AK13]: Update language

- a. The land on which the dwelling unit is located or will be located is in an Ag district. The construction, expansion and operation of animal feedlots and other agriculture uses are permitted in this district.
- b. Feedlots and other agriculture uses may adversely affect the residential use or value of property.
- c. Agriculture uses are given preference over residential uses in agriculture districts.
- d. The land use notification form will be on file in the Morrison County Planning and Zoning Office.

Non-farm residential construction in the Agriculture District – Land Use Notification. Before a land use permit can be issued for a new dwelling or an addition to an existing dwelling in the Ag district, the applicant shall sign a land use notification form. These forms shall be provided by and kept on file in the Morrison County Land Services Department and shall state:

Owners, residents and other users of property in this zoning district or neighboring properties may be subjected to inconvenience or discomfort arising from normal and accepted agricultural practices and operation, including but not limited to, noise, odors, dust, operation of machinery of any kind including aircraft, the storage and disposal of manure or the application of fertilizers, herbicides, soil amendments and pesticides. Owners, residents and users of this property or neighboring property should be prepared to accept such inconveniences and discomfort from normal agricultural operations, and are hereby put on official notice that the state Right-to-Farm, Minnesota Statute 561.19, or successor statutes, may bar them from obtaining a legal judgement against such normal agricultural operations.

604.12 Camp Ripley Army Compatible Use Buffer (ACUB) Notification. Before a land use permit can be issued for a new dwelling or an addition to an existing dwelling in the ACUB overlay district surrounding Camp Ripley, the applicant shall sign a land use notification form. These forms shall be provided by the Morrison County Planning Office and shall state:

- a. The land on which the dwelling exists or will exist is in an area that does have periodic noise impacts from military maneuvers and training exercises.
- b. The use of land within Camp Ripley and its ambient noise may adversely affect the residential use or values of the property.
- c. The ACUB notification will be on file in the Morrison County Planning and Zoning Office.

Commented [AK14]: Hard to prove or know; remove

604.13 Second Dwelling Unit Standards.

- a. The unit is served by a water supply and individual sewage treatment system meeting the standards of this ordinance;

- b. The property is actively farmed and both residential dwellings are occupied by persons who own, operate or are employed on the farm, and;
- c. The lot, parcel or tract is at least 40 acres in size.
- d. There must be available dwelling density within the quarter-quarter

Commented [AK15]: Clarifying language

604.14 Additional Single Family Dwellings and Duplexes. Single Family Dwellings and Duplexes beyond the allowable dwelling density found in Section 604.9 may be allowed with a Conditional Use Permit

Commented [AK16]: Adding reference to CUP

605 UF Urban Fringe District

605.1 Purpose. The purpose of the Urban Fringe District is to provide opportunities for urban type development to occur in the rural areas in close proximity to existing incorporated urban centers in Morrison County where urban services are either available or will be available in the future.

- a. **Application.** The standards applied to the areas designated within the urban fringe overlay district are considered alternative standards for residential development by reducing lot dimensions and density standards for areas zoned Agriculture. Properties developed using the Urban Fringe dimensional standards shall follow the use described in this section. All other district uses are determined by the underlying zoning district.

605.2

Permitted Principal Uses		
Essential Services (minor) & Utility Substations	Licensed Day Care facility serving up to 12 persons	Licensed Group Family Day Care facility serving over 12 persons
Single family home	Utility Substations	

605.3

Permitted Accessory Uses		
Agricultural Buildings	Decks (see Section 1204)	Garages & sheds

605.4

Permitted Uses with Performance Standards (See Section 1200)		
Agricultural Use	Community Solar Energy System (Rooftop)	Ground-Mount Solar Energy System
Home occupation	Outdoor storage	Outdoor Wood Boilers
Recreational Vehicles	Rooftop Solar Energy System	Seasonal produce stands
Signs: Class A (on-site)		

605.5

Conditional Uses		
Athletic facilities	Churches (places of worship)	Essential Services (major) & Pipelines
Schools	Water & Wastewater Treatment Plants	

605.6

Conditional Uses with Performance Standards (See Section 1200)		
Communications towers (75' or less in height)	Community Solar Energy Systems (Ground-Mount)	Gravel pits & other extractive uses, except quarries
Non-Commercial Wind Energy Conversion Systems (WECS)	Planned Unit Developments	

605.7

Interim Uses		
Bed & Breakfast		

605.8

Interim Uses with Performance Standards (See Section 1200)		
Home Extended Business		

605.9

Design Standards	
Lot Area	Two (2) acres
Lot Width Minimum	Two Hundred Forty (240') Feet
Side Yard Setback	
— Principal buildings	Twenty five (25') Feet
— Accessory buildings	Twenty five (25') Feet, except that any accessory structure housing animals, including feeding stations, shall be setback a minimum of fifty (50') feet.
Rear Yard Setback	
— Principal buildings	Thirty five (35') Feet
— Accessory buildings ^(*)	Thirty five (35') Feet, except that any accessory structure housing animals, including feeding stations, shall be setback a minimum of fifty (50') feet.
Design Standards	
Road Rights-of-Way Setback	Thirty (30') Feet
Wetland Setback—types 1, 2 6, 7 & 8	Twenty five (25') Feet*

Wetland Setback – types 3, 4 & 5	Fifty (50') feet*
Wetland Setback (Protected)	Seventy five (75')*
Design Standards	
Maximum Lot Coverage & Impervious Surface Allowance	Twenty Five (25%) percent
Maximum Building Height	Thirty five (35') feet. Non-residential agricultural structures are exempt from these height restrictions.
Parking Requirements	See section 1226

(1) Accessory structures may be located within ten (10') feet of the rear yard property line, except when housing animals and provided the accessory structure does not exceed one thousand (1,000) square feet in size nor more than eighteen (18') feet in height.

* in the event the wetland setback cannot be met on a lot of record, the Zoning Administrator may allow an administrative variance to the setback from the wetlands.

Commented [AK17]: Remove this zoning overlay district – no need since smaller lot sizes are allowed in the Ag district

606 RR Rural Residential District

606.1 **Purpose.** The purpose of the Rural Residential district is to promote and protect areas which have low density, generally residential development and are essentially rural in character. It is intended to allow traditional rural activities such as agriculture, forestry, home businesses and occupations in manners that do not degrade the rural character of the area.

606.2

Permitted Principal Uses		
Single family home	Duplex	Essential Services (minor) & Utility Substations
Licensed Day Care facility serving up to 12 persons	Licensed Group Family Day Care facility serving over 12 persons	Historical Sites
Parks (neighborhood, community, or regional)	Wetland/Habitat Creation, Restoration, Improvements	

606.3

Permitted Accessory Uses		
Garages & sheds	Decks	Agricultural Buildings

606.4

Permitted Uses with Performance Standards (See Section 1200)		
Agricultural Uses	Community Solar Energy System (Rooftop)	Forestry

Ground-Mount Solar Energy System	Home occupation	Outdoor storage
Outdoor Wood Boiler	Recreational Vehicles	Rooftop Solar Energy System
Signs: Class A (on-site)		

606.5

Conditional Uses		
Athletic facilities	Cemeteries	Churches (places of worship)
Community Facilities (town hall, post office, fire hall, police station, etc.)	Essential Services (major) & Pipelines	Parks (state or national)
Schools	Water & Wastewater Treatment Plants	

606.6

Conditional Uses with Performance Standards (See Section 1200)		
Communications towers (75' or less in height)	Community Solar Energy Systems (Ground-Mount)	Non-Commercial Wind Energy Conversion Systems (WECS)
Planned Unit Developments		

606.7

Interim Uses		
Bed & Breakfast	Licensed Residential Treatment Center	

606.8

Interim Uses with Performance Standards (See Section 1200)		
Home Extended Business		

606.9

Design Standards	
Lot Area	Two and one half (2.5) acres
Lot Width Minimum	Two Hundred (200') Feet
Side Yard Setback	Twenty five (25') Feet
Rear Yard Setback ⁽¹⁾	Thirty five (35') Feet, except that any accessory structure housing animals, including feeding

Design Standards	
	stations, shall be setback a minimum of fifty (50) feet.
Road Rights-of-Way Setback	Thirty (30') Feet
Wetland Setback – types 1, 2, 6, 7 & 8	Twenty five (25") feet*
Wetland Setback – types 3, 4 & 5	Fifty (50') feet*
Wetland Setback (Protected)	Seventy five (75')*
Maximum Lot Coverage & Impervious Surface Allowance	Fifteen Twenty-Five (25%) percent
Maximum Building Height	Thirty five (35') feet. Non-residential agricultural structures are exempt from these height restrictions.
Parking Requirements	See section 1226

(1) Accessory structures may be located within ten (10') feet of the rear yard property line, except when housing animals and provided the accessory structure does not exceed one thousand (1,000) square feet in size nor more than eighteen (18') feet in height.

* in the event the wetland setback cannot be met on a lot of record, the Zoning Administrator may allow an administrative variance to the setback from the wetlands.

707. Special Lot Provisions

707.1 Residential subdivisions. Residential subdivisions with dwelling unit densities exceeding those in the tables in Section 705 can only be allowed if designed and approved as residential planned unit developments under Section 800 of this ordinance. Only land above the ordinary high-water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high-water level and at the building line.

707.2 Duplex lot subdivisions on natural environment lakes. Subdivisions having duplex lots on Natural Environment Lakes must also meet the following standards:

- Each building must be set back at least one-hundred-fifty (150') feet from the ordinary high-water level;
- Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
- Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
- No more than twenty-five (25%) percent of a lake's shoreline can be in duplex developments.

707.3 Stairways, lifts, landings and mobility paths. A permit is required for stairways, lift, landing and mobility paths. 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:

- Stairways and lifts must not exceed four (4) feet in width on residential lots. Wider stairways may be used for commercial properties, public recreational uses and planned unit developments, if approved by the Land Services Department;

Commented [AK18]: Fix typo

Commented [AK19]: We've always required a permit for these, just needed to add it to the ordinance for clarification

1202. Manufactured homes.

1202.1 The placement of a manufactured home in the County must meet the following standards:

- a. The home must have at least 320 square feet of inside floor area;
- b. The home must have a conventional roof and roof line;
- c. The home must meet requirements for water supply, sewage treatment, and all other applicable dwelling unit standards contained in this ordinance;
- d. The area beneath all manufactured homes, if not placed on a permanent foundation, shall be enclosed with a material that is generally uniform throughout. However, it shall also be constructed so that the connections underneath the carriage can be subjected to a reasonable inspection.
- e. The manufactured home, if not placed on a permanent foundation, shall be anchored or tied down in accordance to the manufacturer's recommendations.

1202.2 Manufactured Home Sales Yard. A manufactured home may be placed within a manufactured home sales yard.

1202.3 Care Facilities. A manufactured home may be permitted as an accessory use on a lot in an AG, ~~UF~~, or RR District if the Planning & Zoning Administrator finds the following conditions are satisfied:

- a. The manufactured home will be an accessory dwelling unit to be occupied by persons who are:
 1. Infirm to the extent that they require extraordinary care; and
 2. that such care can only be provided, without great economic hardship, by family members residing in the principal dwelling house on the premises; and
 3. the infirmity and the need for care required by (a) and (b) above shall be shown by written statement of a physician.
- b. This use will be so conditioned that it will expire and terminate at such time as the care facility is no longer the residence of the person or persons suffering from the infirmity which requires such care, or at such time as such care is **no longer required**.
- c. The manufactured home allowed for this use does not need to conform to the rules in section 1202.1, ("a" and "b").
- d. The manufactured home shall be connected to a water supply and an approved sewage system.
- e. At the time of termination of the medical necessity, the manufactured home care facility shall be removed from the premises within thirty (30) days when practical.
- f. The lot, parcel or tract is at least ~~two and one-half (2 ½) acres~~ one (1) acre.

1202.5 Temporary Construction Office. A manufactured home may be permitted in any district if the Planning & Zoning Administrator finds the following conditions are satisfied:

Commented [AK20]: Remove Urban Fringe since we're removing that zoning overlay

Commented [AK21]: Change to reflect the reduced parcel size in Ag

1203. Park Models and Recreational Vehicles.

- 1203.1 Park models are permitted to be placed on lots and used as a dwelling unit.
- 1203.2 Park models shall be subject to the section 1202 rules for manufactured homes, except 1202.1, "a" and "b."
- 1203.3 Park models shall be subject to all other regulations in this ordinance that apply to dwellings, including lot size requirements, setbacks, water supply, and sewage treatment.
- 1203.4 Recreational Vehicles sited located on a parcel for more than ten (10) days in any year and occupied at the location at any time must secure a permit for the vehicle from the County and must have it displayed in such a manner that it can be seen from the exterior of the vehicle and must meet the criteria of items a through d below. Recreational Vehicles located in ~~SR & SC~~ the Shoreland zoning districts are regulated in Section 712 708.3.

Commented [AK22]: Update since we don't have a SC and SR zoning district anymore; just Shoreland

- a. Recreational Vehicles shall be treated as structures and must meet all structural setback requirements of the zoning district in which the vehicle is located.
- b. ~~Lots of record as of the date of this ordinance meeting all zoning dimensional standards may be allowed up to two RVs provided there are no dwelling units on the property and the requirements of this ordinance are met.~~

No property owner shall allow recreational vehicles requiring permitting on the property in a number greater than allowed according to the chart below:

<u>Lot Use</u>	<u>Number of R.V.s</u>
Vacant Dwelling	2 (two) R.V.s No R.V.

- c. Recreational Vehicles must follow a sewage management plan in compliance with Section 1300 of this Ordinance.
- d. Recreational Vehicles must follow a disposal program for solid wastes that conforms to the Morrison County Solid Waste Ordinance.

Commented [AK23]: Allows RVs in the Ag zoning district, but not if there's a dwelling. With the reduced parcel size and the purpose and intent of the district, RVs should be limited

- 1203.5 The provisions of Section shall not apply to homeowners who are storing a recreational vehicle on their property

1204. Decks.

- 1204.1 A land use permit must be secured prior to the construction of a deck.
- 1204.2 If a roof is proposed in the deck design, or if a roof is added to a deck, a septic inspection will be required prior to the issuance of the land use permit.

1205. Animal Units Allowed on Small Lots.

- 1205.1 In the S Shoreland, and R Residential districts, the following standards shall apply:
 - a. On lots that are sized five (5) acres or less, only animals typically considered house pets are permitted. No agricultural animals are allowed.

- b. On lots sized larger than five (5) acres, but less than ten (10) acres, in addition to animals typically considered house pets, a property owner shall also be permitted to have agricultural animals, but in densities not to exceed more than one and one-half (1.5) animal units.
- c. On lots sized ten (10) acres or larger, in addition to animals typically considered house pets, a property owner shall be permitted to have agricultural animals, but in densities not to exceed two (2) animal units.

1205.2 In **UF Urban Fringe** and **RR Rural Residential** the following standards shall apply:

Commented [AK24]: Remove due to no Urban Fringe anymore

- a. Not more than 0.3 animal units shall be allowed on parcels two-and-a-half (2.5) acres in size or smaller.
- b. Not more than 1.5 animal units shall be allowed on parcels greater than two-and-a-half (2.5) acres and less than five (5) acres in size.
- c. On parcels sized five (5) acres up to ten (10) acres, two (2) animal units shall be permitted.
- d. For parcels sized larger than ten (10) acres but less than twenty (20) acres, one (1) animal unit per acre shall be permitted. Owners of these lots shall observe the good neighbor policy by having and maintaining an on-site manure management plan.

1205.3 In the AG Agricultural District, the following standards shall apply:

- a. On parcels up to 2.5 acres not more than 0.3 animal units shall be allowed.
- b. On parcels 2.6 to 4.99 acres not more than one and a half (1.5) animal units shall be allowed.
- c. On parcels 5 to 10 acres, two (2) animal units plus 0.5 animal unit for each additional acre owned above five (5) acres, maximum of four animal units.
- d. On parcels 10.1 to 19.99 acres, one (1) animal unit per acre shall be permitted. Owners of these lots shall observe the good neighbor policy by having and maintaining an on-site manure management plan.

1206. **Agricultural Accessory Uses.** Agricultural accessory buildings may exceed the height limitation of the district provided that the structure is setback a distance at least equal to its height from the nearest property line. Agricultural accessory buildings used to store feed, hay and similar items or to provide temporary shelter or feeding sites for farm animals may be located on parcels lacking a principal building.

1207. Exotic or Dangerous Animals

1207.1 It is unlawful for any person to own or keep an exotic or dangerous animal.

1208. Small Scale Feedlots. At all times, all animal feedlots, manure storage areas, structures, facilities and manure application sites in the County shall be operated and maintained in a manner consistent with their registration, feedlot construction short-form permit, feedlot interim permit, conditional use permit, variance, State Disposal System

Permit, National Pollutant Discharge Elimination System Permit, this Ordinance, Minnesota Rules, chapter 7020; or successor rules, and Minnesota Statutes, section 116.07 subd. 7a; or successor statutes.

1208.1 **Tier I (50 to 300 animal units) Feedlots** are a permitted use in the AG Agriculture District, provided the use meets the following minimum setbacks and parcel size requirement:

Non-Feedlot Residence 660'	Road Right Of Way 200'	Incorporated City with population greater than 500 1320'	Lakes 1000'
Other Protected Waters <u>and</u> <u>Public Ditches</u> 300'	Property Line 100' 200'	Other Existing Feedlot 660'	Minimum Contiguous Parcel Size 20 acres

Commented [AK25]: Add to include public ditches

Commented [AK27]: Remove; producer contracts dictate this setback

Commented [AK26]: Change to match Tiers II - IV

1208.2 An existing feedlot may expand or construct to the limits of the allowed animal units in its current Tier as of April 1, 2013, or undertake construction activities associated with its feedlot operation, as long as the expansion or construction makes no further encroachment on a nonconforming setback. For Tier changes occurring after April 1, 2013, all new construction must meet current county setbacks.

1208.3 Animal manure shall not be stockpiled for longer than twelve (12) months.

1208.4 The owner of any animal feedlot shall be responsible for the storage, transportation and proper disposal of all manure generated from the feedlot. In the event manure is sold or otherwise transferred to another party, said party shall, at the time of transfer, be responsible for the items listed in this section. Feedlot owners/operators must notify the road authority when hauling manure during road restrictions

Commented [AK28]: This is a standard condition placed on all feedlot CUPs – should just be a performance standard

1208.5 The waste storage facility must be within three hundred (300) feet of the associated feedlot.

1208.6 Applications for new building construction associated with a Tier I feedlot must include a Stormwater Plan and Odor Minimization Plan on forms provided by the County.

1209. **Large Scale Feedlots.** At all times, all animal feedlots, manure storage areas, structures, facilities and manure application sites in the County shall be operated and maintained in a manner consistent with their registration, feedlot construction short-form permit, feedlot interim permit, conditional use permit, variance, State Disposal System Permit, National Pollutant Discharge Elimination System Permit, this Ordinance, Minnesota Rules, chapter 7020; or successor rules, and Minnesota Statutes, section 116.07 subd. 7a; or successor statutes.

1209.1 **Tier II (301 to 650 animal units), Tier III (651 to 1,000 animal units), and Tier IV (1,001 to 2500 animal units),** must meet the following minimum setbacks and parcel size requirements:

	301 – 650 AU Tier II	651 – 1000 AU Tier III	1001 – 2500 AU Tier IV
Non-Feedlot Residence	1000' 660'	1000' 660'	1000' 660'
Non-Feedlot Residence from Hog Facility	1320'	1320'	1320'
Road Right of Way	200'	200'	200'
Incorporated City with population greater than 500	2640'	2640'	3960'
Lakes	1000'	1000'	1000'
Other protected waters <u>and public ditches</u>	300'	1000'	1000'
Property Line	200'	200'	200'
Other existing feedlot	660'	660'	1320'
Minimum Contiguous Parcel	75 acres	75 acres	75 acres

Commented [AK29]: Reduce, as discussed

Commented [AK30]: Remove; producer contracts dictate this setback

1209.2 An existing feedlot may expand or construct to the limits of the allowed animal units in its current Tier as of April 1, 2013, or undertake construction activities associated with its feedlot operation, as long as the expansion or construction makes no further encroachment on a nonconforming setback. For Tier changes occurring after April 1, 2013, all new construction must meet current county setbacks.

1209.3 Applications for a conditional use permit to operate a feedlot with more than 300 animal units must include:

- Evidence that the applicant had a current (within two months prior to application) compliance inspection as specified in Minnesota Rules Chapter 7020,
- A feedlot environmental review prepared by the Morrison County Soil & Water Conservation District,
- A site plan showing:
 - All building locations, sizes, and roof area;
 - Property lines;

3. Public road right of ways, and
4. Topographic features and soil types.
- d. An area map showing:
 1. Distances from all surrounding buildings and residences in a one mile radius;
 2. Topographic and soil maps within a one mile radius;
 3. Water features including surface waters, drainage ditches and wetlands located on or within a 1,320 foot radius of the site;
 4. Unique environmental features of the surrounding area within a one mile radius;
 5. All wells on or within a 1320 foot radius of the site;
 6. Existing feedlots within 1320 feet.
- e. A survey of the site and/or a run off plan if determined necessary by the zoning officer,
- f. A manure management plan, meeting MPCA requirements, including manure storage plans.
- g. Comments and recommendations from the Soil & Water Conservation District,
- h. A dead animal disposal plan,
- i. A Morrison County Good Neighbor Plan,
- j. A Morrison County Stormwater Plan for Feedlot Construction
- k. A Morrison County Feedlot Odor Minimization Plan
- l. Any other information deemed necessary by the Zoning Officer for the purpose of reviewing the feedlot plan and permit.
- m. ~~New feedlots or new construction on existing feedlots shall meet a 91% annoyance free rating to the nearest non feedlot dwelling as determined by the OFFSET odor evaluation modeling as developed and modified by the University of Minnesota of Biosystems and Agriculture Engineering."~~

1209.4 Size Restrictions: No feedlot may exceed 2500 animal units and no more than 1500 animal units in any feedlot may be swine.

Commented [AK31]: Can still run the model for informational purposes

1209.5 Animal manure shall not be stockpiled for longer than twelve (12) months.

1209.6 The owner of any animal feedlot shall be responsible for the storage, transportation and proper disposal of all manure generated from the feedlot. In the event manure is sold or otherwise transferred to another party, said party shall, at the time of transfer, be responsible for the items listed in this section. Feedlot owners/operators must notify the road authority when hauling manure during road restrictions

Commented [AK32]: This is a standard condition placed on all feedlot CUPs – should just be a performance standard

1209.7 Conditional use permits for feedlots must identify each parcel which makes up the minimum contiguous parcels necessary to meet the minimum size requirements of section 1209.1. The conditional use permit will be recorded at the applicant's expense

1220.4 Performance standards.

a. Class A on-site advertising signs

1. Free standing signs in commercial districts
 - i. One (1) free standing sign with a maximum square footage of one hundred (100) square feet shall be allowed on all lots having three hundred (300') feet of frontage or less; or
 - ii. Two (2) free standing signs of one hundred (100) square feet or less or one (1) free standing sign of two hundred (200) square feet or less shall be allowed on all lots having frontage of more than three hundred (300'+) feet.
 - iii. All square footage area requirements shall include border and exclude structural supports.
2. Other signs. All other on-premise signs on the lot of record shall be limited to signs attached to the walls, fascia or painted on the surface of a building or structure.
3. Projecting signs, awnings and canopies that overhang a sidewalk or other pedestrian way shall provide a minimum clearance above said pedestrian way of ten (10') feet. No projecting sign shall extend more than four and one-half (4 ½') feet from the building wall to which it is attached.
4. Height. The maximum height of any Class A free standing sign shall not exceed thirty-five (35) feet.
5. A sign shall be considered a structure or part of a structure for the purpose of applying yard requirements. The minimum front yard setback for any sign in a commercial or industrial zone shall be ten (10') feet from a structure.
6. Spacing. No Class A free standing sign shall be closer than fifty (50) feet to any other Class A free standing sign.
7. Lighting. Class A signs may be illuminated.
8. Setback. Class A free standing signs shall maintain a sideyard setback equal to the height of the sign structure and shall be located outside the road right-of-way but are not required to meet the structural setback from the right-of-way.
9. Free standing signs in residential districts. Resorts, campgrounds, marinas, restaurants, taverns or similar legal commercial uses in residential districts may have one (1) sign of thirty-two (32) square feet or less per side or sides if the sign is of back-to-back or "V" type construction.
10. All free standing signs shall be plainly marked with the name and address of the owner of said sign.

b. Class B off-site advertising signs

5. Size. The maximum sign area for any one face of a Class B sign shall not exceed three hundred ninety (390) square feet. Such maximum size limitation shall apply to each face of a sign structure. Class D signs may be placed back-to-back or in a "V" type construction, which is not to exceed forty-five (45) degrees. For purposes of calculating the area of a back-to-back or "V" type construction sign, however, only one face of such sign shall be considered. All square footage area requirements shall include border and exclude structural supports.
6. Height. The maximum height of any Class B free standing sign shall not exceed fifty (50') feet.

Commented [AK33]: Allows for the sign to be closer to the road to allow visibility of the sign to better serve the purpose of the sign

1301.27 COMPLIANCE INSPECTION PROGRAM

A. Department Responsibility

It is the responsibility of the Department, or its agent, to perform installation inspections of new SSTS or upgrades of SSTS to assure that the requirements of this Ordinance are met.

1. All compliance inspections must be performed and signed by a licensed inspection businesses or qualified employees certified as inspectors.
2. The Department shall be given access to enter a property at any reasonable time to inspect and/or monitor the SSTS system. As used in this paragraph, "property" does not include a residence or private building.
3. No person shall hinder or otherwise interfere with the Department's employees in the performance of their duties and responsibilities pursuant to this Ordinance. Refusal to allow reasonable access to the property by the Department shall be deemed a separate and distinct offense.
4. A signed winter agreement may be accepted in lieu of a compliance inspection for property transfers, permit applications (only on previously developed lots where the viability of a septic system is known) and designs to the Department between November 1 and April 30, at the Department's discretion provided the required information is submitted to the Department by June 1 of the subsequent year. Failure to fulfill all of the obligations of the winter agreement shall be a violation of this Ordinance.

Commented [AK34]: Limits the winter agreement to sites that already have a septic system and it is known that a septic system can be designed or placed on the site

B. New Construction or Replacement

1. New installation inspections must be performed on new or replacement SSTS to determine compliance with Minnesota Rules in Section 1301.18 as adopted, and according to Article 1301.27. SSTS found to be noncompliant with other applicable requirements must be repaired or replaced according to the Department's requirements.
2. It is the responsibility of the SSTS owner or the owner's agent to notify the Department 24 hours prior to the installation inspection.
3. If the installer provides proper notice and the Department does not provide an inspection within one hour after an inspection time was set, the installer may complete the construction per the following: The installer shall submit photographs of the entire uncovered system and an as-built drawing with a certified statement that the installation of the SSTS met the appropriate standards of this Article within five working days of the installation.
4. A Certificate of Installation for new SSTS construction or replacement shall be issued by the Department within 30 days of inspection if the Department has reasonable assurance that the system was built in accordance with the applicable requirements as specified in the construction permit and is in receipt of all necessary documents.
5. The Certificate of Installation must include a certified statement by the certified inspector or qualified employee who conducted the inspection that the SSTS is or is not in compliance with the ordinance requirements. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must be issued to the owner which includes a statement specifying those ordinance provisions with which the SSTS does not comply.
6. No SSTS shall be placed into operation until a valid Certificate of Installation has been issued.
7. Certificates of Installation for new construction or replacement shall remain valid for (5) five years from the date of issue unless the Department finds evidence of noncompliance.

1301.28 SEPTIC SYSTEM SETBACKS

Setback Standards	GD General Devel. Lakes	RD Rec. Devel. Lakes	NE Natural Enviro. Lakes & Rivers	Forested & Transition Rivers	Ag, Urban & Tributary Rivers	Protected Wetlands	Wetlands 1, 2, 6, 7 & 8	Wetlands 3, 4 & 5	All Other Zoning
Sewage Tank to the Ordinary High Water Mark of the lake (OHWM)	100 ft* 50 ft.	100 ft 75 ft	150 ft	100 ft.	75 ft.	75 ft.	25 ft.	50 ft.	Na
Soil Treatment Area to OHWM	100 ft*	100 ft	150 ft	100 ft.	75 ft.	75 ft.	25 ft.	50 ft.	Na
Side property line to septic tank or drain field	10 ft	10 ft	10 ft	10 ft	10 ft				10ft
Rear property line (without road frontage) to septic tank or drain field	10 ft	10 ft	10 ft	10 ft	10 ft				10 ft.
County or Twp road right-of-way to septic tank or drain field	10 ft	10 ft	10 ft	10 ft	10 ft				10 ft.
Sewer tanks to structure	10 ft	10 ft	10 ft	10 ft	10 ft				10 ft
Drainfield to structure	20 ft	20 ft	20 ft	20 ft	20 ft				20 ft
Septic tank to well	50 ft	50 ft	50 ft	50 ft	50 ft				50 ft
Septic drainfield to well (> 50 ft well)	50 ft	50 ft	50 ft	50 ft	50 ft				50 ft
Septic drainfield to well (< 50 ft well)	100 ft	100 ft	100 ft	100 ft	100 ft				100 ft

*in the event the 100' setback cannot be met, the Zoning Administrator may allow an Administrative Variance to the setback requirement on a General Development Lake to no less than a 50' setback for a septic tank and a 75' setback for a drainfield

Commented [AK35]: Update chart to match changes made in the Shoreland standards

Commented [AK36]: Reducing the setbacks removed the need for Admin. variance process

1500. SUBDIVISION OF LAND

1501.4 Land Suitability.

A. No land shall be subdivided which is held unsuitable by the County for the proposed use because of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, near shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any feature likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision.

B. The location of two suitable soil treatment and dispersal areas that support systems as required in the 2011 version of Minnesota Rules Chapter 7080.2200 shall be shown through submittal of the site evaluation report provided by a licensed septic system designer. If the proposed use of the property does not require a sewage treatment system, this requirement may be deferred until such time that a sewage treatment system is needed and will be subject to the following:

1. A non-building restriction shall be recorded
2. Removal of the building restriction is subject to documentation that two suitable soil treatment and disposal areas are present on the site

Commented [AK37]: This is required by state septic code. We would require this on the front end now, instead of the back end after the parcel has been created

1501.5 Required Deeds and Legal Descriptions

A. Except for item b, all subdivisions of land require the creation of two deeds to be recorded at the time the property is subdivided:

- (1) a deed(s) containing the legal description for the parcel(s) created
- (2) a deed containing the legal description for the residual parcel.

A. If the land is being split to stay in the same ownership name (not being conveyed to a second party), only one deed is required, with two separate legal descriptions within the same deed/document for recording.

Commented [AK38]: Clarification of existing language and extending it for all splits, not just metes and bounds

1502. Plats

A. A Minnesota Statute Chapter 505 plat is **required** under the following circumstances:

- 1) The creation of four or more total tax parcels except when the tax parcels created can be described by an aliquot part of the Public Land Survey. The minimum division shall be a Quarter-Quarter of the Section (i.e. SE ¼ of the NW ¼). Non-contiguous land must be separate tax parcels.
- 2) If a subdivision of a platted lot or outlot can result in one or more potential dwelling sites, the subdivision must be platted.

B. Administrative Plats. An Administrative Plat process may be utilized if all of the following conditions are met:

- i. The plat does not dedicate any interests to the public such as easements or roads;
- ii. The parcels shown on the plat provide for existing public road access for each new division or reconfiguration of land;
- iii. There is no change of zone requested;
- iv. No additional building sites are created other than what would be allowed under the existing zoning designation;

C. All plats, except Administrative Plats as outlined in Section 1502 b, shall be reviewed by the Planning Commission and approved by the County Board.

1503. Metes and Bounds Subdivision

A. The creation of up to three total tax parcels from one or more tax parcel(s) requires a survey as outlined below except when the tax parcels created can be described by an aliquot part of the Public Land Survey. The minimum division shall be a Quarter, Quarter of the Section (i.e. SE ¼ of the NW ¼). Non-contiguous land must be separate tax parcels.

- 1) If the parcel is not within a recorded plat, and a Certificate of Location for each of the pertinent Public Land Survey corners has been filed with the County Surveyor, a Certificate of Survey depicting information listed in Section 1506.1, (B), items 1 through 6, items 8, 11, 12, 13, and 14 shall accompany the subdivision and conveyance of land. The survey must be of the parcel being split and conveyed and, if resulting in under 40 acres, the parcel(s) contributing to the split. If the split parcel is composed of more than one tax parcel, the acreages of those portions of each tax parcel contributing to the split parcel must be indicated on the survey.
- 2) If the parcel is within a recorded plat, a Certificate of Survey depicting information listed in Section 1506.1 (B), items 1 through 6, items 8 and 11 shall accompany the subdivision and conveyance of land. The survey shall show distance and direction reference ties to each of the pertinent Lot or Block corner monuments. If the pertinent Lot or Block corner monuments do not exist, sufficient mathematical information shall be shown to enable reference of the parcel description to the plat or to the pertinent Public Land Survey corner monuments. The survey must be of the parcel being split and conveyed and, if resulting in under 40 acres, the parcel(s) contributing to the split. If the split parcel is composed of more than one tax parcel, the acreages of those portions of each tax parcel contributing to the split parcel must be indicated on the survey.

B. No further subdivisions will be approved for tax parcels subdivided within one year of their creation.

C. All conveyances of land outlined in Section 1503 within the unincorporated areas of Morrison County, must be presented to the County Recorder/Registrar or Titles with a certification by the Morrison County Planning and Zoning Office that the County's subdivision regulations do not apply or that the subdivision has been approved by the Morrison County Planning & Zoning Office. If a conveyance instrument is recorded without the written approval of the Zoning Administrator or their designee, the parties of the conveyance may be subject to misdemeanor prosecution as contained in this Ordinance.

D. ~~All metes and bounds subdivisions of land require the creation of two deeds to be recorded at the time the property is subdivided: (1) a deed(s) containing the legal description for the parcel(s) created (2) a deed containing the legal description for the residual parcel.~~

Commented [AK39]: Moved and clarified this language to apply to all splits, not just metes and bounds

1504. Torrens Properties

A. In the instance in which a plat or metes and bounds description subdivides Torrens property, the Land Surveyor preparing the proposed plat or parcel description will provide to the County Recorder/Registrar of Titles the new descriptions for the Torrens parcels and any residual parcel(s). These descriptions must accompany the filing of the Certificate of Survey, Certificate of Description, plat, or Registered Land Survey.

B. Common Interest Communities in which ownership is characterized as real property cannot contain both Torrens and Abstract title.