

MORRISON

COUNTY

LAND USE

CONTROL

ORDINANCE

MORRISON COUNTY ZONING ORDINANCE

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BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MORRISON COUNTY, MINNESOTA.

100. TITLE, AUTHORITY AND PURPOSE

101. **Short Title.** This ordinance shall be known as the MORRISON COUNTY LAND USE CONTROL ORDINANCE and herein referred to as the ordinance.

102. Authority and Jurisdiction: General

This ordinance establishes zoning districts and regulations within those districts regarding the location, height, bulk, size and specified uses for which dwellings, buildings and structures that may thereafter be erected or altered in pursuance of the authority granted by Minnesota Statutes, Chapters 342, 394, 103F, 115 & 116, 505, 508, 515, 515A, Minnesota Rules, chapters 7020, 6120, 9810 and the requirements of the Minnesota Wetland Conservation Act of 1991, or as amended.

103. County Comprehensive Plan

The Morrison County Comprehensive Plan shall be the document known as the "Morrison County Comprehensive Plan" adopted October 4th, 2005. The Comprehensive Plan may be amended by the County from time to time in accordance with the procedures set forth in Minnesota Statutes, Chapter 394.

104. Intent, Purpose, and Policy

104.1 **General Policy.** Because the land and water of Morrison County are limited resources which must be used in a manner that will protect the environment and satisfy the needs of the County's population, and because these land and water resources are required to provide food and fiber, construction material, water recharge, recreation, wildlife, and living space, Morrison County finds it necessary to protect the land and water resources of the county to afford a desired quality of life to existing and future citizens of the county, and to promote the health, safety, and general welfare of the County's inhabitants.

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200. RULES AND DEFINITIONS

Words and phrases in this ordinance shall have the same meanings as those defined in Minn. Stat. 342.01 and Minnesota Rules chapter 9810.

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.

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, soybeans, 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. Animal units are calculated by dividing the average animal weight for a species by 1,000 pounds. For purposes of these regulations, the following equivalents apply:

(1.) one Dairy Cow (milked or dry) >1000 lbs.	1.4 animal units
" " " <1000 lbs.	1.0 animal units
(2.) one Dairy Heifer	0.7 animal units

(3.) one Dairy Calf	0.2 animal units
(4.) one Beef Slaughter/Stock Cow	1.0 animal units
(5.) one Beef Feeder	0.7 animal units
(6.) one Beef Cow/Calf pair	1.2 animal units
(7.) one Beef Calf	0.2 animal units
(8.) one Swine >300 lbs.	0.4 animal units
(9.) one Swine > 55 lbs. to 300 lbs.	0.3 animal units
(10.) one Swine < 55 lbs.	0.05 animal units
(11.) one Horse	1.0 animal units
(12.) one Sheep	0.1 animal units
(13.) one Chicken, if facility has a liquid manure system	0.033 animal units
(14.) one Chicken >5 lbs. if facility has a dry manure system	0.005 animal units
(15.) one Chicken <5 lbs. if facility has a dry manure system	0.003 animal units
(16.) one Turkey <5 lbs.	0.005 animal units
(17.) one Turkey >5 lbs.	0.018 animal units
(18.) one Duck	0.01 animal units

Apartment: A room or suite of rooms, including bath and kitchen facilities, in a multiple-family or commercial building, designed for occupancy by a single family.

APO: The administrative penalty order issued pursuant to Minn. Stat. §103F.48, subd. 7 and Minn. Stat. §103B.101, subd. 12a.

Applicant: A person, corporation, or other legal entity recognized by law who applies for a variance, land use permit, conditional use permit, zoning amendment, any other land use permit, or a subdivision application.

Application: The process by which the owner of land in Morrison County submits a request to develop, construct, build, modify, or erect a structure upon such land. Application includes a properly filed application form provided to the applicant by the Morrison County Planning and Zoning Office, all written documentation, any required legal forms, required fees paid in full, and any verbal statements and representations made by an applicant to the County concerning such a request.

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

Automotive Repair: General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including body work, framework, welding, and auto painting services.

Automotive Sales: Premises on which new or used passenger cars, pickup trucks, or other trucks are displayed in the open for sale or trade. All vehicles must be in operable condition.

Base Flood: The flood having a one-percent chance of being equaled or exceeded in any given year. "Base flood" is synonymous with the term "regional flood" used in Minnesota Rules, part 6120.5000.

Base Flood Elevation (BFE): The elevation of the base flood, regional flood, or one-percent annual chance flood. The term "base flood elevation" is used in the flood insurance study.

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

Bed and Breakfast: A single family dwelling used in part as rental units for lodging and providing one or more meals as part of the rental fee.

Best Management Practices: A practice or combination of practices for preventing or reducing diffuse or non-point source pollution to a level compatible with water quality goals.

Big-Box Retail: These types of facilities are large, industrial-style buildings or stores with footprints that generally range from 20,000 square feet to 200,000 square feet.

Biofuel Plant – Manure: Manure processing from a feedlot into solid, liquid, or gaseous fuels for any use.

Block: A tract of land consisting of one or more lots, as identified by a number, and bounded by plat boundaries, dedicated public ways, outlots, parks, or bodies of water.

Bluff: A topographic feature such as a hill, cliff, or embankment having the following characteristics:

- A. Part or all of the feature is located in a shoreland area.
- B. The slope must drain toward the waterbody.
- C. The slope rises at least 25 feet above the ordinary high-water level.
- D. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater (see Figure 1), except that an area with an average slope of less than 18 percent over a distance of at least 50 feet shall not be considered part of the bluff (see Figure 2).

Figure 1. Illustration of Bluff

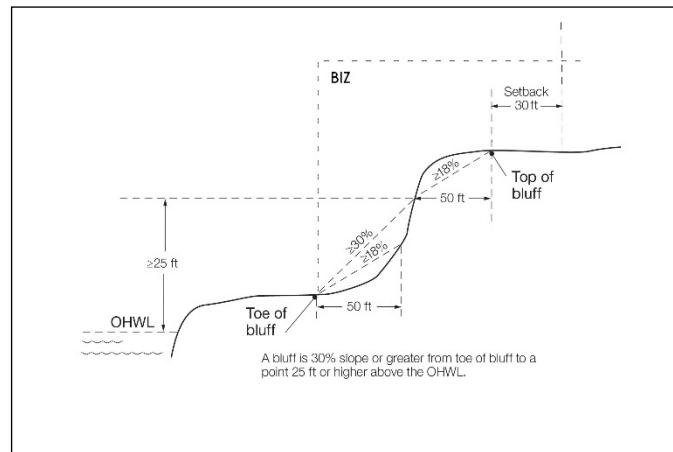
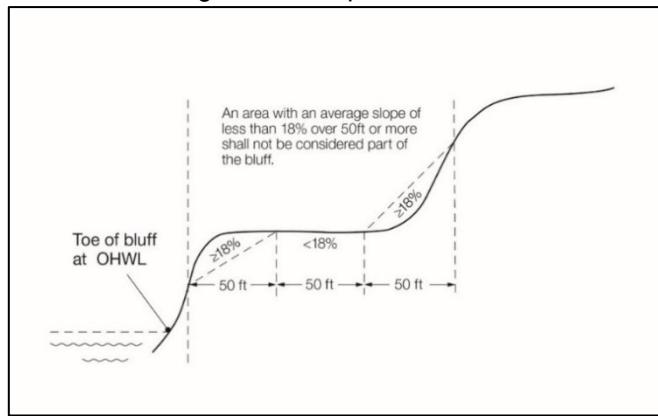


Figure 2. Exception to Bluff



Bluff, Toe: The lower point of a fifty (50) foot segment with an average slope exceeding eighteen (18) percent.

Bluff, Top: The higher point of a fifty (50) foot segment with an average slope exceeding eighteen (18) percent.

Bluff Impact Zone: A bluff and land located within thirty (30) feet from the top of the bluff.

Board of Adjustment: A quasi-judicial body, created by this ordinance, whose responsibility is to hear appeals from zoning decisions and to consider requests from variances permissible under the terms of this Ordinance.

Boathouse: A structure designed and used solely for the storage of boats or boating equipment.

Boat Slip: A space alongside a dock or pier in which a boat or watercraft may be moored.

Bond: Any form of a surety bond in an amount and form satisfactory to the County. All bonds shall be approved by the County whenever a bond is required by these regulations.

Buffer: has the meaning provided in Minn. Stat. §103F.48, subd. 1(c): an area consisting of perennial vegetation, excluding invasive plants and noxious weeds, adjacent to all bodies of water within the state and that protects or provides riparian corridors.

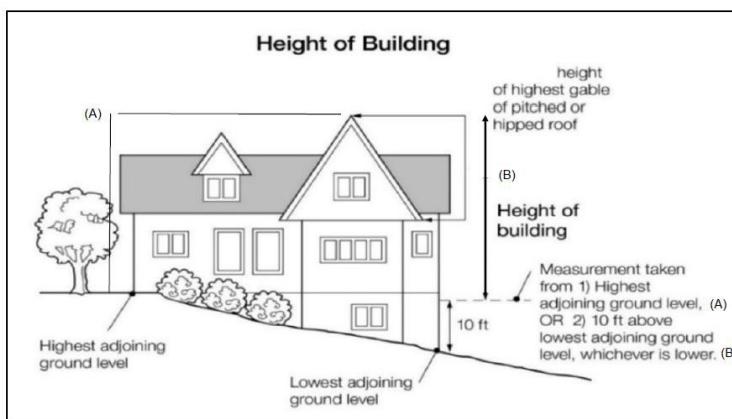
Buffer Protection Map: buffer maps established and maintained by the commissioner of natural resources, and which are available on the Department of Natural Resources website:

Buildable Area: The contiguous area remaining on a lot or parcel of land after all setback requirements, areas with slopes greater than 25%, all easements and rights-of-way, historic sites, wetlands, and land below the ordinary high-water level of public waters are subtracted for the purpose of structure placement.

Building: Any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of any person, animal, chattel or property of any kind.

Building Height: The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest adjoining ground level using natural grade prior to filling, whichever is lower, and the highest point of a flat roof or height of the highest gable/point of a pitched, hipped, etc. roof (see Figure 3).

Figure 3. Height of Building



Building Line: A line parallel to the street right-of-way at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way line.

Building-Principal: A building or structure in which is conducted the main or principal use of the lot on which said building or structure is situated.

Business Enterprise: The exchange, purchase or sale of goods or services.

BWSR: The Board of Water and Soil Resources.

Café, Restaurant: A business establishment whose principal business is the selling of unpackaged food to the customer in a ready to consume state, in individual servings, or in non-disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

Campground: An area accessible by vehicle and containing campsites or camping spurs for tent and trailer camping.

Carport: A vehicle shelter having one or more sides open.

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.

Channel: A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct flowing water either continuously or periodically.

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.

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.

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

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.

Community Solar Energy System: A solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system, under the provisions of Minn. Statutes 216B.1641 or successor statute. A Community Solar Energy System may be either an accessory or a principal use.

Compliance Inspection: An evaluation, investigation, inspection, or other such process for the purpose of issuing a Certificate of Compliance or Notice of Noncompliance.

Comprehensive Plan: A compilation of goals, policy statements, standards, programs, and maps for guiding the physical, social and economic development, both public and private, of the county and its environs, as defined in the Minnesota County Planning Act, and includes any unit or part of such plan separately adopted and any amendment to such plans or parts thereof.

Conditional Use: A use classified as conditional generally may be appropriate or desirable in a specified zone but requires special approval because if not carefully located or designed, it may create special problems such as excessive height, bulk, or abnormal traffic congestion.

Condominium: A form of individual ownership with a multi-family building or development with joint responsibility for maintenance and repairs. In a condominium, each apartment or townhouse is owned outright by its occupant, and each occupant owns a share of the land and other common property of the building.

Confinement Barn: A structure, building or shelter that encloses animals continually through the production cycle. A confinement barn may or may not have a waste storage facility within it.

Construction Plan: The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Town Board as a condition of the approval of the plat.

Contiguous Parcel: Means a single parcel of land or any two or more such parcels which touch one another at one or more points. Road easements do not affect the contiguity of a parcel or parcels.

Contour: A line connecting all points of which are at the same elevation above a specified datum surface.

Contour Interval: The difference in elevation between adjacent contours on a map.

Contour Map: A map depicting contour lines.

Convenience Store: A retail sales establishment that, in addition to other retail sales and rentals, may sell gasoline at pumps, car washes, and take-out foods, but not including gasoline or automobile service stations.

Conveyance: Conveyances shall have the meaning specified in Minnesota Statutes 272.12.

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

Copy: A print or reproduction made from an original.

Corrective Action: Any action required by the Zoning Office to ensure compliance or conformance with this Ordinance and state regulations.

County: Means Morrison County or the Morrison County Board of Commissioners.

County Attorney: The County Attorney of Morrison County or the authorized representative.

County Board: The Morrison County Board of Commissioners.

County Surveyor: The County Surveyor of Morrison County or the authorized representative.

Covenants: Contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

Critical Facilities: Buildings and structures that contain essential facilities and services necessary for emergency response and recovery, or that pose a substantial risk to the public in the event of failure, disruption of function, or damage by flooding. Specifically, this includes facilities identified as Flood Design Class 4 in ASCE 24-14, Flood Resistant Design and Construction, as amended. Examples include health care facilities, facilities required for emergency response, power generating stations, communications towers, or electrical substations.

Cul-De-Sac: A road having but one end open to traffic; not a through road.

Cultivation Farming: means farming practices that disturb root or soil structure or that impair the viability of perennial vegetation due to cutting or harvesting near the soil surface.

Daycare: A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.

Care center: A use defined by Chapter 462, Minnesota Statutes, which is operated for the daytime care of children and/or adults.

Decibel: The unit of sounds measured on the "A" weighing scale of a sound level meter, set on slow response, the weighing characteristics of which are specified in the "Standards on Sound Level Meters of the USA Standards Institute."

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.

Demolition Debris: Inert materials including earthen fill, boulders, rock, and other materials commonly used in the construction of buildings; this does not include solid waste, industrial solid waste, recyclable materials, asbestos, or other hazardous or toxic materials.

Demolition Facility, Type I: A demolition debris disposal facility which is designed to hold and does hold less than 500 cubic yards of demolition debris.

Demolition Facility, Type II: A demolition debris disposal facility which is designed to hold or does hold 500 or more cubic yards of demolition debris.

Design Standard: The specifications for the preparation of preliminary plans indicating minimums and maximums in the dimensions, magnitude, and capacity in such features as the layout of streets, lots, blocks, drainage and required improvements.

Density: The number of dwelling units residing upon, or to be developed upon, an acre of land.

Developer: The owner of land proposed to be subdivided or its representative who is responsible for any undertaking that requires review and/or approval under these regulations.

Development: Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Development Agreement: Agreement between Morrison County and developer through which the County Board may agree to vest development use or intensity or refrain from interfering with subsequent phases of development through new legislation, in exchange for the agreement to construct any and all improvements to existing County standards, or a higher standard in some cases, abide by all conditions of the County Board, perform all required tasks within the established time frame, warranty all improvements, and provide security in an amount acceptable to the county to ensure performance of the Agreement and all warranties. Said agreement shall be recorded at the same time or prior to the final plat.

District: Any section in Morrison County for which the regulations governing the use of buildings and land or the height and area of buildings are uniform.

Double Frontage Lots: Lots which have a front line abutting on one road and a back or rear line abutting on another road.

Drainage Authority has the meaning provided in Minn. Stat. §103E.005, subd. 9: the board or joint county drainage authority having jurisdiction over a drainage system or project.

Drainage Course: A water course or indenture for the drainage of surface water.

Drive-in/Drive-through: Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the vehicle or where fast service to the automobile occupants is offered regardless of whether service is also provided within a building.

Driveway or Road Permit (Shoreland): A land use permit is required from the County prior to the development of a driveway or road within any of the Shoreland Districts. Such permit must be acquired prior to the issuance of a structure land use permit.

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

Dwelling, Attached: A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

Dwelling, Detached: A dwelling which is entirely surrounded by open space on the same lot.

Dwelling, Multiple Family: A residence designed for or occupied by three (3) or more families with separate housekeeping and cooking facilities for each with an approved sewage treatment system.

Dwelling, Single Family: A dwelling occupied by only one (1) family, and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for one (1) family only, together with such domestic help as may be necessary to service and maintain the premises and their occupants.

Dwelling, Site: A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

Dwelling Unit. Any structure or portion of a structure designed as short or long term living quarters for one or more persons.

Easement: A grant by an owner of land for the specific use of said land by the public, or to a person or persons.

Elevation Certificate: A certified statement signed by a licensed surveyor that verifies a structure's elevation information.

Environmental Assessment Worksheet: A brief document which is designed to set out the basic facts necessary to determine whether an environmental impact statement is required for a proposed action.

Environmental Impact Statement: A detailed written statement as required by Minnesota Statutes, section 116D.04, subdivision 2a. **When prepared** – Where there is potential for significant environmental effects resulting from any major governmental action, the action shall be preceded by a detailed environmental impact statement prepared by the responsible government unit. The environmental impact statement shall be an analytical rather than an encyclopedic document which describes the proposed action in detail, analyzes its significant environmental impacts, discusses appropriate alternatives to the proposed action and their impacts, and explores methods by which adverse environmental impacts of an action could be mitigated. The environmental impact statement shall also analyze those economic, employment and sociological

effects that cannot be avoided should the action be implemented. To ensure its use in the decision-making process, the environmental impact statement shall be prepared as early as practical in the formulation of an action. No mandatory environmental impact statement may be required for an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph (b), that produces less than 125,000,000 gallons of ethanol annually.

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

Erected: The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operation on the premises required for the building, excavation, fill, drainage, and the like, shall be considered a part of erection.

Escrow: A deposit of cash with the County or escrow agent to secure the promise to perform some act.

Essential Services: Underground or overhead gas, electrical, steam, or water distribution systems; collection, communication supply, or waste disposal systems, pipes, conduits, cables, fire alarm boxes, traffic signals, electric and telephone poles, hydrants or other similar equipment and accessories in conjunction with the services; but not including buildings or transmission services.

Expansion: An expansion of a structure in any manner, including but not limited to, increase of height, width, footprint, size, or volume.

Exterior (outdoor) Storage: The storage of goods, materials, equipment, manufactured products, and similar items in an area not fully enclosed by a building.

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.

Failing System: Any ISTS that discharges sewage to a seepage pit, cesspool, drywell, leaching pit, other pit, a tank that obviously leaks below the designated operating depth, or any system with less than the required vertical separation as described in Chapter 7080.0060, subp. 3. In addition, any system posing an imminent threat to public health or safety as defined in Minnesota Rules 7080.0020, subp. 19a, shall be considered failing.

Failure to Protect Groundwater: At a minimum, a SSTS that does not protect groundwater is considered to be a seepage pit, cesspool, drywell, leaching pit, or other pit; a SSTS with less than the required vertical separation distance, described in Minn. R. 7080.1500 Subp. 4 D and E; and a system not abandoned in accordance with Minn. R. 7080.2500.

Fall Zone: The area, defined as the furthest from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.

Farm: A tract or tracts of land which are principally used for agricultural activities such as the production of cash crops, livestock, or poultry farming. Such farms may include dwelling and agricultural accessory buildings and structures necessary to the operation of the farm.

Farm Equipment Sales: Includes new or used farm equipment or salvage equipment either whole or cut up for parts or salvage.

Farm Fence: An open type of fence of posts and horizontally run wire, further specified in Minnesota Statutes, section 344.02, Subd. 1(a-d).

Feeder Line: Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the WECS.

Feedlot Environmental Review: A technical report based on an on-site inspection completed for the purpose of identifying potential pollution problems.

Feedlots, Large-Scale: Feedlots containing more than three hundred (300) Animal Units.

FEMA: Federal Emergency Management Agency.

Fence: For the purpose of this ordinance a fence is any addition, wall or gate erected as a divider, marker, barrier or enclosure greater than four feet in length.

Fill: Any act by which earth, sand, gravel, rock, or any other material is deposited, placed, replaced, pushed, dumped, transported, or moved to a new location.

Filter Strip: The use of land topography and native vegetation to provide runoff, erosion, and sedimentation control.

Final Plat: The final drawing, which is in compliance with MS 505 or 515B and County Ordinances and rules, of the Subdivider's plan as presented to the County Board for approval and which, if approved, will be submitted to the County Recorder to be recorded. A Final Plat is also considered the Recorded plat.

Fish House: A portable structure, constructed and maintained for the purpose of providing shelter during ice fishing season.

Flood: A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

Flood Frequency: The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Flood Fringe: The portion of the one-percent annual chance floodplain located outside of the floodway.

Flood Insurance Rate Map (FIRM): An official map on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS): The study referenced in Section 1003.2, which is an examination, evaluation and determination of flood hazards, and if appropriate, corresponding surface elevations, or an examination, evaluation, and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

Flood Plain: The beds, channel and the areas adjoining a wetland, lake or watercourse, or other source which have been or hereafter may be inundated by the base flood.

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.

Floodway: The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which must be reserved to carry or store the base flood discharge without cumulatively increasing the water surface elevation more than one-half foot.

Floor Area: The sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space and including any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, the floor area shall not include basement floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices.

Floor Area Ratio: The numerical value obtained through dividing the gross floor area of a building or buildings by the net area of the lot or parcel of land on which such building or buildings are located.

Floor Plan, General: A graphic representation of the anticipated utilization of the floor area within a building or structure but not necessarily as detailed as construction plans.

Forestry: The management, including growing or harvesting of a forest, woodland, or plantation.

Frequency: The oscillations per second in a sound wave.

Fuel Depot, Bulk: Bulk storage of oil, gasoline, liquid fertilizer, chemicals & similar liquids in excess of 2,500 gallons.

Garage, Private: An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicle(s) of the family or families resident upon the premises.

Garage sale, rummage sale: The temporary display and sale of goods within the garage, driveway and/or premises of a residence.

Gasoline Station: A place for the dispensing, sale, or offering for sale of motor fuel directly to users of motor vehicles and may also include the sale of minor accessories and the servicing of, and minor repair of, motor vehicles.

General Development Plan: The general development plan shall mean a map showing property boundaries with a proposed street layout and desirable lot layouts.

General Floodplain: Those floodplains designated on the Flood Insurance Rate Maps referenced in Section 1003.2, but that do not have a delineated floodway.

Good Neighbor Plan: A document identifying Best Management Practices for the application of manure on a farm and procedures for establishing and maintaining good relationships between a farm and nearby residences.

Government subdivision: A full government subdivision is a government lot, or a quarter-quarter section ad infinitum; or a simple fractional part of a full government subdivision as one-half, one-fourth and similar fractions; or a simple quantity part of a full government subdivision such as twenty acres, two hundred feet and similar measures.

Gravel Pit: A site or facility for a commercial extractive use, as defined herein, which extracts sand, gravel, topsoil, or black dirt in excess of 500 cubic yards per year and which may include ancillary activities such as sorting, screening, washing and crushing.

Greenbelt: An eight (8) foot greenbelt shall be a planting strip composed of deciduous and/or evergreen trees, spaced not more than forty (40) feet apart and not less than one (1) row of shrubs spaced not more than five (5) feet apart and which are at least five (5) feet or more in height after one (1) full growing season, and which shall be planted and maintained in a healthy growing condition by either the occupant or owner of the property.

A twenty (20) foot greenbelt shall be a planting strip composed of two (2) rows of deciduous and/or evergreen trees spaced not more than forty (40) feet apart and not less than three (3) rows of shrubs, spaced not more than eight (8) feet apart and which are at least five (5) feet in height after one (1) full growing season, and which shrubs shall eventually grow to a height of not less than twelve (12) feet at maturity, which shall be planted and maintained in a healthy growing condition by either the occupant or owner of the property.

Ground-mount Solar Energy System: A solar energy system mounted on a rack or pole that sits on the ground or has its own foundation and is not attached to a building and that are accessory to the principal land use, designed primarily to supply energy for the principal use on the site.

Guest Cottage: Any structure used wholly or partly as a dwelling unit that may contain areas for sleeping and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

Guest Quarter: Sleeping spaces contained within an accessory structure in addition to those provided in the primary dwelling unit.

Hardscaping: The inorganic components of the landscape design, including paved, rocked, and other surface coverings that impede water soil penetration.

Hardship: Hardship means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the ordinance.

Hazardous Waste: Any refuse, sludge, or other waste material or combinations of refuse, sludge or other waste materials in solid, semisolid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical or infectious characteristics may (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Highway: Any public thoroughfare or vehicular right-of-way with a federal, state, county, or township route designation.

Holding Tank: Means a tank for storage of sewage until it can be transported to a point of treatment and dispersal. Holding tanks are considered a septic system tank under Minnesota Stat. § 115.55.

Home Extended Business: An occupation or profession engaged in by the occupant of the dwelling unit that is carried out in an accessory structure that is clearly incidental and secondary to the residential use of the premises and does not change the character of the principal use.

Home Occupation: Any activity carried out for financial gain by a resident which is clearly secondary to the principal use, when carried on within the resident's dwelling unit and not in any accessory building, except an attached garage, and which shows no activity other than activity normally present in a residential dwelling unit.

Horticulture: Horticultural uses and structures designed for the storage of products and machinery pertaining and necessary thereto.

Hotel: A building or structure occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms occupied singly for hire, in which provision is not made for cooking on any individual plan and in which there are more than ten (10) sleeping rooms, a public dining room for the accommodation of at least twenty (20) guests and a general kitchen.

Hydric Soils: Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

Hydrophytic Vegetation: Macro phytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

Imminent Threat to Public Health or Safety: At a minimum, a ISTS with a discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains or directly to surface water; ISTS that cause a reoccurring sewage backup into a dwelling or other establishment; ISTS with electrical hazards; or sewage tanks with unsecured, damaged, or weak maintenance access covers.

Impervious Surface: A constructed or other hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than existed prior to development, including rooftops; decks; sidewalks; patios; swimming pools; parking lots; concrete, asphalt, gravel driveways, or permeable pavers; and other similar surfaces.

Improvement: Making an existing structure or accessory structure or facility of better quality, more efficient, or more aesthetically pleasing, that does not replicate what pre-existed, but does not include an expansion or enlargement.

Individual sewage disposal system (also, on-site sewage treatment system): An individual subsurface sewage treatment system having a design flow of no more than 5,000 gallons per day.

Industrial (manufacturing) use: The use of land or buildings for the commercial production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

Inoperative Vehicle: Incapable of movement under its own power.

Intensive Vegetative Clearing: The removal of more than twenty-five (25%) percent of trees or shrubs in a contiguous patch, strip, row or block within the Shore Impact Zone, Bluff Impact Zone, or on steep slopes.

Interim Use: A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

Junk (wrecking or salvage) Yard: A place where used or second hand material, which because of its condition, is practically useless for its original purpose, is kept, dismantled, stored, piled, bought, sold or abandoned. This includes any lot or yard where three (3) or more unlicensed vehicles or parts equivalent in volume to three (3) or more standard sized vehicles are kept, dismantled, stored, bought, sold, or abandoned. This definition does not apply to vehicles or other material and items kept entirely within a closed garage or other structure. This does not include farm equipment.

Kennel: Any structure or premises on which four (4) or more dogs are kept for sale, breeding, profit, or similar uses.

Landing: (see definition of "stairways, lifts, and landings").

Land Reclamation: Activity that is taken during and after a mining operation to return the area to a natural state, as much as possible, or take actions that would substantially reduce adverse environmental effects from occurring.

Landfill, Demolition Waste: A place for the disposal of demolition waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition.

Landfill, Solid Waste: A place for the disposal of solid waste including garbage, refuse and other discarded solid materials resulting from residential, commercial, industrial and community activities.

Landscaping: Plantings, including trees, grass, ground cover, shrubs, and other natural materials such as rock and wood chips, and decorative features including sculpture, patterned walks, and fountains. Raised walkways shall not exceed six inches in height and four feet in width.

Licensed Residential Care: Any facility licensed by the county or state to provide health care services to residents of the facility. This term includes nursing homes.

Light Duty Truck: Any motor vehicle that has all three of the following:

- A. 8,500 pounds Gross Vehicle Weight Rating or less;
- B. vehicle curb weight of 6,000 pounds or less; and
- C. basic vehicle frontal area less than 45 square feet.

Limited Rural Business: A business carried out in a building separate from the home and/or homestead that may employ up to seven persons who work at the premises that are not family members.

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

Living Quarters: Space in a structure used for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage rooms, laundry or utility space and similar areas, are not considered living quarters.

Local Water Management Authority: has the meaning provided in Minn. Stat. §103F.48, Subd. 1(g): a watershed, metropolitan water management organization, or county operating separately or jointly in its role as local water management authority under Minn. Stat. §103B or 103D

Lodging Room: A room rented as sleeping and living quarters, but without cooking facilities. In a suite of rooms, without cooking facilities, each room that provides sleeping accommodations shall be counted as a lodging room.

Lot A parcel of land intended for building development or as a unit for transfer of ownership. All, or part of a Block, as identified by a number on a plat.

Lot Area: The area of a lot in a horizontal plane bounded by the lot lines.

Lot, Corner: A lot situated at the junction of, and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred thirty-five (135) degrees.

Lot, Coverage: The part or percentage of the lot occupied by buildings or structures, including accessory buildings or structures.

Lot, Depth: The mean horizontal distance between the front lot line and the rear lot line of a lot.

Lot, Double Frontage: A double frontage lot is a lot which extends from one street to another street.

Lot Line, Front: That boundary of a lot which abuts an existing or dedicated public street and in the case of a corner lot it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front line shall be designated by the owner and filed with the County Recorder.

Lot Line, Front (riparian lots): The boundary of a lot abutting the lake.

Lot Line, Rear: That boundary of a lot which is opposite the front lot line. If the rear line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.

Lot of Record: Any lot which is one unit of plat heretofore duly approved and filed, or one unit of an Auditor's Subdivision or a Registered Land Survey or other identifiable parcel that has been recorded in the office of the County Recorder for Morrison County prior to the effective date of the ordinance.

Lot, Non-Riparian: Land that is not contiguous to the bank of a stream, the shore of a lake, or the edge of a wetland.

Lot, Riparian: Land contiguous to the bank of a stream, the shore of a lake, or the edge of a wetland.

Lot, Substandard: A lot or parcel of land for which a deed has been recorded in the office of the Morrison County Recorder upon or prior to the effective date of this ordinance which does not meet the minimum lot area, structure setbacks or other dimensional standards of this ordinance.

Lot Width: The shortest distance between lot lines measured at the midpoint of the building line or in shoreland property, measured at water's edge.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR § 60.3.

Maintenance and repair: Upkeep or preservation of an existing structure or accessory structure or facility against normal wear and tear or degradation over time that does not change exterior dimensions. Examples include the rehabilitation or replacement of windows, siding, a roof, or exterior finishes such as paint or stain.

Manufactured (modular) Home: A structure transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or thirty-five (35) feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the manufactured home. The term Manufactured Home does not include the term Recreational Vehicle.

Manure Storage Area: Means an area where animal manure or process wastewaters are stored or processed. Short-term and permanent stockpile sites and composting sites are manure storage areas. Animal manure packs or mounding within the animal holding area of an animal feedlot that are managed according to part 7020.2000, subpart 3, are not manure storage areas.

Meteorological Tower: For the purposes of the Wind Energy Conversion System 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.

Metes and Bounds: A description of a parcel of land by references to course and distances around the tract or by reference to natural or record monuments; most common method is to recite direction and length of each line as one would walk around the perimeter.

Mini Storage Facility, Self-Service: A building or group of buildings in a controlled access compound that contains varying sizes of individual, compartmentalized stalls, or lockers for the storage of customer's goods or wares.

Mining Operation: The removal from the land of stone, sand and gravel, topsoil, black dirt, peat, coal, slate, iron, copper, nickel, granite, petroleum products or other minerals or materials for commercial, industrial, or governmental purposes.

Mobile Home. (See Manufactured Home).

Mobile Home or Trailer Coach Park: Any lot or tract of land upon which two (2) or more occupied trailer coaches or mobile homes are harbored either with or without charge and including any building or enclosure intended for use as a part of the equipment of such park.

Modular Home: (see Manufactured Home).

Monument: Concrete and/or metal markers utilized to establish survey points and lot boundaries.

Motel (Tourist Court): A building or group of detached, semi-detached, or attached buildings containing guest rooms or dwellings, with garage or parking space conveniently located to each

unit, and which is designed, used or intended to be used primarily for the accommodation of automobile transients.

Move-on Structure: Any existing structure, which is moved-onto a lot for use as a structure and is permanently affixed to the land. This term does not include manufactured homes.

National Pollutant Discharge Elimination System (NPDES): A permit issued by the MPCA for the purpose of regulating the discharge of pollutants from point sources including concentrated animal feeding operations.

Natural Waterway: A natural passageway on the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area.

New Feedlot: Means an animal feedlot or manure storage area:

- A. constructed, established, or operated at a site where no animal feedlot or manure storage area existed previously; or
- B. that existed previously and has been unused for five years or more.

Noise, Ambient: The all-encompassing noise associated with a given environment, being either a composite of sounds transmitted by any means from many sources near and far or a single predominate source.

Nonconforming Use (nonconformity): any legal use, structure, or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

Non-Compliant Sewer System: An SSTS that is not in compliance as specified in MN Rule 7080.1500.

Non-Feedlot Residence: Any dwelling that is not located on the same farmstead as the feedlot.

Normal Water Level: means the level evidenced by the long-term presence of surface water as indicated directly by hydrophytic plants or hydric soils or indirectly determined via hydrological models or analysis.

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

Offices, Business or Professional: A building in which business of a non-retail low traffic generating nature and clerical services and duties are carried out, including corporate offices, banks, credit unions, insurance and real estate offices and similar uses or a building in which professional and management duties and services are carried out, including medical and dental clinics and offices; psychiatrists and psychologists offices; architectural, engineering, planning and legal offices; and similar uses.

Official Map: The map established by the County in accordance with MSA 394.361 showing streets, highways, parks, and drainage, both existing and proposed.

Off-Street Loading Space: A space accessible from a street or alley for loading and unloading merchandise or materials. Such space shall be of a size as to accommodate one vehicle of the type typically used in that particular business.

Open Sales Lot: Any land used or occupied for the purpose of buying and selling any goods, materials, or merchandise and for the storing of same under the open sky prior to the sale.

Open Space: An area of land preserved from building development and reserved for the use of general public or a homeowners association for the purpose of active and passive recreation and certain necessary community facilities.

Ordinance: The Morrison County Land Use Control Ordinance.

Ordinary High-Water Level (OHW): The boundary of public waters and wetlands and shall be an elevation delineating the highest water level that 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 flowages, the ordinary high-water level is the operating elevation of the normal summer pool. In areas where the ordinary high-water level is not evident, setbacks shall be measured from these streambanks of the following water bodies that have permanent flow or open water: the main river channel, adjoining side channels, backwaters, and sloughs.

Outdoor Recreational Uses: Any recreation use particularly oriented to and utilizing the outdoor character of an area including hiking and riding trails, trails for motorized vehicles, primitive campsites, campgrounds, waysides, parks, recreation areas, shooting ranges, driving ranges, miniature golf, picnic areas, ball fields, tennis courts and play areas.

Owner: Any individual, firm, association, syndicate, partnership, corporation, trust, or other legal entity having sufficient proprietary interest in a property to commence and maintain proceedings under this Ordinance, or the owner of record.

Park Model: A dwelling unit built on a single chassis mounted on wheels, designed to be connected to utilities necessary for operation of installed fixtures and appliance and has a gross trailer area of not less than 320 square feet and not more than 400 square feet exterior horizontal dimension in the setup mode.

Parking Space: A suitably surfaced and permanently maintained area either within or outside of a building of sufficient size (not less than two hundred square feet) to place one standard automobile.

Pasture: Areas where grass or other growing plants are used as food for animal grazing.

Patio: An open area that is often impervious and within one foot of pre-existing or natural grade.

Pedestrian Way: A public or private right-of-way across or within a block to be used by pedestrians.

Performance Standards: The minimum development standards as adopted by the governing body and on file in the office of the Zoning Administrator.

Permanent Foundation: The structural supports of a building that allow the building to be physically attached to the ground.

Permanent Bituminous/Concrete Facilities: A bituminous hot mix plant or a concrete manufacturing plant that is operated in a gravel pit for a period of time greater than two (2) continuous years. A temporary facility is one operated less than two years.

Permitted Use: A public or private use which of itself conforms with the purposes, objectives, requirements, regulations, and performance standards of a particular district.

Pipeline: The term pipeline has the meaning given it in Minnesota Statutes, section 299J.02, subdivision 11.

Pipeline Easement: The existing easement or a subsequent easement resulting from the negotiation of a change in the boundaries of the existing easement.

Place of Public Assembly: A site that is occupied by twenty (20) or more persons on at least five (5) days a week for ten (10) weeks in any twelve-month period. The days and weeks need not be consecutive.

Planned Unit Development: A tract of land developed as a unit rather than as individual development wherein two or more buildings may be located in relationship to each other rather than to lot lines or zoning district boundaries.

Planning Commission: The Planning Commission of Morrison County except when otherwise designated.

Plat: The diagram, map, drawing, or chart drawn to scale and showing all the essential data pertaining to the boundaries and subdivisions of a tract of land, as determined by survey, that is required for a complete and accurate description of the land which it delineates. This is the document on which the subdivider's plan for subdivision is presented to the Planning Commission for consideration.

Plat Monument: A durable magnetic marker placed at all angle and curve points on the outside boundary lines of the plat and also at all block and lot corners and at all intermediate points on the block and lot lines indicating changes of direction in the lines and any witness corners (MS 505.02 subd. 1). All plat monuments placed shall have the license number of the Minnesota licensed Land Surveyor responsible for the preparation of the Final Plat inscribed thereon.

Preliminary Plat: The preliminary map, drawing, or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and County Board for their consideration.

Principal Structure or Use: The primary or main building or use, as distinguished from subordinate, incidental, or accessory structures or uses.

Private Road: A purported roadway or strip of land reserved for the use of a limited number of persons or purposes as distinguished from a publicly dedicated road.

Property Line: The legal boundaries of a parcel of property which may also coincide with a right-of-way line of a road, cartway, and the like.

Protective Covenant: A contract entered into between private parties which constitutes a restriction of the use of a particular parcel of property.

Public Drainage System: has the meaning provided in Minn. Stat. §103E.005, subd. 12: a system of ditch or tile, or both, to drain property, including laterals, improvements, and improvements of outlets, established, and constructed by a drainage authority. "Public drainage

system" includes the improvements of a natural waterway used in the construction of a drainage system and any part of a flood control plan proposed by the United States or its agencies in the drainage system, or as

Public Hearing: An adjudicatory proceeding held by the County, generally attended by the Planning Commission, preceded by published notice and actual notice to certain persons and at which certain persons, including the applicant, may call witnesses and introduce evidence for the purpose of demonstrating that the permit application or plat approval should or should not be granted. The hearing may be combined with other adjudicatory or legislative hearings to address related issues.

Public Land: Land owned or managed by a municipality, school district, township, county, state, federal, or other unit of government.

Public Waters: Any waters defined in Minnesota Statutes, section 103G.005, or as amended.

Quarry: The extraction of material from the earth to obtain building stone, slate, or limestone.

Quarter/Quarter Section: A division of a section of land according to the survey and rules of the original United State Government Land Survey containing approximately 40 acres.

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

Recreational Vehicle Campground: An area accessible by vehicle, containing sites for travel trailers or recreational vehicles, and with central water supply and central on-site sewage treatment facilities connected to each site.

Recreational Use Area: An area intensively cleared of trees and shrubs to provide for lake access, potential sand blankets, stairway, lift, or access path termination, lounging, etc.

Recreational Vehicle: A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Those vehicles not meeting this definition shall be considered a structure for the purposes of this ordinance. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term "travel trailer/travel vehicle."

Recycling: The process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable material in a manner that precludes further use.

Recycling Center/Solid Waste Facility: A facility established and used primarily for the recovery of recyclable materials, including related and appurtenant facilities such as transmission facilities and transfer stations primarily serving the recycling facility. For the purpose of this ordinance, portable and temporary recycling locations are not recycling centers.

Regional Flood. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonable characteristic of what can be expected to occur on average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.

Registered Land Survey: A survey map of land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts of a Registered Land Survey Number.

Regulatory Flood Protection Elevation (RFPE): An elevation that is one foot above the elevation of the base flood plus any increases in the water surface elevation caused by encroachments on the floodplain that result from designation of a floodway. These increases in water surface elevations are typically identified in the Floodway Data Tables, found in the Flood Insurance Study.

Related Essential Services: Underground or overhead gas, electrical, steam, or water distribution systems; collection, communication supply, or waste disposal systems, pipes, conduits, cables, fire alarm boxes, traffic signals, electric and telephone poles, hydrants or other similar equipment and accessories in conjunction with the services; but not including buildings or transmission services.

Repetitive Loss: Flood related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

Replacement and restoration: Reconstruction of part or all of an existing structure or accessory structure or facility that closely matches or replicates the preexisting structure or facility.

Residential Lot Suitable Area: The minimum area on a residential lot or parcel of land that is the sum of the buildable area and the sewage treatment system suitable area for unsewered areas or the buildable area in sewered areas.

Residential Planned Unit Development: 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 apartments, manufactured (mobile) home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences, year-round or seasonal, would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five (5) dwelling units or sites.

Resort: Resort means a commercial establishment, that includes buildings, campgrounds, lodges, structures, dwelling units/sites, enclosures, or any part thereof kept, used, maintained, or advertised as, or held out to the public to be a place where sleeping accommodations are furnished to the public daily, weekly, or longer periods, and having for rent three or more cabins, rooms, campsites, or enclosures. These establishments must be primarily service-oriented for transient lodging of guests. All cabins, rooms, dwelling units/sites, or enclosures must be included in the resort rental business. In order to qualify as a resort pursuant to this definition, a resort shall also be fully licensed and permitted under appropriate state and local regulations. The entire parcel of land must be controlled and managed by the licensee.

Resubdivision: A change in a recorded subdivision if such change affects any street layout, affects any area reserved for public use or diminishes the size of any lot.

Retail, General Sales and Services: A broad range of commercial activities operating out of a permanent structure catering to the general public.

Retaining Wall: A wall constructed or erected between lands of different elevations to protect structures or prevent erosion

Retreat Center: A single family home offered for rent to hobby groups on a short-term basis, not exceeding one week.

Right-of-Way: The land covered by a public road or other land dedicated for public use or for certain private use.

Riparian: Land contiguous to the bank of a stream, the shore of a lake, or the edge of a wetland.

Riprap: The use of natural rock laid loosely along the edge of the natural shoreline of a public water, with the rock conforming to the natural alignment of the shoreline.

Road: A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated. Ingress and egress easements shall not be considered roads.

Rooftop Solar Energy System: A solar energy system mounted on the roof of a building and is accessory to the primary land use, designed to supply energy for the primary use.

Rotor Diameter: The diameter of the circle described by the moving rotor blades.

Scenic Easement: A strip of land dedicated by easement or covenant on a deed to remain in a natural and protected state.

School: A facility that provides a curriculum of pre-school, elementary, secondary, post-secondary, and other instruction including, but not limited to, child day care centers, kindergartens, elementary, junior high, high schools, and technical or college instruction.

Screen: A solid, opaque, fence of a single natural color at least eight (8) feet in height.

Seasonal Produce Stands: A seasonal business not exceeding six months in any calendar year operated on a rural farm as defined offering for sale to the general public produce or any derivative thereof grown or raised on the property.

Secondary Shoreline Buffer Zone: The land located between the shore impact zone and the required structure setback.

Selective Cutting: The removal of single scattered trees.

Septage: Solids and liquids removed from an SSTS and includes solids and liquids from cesspools, seepage pits, other pits, or similar systems or devices that receive sewage. Septage also includes solids and liquids that are removed from portable, incinerating, composting, holding, or other toilets.

Septic Tank: Any watertight, covered receptacle that is designed and constructed to receive the discharge of sewage from a building sewer or preceding tank, stores liquids for a detention period that provides separation of solids from liquid and digestion of organic matter, and allows the effluent to discharge to a succeeding tank, treatment device, or soil dispersal system.

Semipublic Use: The use of land by a private, non-profit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

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 and/or fauna in need of special protection.

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.

Setback Area: The area between the minimum building setback and the ordinary high-water level of the Mississippi River or the Headwaters Lakes.

(Sewage) Sludge: The solids and associated liquids in municipal wastewater which are encountered and concentrated by a municipal wastewater treatment plant. Sewage sludge does not include incinerator residues and grit, scum, or screenings removed from other solids during treatment. This term includes sludge generated by industry and commercial establishments.

Sewage System: Any system for the collection, treatment, and dispersion of sewage, including, but not limited to, septic tanks, soil absorption systems, and drainfields.

Sewer System: The pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Shore Impact Zone: The land located between the ordinary high-water level and a line parallel to it at a setback of fifty (50) feet on a public water with a seventy-five (75) foot required structure setback, sixty-five (65) feet on a public water with a one hundred (100) foot required structure setback, and one hundred (100) feet on a public water with a one hundred fifty (150) foot required structure setback.

Shoreland: Land located within the following distances 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 extent of a floodplain 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.

Shrub: A woody plant with a trunk up to 4" in diameter, or a woody plant that is one (1') foot to eight (8") feet in height.

Sign: Any letter, work, symbol, model, printed, projected, or affixed device, poster, picture, reading matter, or other representation in the nature of advertisement, announcement, direction or informative device including structural and component parts, that is located outdoors and is larger than one (1) square foot in area.

_____, **abandoned.** A sign which becomes vacant or unoccupied for a period of six (6) months or more, or a sign which pertains to an event, time, or purpose which no longer applies, or a sign which no longer correctly directs a person or advertises a product or activity. A sign which applies to a business temporarily suspended because of changes of ownership or management of such business shall not be considered an abandoned sign unless the property on which the sign is located remains vacant for a period of more than six (6) months.

_____, **address.** A sign identifying street address only, either written or numerical.

_____, **area identification.** A free standing, on-premises sign which identifies a residential complex of five (5) or more units, a shopping center or complex consisting of three (3) or more separate business concerns, an industrial complex or park, or an office building consisting of three (3) or more separate business concerns and located on the contiguous property.

_____, **banners and pennants**. Advertising or attention getting devices which resemble flags, streamers or similar devices and are made of paper, cloth, plastic, or similar materials.

_____, **business**. A sign which identifies a business, product, service or commodity sold or conducted on the premises where such sign is located.

_____, **free standing**. A sign which is either attached directly to the ground or is on pylons, posts or walls and is completely independent of any building or other structures on the property on which it is located.

_____, **governmental**. A sign erected by a local or other unit of government which is used to identify a public building or area, to direct traffic or to otherwise inform the public.

_____, **illuminated**. Any sign which depends upon any artificial light source either directed at the sign or as an integral component of the sign.

_____, **multiple-faced or back-to-back**. Any sign that has one or more faces as a result of being constructed back-to-back or of a "V" type construction.

_____, **name plate**. A sign which contains only the name and address of the occupant or the name and address of the building.

_____, **non-conforming**. Any sign lawfully in existence of the effective date of this ordinance or any sign lawfully in existence on the date of any amendment to this ordinance which does not conform to the regulations affecting signs for the district in which the sign is located.

_____, **portable**. Any sign which is not affixed permanently to the premises on which it is located, and which is constructed so as to permit it to be moved from place to place whether on wheels or otherwise.

_____, **projecting**. Any sign which is affixed to the outside of an exterior wall of a building, and which extends more than eighteen (18) inches from the building wall face.

_____, **public service message**. A public service message refers to short term, infrequent events not promoting a single commercial venture and occurring for the benefit of the public.

_____, **roof**. Any sign which is permanently attached to the roof of a building that extends above the roof of the building to which it is attached.

_____, **wall**. Any sign that is affixed to the outside of an exterior wall or other part of any building.

Sign area: The area of a sign includes the space inside a continuous line drawn around and enclosing all letters, designs, and background materials exclusive of structural supports. For the purpose of calculating the sign area of multiple-faced or back-to-back signs, the stipulated maximum sign area shall refer to a single face.

Significant Cultural Site: (see Significant Historic Site).

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 307.8. 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 archaeologists or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Sketch Plan: A sketch preparatory to the preliminary plat (or as required through the minor subdivision process) to enable the subdivider to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat and the objectives of these regulations.

Slope: The amount a land surface rises or falls from a horizontal plane. Slope can be expressed as a fraction or percentage, arrived at by dividing the distance of the vertical rise or fall from the horizontal plane by the horizontal distance.

Solar Collector: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Energy System: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Solar Farm: A facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm may be either an accessory or a principal use.

Solid Manure: Animal manure which does not flow, and which can be effectively stacked or handled using a loader equipped with forks.

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

Solid Waste Facility: An intermediate or final disposal site or building operated as a sanitary landfill, incinerator, transfer station, composter or other process used for the processing, reduction, or disposal of solid waste, except a demolition facility.

Stairways, Lifts and Landings: Any structure providing access up and down a slope. Lift means a mechanical conveyance for access up and down a slope and does not mean boat lift. A Landing is a platform between flights of stairs or at the termination of a flight of stairs.

Steep Slope: Lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, which are not bluffs.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or the space between such a floor and the ceiling next above it. A basement shall be considered a story if its ceiling is over five (5) feet above the average established grade.

Street: A public right-of-way which affords primary means of access to abutting property, and shall also include avenue, highway, road, or way.

Street, Collector: A street that serves or is designed to serve as a traffic-way for a neighborhood or as a feed to a major road.

Street, Local: A street intended to serve primarily as an access to abutting properties.

Street, Major or Thoroughfare: A street which services, or is designed to serve, heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

Street Pavement: The wearing or exposed surface of the roadway used for vehicular traffic.

Street Width: The width of the right-of-way, measured at right angles to the centerline of the street.

Structure: Anything constructed or erected, the use of which requires location on the ground or attached to something having location on the ground.

Structural Alteration: Any change which increases outside dimensions of a structure, other than incidental repairs.

Structure Setback: The line measured across the width of the lot at the point where a structure or campsite is placed in accordance with setback provisions.

Subdivider: Any person commencing proceedings under the Ordinance to affect a subdivision of land hereunder for themselves or as an agent of the landowner.

Subdivision: The division of any parcel or land into two (2) or more lots, blocks and/or sites and includes the re-subdivision of land.

Substandard Sewer System: A sewage treatment system that does not meet the setback requirements of Minnesota State Rules Chapter 7080 or the Morrison County Land Use Control Ordinance.

Substantial Damage: Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

B. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." For the purpose of this ordinance, "historic structure" is defined in 44 CFR § 59.1.

Substations: Any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than 35,000 volts (35 kv) for interconnection with high voltage transmission lines shall be located outside of the road right of way.

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

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

SWCD: The Soil and Water Conservation District.

Tax Parcel (parcel): Land which is described by a recorded legal description and referenced by an individual and unique parcel identification number assigned by the County.

Temporary Building: Such buildings incidental to construction work on the premises which are not of a permanent nature and are removed once construction is completed. Such buildings may include mobile homes or recreational vehicles used for activities incidental to the construction but not used as dwelling units.

Total Height (WECS): The highest point, above ground level, reached by a rotor tip or any other part of the WECS.

Tower: For a WECS Tower, it means the vertical structures that support the electrical generator, rotor blades, or meteorological equipment. For a communications tower, it means any pile, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna or to serve as an antenna.

Tower Height: The total height of the WECS exclusive of the rotor blades.

Tract: Any parcel, lot, or area of land which is individually assessed for tax purposes.

Transfer Station: A facility in which solid waste from collection vehicles or individuals is concentrated for subsequent transport. A transfer station structure.

Transmission Line: Those electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

Travel Trailer or Camper: A unit less than eight (8) feet wide or thirty-five (35) feet in length, designed for short-term occupancy and designed to be pulled behind a vehicle, upon the frame of a truck, or self-propelled units.

Tree: A woody plant with a trunk four (4") or more inches in diameter, or a woody plant that is eight (8') feet or more in height.

Use: The purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized, or maintained.

Variance: A modification or variation of the provisions of this ordinance where it is determined by reason of special and unusual circumstances relating to a specific lot, that strict application of the ordinance would cause an undue or unnecessary hardship, or that strict conformity with the provisions of this ordinance would be unreasonable, impractical, or unfeasible under the circumstances.

Warehousing: A use engaged in storage, wholesale, and distribution of manufactured products, supplies and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

Waste Storage Facility: A structure associated with an animal feedlot where animal manure or runoff containing animal manure is stored until it can be utilized as domestic fertilizer or transferred from the site to an approved disposal, usage, or treatment site. Animal manure packs or mounding within the animal feedlot shall not be considered manure storage for these parts.

Watercourse: A channel in which a flow of water occurs either continuously or intermittently in a definitive direction. The term applies to either natural or artificially constructed channels.

Waterfront 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 conduct of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

Water Management or Flood Control Structure: A dam, flood wall, wing dam, diversion channel, or any artificially deepened or widened stream channel following the same or approximately the same course as the natural channel, or any other structure for altering or regulating the natural flow condition of a river or stream. The term water management or flood control structure does not include pilings, retaining walls, gabion baskets, rock riprap, or other facilities intended primarily to prevent erosion.

Water-Oriented Accessory Structure or Facility: A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls. Examples of such structures and facilities include fish houses, storage buildings for boats or water recreation gear, and detached decks.

Wetland(s): Land transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes:

- (1) have a predominance of hydric soils.
- (2) are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- (3) under normal circumstances support a prevalence of such hydrophytic vegetation.

Wetland on Agricultural Land: Wetland where greater than fifty (50) percent of its basin is located on agricultural land.

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

WECS – Commercial: A WECS of equal or greater than 40 kW in total name plate generating capacity.

WECS – Micro: Micro-WECs are WECs of 1KW nameplate generating capacity or less.

WECS – Non-Commercial: A WECS of greater than 1 KW but less than 40 kW in total name plate generating capacity and consists of only one WEC on a parcel.

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

Winery: An agricultural operation that produces wine onsite and offers wine for sale and/or hosts wine tasting events on the premises.

Wood Products Manufacturer: A facility manufacturing products from wood for sale in the retail market, such as a cabinet shop.

Yard: A required open space on a lot that extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located.

Yard, Front: A yard extending across a lot between the side yard setback lines and lying between the right-of-way line of a road and the road setback or, in the case of water frontage only, lying between the ordinary high-water level and the shoreline setback.

Yard, Rear: The portion of the yard on the same lot with the principal building located between the rear line of the building and the rear lot line and extending for the full width of the lot.

Yard, Side: The yard extending along the side lot line between the front and rear yards to a depth or width required by setback regulations for the zoning district in which such lot is located.

Zoning Amendment: A change authorized by the County either in the allowed use within a district or in the boundaries of a district.

Zoning Authority: The Planning and Zoning Office of Morrison County or other entity designated by the county to administer zoning matters.

Zoning District: An area or areas within the limits of the County for which the regulations and requirements governing use are uniform.

Zoning Map: The areas comprising these zoning districts and boundaries of said districts as shown upon the map attached hereto and made a part of this Ordinance, being designated as the Morrison County Official Zoning Map, with all proper notations, references and other information shown thereon.

Zoning Ordinance: The zoning ordinance or resolution controlling the use of land as adopted by the County.

300. GENERAL PROVISIONS

301. Nonconforming lots, uses and structures.

It is the purpose of this section to provide for the regulation of non-conforming lots, uses, structures and on-site sewage treatment systems. It is necessary to satisfy the purposes and intent of this ordinance that non-conforming lots, uses, structures not be permitted to continue without restriction. Further, it is the intent of this ordinance that all non-conforming lots, uses, and structures eventually be brought into conformity.

301.1 Nonconforming Lots

All districts except shoreland

- a. Non-Shoreland lots of record in the office of the Morrison County Recorder as of May 17th, 1995 that do not meet the requirements of the appropriate zone district set forth in this ordinance may be allowed as building sites without a variance provided:
 1. the use is permitted in the zoning district.
 2. the lot has been in separate ownership from abutting lands at all times since it became nonconforming.
 3. the lot was created compliant with the official controls in effect at the time; and,
 4. sewage treatment and setback requirements of this ordinance are met,
 5. the lot, at the building setback line, is a minimum of fifty (50) feet in width.
- b. If, in a group of two (2) or more contiguous lots under the same ownership, any individual lot does not meet the lot size requirements set forth in this ordinance, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with one or more contiguous lots so, that together, they equal one or more parcels of land, each meeting the requirements of this ordinance as much as possible.

All shoreland districts

- c. A nonconforming single lot of record as of May 17, 1995, located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:
 - (1) all structure and septic system setback distance requirements can be met.
 - (2) a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, can be installed or the lot is connected to a public sewer; and
 - (3) the impervious surface coverage does not exceed 25 percent of the lot.
- d. In a group of two or more contiguous lots of record under a common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:
 - (1) the lot must be at least 66 percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120.

(2) the lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, and local government controls.

(3) impervious surface coverage must not exceed 25 percent of each lot; and

(4) development of the lot must be consistent with the adopted comprehensive plan.

- e. A lot subject to paragraph (d) not meeting the requirements of paragraph (d) must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.
- f. Notwithstanding paragraph (d), contiguous nonconforming lots of record in shoreland areas under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of section 115.55 and Minnesota Rules, chapter 7080, or connected to a public sewer.
- g. In evaluating all variances, zoning, and building permit applications, or conditional and interim use requests, the Administrator shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.
- h. A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage system requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.

301.2 Nonconforming Uses

- a. Uses not permitted by this ordinance but which were legally in existence prior to the effective date of this ordinance shall be legal nonconforming uses. Such uses may be continued but shall not be intensified, enlarged or expanded beyond the permitted or delineated boundaries of the use allowed in the most recent permit issued prior to the adoption of this ordinance.
- b. Such legal nonconforming use shall not be changed to another nonconforming use or be reestablished if discontinued for a continuous twelve (12) month period.
- c. Normal maintenance of a building or other structure containing or related to a legal nonconforming use is permitted.
- d. Nonconforming uses which are declared to be public nuisances shall not be allowed to continue as legal nonconforming uses.
- e. A nonconforming use shall not be moved to any other part of its parcel or to another parcel where it would still constitute a nonconforming use.
- f. Notwithstanding Section 301.2 (a) of this ordinance, the use of any parcel for commercial purposes that was legally established at the adoption of this ordinance shall be considered a permitted use regardless of the zoning district, except that any intensification, enlargement, or expansion shall only be allowed as a conditional use following the procedures set forth in Section 507 of this ordinance. Intensification,

enlargement, or expansion shall be limited to the parcels that the existing use occupies.

301.3 Nonconforming Structures – nonresidential located in Ag, UF, R, RR, C and MI (as classified by the County Assessor).

- a. A nonconforming structure existing at the time of the adoption of an official control may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, except that additions or expansions to the outside dimension of an existing nonconforming structure may be allowed provided that the addition or expansion does not further encroach into the prohibited area. Any deviations from these requirements must be authorized by a variance by the Board of Adjustment.
- b. If the nonconforming structure is destroyed by fire or other peril to the extent of 50 percent of its estimated market value, the nonconforming structure shall not be reconstructed except in conformity with the provisions of this ordinance. Any structure which is damaged to an extent less than fifty (50) percent of its market value may be restored to its former extent, provided, however, that it must be reconstructed within twelve (12) months after the date of the damage. For the purposes of this paragraph, the term "value" includes the value of the destroyed building and all buildings or structures which are necessary accessories to the destroyed building.

301.4 Nonconforming Structures – residential located in Ag, R, RR, C, and MI.

- a. This subdivision applies to homestead and non-homestead residential real estate and seasonal residential real estate occupied for recreational purposes as classified by the County Assessor. Except as otherwise provided by law, a nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an official control may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, except that additions or expansions to the outside dimension of an existing nonconforming structure may be allowed provided that the addition or expansion does not further encroach into the prohibited area. Any deviations from these requirements must be authorized by a variance by the Board of Adjustment.
- b. If the nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming building or structure is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value as indicated in the records of the County Assessor at the time of damage and established by an appraisal submitted by the property owner, and no land use permit has been applied for within 180 days of when the property was damaged, any subsequent use or occupancy of the land or premises must be a conforming use or occupancy.
- c. If a nonconforming building or structure is destroyed by fire or other peril to the extent of 50 percent or more of its market value, as established by an appraisal submitted by the property owner and a land use permit has been applied for within 180 days of when the property was damaged, the County may impose reasonable conditions upon a land use permit in order to mitigate any newly created impact on adjacent property.

301.5 Nonconforming structures in floodplain districts

- a. Any alteration or addition to a nonconforming structure which would result in increasing the flood damage potential of that structure shall be protected to the

Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques allowed in the State Building Code.

301.6 Nonconforming structures in SR and SC

- a. A nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an official control, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion.
- b. If the nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming building or structure is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value as indicated in the records of the County Assessor at the time of damage and established by an appraisal submitted by the property owner, and no land use permit has been applied for within 180 days of when the property was damaged, any subsequent use or occupancy of the land or premises must be a conforming use or occupancy.
- c. If a nonconforming building or structure is destroyed by fire or other peril to the extent of 50 percent or more of its market value, as established by an appraisal submitted by the property owner and a land use permit has been applied for within 180 days of when the property was damaged, the County may impose reasonable conditions upon a land use permit in order to mitigate any newly created impact on adjacent property.

302. Minimum Lot and Structure Requirements

302.1 Lot Width Requirements. Lot width requirements in the County, outside shoreland areas, shall be met at the building setback line.

302.2 In cases where there is confusion or conflict about where the front lot line is located on a lot, the County will determine the location of the front lot line.

302.3 Lot reduction prohibited. No lot of record shall be reduced in size below the district requirements of this ordinance.

302.4 Other Minimum standards.

- a. The minimum lot width, lot area, and setback requirements established herein shall be maintained for the placement of all structures and additions unless otherwise provided.
- b. Greater lot area per unit may be required if necessary to provide for proper sewage treatment.
- c. Structure roof eaves must meet all yard setback standards. Structures in shoreland areas must meet additional standards

303. Survey Required. All new lots sized less than forty (40) acres and created after July 1, 2008 are required to submit a Certificate of Survey to the Morrison County Planning & Zoning office in both a paper and electronic format. Any survey, including preliminary and final plats, must be completed in accordance with the County's survey requirement standards and delivered in a format compatible with Morrison County's GIS System.

304. **Vested Rights.** Nothing in this ordinance shall be interpreted or construed to give rise to any permanent vested right in the continuation of any particular use, district zoning classification or any permissible activities therein, and they are hereby declared to be subject to subsequent amendment change or modifications as may be necessary to the preservation or protection of the public health, safety, and general welfare.

305. Other Provisions

305.1 Access to Road.

Every lot, tract, or plot of land, including outlots, shall abut or have direct vehicular access to a public road. Any landowner seeking a new access, approach or entrance onto a township, county, or state road, must make application for an access permit to the proper road authority. Each lot shall have a minimum road frontage equal to the required lot width; however, the Board of Commissioners with approval of a final plat or the Land Services Director with an Administrative Subdivision or Metes and Bounds subdivision may approve a flag lot that meets the following criteria:

(1) Have ownership to a dedicated public right-of-way by a minimum 33-foot-wide access; or,

(2) In the event that a parcel is unable to be accessed to or from a public right-of-way by land under common ownership, an access and utility easement may be provided to a dedicated public right-of-way by a minimum 33-foot-wide access for ingress, egress, and utilities. The easement must meet the following criteria:

- a. shall be granted for roadway and utility purposes,
- b. must be perpetual,
- c. be binding upon the heirs, successors, and assigns,
- d. have a defined legal description,
- e. contain provisions for construction, maintenance, repair, and alteration
- f. contain provisions for enforceability by the grantor/grantee.

305.2 Building Height Exemptions. For approved agricultural uses, non-residential structures essential to the operation of the agricultural enterprise shall be exempt from the height restrictions of the pertinent zoning district. For approved commercial or industrial uses, mechanical appurtenances, including elevator housings and heating and cooling units but not including communication towers, pertaining to the structure shall be exempt from the height restrictions of the zoning district.

305.3 Move-On Structures. A land use permit shall be required for all structures which are to be moved for temporary or permanent use to another site within Morrison County. This includes structures moved from point to point on a parcel, structures moved from one parcel in Morrison County to another parcel in Morrison County, or structures moved from a parcel outside of Morrison County to a parcel within the county. Such structures shall be treated as new structures and shall meet the regulations and standards of this ordinance. In addition, no land use permit shall be granted unless all the following conditions are satisfied:

- a. Structure is moved by a licensed house or building mover.

- b. If the building is being moved from a community with building codes, the applicant must provide written documentation from the appropriate official of that community that the building substantially meets the building code and is not currently subject to condemnation as a dilapidated or substandard building.
- c. A permanent foundation adequate for the move-on structure is built in accordance with the provisions of this ordinance except for structures under 300 square feet.

Section 305.3 does not apply to a structure less than 300 square feet being moved from one point to another on the same parcel as long as it meets the setback requirements.

305.4 Conversion to Accessory Use. Structures on permanent foundations utilized as dwelling units may be allowed to remain and be converted to accessory structures provided:

- a. A land use permit has been granted for a new dwelling on the property, and permission has been given within the land use permit to convert the existing dwelling,
- b. Kitchens including sinks, countertops and appliances are removed,
- c. Bedroom walls and doors are removed,
- d. Beds and furniture are removed

The property owner must provide for inspection by the Planning & Zoning Department that the items above have been removed. Mobile homes and recreational vehicles shall not be allowed to be utilized as accessory structures in any zoning district.

305.5 Essential Services. Separate permits shall not be required for the installation and provision of essential services related to the construction of a permitted use or structure.

305.6 Structures per Lot. Except as otherwise permitted in this ordinance, not more than one dwelling unit shall be allowed on any lot, parcel, or tract of land.

305.7 Zoning Coordination. Any zoning district change on land adjacent to an adjoining county or community with its own zoning ordinance shall be referred to the Planning Commission of the said entity prior to action by the County Board granting or denying the proposed district change. The proposal shall be submitted to the affected entity at least ten (10) days prior to the scheduled appearance of the applicant before the Planning Commission. All reviews and comments by the affected entity shall be in writing or other forms of permanent communication or personal appearance and shall be considered as advisory only.

305.8 Nuisance Dumping and Disposal. The use of land for the dumping or disposal of scrap iron, junk, garbage, rubbish, or other refuse is not permitted in any district, except in a state and county approved sanitary landfill or in a county approved solid transfer station.

305.9 Pipeline Setback. The purpose of this pipeline setback is to increase public safety by requiring that new development be setback from pipeline locations.

- a. This ordinance applies to new residential and other development. It does not apply to development that has occurred or for which development permits have been issued before July 1, 1991.
- b. Buildings and places of public assembly subject to this ordinance shall not be constructed closer to the pipeline than the boundary of the pipeline easement.

306. **Environmental Review.** An environmental review may be required for projects that could result in significant impacts. The Minnesota Environmental Policy Act and Minnesota Rules Chapter 4410 allow for the preparation of Environmental Impact Statements (EIS) and Environmental Assessment Worksheets (EAW) for mandatory development thresholds or discretionary environmental reviews, or alternative urban area wide reviews (AURA) ordered by the local governmental unit (LGU). The LGU is the designated review authority.

306.1 Complete before consideration of application. Once the environmental review process is determined to be necessary, no further processing of a Conditional Use Permit can be performed until the environmental review process has been completed. No conditional use permit is to be issued unless and until all issues identified in the EAW/EIS/AURA have been addressed.

306.2 Payment for cost of review. The County or LGU shall prepare, at the developer's expense, any state mandated or discretionary EAW or EIS for the project.

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500. ADMINISTRATION

501. **Purpose.** The purpose of this Section is to provide an administrative process for enforcing the provisions of the Morrison County Land Use Control Ordinance and for determining and resolving ordinance violations. This administrative process is established pursuant to the authority granted by Minnesota Statutes, chapter 394, or as amended.

502. **Zoning Administrator.** The office of Zoning Administrator as established, for which the County Board may appoint such staff as it may deem proper, shall administer this ordinance. The term of office of the zoning administrator shall be indefinite and shall terminate at the request of the County Board.

502.1 Duties. The zoning administrator shall:

- a. Enforce and administer the provisions of this ordinance.
- b. Issue permits and maintain records thereof.
- c. Issue administrative variances, when specified in this ordinance, and maintain records thereof.
- d. Receive and forward to the Planning Commission applications for conditional use and interim use permits, and forward to the Planning Commission and County Board applications for subdivision plats and petitions for ordinance amendments including rezoning.
- e. Receive and forward applications and petitions for matters to come before the Board of Adjustment.
- f. Maintain the Official Zoning Maps as amended from time to time by ordinance of the County Board.
- g. Conduct inspections to determine compliance with the provisions of this ordinance.
- h. Serve as staff to the Planning Commission and the Board of Adjustment.
- i. Undertake such other matters and responsibilities as the County Board may assign from time to time.
- j. Collect all fees required by this ordinance; and
- k. File for record with the County Recorder all grants and denials for conditional use requests, variances, amendments, and Board of Adjustment appeals.

503. **Land Use Permit**

503.1 Required. A land-use permit is required for the construction of structures or structure additions (and including such related activities as construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by section 714.3 of this ordinance. A property owner or contractor in Morrison County may start no work for anything requiring a land use permit until the permit has been secured. Each application shall be accompanied by a plan showing the dimensions of the lot to be built upon and the size and location of the building and accessory buildings to be erected. The application shall contain such other information as may be deemed necessary by the Zoning Administrator for the proper

enforcement of this ordinance. The Zoning Administrator shall issue the land use permit only after determining that the application complies with the terms of this ordinance, and that the application is submitted by the owner of the property in question or the authorized agent of the owner. Such authorization shall be in writing.

503.2 Exemptions. No zoning or land use permit shall be required for normal maintenance such as painting, siding, roof coverings and other similar improvements which do not involve exterior additions or major structural changes to the building.

503.3 Duration of Permit. The work for which a land use permit is issued must meet the following:

- a. All work authorized through a land use permit, must be completed within 24 months from the date the permit was issued. A landowner may be granted an extension of up to six (6) months if substantial progress has been made on the project.
- b. Work permitted through septic permits must be completed within two (2) years.
- c. Failure to complete permitted work within the time limits stated on the land use permit, subjects the landowner to a civil penalty of \$100 per day.

503.4 After the Fact Permit. Permits applied for after the work has begun must comply with section 509.9 of this ordinance.

503.5 Land Alteration. A land use permit shall not be required for land alterations except for those activities which:

- a. Occur in or affect a wetland; or
- b. Occur in the flood plain; or
- c. Occur in shoreland areas; or
- d. Involves a steep slope or bluff; or
- e. Contradict, reverses, or runs contrary to the terms of any permit, conditional use permit, variance, planned unit development or plat.

503.6 Contaminated Soil Treatment, Land Applied Sludge. The application of contaminated soil (e.g., from leaking underground fuel storage tanks) or sewage sludge to the land shall be allowed only if the applicant has received and provided copies to the Zoning Administrator of all appropriate local, regional, state and federal permits.

503.7 Handicap Accessibility Standards. For structures requiring or providing exterior handicapped accessible access the following standards, or applicable state standards, whichever are the most restrictive, must be met:

- a. Walkway or exterior ramp shall be at least four (4) feet wide with a slope no greater than one (1) foot vertical to twenty (20) feet horizontal.
- b. Walkway surface shall be of a permanent, hard, slip-resistant material.
- c. Walkway should be a direct, continuous route.

504. Planning Commission/Board of Adjustment

504.1 Authority

The County Board of Commissioners hereby creates the Planning Commission/Board of Adjustment (PC/BOA) pursuant to Minnesota Statutes 394.21-394.37 and all acts amendatory thereof.

504.2 Duties

- a. Acting in its capacity as the Planning Commission, the PC/BOA is hereby designated by the County Board to:
 1. assist the County Board in the formulation of goals, policies, and programs for the future development of Morrison County.
 2. assist the County Board in the preparation of development controls designed to promote development consistent with adopted goals and policies.
 3. review applications for and conduct public hearings in accordance with the provisions of this Ordinance, and make recommendations on conditional and interim use permits, rezone requests and Ordinance amendments to the County Board.
 4. review subdivision proposals for compliance with the provisions of this Ordinance, conduct public hearings on them, and make recommendations on such proposals (including preliminary and final plats) to the County Board of Commissioners.
 5. perform any other such duties as required or requested by the County Board of Commissioners to further goals and policies in furtherance of the intent of this Ordinance
- b. Acting in its capacity as the Board of Adjustment, the PC/BOA is hereby designated by the County Board to have the exclusive authority to:
 1. order the issuance or denial of variances from the requirements of any official control, including restrictions placed on nonconformities.
 2. hear and decide any appeal from an order, requirement, decision, or determination made by the Director or an administrative official charged with enforcing any Ordinance adopted under the authority of Minnesota Statutes Chapter 394.
 3. interpret any management district boundary on the Official Zoning Map and hear and decide any appeals of a denial of a land use permit by the County Land Services Department due to the land's location on any official map, as set forth in, and under the procedures of, Minnesota Statute Section 394.361.
- c. The PC/BOA shall have other such duties and authorities as are prescribed by ordinances of this County.

504.3 Membership

- a. The PC/BOA shall consist of five voting members and may have one non-voting ex-officio member (who will only serve on the Planning Commission.) Said ex-officio member shall be a member of the County Board of Commissioners.
- b. At least two voting members shall be residents of the portion of the County outside the corporate limits of municipalities.

- c. No elected officer of the county or employee of Morrison County shall serve as a voting member of the PC/BOA.
- d. No member of the PC/BOA shall have received, during the two years prior to appointment, any substantial portion of income from business operations involving the development of land within the county.
- e. Questions of whether any particular issue or matter before the PC/BOA involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of all PC/BOA members (except the ex-officio PC member), except the PC/BOA member being challenged.

504.4 Appointment/Terms

- a. The members of the PC/BOA shall be appointed by the County Board of Commissioners by a simple majority vote consistent with Minnesota Statute, Chapter 394.
- b. One (1) voting member shall reside in and be appointed from each county commissioner district. The county commissioner representing the district shall have the authority to recommend the member from said district to the County Board for consideration. A member appointment requires a simple majority vote of the County Board. The Morrison County Board Chairperson shall appoint PC/BOA members on behalf of the County Board per the County Board's vote on said members.
- c. Each voting member of the PC/BOA shall be appointed for a term of five years except for the initial appointment terms as specified below. Appointments shall become effective at the first PC/BOA meeting in a calendar year.

Commissioner District 1 - one (1) member with term ending December 31, 2023.

Commissioner District 2 - one (1) member with term ending December 31, 2023.

Commissioner District 3 - one (1) member with term ending December 31, 2023.

Commissioner District 4 - one (1) member with term ending December 31, 2024.

Commissioner District 5 - one (1) member with term ending December 31, 2024.

- d. The one non-voting ex-officio Planning Commission member shall be annually appointed for a one-year term.
- e. Appointments shall be made by the County Board by a simple majority vote to fill any vacancy for the unexpired duration of the term. Vacancies in regular positions shall be declared by the County Board under any of the following conditions:
 1. Death of a member.
 2. Resignation of a member.
 3. Removal of a member for cause as provided in this ordinance.

504.5 Removal

The following shall be deemed sufficient cause for the County Board of Commissioners to remove any PC/BOA member. The County Board of Commissioners may remove any member upon a super-majority vote (4/5) and upon the occurrence of any of the following conditions and can fill vacancies

for any unexpired term.

- a. A member who fails to attend one-third (1/3) of the regularly scheduled PC/BOA meetings in any 12-month period without approval of the absences.
- b. A member who fails to attend three consecutive regular PC/BOA meetings and/or viewings without approval of the absence.
- c. Attendance at several regular PC/BOA meetings for such a short length of time as to render the member's services of little value to the County.
- d. Violation by the member of any land use control ordinance adopted by the County pursuant to Minnesota Statutes 394.27 to 394.37, and all acts amendatory thereof.
- e. Any change in member residency status from unincorporated to incorporated if the change causes the make-up of the PC/BOA to be inconsistent with this Section. Also, any change in residency from the commissioner district the member was appointed to represent.
- f. Inability to carry out the duties of the PC/BOA due to a conflict of interest.
- g. A member who at a PC/BOA meeting engages in offensive, obscene, or abusive language or in boisterous and noisy conduct tending reasonably to arouse alarm, anger, or resentment in others.
- h. Any other reason cited by the County Board of Commissioners.

504.6 Organization and Procedures

a. Officers

1. Officers of the PC/BOA shall be a Chairperson, Vice-Chairperson and Secretary,
2. Officers shall be elected by the PC/BOA at the first meeting held in a calendar year.
3. In the event of a resignation of an officer, the PC/BOA shall fill the vacancy.
4. The Chairperson shall preside at all meetings.
5. The Vice-Chairperson shall assume the responsibilities of the Chairperson when the latter is not able to serve.
6. The Secretary shall assume the responsibilities of the Chairperson when the latter and the Vice-Chairperson are not able to serve.
7. The PC/BOA authorizes the Land Services Director to appoint a County employee to perform the PC/BOA secretarial duties such as producing written meeting minutes.

b. Bylaws and Rules of Procedure

The PC/BOA shall develop bylaws for the transaction of its business, which shall not be inconsistent with or contrary to the statutes of the State of Minnesota or the ordinances of this County. The County Board of Commissioners must approve said bylaws.

c. Meetings

Meetings shall be scheduled and conducted according to the PC/BOA bylaws and at other such times as the Chairperson or Land Services Director shall deem necessary and appropriate.

d. Voting

Each of the five voting members, including the chair, shall be entitled to vote on all questions, unless a particular issue involves a conflict of interest. A decision to abstain from voting shall also extend to discussion. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the attending members except the member who is being challenged.

e. Records

The PC/BOA shall keep a written public record filed in the Land Services Department of all its proceedings, findings, and determinations on all matters referred to it and shall cause a copy of any order issued by the PC/BOA to be recorded with the County Recorder by the Land Services Director as necessary pursuant to Minnesota Statutes.

504.7 Compensation

The PC/BOA members may be compensated in an amount determined by the County Board and may be paid their necessary expenses for attending meetings and in the conduct of business of the PC/BOA.

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 ensure 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 spirit and intent of this ordinance. Specifically, the Board of Adjustment must find that each of the following conditions are met:

- a. Is the request in harmony with the general purpose of the Morrison County Land Use Ordinance and Comprehensive Plan: and
- b. Is the applicant proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance: and
- c. Will the issuance of the variance maintain the essential character of the locality: and
- d. Is the alleged practical difficulty due to circumstances unique to the property: and
- e. Is the need for the variance created by actions other than the landowner or prior landowners: and
- f. Does the alleged practical difficulty involve more than just economic considerations:

505.3 **Additional Considerations for After the Fact Applications**
In circumstances where a variance is sought to an official control after the work has already been begun or completed, in violation of one or more official controls, additional criteria may, in the discretion of the Board of Adjustment, be considered in determining whether to grant or deny the variance request. If the Board of Adjustment finds that all of the criteria set forth in section 505.2 a through f, are met, then the following additional criteria may be considered and weighed by the Board of Adjustment in determining whether to grant or deny the request:

- a. Why did the applicant fail to obtain a variance/or comply with the applicable requirements before commencing work? Did the applicant act in good faith? Why or Why not?
- b. Did the applicant attempt to comply with the law by obtaining the proper permits: and
- c. Did the applicant obtain a permit from another entity that violated the law: and
- d. Did the applicant make a substantial investment in the property: and

- e. Did the applicant complete the repairs/construction before the applicant was informed of the impropriety: and
- f. Is the nature of property residential/recreational and not commercial: and
- g. Are there other similar structures on the lake (if applicable): and
- h. Would the minimum benefits to the county appear to be far outweighed by the detriment the applicant would suffer if forced to remove the structure

505.4 Burden of Proof. It shall be the burden of the applicant to all of the requirements of the ordinance are met in order to issue a variance. No variance shall be granted simply because there are no objections; or because those who do not object outnumber those who do, nor for any reason other than a proven practical difficulty. Absent a showing of practical difficulty as provided in Minnesota Statutes and this ordinance, the Board of Adjustment shall not approve any variance.

505.5 Written Findings. Decisions by the Board of Adjustment shall be rendered in writing stating the reasons in sufficient detail so that it can be determined that the decision was based on the record and according to the criteria contained in this ordinance.

505.6 Appeals of Decisions. Any person(s) who deems himself aggrieved by the Board of Adjustment's decision may appeal in writing the decision of the Board of Adjustment to District Court of Morrison County within thirty (30) days of receipt of notice of the decision.

505.7 Material Adverse Effect. The applicant for a variance which, in the opinion of the Board of Adjustment, may result in a material adverse effect on the environment may be requested by the Board of Adjustment to demonstrate the nature and extent of the effect.

505.8 Lapse and Extinguishment. If, within two (2) years after the date the variance was granted, a land use permit was not obtained, the variance shall become null and void

506. Conditional and Interim Uses

506.1 Purpose and Intent. Recognizing that certain uses may or may not be compatible with the principal permitted uses in the various zoning districts depending on the particular case, the authority to permit such uses is vested in the County Board according to the following procedures. Conditional Use (CUP) and Interim Use (IUP) Permits may be issued for any and only the uses or purposes for which such permits are required or permitted by provisions of this Ordinance.

506.2 Criteria for Granting Conditional Use and Interim Use Permits. In granting a CUP or IUP, the Planning Commission shall consider the effect of the proposed use upon the health, safety, and general welfare of occupants of surrounding lands and water bodies. Among other things, the Planning Commission shall make the following findings where applicable:

- a. The use will not put an excessive burden on roadways, utilities, and public facilities such as parks and schools.
- b. The request will not be detrimental to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

- c. The use in the opinion of the Planning Commission is reasonably related to the existing land use and the environment. Groundwater, surface water and air quality in the surrounding area will not be adversely affected by the proposed use.
- d. The use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
- e. The use is not in conflict with the Comprehensive Plan or Water Plan of the County.

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

- a. Increasing the required lot size or yard dimension.
- b. Limiting the height, size, or location of buildings.
- c. Controlling the location and number of vehicle access points.
- d. Increasing the street width.
- e. Increasing the number of required off-street parking spaces.
- f. Limiting the number, size, location, or lighting of signs.
- g. Requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
- h. Designating sites for open space.
- i. Restoring land to prior condition when conditional use ends.

506.4 Burden of Proof. It shall be the burden of the applicant to demonstrate he/she meets the criteria for the CUP/IUP. No CUP/IUP shall be granted simply because there are no objections; or because those who do not object outnumber those who do, nor for any reason other than the applicant demonstrating the criteria has been met. Absent a showing of meeting the criteria, the County Board shall not approve any CUP/IUP without first requiring conditions on the permit that bring the request into compliance with the criteria.

506.5 Procedure for Conditional and Interim Use Request.

- a. Applications for CUPs and IUPs will not be accepted from anyone who is not an owner of land for which the application is made. The application must contain the required information as specified on the application form or, if in shoreland, the information requested on the application form and the information specified in section 718 of this ordinance.
- b. The person applying for a CUP or IUP shall fill out and submit to the Zoning Administrator a conditional or interim use application form and filing fee. 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.

- c. The Planning Commission shall hold a public hearing on the proposal. Notice of the time, place, and purpose of the public hearing shall be given by publication in the official newspaper of the county at least ten (10) days before the hearing. Notice of the public hearing shall also be sent to owners of record within one-half (1/2) 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. 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.
- d. The petitioner or his representative shall appear before the Planning Commission to present evidence concerning the proposed conditional or interim use.
- e. The Planning Commission must make a recommendation on the Conditional or Interim Use Permit request within sixty (60) days from the Official Submission date of the CUP or IUP application, as logged in by the Morrison County Land Services Department, or within any extensions of such time as allowed by law. The Planning Commission, in its recommendation, may recommend imposing conditions it considers necessary to protect the public health, safety, and welfare of the public. The Planning Commission shall make its report to the County Board following the hearing recommending approval, disapproval, or modified approval of the proposed CUP or IUP.
- f. An amended CUP or IUP application shall be administered in a manner similar to that required for a new CUP or IUP. Amended CUPs or IUPs shall include requests for changes in conditions and as otherwise described in this Ordinance.
- g. No application for a CUP or IUP shall be resubmitted for a period of one (1) year from the date of said order of denial.
- h. If the land use does not conform to the conditions of the permit, the CUP or IUP can be revoked, and the land shall be restored to the original condition.
- i. A Conditional or Interim Use Permit granted by Morrison County becomes null and void if the use is discontinued for period of twelve (12) months or longer.
- j. If the owner of a parcel of land subject to a conditional or interim use permit, or any individual acting with the owner's permission or under the owner's authority, violates the conditions of the permit, the zoning officer shall give written notice to the landowner specifically stating the nature of the violation, actions which must be taken to correct the violation, and the time limit within which the violation must be corrected. The notice shall be personally delivered or sent by first class mail to the landowner's last known address. If the owner fails to correct the violations within the time limit, the zoning officer shall schedule a hearing before the Morrison County Board of Commissioners. The landowner shall:
 1. be given written notice of the hearing and the specific nature of the violation.
 2. be given the opportunity to question any person providing information about the violation.
 3. be given the opportunity to present evidence showing that he/she is not in violation or that there are mitigating factors.
 4. be given the opportunity to propose a resolution to the problem.

- m. If the Morrison County Board of Commissioners determines that the landowner has violated the conditions of the permit the Board may:
 1. revoke the conditional or interim use permit,
 2. impose additional conditions or restrictions on the permit,
 3. impose a civil fine, and/or
 4. allow the landowner additional time to correct the violation or develop other alternatives which protect the interests of the County, its citizens, and its resources.

The decision of the County Board is final.

506.6 Planning Commission Recommendation and County Board Action.

- a. For each application for a conditional or interim use permit the Planning Commission shall report to the County Board its findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions shall be complied with when they are deemed necessary for the protection of the public interest.
- b. Upon receipt of the report by the Planning Commission the County Board may hold whatever public hearings it deems advisable and shall make a decision upon the proposal to grant or deny a conditional or interim use permit.
- c. The Morrison County Board must take action on the application no later than sixty (60) days from the Official Submission date of the CUP or IUP application.
- d. Morrison County may extend the time limits specified above before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant.
- e. The County Board, in acting upon the conditional or interim use permit, may impose such conditions and safeguards upon the premises benefited by a conditional or interim use as may in its discretion be necessary to prevent injurious effects therefrom upon other property in the neighborhood. Violation of such conditions and safeguards, when made a part of the terms under which the conditional or interim use is granted, shall be deemed a violation of this ordinance.

506.7 Material Adverse Effect. The applicant for a conditional or interim use which, in the opinion of the Planning Commission, may result in a material adverse effect on the environment may be requested by the Planning Commission, to demonstrate the nature and extent of the effect.

506.8 Changes of Conditional Use Permits. Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued, shall require an amended conditional or interim use permit and all procedures and a new permit fee shall apply as if a new permit were being issued including information on the use, location, and conditions imposed by the Planning Commission, time limits, review dates, and such other information as may be appropriate.

506.9 Lapse of Conditional Use. The use approved under a conditional or interim use permit must commence within two (2) years of the date the conditional or interim use permit was approved. The landowner may request, in writing a one (1) year extension prior to the two

(2) year expiration date. If the use is not commenced after two (2) years, or an extension is not requested, the conditional use permit shall become null and void.

507. Amendments and Rezoning Procedures

507.1 Criteria for Granting Amendments. The County Board may adopt amendments to the zoning ordinance or map in relation to land uses within particular districts, procedures, standards or the location of the district lines. Such amendments shall reflect changes in the Comprehensive County Plan or changes in conditions in the county.

507.2 Initiation of Amendments. Amendments to this ordinance may be initiated by petition by the owner of the property in question, recommendation of the Planning Commission, or by action of the County Board.

507.3 Planning Commission Review. Any amendment not initiated by the Planning Commission shall be referred to it for study and report to the County Board.

507.4 Notice and Hearing. The Planning Commission shall hold at least one (1) public hearing on the proposed amendment prior to making its recommendation to the County Board. The following procedures shall be followed:

- a. Written notice of public hearings regarding the application of official controls to specific properties shall be sent to owners of record within one-half (1/2) mile of the affected property. This distance shall be extended to ensure that a minimum of ten (10) property owners are so notified. In addition, written notice shall be given to the affected board of town supervisors and the municipal council of any municipality within two (2) miles of the affected property.
- b. A public hearing shall be held by the Planning Commission and the County Board after the request for the zoning amendment has been received. Notice of said hearing shall be published in the official newspaper designated by the County Board at least ten (10) days prior to the hearing.
- c. The Minnesota Commissioner of Natural Resources shall be notified in accordance with section 709.1 regarding all proposed amendments involving changes in the text, zoning map or shorelands map regulating shoreland management.
- d. All amendments which affect the text of the ordinance, the zoning map, or the flood plain map regarding flood plain areas and/or regulations must be submitted to and approved by the Minnesota Commissioner of Natural Resources prior to adoption by Morrison County. Changes in the official zoning map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given ten (10) days written notice of all hearings to consider an amendment and said notice shall include a draft of the ordinance amendment or technical study under consideration.

507.5 Planning Commission Recommendation and County Board Action.

- a. The Planning Commission shall make its report to the County Board at designated meetings of the County Board following the hearing. The Planning Commission may recommend approval, disapproval, or modified approval of the proposed amendment.

- b. The County Board must take action on a rezone application within sixty (60) days after the request has been received. The person(s) making the application shall be notified in writing of the action taken.
- c. Before rendering its decision, the County Board may hold one or more public hearings in accord with the provisions of this section.
- d. If no report or recommendation is transmitted by the Planning Commission within sixty (60) days after the request for the zoning amendment has been received, the County Board may take action without awaiting such recommendation.
- e. The proposed amendment shall be effective only if four-fifths (4/5) of all members of the County Board concur in its passage.

507.6 **Resubmission of Previously Denied Petitions.** No petition by a property owner for an amendment to the text of this ordinance or zoning map shall be considered by the Planning Commission within one (1) year following the date of denial of such request by the Planning Commission or County Board except if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

508. Enforcement, Penalties and Remedies

508.1 **Reasonable Investigation.** Alleged ordinance violations shall be referred to the Zoning Administrator. The Administrator, or designee, shall make a reasonable investigation and determine whether or not a violation exists. If it is determined that a violation exists, then a violation report shall be prepared establishing the facts supporting the determination that an ordinance violation exists. The Administrator or the Administrator's designee may also prepare a notice of violation setting forth, as a minimum, the following:

- a. The corrective action required on the part of the property owner to eliminate or resolve the violation; and
- b. A reasonable time in which the violation must be remedied; and
- c. Provide compliance standards against which the County will judge the corrective action; and
- d. Include a statement that failure to respond to this notice may result in the assessment of criminal, civil or administrative penalties; and
- e. Informing the property owner(s) of their right to appeal the order and determination to the Board of Adjustment within ten (10) days of their receipt of the notice of violation.

508.2 **Service of Order and Report.** If a notice of violation is drafted, then the Administrator shall serve the order and report upon the record owner of the property upon which the violation exists. Service of the order shall be made by US mail, addressed to the record owner of the property as on file with the County Treasurer. Service of subsequent documents shall be made by mail, addressed to the record owner of the property as on file with the County Treasurer for sending property tax statements or such other address as may be provided by the record owner in writing. Failure of actual receipt of a Notice of Violation that has been served by depositing the documents set forth herein shall not be deemed a defense in an enforcement proceeding under section 509. The violation report shall constitute the administrative record supporting determination of the violation and issuance of the notice of violation.

508.3 Appeals of the Administrator's notice of violation shall follow the procedure below:

- a. Appeal of Determination and Notice of Violation. Upon service of the notice of violation, the record owner of the property shall have ten (10) business days to appeal the notice of violation by the Administrator to the Board of Adjustment, pursuant to Minnesota Statutes, section 394.27, or as amended. Appeal shall be taken by serving written notice upon forms provided by the County of intent to appeal, specifying the grounds on which the appeal is taken, on the Morrison County Planning and Zoning Department within said ten (10) business day period. The Department shall accept service of notice of such appeal on behalf of the Board of Adjustment. If no appeal is taken, then both the facts established in the report and the administrative order shall be deemed a final decision.
- b. Stay of Proceedings. A notice of appeal stays all proceedings.
- c. Hearing Before the Board of Adjustment, Findings and Decision. If written notice of appeal is received, as provided above, then the Administrator shall schedule a hearing on said appeal before the Board of Adjustment at the earliest practicable time and consistent with the provisions of the Morrison County Zoning Ordinance and applicable state law.
- d. Public Notice. 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 five hundred (500) feet of the subject property, per Minnesota Statutes, section 394. 26, or as amended.
- e. Hearing. The Board of Adjustment shall conduct the hearing and may develop hearing procedures consistent with this Ordinance and with state law. The Administrator or the Administrator's designee shall present the report establishing the violation and any additional facts, testimony or information as may be available to support the Administrator's determination. The record owner of the property may present facts, testimony or information supporting the appeal. The public shall also be given an opportunity to present facts, testimony, and information. The Board of Adjustment may take and consider all testimony and information that it deems relevant in making its decision. The Board of Adjustment shall make a record capable of being transcribed of the proceedings and shall preserve all written and pictorial information presented and received at the hearing.
- f. Board of Adjustment Decision. The Board of Adjustment may refuse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from in its decision on appeals from a notice of violation. A majority vote of the Board of Adjustment shall be necessary to reverse a notice of violation, requirement, decision, or determination. The Board of Adjustment shall make written findings of fact and state the reasons for its decision in writing. Said Findings and Decision shall constitute the final decision of the Board of Adjustment.
- g. Notice of Decision, Appeal to District Court. The findings and decision of the Board of Adjustment shall be mailed to the appellant at the address on file with the County Treasurer for sending property tax statements or such other address as may be provided by the record owner in writing. Once mailed, the findings and decision shall serve as the appellant's notice of the decision. Said notice shall be deemed effective, with respect to the appellant record owner, three (3) days after the findings and decision are deposited in the United States mail. A copy of the findings and decision shall also be made available for public inspection in the Morrison County Planning and Zoning Office. Any aggrieved person may appeal the decision of the Board of Adjustment to the District Court, pursuant to Minnesota Statutes, section 394.27, or as amended, within thirty (30) days of notice of the decision. After thirty (30) days, if no appeal is made, the decision is final.

508.4 Enforcement of Final Decisions; No Remedy Exclusive. Pursuant to Minnesota Statutes, section 394.27, or as amended, the County Attorney may institute such actions as may be necessary to enforce final decisions issued hereunder. This enforcement method is not exclusive, but is in addition to any other right, remedy, or cause of action the County may have to eliminate or resolve violations of this Ordinance. All such rights, remedies and causes of action may, in the County's sole discretion, be exercised separately or in conjunction with one another and with such frequency as the County deems appropriate.

508.5 Circumstances Constituting a Violation. Any person, firm or corporation who violates any of the provisions of this Ordinance, or who fails, neglects or refuses to comply with the provisions of this Ordinance, including violations of conditions and safeguards established in connection with the granting of variances, construction site permits, shoreland alteration or grading and filling permits, conditional use permits, interim use permits or failure to comply with restoration orders, or who knowingly makes any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine or imprisonment or both, as set by Minnesota Law. Each day that a violation continues shall constitute a separate offense.

508.6 Remedies Available. In the event of a violation or a threatened violation of this Ordinance, the Administrator, in addition to other remedies, may institute appropriate civil actions or proceedings to prevent, prosecute, restore, restrain, correct, or abate such violations or threatened violations, and it shall be the duty of the County Attorney to institute such action.

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

508.8 General.

- a. The Administrator shall require a landowner to stop work on any project which violates the provisions of this ordinance.
- b. When any work has been stopped by the Administrator for a valid reason whatsoever, it shall not again be resumed until the reason for the work stoppage has been completely satisfied.
- c. It shall be the duty of the County Attorney and County Sheriff, when called upon by the County Board, to perform such duties as may be necessary to enforce the provisions of this ordinance.

508.9 Late Applications. Any application for a permit which is made after the work is commenced and which requires said permit shall be charged an additional fee as established by resolution in section 510.1. In addition, the Planning Commission, Board of Adjustment or Zoning Administrator may require correction and/or restoration of the property concerned to its original state should the application for a permit be denied or if the action permitted does not include all or part of the work commenced prior to approval of said permit. Should such correction and/or restoration not be complied with within thirty (30) days or as stipulated by the Planning Commission, Board of Adjustment or Zoning Administrator, the property owner shall be considered in violation of this ordinance.

509. Fees

509.1 Schedule. The County Board shall establish, by resolution, a schedule of fees applicable to all permits, applications, petitions, appeals and penalties, including late application fees, required for the administration and enforcement of this ordinance. The fee schedule shall be available in the office of the Zoning Administrator.

509.2 Payment. No application for a land use permit, conditional use permit, variance, planned unit development permit, subdivision plat, nor any other required permit, petition to amend the Zoning, Flood Hazard, or Shoreland Maps, nor any appeal shall be recognized, acted upon, issued, or granted unless and until all required fees have been submitted in full by means of cash, check or money order to the Zoning Administrator. Receipt of all fees shall be subject to their collection by the County. If a fee is submitted by check or money order, no permit granted, or action taken shall be of any force or effect until the check or money order so submitted shall prove collectable.

509.3 Non-Payment of Fees. If any fee required to be paid to the County to defray the cost of services related to administer this Ordinance is not paid by an applicant, the Board may certify to the County Auditor by November 30 all unpaid, outstanding fees and a description of the lands against which the costs arose. It shall be the duty of the County Auditor, upon order of the County Board, to extend the assessments with interest not to exceed the interest rate provided for in Minnesota Statutes, section 279.03, or as amended, upon the tax rolls of the County for the taxes of the year in which the assessment is filed. For each year ending November 30, the assessment with interest shall be carried into the tax becoming due and payable in January of the following year and shall be enforced and collected in the manner provided for the enforcement and collection of real and/or personal property taxes in accordance with the provisions of the laws of the State of Minnesota. The assessment, if not paid, shall be come delinquent and be subject to the same penalties and the same rate of interest as the taxes under the general laws of the State of Minnesota.

509.4 Refunds. Should a permit, petition or appeal be denied, the fee shall not be refunded.

600. ZONING DISTRICTS AND MAP

601. Establishment of Zoning Districts.

a. For the purpose of this Ordinance Morrison County, outside of the incorporated areas, is hereby divided into the following districts:

Agriculture	AG
Rural Residential	RR
Residential	R
Commercial	C
Manufacturing/Industry	MI
Shoreland	S
Mississippi Headwaters Board	MHB

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

602. Zoning Districts Map.

The areas comprising these zoning districts and the boundaries of said districts as shown upon the map attached hereto and made a part of this ordinance, being designated as the Official Zoning Map, with all proper notations, references and other information shown thereon. The Official Zoning Map shall be kept on file in the County Planning and Zoning Office. Changes made in district boundaries by amendment to this ordinance shall be recorded by the Zoning Officer on the Official Zoning Map within thirty (30) days after official publication of the amendment.

603. Interpretation of Zoning Maps.

603.1 General.

- a. District boundary lines on the maps are intended to follow lot lines, the center lines of streets, alleys, highways, and rights-of-way projected, the Ordinary High-Water Level of lakes, ponds and water courses or the corporate limits, all as they exist upon the effective date of this ordinance or changed by a specific amendment thereto.
- b. Where district boundaries are so indicated that they are approximately parallel to the center line of a street, alley, highway or right-of-way, such district boundary shall be construed as being parallel thereto and at such distance therefrom as indicated on the maps. If no distance is given, such dimension shall be determined by the use of the scale of said map. The location of such boundaries shall not be affected by any future widening or realignment of the adjacent streets or highways unless provisions are made therefore by amendment to this ordinance.
- c. Where district boundaries cross property that is not subdivided into lots, and other provisions herein are not applicable, the location of the district line shall be determined by use of the scale on said map.
- d. Where a zoning district boundary line divides a parcel of land or lot which was of record into two or more districts, any portion of such a divided lot lying within fifty (50) feet of either side of the dividing district boundary line may be used for any use permitted in either district. If, however, the distance exceeds fifty (50) feet, the entire area of the separated portions shall only be used for the uses allowed within their respective zoning districts.

- e. Whenever any street, alley or other public right-of-way is vacated by official action of the County or Town, the zoning district on each side of such street, alley or public way shall automatically be extended to the center line.
- f. Appeals from the Zoning Officer's determination concerning the exact location of district boundary lines shall be determined by the Board of Adjustment.

603.2 Special Consideration for Shoreland and Flood Hazard Maps.

- a. The boundary lines for shoreland management areas shall first be attempted to be determined by use of the scale of the Shoreland Management Area. If such attempt proves unacceptable to either the Zoning Officer or the landowner, the landowner shall conduct, at his or her expense, a survey to accurately determine the location of the shoreland management boundary line for said parcel
- b. The boundary lines for flood hazard areas shall be determined by the use of the scale of the Flood Hazard Area Map. All decisions regarding the flood hazard map shall be based upon elevations on the regional (100-year) flood profiles and other available technical data.
- c. Appeals from the Zoning Officer's determination concerning the exact location of shoreland management and flood hazard area boundary lines shall be determined by the Board of Adjustment. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board of Adjustment and to submit technical evidence

604. AG Agriculture District.

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 preference over other land uses.

604.2

Permitted Principal Uses		
Agricultural uses	Single Family Dwelling (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		

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)	

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

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)		
Biofuel Plant - Manure	Cannabis Cultivation	Cannabis Delivery Service
Cannabis Medical Combination Business	Cannabis Manufacturing	Cannabis Mezzobusiness with growing and manufacturing endorsement
Cannabis Microbusiness with growing and manufacturing endorsement	Cannabis Transport	Home Extended Business
Kennels	Limited Rural Business	Meteorological Towers
Retreat Center	Wood Products Manufacturer	

604.9

Design Standards	
Density Standard	Three (3) dwellings per $\frac{1}{4}$ $\frac{1}{4}$, additional allowed with a CUP (see 604.14)
Lot Area	One (1) acre minimum
Lot Width Minimum	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	

Design Standards	
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*
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

- a. 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.
- b. 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 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 of the property.
- c. The ACUB notification will be on file in the Morrison County Planning and Zoning Office.

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

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

605 Left open for future amendments

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 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	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.

607 R Residential District.

607.1 **Purpose.** The purpose of the Residential district is to provide areas for moderate density single family residential development generally near or adjacent to incorporated areas or other areas of the county with such levels of development.

607.2

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

607.3

Permitted Accessory Uses		
Garages & sheds	Decks	

607.4

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

*within the Enchanted Lakes subdivision only

607.5

Conditional Uses		
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

607.6

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	

607.7

Interim Uses		
Bed & Breakfast	Licensed Residential Treatment Center	

607.8

Design Standards	
Lot Area	30,000 square feet
Lot Width Minimum	One Hundred Twenty (120') Feet
Side Yard Setback	Ten (10') Feet
Rear Yard Setback ⁽¹⁾⁽²⁾⁽³⁾	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	Thirty (30') Feet
Wetland Setback – types 1, 2, 6, 7 & 8	Twenty-five (25') feet*
Wetland Setback – types 3 to 8	Fifty (50') feet*
Wetland Setback (Protected)	Seventy-five (75') *
Maximum Lot Coverage & Impervious Surface Allowance	Twenty-five (25%) percent
Maximum Building Height	Thirty-five (35') feet – principal structure Eighteen (18') feet – accessory structure
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 (1000) square feet nor more than eighteen (18) feet in height.
- (2) Accessory structures may exceed 1000 square feet if they are located on the owner's lot and are setback at the rear yard setback for a principal structure.
- (3) No accessory structure may exceed 3000 square feet.

* 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.

608 C Commercial District

- 608.1 **Purpose.** The purpose of the Commercial district is to promote and protect areas which currently are active commercial areas or meet the comprehensive plan guidelines for future or desired commercial development.

608.2

Permitted Principal Uses		
Automotive: repair	Automotive: sales, new or used	Auto/Truck Fleet Storage
Building, plumbing, heating, electrical supplies	Business enterprise	Café or restaurant
Carry-out and/or Drive-in Restaurant	Car/Truck wash	Clinic/outpatient
Contractors yard & storage	Convenience store	Custom Manufacturing (production & sale of hand-made goods)
Farm equipment sales	Feed, grain & supplies	Financial institutions
Fraternal clubs & lodges	Gasoline station	General sales & services
Greenhouse, nursery & sales	Hotels & motels	Indoor entertainment including Movie Theaters, Theaters, & Sports Centers
Industrial Equipment Sales & Service	Assembly & printing	Mini storage
Manufactured home sales	Office, professional & business	Produce stands
Tavern, nightclub	Tool and/or equipment rental	Veterinary Clinic
Video Arcades	Water-oriented commercial sales (boat & motor sales, services, rental)	Wholesale trade
Cultural facilities (library, museum, etc.)	Historical Sites	Essential services (minor) & utility substations
Wetland/habitat creation, restoration, improvement		

608.3

Permitted Accessory Uses		
Accessory storage structures	Decks	

608.4

Permitted Uses with Performance Standards (See Section 1200)		
Adult Uses	Cannabis Delivery Service	Cannabis Retail
Cannabis Testing Facility	Cannabis Transport	Cannabis Wholesale
Community Solar Energy System (Rooftop)	Daycare	Ground-Mount Solar Energy System
Lower-Potency Hemp Edible Retailer	Outdoor storage	Rooftop Solar Energy System

Signs: Class A (on-site)	Signs: Class B (billboards)	
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608.5

Conditional Uses		
Apartments	Bed & Breakfast	Big Box Retailer
Bulk Fuel Depots	Churches	Community Facilities (town hall, post office, fire hall, police station, etc.)
Food Processing	Essential Services (major) & Pipelines	Golf/Country Club
Hospital	Light Manufacturing & Assembly	Outdoor-Recreation
Parks (state, national)	Research & Testing	Solid Waste Facilities
Swimming Pools (public or commercial)	Water & Wastewater Treatment Plants	Wrecking, salvage, or junk yards

608.6

Conditional Uses with Performance Standards (See Section 1200)		
Communications Towers	Community Solar Energy Systems (Ground-Mount)	Non-Commercial Wind Energy Conversion Systems
Planned Unit Developments (commercial)	Resorts, Tourist Camps, Youth Camps, Campgrounds	Solar Farm

608.7

Interim Uses with Performance Standards (See Section 1200)		
Cannabis Cultivation	Cannabis Manufacturing	Cannabis Medical Combination Business
Cannabis Mezzobusiness	Cannabis Microbusiness	Lower-Potency Hemp Edible Manufacturer

608.8

Design Standards	
Lot Area	One and one half (1.5) acres
Lot Width Minimum	One Hundred Fifty (150') Feet
Side Yard Setback	Twenty-Five (25') Feet
Rear Yard Setback	Twenty-Five (25') Feet
Road Rights-of-Way Setback	Fifty (50') 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 ⁽¹⁾	Sixty (60%) percent
Maximum Building Height	Forty-five (45') Feet
Parking Requirements	See section 1226

⁽¹⁾ The maximum lot coverage and impervious surface limits specified above may be eclipsed if the applicant provides a stormwater management plan that conforms with the guidelines issued by the Board of Water and Soil Resources to ensure compliance with Minnesota Statutes. In any case, if a project creates more than one (1) acre of impervious surface, a stormwater management plan must be prepared. In both instances, said plan is to be prepared by a registered engineer. Any project for which such a plan is required be considered a conditional use and shall conform to the requirements and procedures provided herein for such uses.

* 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.

609 MI Manufacturing/Industry District

609.1 Purpose. The purpose of the Manufacturing/Industry district is to promote and protect areas which currently are active manufacturing or industrial areas or meet the comprehensive plan guidelines for future or desired manufacturing/industrial development.

609.2

Permitted Principal Uses		
Auto/Truck Fleet Storage	Contractors yard & storage	Assembly & printing
Mini storage	Wholesale trade	Wholesale, General
Custom Manufacturing (production & sale of hand-made goods)	Food processing	Industrial Equipment Sales & Services
Light Manufacturing & Assembly	Essential Services (minor) & Utility Substations	Transfer Stations
Permanent Bituminous and/or Concrete Facilities	Primary & secondary wood products	Recycling Center
Wetland/Habitat creation, restoration, improvement		

609.3

Permitted Accessory Uses		
Accessory uses & structures		

609.4

Permitted Uses with Performance Standards (See Section 1200)		
Cannabis Delivery Service	Cannabis Testing Facility	Cannabis Transport
Cannabis Wholesale	Community Solar Energy System (Rooftop)	Contaminated Soil Treatment, land applied sludge

Gravel pits, extractive uses – except Quarries	Ground-Mount Solar Energy System	Outdoor Storage Areas
Rooftop Solar Energy System	Signs: Class A (on-site)	Signs: Class B (billboards)

609.5

Conditional Uses		
Airport	Bulk Fuel Depots	Essential Services (major) & Pipelines
Fabricating, processing, assembly from raw or semi-finished products	Landfills, compost sites and similar facilities	Landing Strips
Major Transportation terminals, hangers, switching yards, sidings, heliports, etc.	Quarries	Research & testing
Solid waste facilities	Water & Wastewater Treatment Plants	Wrecking, junk, or salvage yards

609.6

Conditional Uses with Performance Standards (See Section 1200)		
Communications Towers	Community Solar Energy Systems (Ground-Mount)	Non-Commercial Wind Energy Conversion Systems (WECS)

609.7

Interim Uses with Performance Standards (See Section 1200)		
Cannabis Cultivation	Cannabis Manufacturing	Cannabis Medical Combination Business
Cannabis Mezzobusiness	Cannabis Microbusiness	Lower-Potency Hemp Edible Manufacturer

609.8

Design Standards	
Lot Area	One and one half (1.5) acres
Lot Width Minimum	One Hundred Fifty (150') Feet
Side Yard Setback	Twenty-Five (25') Feet
Rear Yard Setback	Twenty-Five (25') Feet
Road Rights-of-Way Setback	Fifty (50') Feet
Wetland Setback – types 1, 2, 6, 7 & 8	Twenty-five (25') *
Wetland Setback – types 3, 4 & 5	Fifty (50') feet*
Wetland Setback (Protected)	Seventy-five (75') *

Maximum Lot Coverage & Impervious Surface Allowance ⁽¹⁾	Sixty (60%) percent
Maximum Building Height	Fifty (50') Feet
Parking Requirements	See section 1226

⁽¹⁾ The maximum lot coverage and impervious surface limits specified above may be eclipsed if the applicant provides a stormwater management plan that conforms with the guidelines issued by the Board of Water and Soil Resources to ensure compliance with Minnesota Statutes. In any case, if a project creates more than one (1) acre of impervious surface, a stormwater management plan must be prepared. In both instances, said plan is to be prepared by a registered engineer. Any project for which such a plan is required be considered a conditional use and shall conform to the requirements and procedures provided herein for such uses.

* 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.

610 Mississippi Headwaters Board

The Mississippi Headwaters Management Plan, as adopted and amended from time to time by the Mississippi Headwaters Board, is incorporated herein by reference, and shall be the minimum standard for the MHB zoning district. Where the SR, SC or SSP standards are stricter, those standards shall prevail.

700. SHORELAND DISTRICT USES AND STANDARDS

701. Shoreland Classifications.

The public waters of Morrison County have been classified consistent with criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory List and Map for Morrison County, Minnesota, a copy of which can be viewed in the Morrison County Land Services office or can also be found on the MNDNR waters web page or Appendix A.

702. Classes of Public Waters – Morrison County

- 702.1 Natural Environment Lakes are generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high-water tables, exposed bedrock, and unsuitable soils.
- 702.2 Recreational Development Lakes are generally medium-sized lakes of varying depths and shapes with a variety of landform, soil, and groundwater situations on the lands around them. They often are characterized by moderate levels of recreational use and existing development.
- 702.3 General Development Lakes are generally large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development. These lakes often are extensively used for recreation and, except for the very large lakes, are heavily developed around the shore.
- 702.4 Forested River segments are located in forested, sparsely to moderately populated areas with some roads. Low-intensity recreational uses of these rivers and adjacent lands are common. This class has substantial potential for additional development and recreational use.
- 702.5 Transition River segments are generally either located within the Minnesota and Mississippi river valleys, or within the middle reaches of several rivers in all regions except the north-central and northeast. Some seasonal and year-round residential development exists, particularly within commuting distance of major cities. The types and intensities of recreational uses within this class vary widely.
- 702.6 Agricultural River segments are located in well-roaded, intensively cultivated areas of the western and southern regions of the state. Some intensive recreational use occurs on these river segments in particular areas, but overall recreational use of these waters and adjacent lands is low. Although potential exists for additional development and recreation, water quality constraints and competing land uses, particularly agriculture, will inhibit expansions.
- 702.7 Urban River segments are located within or adjacent to major cities throughout the state. A variety of residential and other urban land uses exists within these segments. Recreational uses of these segments and adjacent lands are common but vary widely in types and intensities. These segments have potential for additional development, for redevelopment, and for additional recreational use, although recreational use on some of these segments competes with commercial river traffic.
- 702.8 Tributary River segments consist of watercourses mapped in the Protected Waters Inventory that have not been assigned one of the other river classes. These segments have a wide variety of existing land and recreational use characteristics. The segments

have considerable potential for additional development and recreational use, particularly those located near roads and cities.

703 Notifications to the Department of Natural Resources.

- 703.1 All amendments to this shoreland ordinance must be submitted to the Department of Natural Resources for review and approval for compliance with the statewide shoreland management rules.
- 703.2 All notices of public hearings to consider variances, ordinance amendments, or conditional uses under shoreland management controls must be sent to the commissioner or the commissioner's designated representative at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
- 703.3 All approved ordinance amendments and subdivisions/plats, and final decisions approving variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
- 703.4 Any request to change the shoreland management classification of public waters within Morrison County must be sent to the commissioner or the commissioner's designated representative for approval, and must include a resolution and supporting data as required by Minnesota Rules, part 6120.3000, subp.4.
- 703.5 Any request to reduce the boundaries of shorelands of public waters within Morrison County must be sent to the commissioner or the commissioner's designated representative for approval and must include a resolution and supporting data. The boundaries of shorelands may be reduced when the shoreland of water bodies with different classifications overlap. In these cases, the topographic divide between the water bodies shall be used for adjusting the boundaries.

704. Shoreland District Uses

704.1 Purpose. To identify land uses that are compatible with the protection and preservation of shoreline resources in order to conserve the economic and environmental values of shoreland and sustain water quality.

704.2 Shoreland district land uses listed in Section 704.5 are regulated as:

- A. Permitted uses (P). These uses are allowed, provided all standards in this ordinance are followed.
- B. Permitted uses with Performance Standards (PS). These uses are allowed, provided all standards in this ordinance and use specific requirements are followed.
- C. Conditional uses (C). These uses are allowed through a conditional use permit. The use must be evaluated according to the criteria in Section 507.2 of this ordinance and any additional conditions listed in this ordinance; and
- D. Interim uses (I). These uses are allowed through an interim use permit. The use must be evaluated according to the criteria in Section 507.2 of this ordinance and any additional conditions listed in this ordinance; and

E. Not permitted uses (NP). These uses are prohibited.

704.3 Whenever a use is neither specifically permitted nor prohibited, the use shall be prohibited.

704.4 Shoreland Special Protection (SSP) Overlay. The SSP applies to shoreland areas with limited potential for development and/or recreation due to land suitability and access constraints

704.5 Land Uses for Water Body Classifications:

General Development (**GD**), Recreational Development (**RD**), Natural Environment (**NE**), Shoreland Special Protection (**SSP**)

Lakes (Rivers)	GD (All River Classes)	RD	NE	SSP Overlay
Accessory Structures to Residential Uses	PS	PS	PS	NP
Accessory Structures to Commercial Uses	PS	PS	PS	NP
Agricultural Uses – crop and pasture; excluding feedlots	PS	PS	PS	PS
Appliance Repair	I	I	NP	NP
Association clubs, lodges (private)	C	C	C	NP
Athletic Club/Athletic Field	C	C	C	NP
Auditorium/Assembly Hall	C	C	C	NP
Auto & Truck sale, repair, and body shop	I	I	NP	NP
Bar/Saloon/Tavern	I	I	NP	NP
Lakes (Rivers)	GD (All River Classes)	RD	NE	SSP Overlay
Bed & Breakfast	I	I	I	NP
Building Contractor, light, residential and general	I	I	I	NP
Business Office – general and professional	C	C	C	NP
Café/Restaurant	C	C	NP	NP
Communications Towers -radio, TV transmission, telecommunication (75' or less in height)	C	C	C	NP
Church – place of worship	C	C	C	NP
Community Facilities (town hall, post office, police station etc.)	C	C	C	NP
Decks –	P	P	P	NP
Drive-In / Through Restaurant	C	C	NP	NP
Dwelling, Single Family	P	P	P	NP
Dwelling, Two Family (Duplex)	PS	PS	C	NP

Essential Services & Utility Substations	P	P	P	C
Event Venue (weddings, reunions, meetings)	I	I	I	NP
Fish/Game Management non-residential structures	P	P	P	C
Florist, Greenhouse, Nursery and Sales	C	C	C	NP
Forestry Management	PS	PS	PS	PS
Garage / Public Storage/ Storage Rental	C	C	C	NP
Gasoline Sales	C	C	C	NP
Golf Course/ Clubhouse/ Country Club	C	C	C	NP
Gravel Pit / Extractive Use – crushing operation, screening	C	C	NP	NP
Grocery Store	C	C	C	NP
Guest Cottage	PS	PS	PS	NP
Guest Quarters	PS	PS	PS	NP
Historical Sites	P	P	P	P
Home Extended Business - see section 1200	I	I	I	NP
Home Occupation - see section 1200	PS	PS	PS	NP
Hotels/Motels	C	C	NP	NP
Land Alteration (topographic)	PS	PS	PS	PS
Licensed Group Family Day Care facility	P	P	P	NP
Liquor, off-sale	C	C	C	NP
Marina	C	C	NP	NP
Outdoor Storage – personal – see section 1200	PS	PS	PS	NP
Outdoor Wood Boiler – see section 1200	PS	PS	PS	NP
Park, Playground (no overnight camping)	P	P	C	C
Lakes (Rivers)		GD (All River Classes)	RD	NE
Planned Unit Development – Residential, Commercial (camps, resorts, campgrounds, RV parks) – see section 800	C	C	C	NP
Public Access & Boat Launch	C	C	C	C
Recycling Center	C	C	NP	NP
Recreational Vehicles, Park Models	PS	PS	PS	NP
Retail Stores, Sales	C	C	C	NP
Retaining Walls	PS	PS	PS	PS
Retreat Center	I	I	I	NP

Shooting Range (indoor/outdoor, trap, skeet, rifle, archery)	C	C	C	NP
Signs: Class A (on-site) – see section 1200	PS	PS	NP	NP
Stairways, Lifts & Landings	PS	PS	PS	NP
Solar Energy System – Roof Top and Ground Mount – see section 1200	PS	PS	PS	NP
Swimming Pools (public or commercial)	C	C	NP	NP
Transfer Stations	C	C	NP	NP
Water Oriented Commercial Uses (boat and motor sales, services, rentals)	I	I	NP	NP
Wind Energy Conversion Systems – non-commercial	C	C	NP	NP
Winery	I	I	I	NP

705. Dimensional and General Standards.

705.1 **Purpose.** To establish dimensional and performance standards that protect shoreland resources from impacts of development.

705.2 Lot width standards must be met at both the ordinary high-water level and at the building line

705.4 Lake Minimum Lot Area and Width Standards:

General Development – No Sewer				
	Riparian		Nonriparian	
	Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)
Single	30,000	120	40,000	150
Duplex	50,000	180	80,000	265
Triplex	60,000	260	120,000	375
Quad	80,000	340	160,000	490
Recreational Development – No Sewer				
	Riparian		Nonriparian	
	Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)
Single	50,000	175	50,000	175
Duplex	100,000	225	120,000	265
Triplex	120,000	300	120,000	375
Quad	160,000	375	160,000	490

Natural Environment – No Sewer				
	Riparian		Nonriparian	
	Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)
Single	80,000	200	80,000	200
Duplex	120,000	300	160,000	400
Triplex	160,000	400	240,000	600
Quad	200,000	500	320,000	800

705.5 River Minimum Lot Area and Width Standards:

	Forested		Transition		Agricultural		Urban & Tributary	
	Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)
Single	80,000	200	80,000	250	40,000	150	30,000	120
Duplex	120,000	300	120,000	375	80,000	225	50,000	150
Triplex	160,000	400	160,000	500	120,000	300	70,000	200
Quad	200,000	500	200,000	625	160,000	375	100,000	250

705.6 Impervious Surface. In all lake and river classes, the maximum lot coverage and impervious surface is 25%, except in areas within the SSP overlay it shall be 10%

706. Placement, Height, and Design of Structures

706.1 Placement of Structures and Sewage Treatment Systems on Lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks, and comply with the following OHWL setback provisions:

Classification	Structures	Sewage Treatment System
Natural Environment	150	150
Recreational Development	100	75
General Development	75	50
Forested and Transition	150	100
Agriculture, Urban and Tributary	100	75

A. **Shore impact zones.** Structures, impervious surfaces, and accessory facilities, except stairways, lifts, landings and mobility paths must not be placed within shore impact zones. The following shore impact zones apply, according to classification of the water body:

Classification	Shore Impact Zone (feet)
Lakes	
General Development	50
Recreational Development	65
Natural Environment	100
Rivers and Streams	
Forested and Transition	100
Agriculture, Urban and Tributary	65

B. **Additional structure setbacks.** Structures must also meet the following setbacks, regardless of the waterbody classification:

Setback from:	Setback (feet)
Side Yard	10
Rear Yard (non-riparian property)	35
Top of bluff	30

Setback from:	Setback (feet)
Unplatted cemetery	50
Right-of-way line of federal, state, or county highway	40
Right-of-way line of town road, public street, or other roads not classified	30
Private Road (taken from edge of traveled surface)	10

C. Deck Setbacks.

- 1) A land use permit must be secured prior to the construction of a deck.
- 2) Within shoreland areas, one deck may be allowed to serve the principal structure not meeting lake setback if not already served by a deck. The deck may be constructed without a variance onto the principal structure not meeting the required setback from the ordinary high-water level if all the following criteria and standards are met:
 - i. The principal structure to which a deck is being added existed on or before May 16, 1995, and there have been no structural additions or alterations on the waterward side of said structure or dwelling unit since May 16, 1995, and
 - ii. The deck shall be constructed of wood, plastic, or other rot resistant material, and be painted or stained in colors compatible with the character of the neighborhood and not roofed or screened, and
 - iii. The deck encroachment toward the ordinary high-water level does not exceed fifteen (15%) percent of the existing setback of the structure from the ordinary high-water level or does not encroach closer than thirty (30) feet, whichever is more restrictive, and
 - iv. If not toward the waterbody, deck depth shall not exceed 15% of the existing setback of the structure from the ordinary high-water level or encroach closer than the required side yard and/or right-of-way setbacks, whichever is more restrictive, and
 - v. Decks constructed under this section shall not be used as the basis for the establishment of any future building line

D. Patio Setbacks.

- 1) A land use permit must be secured prior to construction of a patio.
- 2) Patios must be set back at least to the shore impact zone, and must not result in the overall impervious surface of the lot to exceed 25%
- 3) A patio may not have attached railings, trellises, seats, or other features that extend more than one foot above pre-existing or natural grade.

E. Bluff Impact Zones. Structures, impervious surfaces, and accessory facilities must not be placed within bluff impact zones. Further, no excavation/disturbance is allowed except for the following:

- 1) Installation of a stairway, lift or landings
- 2) Installation of a septic system within the structural setback from the top of bluff
- 3) Incidental disturbance within the structural setback from top of bluff due to construction of a permitted structure
- 4) Best management practices and low impact installation techniques shall be utilized for construction of permitted uses

706.2 Height, Size, and Design of Structures.

- A. Principal Structures. All principal structures in the shoreland district must not exceed thirty (30) feet in height.
- B. Accessory Structures. All accessory structures must not exceed eighteen (18) feet in height, twelve (12) foot side walls and 1,300 square feet, unless the following standards are met:
 - a. The accessory structure is at least twice the structural setback to the OHWL and side lot lines. In that case, the accessory structure may have a peak height of up to twenty-five (25) feet and be up to 3,000 sq ft. Stormwater controls must be implemented to contain runoff on the property.
 - b. The accessory structure is at least four times the structural setback to the OHWL and twice the side lot lines. In that case the accessory structure may have a peak height of up to twenty-five (25) feet and be up to 6,000 sq ft. Stormwater controls must be implemented to contain runoff on the property
 - c. There shall not be any decks, balconies, or direct exterior access to or from the upper-level area of a detached accessory building.

706.2.1 Nonconformities. Nonconforming lots and structures shall follow the provisions within Section 301 of this ordinance, except that a change in roof pitch on a principal dwelling that increases overall height but does not result in a gain in living space shall be allowed with a permit if it meets the height allowance in Section 706.2.

706.4 Lowest Floor Elevation.

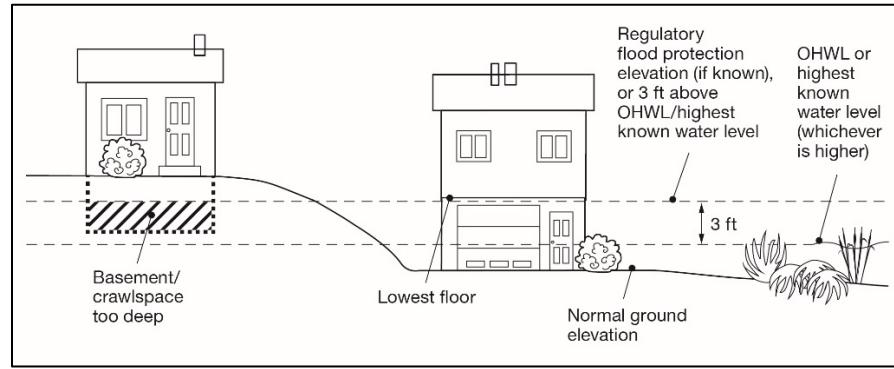
- A. Determining elevations. Structures must be placed at an elevation consistent with the applicable floodplain regulatory elevations. Where these elevations are not known, the lowest floor, including basement, must be placed or flood-proofed at an elevation determined using the following methodology:
 - (1) For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high-water level, whichever is higher (see Figure 9).
 - (2) For rivers and streams, by placing the lowest floor at least three feet above the highest known flood elevation. If highest known flood elevation is not available, by placing the lowest floor at least three feet above the ordinary high-water level (see Figure 9), or by conducting a technical evaluation to establish a flood

protection elevation. Technical evaluations must be done by a qualified engineer or hydrologist consistent with Minnesota Rules, parts 6120.5000 to 6120.6200.

B. Methods for placement.

- (1) In addition to the lowest floor, all service utilities must be elevated or water-tight to the elevation determined in part A.
- (2) If elevation methods involving fill would result in filling in the SIZ, then structures must instead be elevated through floodproofing methods in accordance with 706.5 (B)(3) below.
- (3) If the structure is floodproofed, then it must be built to resist hydrostatic pressure through elevation methods such as blocks, pilings, filled stem walls, elevated concrete pad, internally flooded enclosed areas, or through other accepted engineering practices consistent with FEMA technical bulletins 1, 2 and 3.

Figure 9. Lowest Floor Elevation



706.6 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.

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:

- a. Each building must be set back at least two hundred (200') feet from the ordinary high-water level.
- b. Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building.
- c. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and

- d. 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, lifts, landings, 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:

- A. 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.
- B. Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area. Landings larger than 32 square feet may be used for commercial properties, public-space recreational uses and planned unit developments, if approved by the Land Services Department.
- C. Canopies or roofs are not allowed on stairways, lifts, or landings.
- D. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
- E. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer leaf-on conditions, whenever practical; and
- F. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are allowed for achieving access to shore areas, provided that the dimensional and performance standards of subitems "a" to "e" are complied with, in addition to the requirements of Minnesota Rule Chapter 1341, or as amended. Mobility paths may be constructed of impervious surface if the total impervious surface of the lot does not exceed 25%.

707.4 One Guest Cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in Sections 705.4 and 705.5, provided the following standards are met:

- A. For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within an area equal to the smallest duplex-sized lot that could be created including the principal dwelling unit.
- B. A guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height; and
- C. A guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, or color, assuming summer leaf-on conditions.

707.5 One Guest Quarter may be allowed on lots meeting or exceeding the single lot area and width dimensions presented in Sections 705.4 and 705.5, provided the following standards are met:

- A. In the case of contiguous tax parcels/lots making up the lot size standard, they shall be combined for zoning purposes with the Auditor/Treasurer's Office
- B. No Guest Cottage or Recreational Vehicle exists on the property

- C. The maximum square footage of the Guest Quarter is no larger than 10% of the floor square footage of the accessory structure; the primary use of the structure shall continue to be that of an accessory structure
- D. The Guest Quarter shall be counted as a bedroom for septic system sizing
- E. The onsite septic system shall be adequately sized for the number of bedrooms on the property
- F. The building containing the Guest Quarter must meet all setbacks and height limits

707.6 Controlled access lots intended for access to public waters or as recreation areas for use by owners of riparian lots that have no access to the lake or the owners of nonriparian lots within adjacent subdivisions are permissible if created as part of a subdivision and in compliance with the following standards:

- A. The lot must meet the area and width requirements for residential lots, and be suitable for the intended uses of controlled access lots as provided in item G.
- B. If ownership of the lot exceeds four (4) lot owners or docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by a percentage of the requirements for riparian residential lots for each owner over four and/or watercraft beyond six, consistent with the following table:

Controlled Access Lot Frontage Requirements	
Ratio of lake size to shore length (acres/mile)	Required percent increase in frontage
Less than 100	25%
100 – 200	20%
201 – 300	15%
301 – 400	10%
Greater than 400	5%

- C. The lot must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot; and
- D. Docks, when designed and positioned:
 - a) must allow free flow of water beneath it.
 - b) shall be placed so as not to block access from an adjacent property to open water.
 - c) should be kept as narrow as possible; and
 - d) must not have a constructed rigid roof or walls.
- E. Access to a dock shall be along a single designated footpath to minimize disruption of the natural vegetation strip.
- F. No boat ramps may be constructed on an access lot.

G. Covenants or other equally effective legal instruments must be developed that:

- (1) Specify which lot owners have authority to use the access lot.
- (2) Identify what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, docking, swimming, sunbathing, or picnicking.
- (3) Limit the total number of vehicles allowed to be parked and the total number of watercrafts allowed to be continuously moored, docked, or stored over water.
- (4) Require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations; and
- (5) Require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

708 Recreational vehicles.

708.1 Recreational Vehicles located on a parcel for more than sixteen (16) consecutive days in any year 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. The provisions of this Section shall not apply to homeowners who are storing a recreational vehicle registered in the property owner's name on their property.

708.2 Recreational Vehicles must meet all structural setback requirements of this ordinance, but if the lot is too small for the setback from the lake to be met, all recreational vehicles must be setback at least to the Shore Impact Zone.

708.3 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>Less than 20,000 sq. ft.</u>	<u>Greater than 20,000 sq. ft.</u>
Vacant	1 R.V.	2 R.V.
1 Dwelling	No R.V.	1 R.V.

708.4 Recreational Vehicles located in the Morrison County Shoreland district must follow a sewage management plan in compliance with Section 1300 of this Ordinance.

708.5 Recreational Vehicles located in the Morrison County Shoreland district must follow a disposal program for solid wastes that conforms to the Morrison County Solid Waste Ordinance.

708.6 Recreational Vehicles located on parcels with a dwelling must be placed no further waterward than the existing dwelling.

709 Fencing in Shoreland.

709.1 A permit is required for a fence except fences for agricultural use.

709.2 Fences must be setback a minimum of three (3) feet from public road rights-of-way.

709.3 Fences must be set back at least one foot from the property line. Fences may be placed upon the property line if the placement of the fence is mutually agreed upon by the

property owners affected and such agreement is filed for record with the County Recorder.

- 709.4 All fences shall be setback ten (10) feet from the ordinary high-water mark.
- 709.5 Placement of a fence alongside yards shall be done in such a manner that the fence owner can properly maintain both sides of the fence.
- 709.6 Fences, other than agricultural fences, shall not exceed four (4) feet in height from the shore impact zone to the midpoint of a line drawn between the lake ward corners of neighboring houses. From that point away from the lake, fences may exceed the four (4) foot height restriction to a total height of six (6) feet.
- 709.7 If one side of the fence is unfinished, the finished side of the fence shall face away from the applicant's property.
- 709.8 Fences, other than agricultural fences, must be constructed of safe materials, other than barbed wire or electric fencing materials.

710 Shoreland Alterations

710.1 **Purpose.** Alterations of vegetation and topography are regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, sustain water quality, and protect fish and wildlife habitat.

710.2 A permit is required for all land disturbing activities including vegetative and/or topographic alteration except for the following, provided that the erosion and sediment control standards in this Section are followed:

- A. Vegetative and topographic alterations necessary for normal site preparation activities for any validly permitted structure, sewage treatment system, or driveway occurring within fifteen (15) feet of the outside wall of the structure, the outermost portion of the sewage treatment system, or the edge of the driveway.
- B. The removal of diseased, dead, invasive, or hazardous trees or shrubs with the encouragement to replace the tree(s)/shrubs by replanting species suitable for the site. Dead trees provide habitat for many species and should remain unless hazardous or in the case that removal will prevent the spread of a disease.
- C. Limited pruning that maintains vegetation for adequate shading of surface waters and substantial screening of structures, vehicles, and facilities.
- D. The construction of public roads and parking areas if consistent with Section 711 of this ordinance.
- E. Forest management uses consistent with Section 713.3 of this ordinance; and
- F. Agricultural uses consistent with Section 713.2 of this ordinance.

710.3 **Vegetation Alterations.** Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Sections 713.2 and 713.3 is allowed with a permit subject to the following standards:

- A. In order to maintain a natural vegetative shoreline buffer, clearing, cutting, trimming, and pruning of vegetation including trees, shrubs, and understory within the shore

impact zone is not allowed, except to provide a viewing corridor, recreational use area or access path as provided in subparagraph D.

- B. Intensive Vegetative Clearing within the bluff impact zone and steep slopes is prohibited, except as provided for in subparagraph D. Intensive vegetation clearing outside of these areas for forest management is allowed if consistent with the forest management standards in Section 713.3 of this ordinance. Land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district.
- C. Adequate vegetation shall remain from the ordinary high-water mark to the required building setback, to meet the requirements in subpart D
- D. Limited pruning, trimming, and cutting of vegetation is allowed to provide a view to the water from the principal dwelling, to create access paths, and recreational use areas, provided that:
 - i. Vegetation be maintained to screen structures, vehicles, or other facilities by at least 50% as viewed from the water, assuming summer leaf-on conditions. The maximum view corridor shall be less than 50 feet wide or 25% of the parcel width, whichever is less. The view corridor shall extend from the most lakeward side of the principal structure and continue to the ordinary high-water level of a public water body.
 - ii. Existing shading of water surfaces is preserved.
 - iii. Perennial ground cover is maintained.
 - iv. A recreational use area at the shoreline does not exceed a maximum width of twenty-five (25) feet or 25% of the lot width, whichever is less, and fifteen (15) feet in depth or, if located at least twenty-five (25) feet landward from the ordinary high-water level, fifty (50) feet in width or 50% of the lot width, whichever is less.
 - v. Access paths from the principal structure to the shoreline are permittable, but shall not exceed six (6) four (4) feet in width and shall be oriented generally perpendicular to the shoreline
 - vi. Cutting debris or slash shall be scattered and not mounded on the ground
- E. Any time there is significant vegetative removal, in the opinion of the zoning administrator, on steep slopes for a permitted use, the Zoning Administrator may require a vegetation restoration plan prior to permit issuance
- F. Violations of the vegetation standards shall be subject to a restoration order including a vegetation restoration plan and a three-year maintenance plan prepared by the landowner and approved by the Zoning Administrator. Near shore or highly erodible locations must be restored with a mix of deep-rooted woody and herbaceous vegetation with high stem density, suitable for the location.

710.4 Topographic Alterations. Grading, filling, and excavation activities must comply with the provisions of this subsection except for the construction of public roads and parking areas if consistent with Section 711 of this ordinance.

710.41 Minor Topographic Alterations. A permit for minor alterations may authorize the following activities:

- A. Topographic alterations of up to ten (10) cubic yards of fill deposited, removed, or graded on steep slopes or within shore or bluff impact zones.
- B. Topographic alterations necessary to complete a restoration or shoreline improvement project approved and supervised by the Morrison County Soil and Water Conservation District or the Land Services Department.
- C. Topographic alterations of up to 100 cubic yards located between the shore impact zone and required setback pursuant to Section 706 of this Ordinance
- D. Topographic alterations located beyond the required setback pursuant to Section 706 of this Ordinance
- E. The installation of rock riprap for erosion control
- F. Beach sand blankets
- G. Emergency stabilization measures, generally temporary in nature to prevent imminent erosion or property damage. Permanent repair or replacement of erosion control devices may still require a major permit.
- H. The construction of a retaining wall when a documented erosion problem exists. Retaining walls over five (5) feet in height require an engineer or landscape architect's written approval of the design as part of the permit application.
- I. Replacement of an existing retaining wall up to four (4) feet in height
- J. Retaining walls not visible from the shore by virtue of topography or vegetation assuming summer leaf-on conditions
- K. If the Director determines that a project has the potential for an adverse environmental impact that includes more oversight, design, or review, including but not limited to erosion, sedimentation, stormwater impacts or pollution of surface waters, the Director can require an applicant to apply for a major shoreland alteration permit. An example includes but is not limited to alterations occurring on the direct slope to the water body.

710.42 Major Alterations. Alterations of a larger scale that are not minor alterations shall only be allowed when authorized by a major alteration permit issued by the Department.

710.43 Major and Minor Shoreland Alteration Permit Conditions. Major and minor shoreland alteration permits shall be subject to the following conditions:

- A. The Department may refuse to grant an alteration permit if it is determined that issuance of the permit may have an adverse environmental impact
- B. No alteration of the natural shoreline will be allowed.
- C. Grading or filling of any wetland must meet or exceed the wetland protection standards under Minnesota Rules, Chapter 8420 and any other permits, reviews, or approvals by other local state, or federal agencies such as watershed districts, the DNR or US Army Corps of Engineers;

D. Land alterations must be designed and implemented to minimize the amount of erosion and sediment from entering surface waters during and after construction consistently by:

- (1) Limiting the amount and time of bare ground exposure.
- (2) Using temporary ground covers such as mulches or similar materials.
- (3) Establishing permanent vegetation cover as soon as possible.
- (4) Using sediment traps, vegetated buffer strips or other appropriate techniques.
- (5) Stabilizing altered areas to acceptable erosion control standards consistent with the field office technical guides of the soil and water conservation district.
- (6) Not placing fill or excavated material in a manner that creates unstable slopes. 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.
- (7) Fill or excavated material must not be placed in bluff impact zones.
- (8) Any alterations below the ordinary high-water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 103G.
- (9) Alterations of topography are only allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties

710.44 Walkout Basement Requirements: Walkout basements require a Major Alteration Permit, in addition to the structure permit and are subject to the following conditions:

- A. Walkout basement excavations are prohibited in bluffs, bluff impact zones, shore impact zones, and on slopes exceeding 20% grade over a 50-foot segment not identified as a bluff.
- B. Retaining walls are prohibited as part of a walkout design. All slopes shall be designed to use native vegetation on the slopes along with other stormwater best management practices. Native vegetation shall be planted and maintained from the toe to the top of the walkout slope and all altered areas of the slope for a walkout
- C. The excavation for a walkout basement shall be no deeper than eight (8) feet below the original grade at any point and it shall extend no further than thirty (30) feet from the outside wall of the dwelling or into a shore impact zone, whichever is more restrictive. The entire excavation area must be no wider than the main living portion of the dwelling (not including attached garages).
- D. A licensed professional engineer shall design a grading and stormwater plan for all of the earthmoving on the parcel, meeting the field office technical guide of the NRCS or other applicable technical standards as approved by the county. The existing and proposed slopes, length and width of cuts and all stormwater, BMPs implemented, at a minimum, shall be part of the plan. This plan shall be submitted for review and approval to the county prior to a permit being issued for the walkout major alteration permit.

710.45 Ice ridge work: Permits are not required for any grading associated with removing or grading soil material due to ice action on a shoreline, provided that:

- A. The ice ridge resulted from ice action within the last year
- B. Not more than 200 feet of shoreline is affected
- C. Ice ridge material composed of muck, clay or organic sediment is deposited and stabilized at an upland site above the ordinary high-water level
- D. Ice ridge material composed of sand or gravel is removed as provided above or graded to conform to the original cross-section and alignment of the lakebed, with a finished surface at or above the ordinary high-water level
- E. No additional excavation or replacement fill material occurs on the site
- F. All exposed areas are immediately stabilized as needed to prevent erosion and sedimentation.

710.46 Historic Ice Ridge: an ice ridge that has existed for over one (1) year requires a permit to modify for lake access and must comply with the following standards:

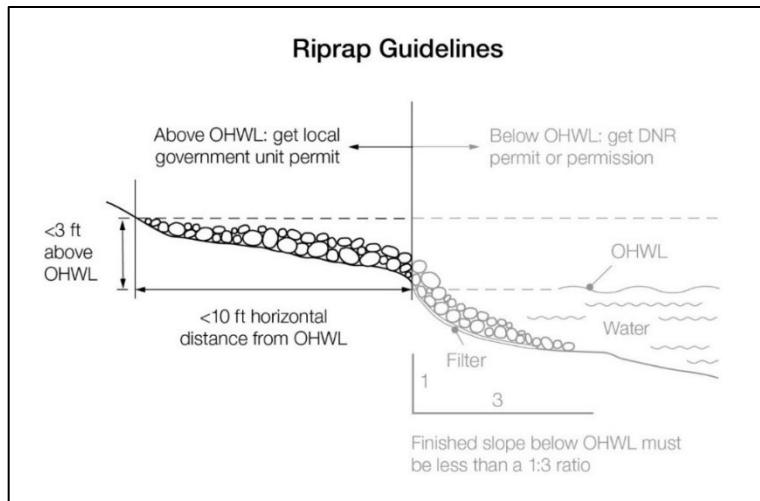
- A. One alteration site is allowed per lot, or per group of contiguous nonconforming lots under the same ownership.
- B. On residential lots, the maximum bottom width shall be twenty (20) feet with 2:1 side slope at each end.
- C. On lots that have an approved commercial use, the maximum bottom width shall be fifty (50) feet with 2:1 side slope at each end.
- D. Berms of not less than twelve (12) inches above grade level or diversions not less than twelve (12) inches below grade level shall be placed landward of the lake ordinary high-water level to prevent erosion from upland runoff.
- E. An erosion, sediment control, and vegetation stabilization plan must be approved by the county for the project area prior to permitting and the plan must be implemented and maintained before and during and after construction
- F. All disturbed material shall be graded landward or removed from the site
- G. Any activity below the ordinary high-water mark requires applicable Mn DNR and US ACOE approval and permits.

710.47 Riprap. Natural rock riprap, including associated grading of the shoreline and placement of a filter material, shall only be allowed in situations where active erosion problems exist and shall not be permitted for aesthetic purposes alone. Riprap installation must be done in accordance with the MN DNR standards and the following:

- A. The finished slope does not exceed three feet horizontal to one foot vertical.
- B. The landward extent of the riprap is within ten feet of the ordinary high-water level; and
- C. The height of the riprap above the ordinary high-water level does not exceed three feet.
- D. If a native vegetative buffer of at least 10ft does not exist on the property, an application for riprap must include a plan to establish a native vegetative

buffer of at least 10ft as measured from the top of the Riprap and extending the length of the property excluding recreational use areas. These plans shall be approved by Morrison County Land Services and shall be implemented immediately. Buffer plans must include:

1. At least seven (7) native grass species suited to the area and soil type planted as a new seeding for the entire restoration area or as live plugs on a 1-foot spacing, and at least five (5) native forb species suited to the area and soil either included in a grass seeding or as live plugs on a 2-foot spacing; or Mn/DOT Seed Mixture 34-261 or equivalent approved by Land Services; and
2. At least three (3) native shrub species, at least 12 inches tall at planting, suited to the area and soil type spaced on a maximum 5-foot evenly throughout the restoration area.
3. Buffer plans must be submitted with an application for a permit and must be implemented within the first growing season immediately following Riprap installation.
4. Buffers not maintained behind the Riprap shall be deemed a violation of this ordinance and subject to a restoration order.



710.48 Beach Sand Blankets are allowed with a minor alteration permit if the following criteria is met:

- A. Beach material must be clean and washed free of fine particles and must be of appropriate grain size (coarse sand or larger) to stay in place under wave action
- B. The lakebed must be capable of holding beach material in place.
- C. Sand material may not be placed over emergent vegetation such as bulrush or cattails without permitting from the Department of Natural Resources
- D. No plant barrier or liner (filter material or plastic) shall be placed beneath the beach material

- E. On residential lots, the sand or gravel layer may be up to six (6) inches thick and may not be wider than 25% of the lot width at the water or fifty (50) feet wide whichever is less, and 10 feet landward from the OHWL. On commercial or public use parcels, the sand or gravel layer may be up to six (6) inches thick and may not be wider than 25% of the lot width at the water, and 10 feet landward from the OHWL.
- F. Installation of sand and gravel may be repeated once at the same location with a permit but may not exceed the amount of sand and dimensions of the original sand blanket. After two issued permits, no additional sand blanket permit is allowable, and the site must be restored to native vegetation. If an alternate site exists on the parcel for placement of a sand blanket that is better suited, then a new permit may be issued by the county.
- G. An earthen vegetated berm of at least four (4) inches in height must surround the landward side of the sand to divert water around the sand area

710.49 Connections to public waters. Excavations to connect boat slips, canals, lagoons and harbors to public waters require a public waters permit and must comply with Minnesota Rules, Chapter 6115.

710.50 Watercraft Access Ramps: Watercraft access ramps, approach roads and access related parking areas require a permit and shall comply with the following standards:

- A. Are permitted on private residential lots only on lakes without public access and the site is not a federally designated wild or scenic river
- B. The site can support a ramp without pilings, dredging, or other special site preparations and the ramp can be constructed of gravel, natural rock, steel matting, or other durable inorganic material not exceeding seven inches of thickness
- C. The ramp is no more than 12 feet wide along the shore and 10 feet waterward of the shoreline or into a water depth of four feet, whichever is less, and no more than 12 feet landward of the OHWL. Excavation of no more than five cubic yards (to create a suitable slope and launching area) and placement of no more than five cubic yards of crushed rock, gravel, clean sand, or small stone is allowed to provide a stable base or maintain use of the ramp
- D. After two issued permits for fill, no additional fill material is allowed, and the site must be restored to native vegetation. If an alternate site exists on the parcel for placement of an access ramp that is better suited, then a new permit may be issued by the county.
- E. Ramps shall meet the requirements of section 1100 Wetland Regulations of this ordinance, excluding structure setbacks of that section
- F. Construction must comply with the requirements of Section 712 Stormwater Management of this ordinance
- G. The maximum impervious surface limits of the lot are not exceeded

711

Placement and Design of Roads, Driveways, and Parking Areas

711.1 Placement and Design of Roads, Driveways, and Parking Areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening as viewed from public waters. They must be constructed to minimize and control erosion to public waters consistent with the field office

technical guides of the local SWCD and comply with the following standards:

- A. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.
- B. 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.
- C. Private watercraft access ramps, approach roads, and access-related parking areas are prohibited on lakes with an existing public access. Existing private facilities are non-conforming.
- D. For public roads, driveways and parking areas, documentation must be provided by a qualified individual that they 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.

712 Stormwater Management.

712.1 General Standards:

- A. When possible, existing natural drainageways, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
- B. 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 as soon as possible and appropriate facilities or methods used to retain sediment on the site.
- C. When development density, topography, soils, and vegetation are not sufficient to adequately handle stormwater runoff, constructed facilities such as settling basins, skimming devices, dikes, waterways, ponds and infiltration may be used. Preference must be given to surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.
- D. Fertilizer and pesticide runoff into surface waters must be minimized through use of vegetation, topography, or both.

712.2 Specific Standards:

- A. Sediment controls, such as silt fence, shall be installed prior to disturbing soils. Sediment controls must be placed downslope of all exposed soil to adequately prevent the loss of sediment to public/surface waters, neighboring properties, wetlands, or public ditch and maintained to prevent failure. Erosion controls and best management practices shall be used to prevent the formation of erosion hazards.
- B. Disturbed areas must be stabilized and protected as soon as possible. The maximum time the soil in a project area can remain exposed when the area is not actively being worked is three (3) days. Temporary or permanent cover for the exposed areas is required at that time but should be installed sooner, if possible. All deltas and sediment deposited in surface waters, including drainage ways,

catch basins, and other drainage systems must be removed within 14 days unless precluded by legal, regulatory, or physical access restraints. The areas where sediment removal results in exposed soil must be stabilized within seven (7) days after completing the removal.

- C. To the maximum extent possible, land-disturbing activities must not occur within the shore impact zone.
- D. The maximum impervious surface coverage for all uses along all lake classes and all river classes is 25% of the lot. The maximum impervious surface coverage for all uses along lake classes and all river classes located in SSP zoning districts is limited to 10%.
- E. LGU may also require a properly engineered stormwater pollution prevention plan upon issuance of any permit.
- F. When constructed facilities are used for stormwater 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 district or the Minnesota Stormwater Manual, as applicable.
- G. New constructed stormwater outfalls to public waters must be consistent with Minnesota Rules, part 6115.0231.

713. SPECIAL LAND USE PROVISIONS

713.1 Commercial, Industrial, Public, and Semipublic Use Standards.

713.11 Water-dependent uses may be located on parcels or lots with frontage on public waters provided that:

- A. The use complies with provisions of Section 704.5.
- B. The use is designed to incorporate topographic and vegetative screening of parking areas and structures.
- C. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
- D. Uses that depend on patrons arriving by watercraft may use signs and lighting, provided that:
 - (1) Signs placed in or on public waters must only convey directional information or safety messages and may only be placed by a public authority or under a permit issued by the county sheriff; and
 - (2) Signs placed within the shore impact zone are:
 - (a) No higher than ten feet above the ground, and no greater than 32 square feet in size; and
 - (b) If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination across public waters; and
 - (3) Other lighting may be located within the shore impact zone or over public waters if it is used to illuminate potential safety hazards and is shielded

or otherwise directed to prevent direct illumination across public waters. This does not preclude use of navigational lights.

713.12 Commercial, industrial, public, and semi-public uses that are not water-dependent 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 ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

713.2 Agricultural use standards

713.21 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 Resource Conservation Service field office technical guides (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.

713.22 The shore impact zone for parcels with permitted agricultural land uses is an area with a 50-foot average with a 30-foot minimum width, as measured from the ordinary high-water level if identified, or the top or crown of bank or normal water level as defined, whichever is applicable.

713.23 New animal feedlots are not allowed in shoreland. Modifications or expansions to existing feedlots or resumption of old feedlots are conditional uses and must meet the following standards:

- A. Feedlots must be designed consistent with Minnesota Rules, Chapter 7020;
- B. Feedlots must not further encroach into the existing ordinary high water level setback or the bluff impact zone and must not expand to a capacity of 1,000 animal units or more; and,
- C. Old feedlots not currently in operation may resume operation consistent with Minnesota Statutes, Section 116.0711.

713.3 Forest Management Standards.

713.31 The harvesting of timber and associated reforestation must be conducted consistent with the applicable provisions of the Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest Management Guidelines for Landowners, Loggers and Resource Managers.

713.32 Intensive vegetation clearing for forest land conversion to another use is a conditional use subject to an erosion control and sedimentation plan developed and approved by the soil and water conservation district.

713.4 Extractive Use Standards. Extractive uses are conditional uses and must meet the following standards:

713.41 Site Development and Restoration Plan. A site development and restoration plan must be developed, approved, and followed over the course of operation. The plan must:

- A. Address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations.
- B. Identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion; and
- C. Clearly explain how the site will be rehabilitated after extractive activities end.

713.42 Setbacks for Processing Machinery. Processing machinery must meet structure setback standards from ordinary high-water levels and from bluffs.

713.5 Metallic Mining Standards. Mining of metallic minerals and peat is a permitted use provided the provisions of Minnesota Statutes, Sections 93.44 to 93.51, are satisfied.

714 Conditional and Interim Uses

714.1 Conditional and Interim uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria for review of conditional and interim uses established in Section 507 of this ordinance. The following additional evaluation criteria and conditions shall apply within shoreland areas.

714.2 Required information. All Conditional and Interim Use Permit Applications will require site plans with the following information:

- A. A plan of the area showing contours, soil types, high water mark, ground water conditions, bedrock, slope, and vegetative cover.
- B. Location of all buildings, parking area, traffic access, driveway, walkways, piers, open spaces, and landscape.
- C. Plans of proposed building, sanitary systems and well locations.

714.3 Evaluation criteria. A thorough evaluation of the waterbody 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. There is adequate 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.

715 Mitigation.

715.1 In evaluating all variances, conditional and interim uses, zoning and building permit applications, the zoning authority shall require the property owner to address the following conditions, when related to and proportional to the impact,

to meet the purpose of this ordinance, to protect adjacent properties, and the public interest:

- A. Advanced storm water runoff management treatment.
- B. Reducing impervious surfaces.
- C. Increasing setbacks from the ordinary high-water level.
- D. Restoration of wetlands.
- E. Limiting vegetation removal and/or riparian vegetation restoration.
- F. Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas; and
- G. Other conditions the zoning authority deems necessary.

715.2 In evaluating plans to construct sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes, conditions 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 may be attached to permits.

800. Planned Unit Developments.

801. **Purpose.** The purpose of these regulations is to establish procedures and criteria to evaluate planned unit developments intended to provide a relationship between building and building, and between building and site that cannot be accomplished by the one building-one lot application of the zoning provisions of this ordinance. In order to encourage well designed building groups, this section provides for the development of more than one structure upon a single lot or tract as well as the integral development of one or more lots as a single tract.

802. **Types of Planned Unit Developments.** Planned Unit Developments may be single or multipurpose in character depending upon the size of the tract under consideration. The term is intended to include single family residential developments, multifamily residential developments, and commercial developments either alone or in combination with one another.

803. **Conditional Use Permit Required.** Planned Unit Developments shall require conditional use permits. Applications for a planned unit development shall meet the information requirements of section 507 and shall be reviewed and considered for approval according to the procedures of section 507, as well as any additional considerations and standards provided in this section.

804. General Requirements and Procedures for Planned Unit Developments.

804.1 The minimum area of land to be included in a Planned Unit Development is three (3) contiguous acres of buildable area and a lot width of 400 feet or more.

804.2 Planned Unit Developments must maintain open space meeting all 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 rights-of-way, or land covered by road surfaces, parking areas, or 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 unplattem cemeteries.
- d) Open space may include outdoor recreational facilities for use by owners of 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.

804.3 Erosion control plans must be developed and must be consistent with the provisions of Section 712 of this ordinance. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant. Stormwater management facilities must be designed and constructed to manage expected quantities and qualities of stormwater runoff.

- a) For residential PUDs, impervious surface for the entire project site must not exceed 25%.

- b) For commercial PUDs, impervious surfaces within any tier must not exceed 25 percent of the tier area,

804.4 All streets within the Planned Unit Development, whether public or private, shall be constructed to meet the specifications of the County Engineer as set forth in Section 1500 of this ordinance and a developer's agreement shall be executed.

804.5 Changes in uses, rearrangement of lots, blocks and building tracts, or any changes in the provision of common open space shall require resubmission and reapproval of the Planned Unit Development by the Planning Commission and County Board pursuant to the requirements of this section.

804.6 Development Review Team Meeting. Prior to submittal of a Conditional Use Permit application, the proposer shall attend a Development Review Team Meeting to be made fully aware of all applicable ordinances, regulations, and plans that apply to the PUD. At this meeting, or at subsequent informal meetings, the proposer shall submit a general sketch plan of the proposed PUD. The sketch plan will be considered as the basis for discussion between the proposer and staff. The sketch plan may be presented in simple form but should show that consideration has been given to the following:

- a) water supply
- b) waste treatment
- c) storm water management
- d) road layout
- e) the topography of the site
- f) any other requirements as stipulated in this Ordinance or directed by the Development Review Team staff.

804.7 After attending a Development Review Team meeting, the proposer may apply for a Conditional Use Permit. The application shall include all information required in Section 507. In addition, all proposed PUD applications shall contain the following documents:

- a) A detailed site drawing containing the following:
 - i. Locations of surveyed property boundaries.
 - ii. Existing and proposed structures and other facilities.
 - iii. Areas with physical characteristics unsuitable for development in their natural state.
 - iv. Areas containing significant historic sites or unplatted cemeteries.
 - v. Land alterations.
 - vi. Sewage treatment and water supply systems (where public systems will not be provided).
 - vii. Topographic contours at two (2)-foot intervals.

- viii. Identification of buildings and portions of the project that are residential, commercial, or a combination of the two (if project combines commercial and residential elements).
- ix. Road layout.

- b) In areas where public sewer is not available, adequate soils information to determine suitability for on-site soils treatment capacity to serve the PUD showing the locations of two (2) individual on-site drainfield sites for each proposed drainfield using the most current existing sources or from field investigations such as soil borings, percolation tests, or other acceptable methods.
- c) In areas where public water is not available, evidence that each building has access to adequate domestic water supplies.
- d) Erosion control and stormwater management plans meeting the requirements of Section 804.3
- e) A vicinity map showing the relationship of the proposed PUD to its surroundings, including the use of property on surrounding tracts.
- f) A schedule showing the estimated staging of the development and estimated time of completion
- g) Additional documents necessary to explain how the PUD will be designed and will function

804.8 During the development of the PUD, the Zoning Administrator may approve minor changes in the location, placement, and height of buildings if such changes are required by engineering or other circumstances not foreseen at the time the Planned Unit Development was approved.

805. Special Requirements for Residential Planned Unit Developments

- 805.1 In addition to the requirements in Section 804, the items within this section shall be required for residential PUDs
- 805.2 Deed restrictions, covenants, permanent easement, 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 the following protections:
 - a) Commercial uses prohibited.
 - 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.
- 805.3 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.

806. Special Requirements for Planned Unit Developments within Shoreland

- 806.1 In addition to the requirements in Section 804, items within this section shall be required for PUDs within Shoreland.
- 806.2 Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures:
 - 806.21 Identify Density Analysis Tiers. Divide the project parcel into tiers by drawing one or more lines parallel to the ordinary high-water level at the following intervals, proceeding landward:

Classification	Tier Depth	
	No Sewer (ft)	Sewer (ft)
General Development Lakes – 1st tier	200	200
General Development Lakes – all other tiers	267	200
Recreational Development Lakes	267	267
Natural Environment Lakes	400	320
All Rivers	300	300

- 806.22 Calculate Suitable Area for Development. Calculate the suitable area within each tier by excluding all wetlands, bluffs, or land below the ordinary high-water level of public waters.

806.23 Determine Base Density:

- A. For residential PUDs, divide the suitable area within each tier by the minimum single residential lot area for lakes to determine the allowable number of dwelling units, or base density, for each tier. For rivers, if a minimum lot area is not specified, divide the tier width by the minimum single residential lot width.
- B. For commercial PUDs:
 - (1) Determine the average area for each dwelling unit or dwelling site within each tier. Include both existing and proposed dwelling units and sites in the calculation.

- (a) For dwelling units, determine the average inside living floor area of dwelling units in each tier. Do not include decks, patios, garages, or porches and basements, unless they are habitable space.
- (b) For dwelling sites (campgrounds), determine the area of each dwelling site as follows:
 - i. For manufactured homes, use the area of the manufactured home, if known, otherwise use 1,000 sf.
 - ii. For recreational vehicles, campers, or tents, use 400 sf.

C. Select the appropriate floor area/dwelling site area ratio from the following table for the floor area or dwelling site area determined in Section 806.23 B 1

Inside Living Floor Area or Dwelling Site Area (sf)	Floor Area/Dwelling Site Area Ratio		
		General Development Lakes w/Sewer – all tiers	General Development Lakes w/no sewer – all other tiers
General Development Lakes w/no sewer – 1st tier		Recreational Development Lakes	Natural Environment Lakes
Agricultural, Urban and Tributary Rivers		Forested and Transition Rivers	
< 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

- D. Multiply the suitable area within each tier determined in Section 806.22 by the floor area or dwelling site area ratio to yield the total floor area or dwelling site area for each tier to be used for dwelling units or dwelling sites.
- E. Divide the total floor area or dwelling site area for each tier calculated in Section 806.23 D by the average inside living floor area for dwelling units or

dwelling site area determined in Section 806.23 B 1. This yields the allowable number of dwelling units or dwelling sites, or base density, for each tier.

- F. Allowable densities may be transferred from any tier to any other tier further from the waterbody but must not be transferred to any tier closer to the waterbody.
- G. All PUDs with densities at or below the base density must meet the design standards in Section 804.

806.24 Determine if the site can accommodate increased Density:

- a) The following increases to the dwelling unit or dwelling site base densities determined Section 806.23 are allowed if the design criteria in Section 804 of this ordinance are satisfied as well as the standards in Section 805, if applicable, as well as item b:

Shoreland Tier	Maximum density increases within each tier (percent)
1st	50
2nd	100
3rd	200
4th	200
5th	200

- b) 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 acceptable means and the setback is at least 25 percent greater than the minimum setback.

806.3 In shoreland areas, erosion and stormwater management must be designed by certified personnel in erosion and sediment control using the best management practices found in the most recent version of MPCA's stormwater best management practices manual.

806.4 Shore recreation facilities:

- A. Must be centralized and located in areas suitable for them based on a suitability analysis.
- B. 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).
- C. 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, increased 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 must meet the required structure setback and must be centralized.

806.5 Portions of the shore impact zone must be preserved in its natural or existing state as follows:

- A. For existing residential PUDs, at least 50 percent of the shore impact zone
- B. For new residential PUDs, at least 70 percent of the shore impact zone.
- C. For all commercial PUDs, at least 50 percent of the shore impact zone.

806.5 Conversions. Local governments may allow existing resorts or other land uses and facilities to be converted to residential PUDs if all of the following standards are met:

- A. Proposed conversions must be evaluated using the same procedures for residential PUDs involving 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:
 1. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones.
 2. Remedial measures to correct erosion, improve vegetative cover and improve screening of buildings and other facilities as viewed from the water; and
 3. Conditions attached to existing dwelling units located in shore or bluff impact zones 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 in Section 806.23 of this ordinance may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the 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.

900. RIPARIAN PROTECTION AND WATER QUALITY PRACTICES

901. Statutory Authorization.

This buffer ordinance is adopted pursuant to the authorization and policies contained in Minn. Stat. §103F.48, the Buffer Law, and the County planning and zoning enabling legislation in Minn. Stat. chapter 394.

902. Purpose and Intent

It is the purpose and intent of the County to:

- a. Provide for riparian vegetated buffers and water quality practices to achieve the following purposes:
 1. Protect state water resources from erosion and runoff pollution.
 2. Stabilize soils, shores, banks; and
 3. Protect or provide riparian corridors
- b. Coordinate the implementation and enforcement of the water resources riparian protection requirements of Minn. Stat. §103F.48 with the shoreland management rules and ordinances adopted under the authority of Minn. Stat. §103F.201 to 103F.227 and the management of public drainage systems established under Minn. Stat. chapter 103E where applicable; and
- c. Provide efficient and effective direction to landowners and protection of surface water quality and related land resources.

903. Definitions

Unless specifically defined below or in Section 200 of this ordinance, words or phrases used in this ordinance shall be interpreted to give them the same meaning they have in common usage and to give this ordinance its most reasonable application.

- b. **“Landowner”** means the holder of the fee title, the holder’s agents or assigns, any lessee, licensee, or operator of the real property and includes all land occupiers or any other party conducting farming activities on or exercising control over the real property.
- c. **“Land occupier”** means a person, firm, corporation, municipality, or other legal entity that holds title to or is in possession of lands, as owner, lessee, or otherwise. “Land occupier” includes both the owner and the occupier of the land if they are not the same

904. Data Sharing/Management

The County may enter into arrangements with an SWCD, a watershed district if applicable, BWSR and other parties with respect to the creation and maintenance of, and access to, data concerning buffers and alternative practices under this ordinance.

The County will manage such data in accordance with the Minnesota Data Practices Act and other applicable laws.

905. Jurisdiction

The provisions of this ordinance apply to all waters, including public drainage systems for which the County is not the drainage authority under Minn. Stat. chapter 103E, shown on the buffer protection map.

906. Buffer Requirements

906.1 Buffer Width. Except as provided in subsections 906.4 and 906.5, a landowner owning property adjacent to a water body identified on the buffer protection map must establish and maintain a buffer area as follows:

- a. For waters shown on the buffer protection map requiring a fifty (50) foot width buffer, the buffer width will be fifty (50) foot average and thirty (30) foot minimum width as provided in Minn. Stat. §103F.48, subd. 3 and as measured according to subsection 906.2.
- b. For waters shown on the buffer protection map requiring a sixteen and a half (16.5) foot minimum width buffer, the buffer width will be sixteen and a half (16.5) feet as provided in Minn. Stat. §103F.48, subd. 3 and as measured according to subsection 906.2.

906.2 Measurement.

- a. The width of any required buffer on land adjacent to a water requiring a fifty (50) foot average width and a thirty (30) foot minimum width buffer shall be measured from the top or crown of the bank. Where there is no defined bank, measurement must be from the edge of the normal water level as provided in Minn. Stat. §103F.48, subd. 3(c).
- b. The width of any required buffer on land adjacent to a water requiring a sixteen and a half (16.5) foot minimum width buffer shall be measured in the same manner as for measuring the vegetated grass strip under Minn. Stat. §103E.021, subd. 1 as provided in Minn. Stat. §103F.48, subd. 3(c).

906.3 Use of Buffer Area. Except as provided in subsections 906.4 and 906.5 a buffer as defined in this ordinance may not be put to any use, included but not limited to cultivation farming, which would remove or prevent the permanent growth of perennial vegetation.

906.4 Exemptions. The requirement of subsection 906.1 does not apply to land that is exempted from the water resources riparian protection requirements under Minn. Stat. §103F.48, subd. 5.

906.5 Alternative Practices. As provided in Minn. Stat. §103F.48, subd. 3(b) an owner of land that is used for cultivation farming may demonstrate compliance with subsection 906.1 by establishing and maintaining an alternative riparian water quality practice(s), or combination of structural, vegetative, and management practice(s) which provide water quality protection comparable to the water quality protection provided by a required buffer as defined in subsections 906.1 to 906.3. The adequacy of any alternative practice allowed under this section shall be based on:

- a. The Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG).
- b. Common alternative practices adopted and published by BWSR.

- c. Practices based on local conditions approved by the SWCD that are consistent with the Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG); or
- d. Other practices adopted by BWSR.

906.6 **Nonconformity.** Where the provisions of any statute, other ordinance or regulation imposes greater restrictions than this ordinance, the provisions of such shall be controlling. The continuation of nonconformities provided for by Minn. Stat. §394 and §462 shall not apply to compliance with this ordinance and Minn. Stat. §103F.48.

907. Compliance Determinations

907.1 **Compliance Determinations.** Compliance with the buffer requirements set forth in section 906 will be determined by the SWCD on a parcel-by-parcel basis. The compliance status of each bank, or edge of a waterbody on an individual parcel will be determined independently.

907.2 **Investigation and Notification of Noncompliance.** When the County identifies a potential noncompliance with the buffer requirements or receives a third-party complaint from a private individual or entity, or from another public agency, it will consult with the SWCD to determine the appropriate course of action to document compliance status. This may include communication with the landowner, inspection, or other appropriate steps necessary to verify the compliance status of the parcel. On the basis of the evidence gathered in this process, the SWCD may issue a Notification of Noncompliance to the County. If the SWCD does not issue such a Notification, the County will not pursue a compliance or enforcement action under Minnesota Statutes §103F.48 and subsection 908.2.

At any time during process set forth in 907.2 and 907.3, the landowner may provide documentation of compliance to the SWCD.

- a. **Compliance Determination.** The SWCD will evaluate the available documentation, and/or evaluate and/or inspect the buffer and/or alternative practices to determine if the parcel is in compliance. Upon completion of the evaluation and/or inspection the SWCD shall issue a written compliance determination to the landowner, the County and BWSR. The SWCD may also issue a Validation of Compliance if applicable and requested by the landowner.

907.3 **Notice of Violation.** On receipt of an SWCD Notification of Noncompliance, the County will issue the landowner a Notice of Violation in accordance with section 509 and shall send a copy of the Notice to the SWCD and BWSR.

The County may send the landowner a combination Notice of Violation and APO as provided in section 908.2 so long as the combined Notice/APO includes all required elements of both.

Counties may modify the corrective action and timeline for compliance, in accordance with 907.2, to extend the compliance timeline for a modification that imposes a substantial new action or significantly accelerates the completion date for an action.

At any time after receipt of a Notice of Violation, the landowner may provide documentation of compliance to the County. In addition, the landowner may supply information to the County or the SWCD in support of a request to modify a corrective action or the timeline for compliance. On the basis of any such submittal or at its own discretion, the County may make a written modification to the Notice of Violation or timeline for compliance. The County should also make a written determination

documenting whether the noncompliance has been fully corrected. Any such modification of a compliance determination will be served on the landowner in the manner provided above. The County shall provide the SWCD and BWSR a written copy of any modification made pursuant to this provision.

The SWCD may, after an evaluation of the evidence documenting compliance submitted by the landowner, issue a written Validation of Compliance if requested by the landowner. Upon receipt by the County of a written compliance determination issued by the SWCD, the Notice of Violation will be deemed withdrawn for the purpose of section 908, and the subject property will not be subject to enforcement under that section.

908. Enforcement

908.1 Failure to comply with a Notice of Violation issued under 907. The County may, at its own discretion, elect to pursue the failure to comply with a Notice of Violation either criminally or through an administrative penalty order as set forth herein.

- a. Failure to comply with a Notice of Violation issued under section 907 constitutes a misdemeanor and shall be punishable as defined by law and section 509.
- b. The County may issue an APO as provided for in Minn. Stat. §§103F.48, subd. 7(b) and (c) and 103B.101, subdivision 12a to a landowner who has failed to take the corrective action set forth in the Notice of Violation. For the APO to be effective it must be served on the landowner together with a copy of the Notice of Violation or alternatively the County may serve the landowner with a combined Notice of Violation and APO so long as the combined Notice/APO includes all the elements of both. Service is effective by depositing the documents set forth herein in the U.S. Mail. Any penalty assessed in the APO shall continue to accrue until the violation is corrected as provided in the Notice of Violation and APO.

908.2 Administrative Penalty Order (APO).

a. Penalties

1. Initial Violation. The penalty for a landowner on a single parcel that has not previously been the subject of an APO issued by the County shall be:
 - i. \$0 for 11 months after issuance of the Notice of Violation.
 - ii. \$50 per parcel per month for the first six (6) months (180 days) following the time period in i; and
 - iii. \$200 per parcel per month after six (6) months (180 days) following the time period in ii.
2. Repeat Violations. The penalty for a landowner on a single parcel that has previously been the subject of an APO issued by the County shall be:
 - i. \$50 per parcel per day for 180 days after issuance of the Notice of Violation; and
 - ii. \$200 per parcel per day for after 180 days following the time period in i.
3. Ongoing Penalty Assessment. Any penalty assessed under this section shall continue until the Notice of Violation has been satisfied.

b. To be valid the APO shall include, at a minimum:

1. The facts constituting the violation of the riparian protection and water quality practices requirements set forth in this section 906 of this ordinance or Minn. Stat. §103F.48.
2. The specific statute and/or ordinance section(s) that has/have been violated.
3. A written description of prior efforts to work with the landowner to resolve the violation.
4. The amount of the penalty to be imposed.
5. The date the penalty will begin to accrue.
6. The date the payment of the penalty is due.
7. The date by which all or part of the penalty may be forgiven if the landowner has/have complied with the Notice of Violation; and
8. A statement of the landowner's right to appeal the APO.

- c. All or part of the penalty may be forgiven based on the correction of the noncompliance by the date specified on the APO by the landowner as provided in Minn. Stat. §103F.48, subd. 7(d).
- d. A copy of the APO must be sent to the SWCD and BWSR.
- e. An APO issued under this section may be appealed to the BWSR within 30 days of receipt by the landowner in accordance with the requirements set for the in Minn. Stat. §103F.48, subd. 9. Any APO that is not appealed within the 30-day period shall be deemed final.

908.3 Administrative Penalty Order Procedures.

- a. **Statute of Limitations.** Any criminal enforcement action undertaken pursuant to section 908.1 of this ordinance must be undertaken within two years after the alleged violation was discovered or reasonably should have been discovered by the County. According to Minn. Stat. §541.07, the County has two years in which to commence an APO action after the date the violation is discovered. The goal is to complete the action as soon as reasonably practical, recognizing that situations for which data must be gathered, field investigations must be completed and/or modeling must be performed will require adequate time to complete the work and communicate with the landowner involved.
- b. **Compliance Verification.** Once a landowner has submitted written evidence of correction of the violation set forth in the notice of compliance, compliance must be verified. The County will:
 1. Review and evaluate all information related to the APO to determine if the violation has been corrected.
 2. Verify compliance by site visit, re-inspection, examination of documentation, or other means as may be reasonable under the facts of the case; and
 3. Document compliance verification.

The County may consult with the SWCD when conducting a compliance verification.

- c. **Right to Appeal.** Within 30 days after receipt of the APO, a landowner may appeal the terms and conditions of an APO issued by a County to BWSR as provided in Minn. Stat. §103F.48, subd. 9. The appeal must be in writing and must include a copy of

the APO that is being appealed, the basis for the appeal and any supporting evidence. The appeal may be submitted personally, by U.S. mail, or electronically, to the Executive Director of BWSR.

d. Penalty Due. Unless the landowner appeals the APO as provided in section 908.3(c), the penalty specified in the APO becomes immediately due and payable to the County as set forth in the APO. If, however, the landowner submits written documentation that the violations have been corrected prior to the time the penalty becomes due and payable the County shall verify compliance and adjust the penalty to an amount the landowner would have owed had the penalty been paid on the date the landowner submitted written documentation of compliance. Written documentation of compliance may include a written validation of compliance issued by the SWCD.

However, if the County determines the violation was not fully corrected, the County shall notify the landowner by issuing a written letter of determination and depositing it in the U.S. Mail. Any determination sent by U.S. Mail shall be deemed received three business days after the letter of determination has been deposited in the U.S. Mail. The landowner shall have an additional 20 days after receipt of the letter of determination to pay the penalty or the time period specified in the APO as issued, whichever is later. The penalty will continue to accrue until the violation is corrected as provided in the Notice of Violation and APO.

e. Referral for Collection of Penalty. All penalties and interest assessed under an APO must be paid by the landowner within the time specified in this section. All payments shall be made payable to the County. Any penalty or interest not received in the specified time may be collected by the County using any lawful means.

f. Reporting and Documentation. The County shall maintain the following records for any potential violation of the riparian protection and water quality practices requirements. Said records shall include but are not limited to the following:

1. The cause of the violation.
2. The magnitude and duration of the violation.
3. Documentation showing whether the violation presents an actual or imminent risk to public health and safety.
4. Documentation showing whether the violation has the potential to harm the natural resources of the state.
5. A record of past violations.
6. Efforts by the SWCD, County, Watershed District, or BWSR to assist the responsible party or parties to become compliant, including written and oral communications with the responsible party or parties; and
7. Past and present corrective action efforts by the responsible party or parties.

1000. FLOODPLAIN

1001 STATUTORY AUTHORIZATION AND PURPOSE

1001.1 **Statutory Authorization.** This floodplain ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F; Minnesota Rules, parts 6120.5000 – 6120.6200; the rules and regulations of the National Flood Insurance Program (NFIP) in 44 CFR § 59 to 78; and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394.

1001.2 **Purpose**

1001.21 This ordinance regulates development in the flood hazard areas of Morrison County. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.

1001.22 This ordinance is adopted in the public interest to promote sound land use practices, and floodplains are a land resource to be developed in a manner which will result in minimum loss of life and threat to health, and reduction of private and public economic loss caused by flooding.

1001.23 This ordinance is adopted to maintain eligibility in the National Flood Insurance Program.

1001.24 This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

1001.3 Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. The standards in this ordinance take precedence over any less restrictive, conflicting local laws, ordinances, or codes. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

1001.4 Warning and Disclaimer of Liability. This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. Not all flood risk is mapped. Larger floods do occur, and the flood height may be increased by man-made or natural causes, such as ice jams or bridge openings restricted by debris. This ordinance does not create liability on the part of Morrison County or its officers or employees for any flood damages that result from reliance on this ordinance, or any administrative decision lawfully made hereunder.

1001.5 Severability. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

1002 DEFINITIONS

1002.1 Definitions. For the purposes of this section only, the following words and terms shall have the following meaning

Accessory Structure. A structure, as defined in this ordinance, that is on the same parcel of property as, and is incidental to, the principal structure or use; an accessory structure specifically excludes structures used for human habitation.

New Construction. Structures for which the start of construction commenced on or after the effective date of an adopted floodplain management regulation and includes any subsequent improvements to such structures.

Start of Construction. Includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure. A roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Recreational vehicles not considered travel ready, as detailed in Section 1010.22, shall also be considered a structure for the purposes of this ordinance.

1003 JURISDICTION AND DISTRICTS

1003.1 Lands to Which Ordinance Applies. This ordinance applies to all lands within the jurisdiction of Morrison County within the boundaries of the Floodway, Flood Fringe and General Floodplain Districts.

1003.11 The Floodway, Flood Fringe or General Floodplain Districts are overlay districts. The standards imposed in the overlay districts are in addition to any other requirements. In case of a conflict, the more restrictive standards will apply.

1003.12 Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions (as illustrated in Figure 1), the Base Flood Elevation (BFE) shall be the governing factor in locating the outer boundaries of the one-percent annual chance floodplain.

Figure 1: The mapped floodplain may not always align with on-the-ground contour elevations.



1003.13 Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Planning Commission and to submit technical evidence.

1003.2 Incorporation of Maps by Reference. The following maps together with all attached material are hereby adopted by reference and declared to be a part of the official zoning map and this ordinance. The attached material includes the Flood Insurance Study for Morrison County, Minnesota, and Incorporated Areas, dated July 31, 2024, and the Flood Insurance Rate Map panels enumerated below, dated July 31, 2024, all prepared by the Federal Emergency Management Agency. These materials are on file in the Morrison County Land Services Department.

27097C0010E, 27097C0025E, 27097C0050E, 27097C0075E, 27097C0100E, 27097C0125E*, 27097C0150E, 27097C0175E, 27097C0200E, 27097C0225E*, 27097C0250E, 27097C0275E, 27097C0300E*, 27097C0325E, 27097C0332E, 27097C0334E, 27097C0350E, 27097C0351E, 27097C0353E, 27097C0375E, 27097C0390E, 27097C0400E, 27097C0425E, 27097C0440E, 27097C0445E, 27097C0450E, 27097C0475E, 27097C0500E, 27097C0520E, 27097C0525E, 27097C0545E, 27097C0550E, 27097C0557E*, 27097C0559E, 27097C0561E, 27097C0562E, 27097C0575E, 27097C0576E, 27097C0578E, 27097C0600E, 27097C0625E, 27097C0626E, 27097C0627E, 27097C0628E, 27097C0629E*, 27097C0640E, 27097C0650E, 27097C0675E*, 27097C0700E, 27097C0725E, 27097C0730E*, 27097C0735E*, 27097C0740E, 27097C0745E, 27097C0755E, 27097C0760E, 27097C0765E, 27097C0770E, 27097C0781E, 27097C0782E*, 27097C0783E, 27097C0784E, 27097C0800E, 27097C0825E*, 27097C0850E*, 27097C0875E*, 27097C0900E

*Panel Not Printed

1003.3 Districts

1003.31 Floodway District. Those areas within Zone AE delineated within floodway areas as shown on the Flood Insurance Rate Maps referenced in Section 1003.2.

1003.32 Flood Fringe District. Those areas within Zone AE located outside of the delineated floodway, as shown on the Flood Insurance Rate Maps referenced in Section 1003.2.

1003.33 General Floodplain District. Those areas within Zone A areas that do not have a floodway delineated as shown on the Flood Insurance Rate Maps referenced in Section 1003.2.

1003.4 Municipal Boundary Adjustments & Townships. The Flood Insurance Rate Map panels referenced in Section 1003.2 apply countywide. If at any point any lands come under the jurisdiction of another local government, the following shall apply:

1003.41 City adjustments of corporate boundaries, including but not limited to annexations and detachments, shall shift floodplain administrative authority of all affected lands immediately upon the date of the boundary adjustment occurring. Cities retain jurisdictions for all incorporated lands, and the County retains jurisdiction under this ordinance on all unincorporated lands, except as provided under Section 1003.42 below or through some form of administrative agreement.

1003.42 Townships wishing to adopt official controls under Minnesota Statutes, Section 394.33 may only obtain zoning authority for floodplain controls when they have adopted an ordinance that is approved by the Department of Natural Resources and has formally enrolled in the NFIP. Until this occurs, the county shall retain jurisdiction under this ordinance on all unincorporated lands. In the event that a township returns zoning authority, the county shall resume that authority.

1004.0 REQUIREMENTS FOR ALL FLOODPLAIN DISTRICTS

1004.1 Permit Required. A permit must be obtained from the Zoning Administrator to verify compliance with all applicable standards outlined in this ordinance prior to the following uses or activities:

1004.11 The erection, addition, modification, rehabilitation, repair, or alteration of any building, structure, or portion thereof. Normal maintenance requires a permit to determine if such work, either separately or in conjunction with other planned work, constitutes a substantial improvement, as specified in Section 1012.13.

1004.12 The construction of a fence, pool, deck, or placement of anything that may cause a potential obstruction. Farm fences, as defined in Section 200 of this ordinance, are not considered to be an obstruction, and as such, do not require a permit.

1004.13 The change or expansion of a nonconforming use.

1004.14 The repair of a structure that has been damaged by flood, fire, tornado, or any other source.

1004.15 The placement of fill, excavation, utilities, on-site sewage treatment systems, or other service facilities.

1004.16 The storage of materials or equipment, in conformance with Section 1004.32.

1004.17 Relocation or alteration of a watercourse (including stabilization projects or the construction of new or replacement dams, culverts, and bridges). A local permit is not required if public waters work permit has been obtained from the Department of Natural Resources unless a significant area above the ordinary high-water level is also to be disturbed.

1004.18 Any other type of "development," as defined in Section 200 of this ordinance.

1004.2 No Permit Required. Certain uses or activities may be exempt from obtaining a permit, such as planting a garden, farming, or other obviously insignificant activities such as putting up a mailbox or flagpole. The continuation of existing uses, when the associated activities do not encroach further on the regulatory floodplain or trigger associated standards in this ordinance, do not require a permit.

1004.3 Minimum Development Standards

1004.31 All development must:

- A. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- B. Be constructed with materials and equipment resistant to flood damage.
- C. Be constructed by methods and practices that minimize flood damage.

- D. Be constructed with heating, ventilation, duct work, and air conditioning equipment and other service facilities elevated at least up to the Regulatory Flood Protection Elevation (RFPE). Water, sewage, electrical, and other utility lines below the RFPE shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding.
- E. Be reasonably safe from flooding and consistent with the need to minimize flood damage.
- F. Be assured to provide adequate drainage to reduce exposure to flood hazards.
- G. Not be detrimental to uses in adjoining areas; and
- H. Not adversely affect the efficiency or restrict the flood carrying capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.
- I. Ensure that any fill or other materials are protected from erosion, discharge, and sediment entering surface waters by the use of vegetative cover or other methods as soon as possible.

1004.32 Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life shall be stored at or above the Regulatory Flood Protection Elevation (RFPE), floodproofed, or protected by other measures as approved by the Zoning Administrator. Storage of materials likely to cause pollution of the waters, such as sewage; sand; rock; wrecked and discarded equipment; dredged spoil; municipal, agricultural or industrial waste; and other wastes as further defined in Minnesota Statutes, Section 115.01, are prohibited unless adequate safeguards approved by the Minnesota Pollution Control Agency are provided. For projects not requiring approvals by the Minnesota Pollution Control Agency, adequate safeguards must be approved by the Zoning Administrator prior to issuance of a permit.

1004.33 Critical facilities shall be located so that the lowest floor is not less than two feet above the Base Flood Elevation (BFE), or the 0.2% annual chance flood elevation, whichever is higher.

1004.34

Table 1. Summary of Permitting Requirements for Structures

Structure Type	Floodway	Flood Fringe	Standards*
Accessory Structures – on fill	Only specific uses and types allowed – with CUP	Allowed with Permit	1006.23.D(2)
Accessory Structures – Alt. Elevation Methods	Only specific uses and types allowed – with CUP	Allowed with Permit	1006.23.D(3)
Accessory Structures – Wet Floodproofing	Only specific uses and types allowed – with CUP	Allowed with Permit	1006.23.D(1)
Accessory Structures – Dry (watertight) Floodproofing	Only specific uses and types allowed – with CUP	Allowed with Permit	1006.23.D(4)

Residential – on fill	Not allowed	Allowed with Permit	1006.21.A
Residential – Alt. Elevation Methods	Not allowed	Allowed with CUP	1006.41
Residential – Dry (watertight) Floodproofing and/or Basement Construction below RFPE	Not allowed	Not allowed	N/A
Non-Residential – on fill	Not allowed	Allowed with Permit	1006.22.A
Non-Residential – Alt. Elevation Methods	Not allowed	Allowed with Permit	1006.22.B
Non-Residential – Dry (watertight) Floodproofing and/or Basement Construction below RFPE	Not allowed	Allowed with Permit	1006.22.C

**Note - many of these standards are cross-referenced*

1005.0 FLOODWAY DISTRICT

1005.1 Permitted Uses in Floodway. Development allowed in the floodway district is limited to that which has low flood damage potential and will not obstruct flood flows, increase velocities, or increase the water surface elevations of the one-percent annual chance flood. The following uses and activities may be allowed with a permit, subject to the standards in Section 1005.2:

- 1005.11 Agricultural uses, recreational uses, parking lots, loading areas, airport landing strips, water control structures, navigational facilities, as well as public open space uses.
- 1005.12 Roads, driveways, railroads, trails, bridges, and culverts.
- 1005.13 Public utility facilities and water-oriented industries which must be in or adjacent to watercourses.
- 1005.14 Grading, filling, land alterations, and shoreline stabilization projects.
- 1005.15 No structures, as defined in Section 1002, are allowed in the Floodway District, except structures accessory to the uses detailed in Sections 1005.11 and 1005.31, which require a CUP under Section 1005.32.
- 1005.16 Levees or dikes intended to protect agricultural crops, provided the top of the dike does not exceed the 10-percent annual chance flood event.

1005.2 Standards for Permitted Uses in Floodway. In addition to the applicable standards detailed in Section 1004:

- 1005.21 The applicant must demonstrate that the development will not result in any of the following during the one-percent annual chance flood: cause a stage increase of 0.00 feet or greater, obstruct flood flows, or increase velocities. This shall be demonstrated through hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering practices (e.g.

projects that restore the site to the previous cross-sectional area). This is commonly documented through a “no-rise certification.”

- 1005.22 Any development that would result in a stage increases greater than 0.00 feet may only be allowed with a permit if the applicant has applied for and received approval for a Conditional Letter of Map Revision (CLOMR) in accordance with 44 CFR § 65.12. Map revisions must follow the procedures in Sections 1011.14 and 1014.
- 1005.23 Any development resulting in decreases to the water surface elevation of the base flood identified in the Flood Insurance Study requires a Letter of Map Revision (LOMR) following the procedures in Sections 1011.15 and 1014.
- 1005.24 Any development in the beds of public waters that will change the course, current or cross section is required to obtain public waters work permit in accordance with Minnesota Statutes, section 103G.245 or a utility crossing license in accordance with Minnesota Statutes, section 84.415, from the Department of Natural Resources, or demonstrate that no permit is required, before applying for a local permit.
- 1005.25 Fill and other land alteration activities must offer minimal obstruction to the flow of flood waters and be protected from erosion and sediment entering surface waters by the use of vegetative cover, riprap or other methods as soon as possible.

1005.3 Conditional Uses in Floodway. The following uses and activities may be permitted as conditional uses, subject to the standards detailed in Sections 1005.4:

- 1005.31 Commercial extractive uses, and storage and stockpiling yards.
- 1005.32 Structures accessory to uses detailed in Sections 1005.11 and 1005.31.

1005.4 Standards for Conditional Uses in Floodway. In addition to the applicable standards detailed in Sections 1004, 1005.2 and 1011.2:

- 1005.41 Extractive uses and storage of materials require the completion of a site development and restoration plan, to be approved by Morrison County.
- 1005.42 Accessory Structures. Structures accessory to the uses detailed in Sections 1005.11 and 1005.31 must be constructed and placed so as to offer a minimal obstruction to the flow of flood waters and are subject to the standards in Section 1006.23 of this ordinance.

1006.0 FLOOD FRINGE DISTRICT

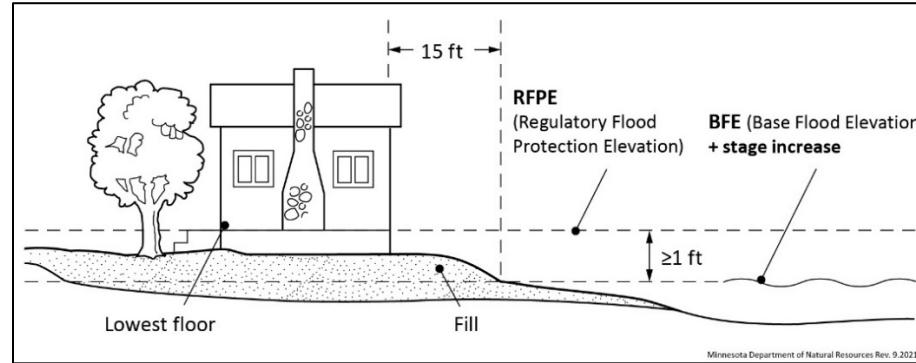
1006.1 Permitted Uses in Flood Fringe. Any uses or activities allowed in any applicable underlying zoning districts may be allowed with a permit, subject to the standards set forth in Sections 1006.2.

1006.2 Standards for Permitted Uses in Flood Fringe. In addition to the applicable standards detailed in Section 1004:

- 1006.21 Residential Structures.
 - A. Elevation on Fill. Structures erected, constructed, reconstructed, altered, or moved on fill within the Flood Fringe District shall be placed so that the lowest floor, as defined in Section 200 of this ordinance, is elevated at or above the Regulatory Flood Protection Elevation (RFPE). The finished fill elevation shall be at or above the elevation associated with the base flood plus any stage increases that result from designation of a floodway. Fill must extend at the same elevation at least 15 feet beyond the outside

limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the Zoning Administrator. Elevation methods alternative to these fill standards are subject to a Conditional Use Permit, as provided in Section 1006.31 of this ordinance (Figure 2). Construction of this type shall only be permitted in locations where the natural ground is no lower than three feet below the base flood elevation.

Figure 2: Overview of fill standards for residential structures.



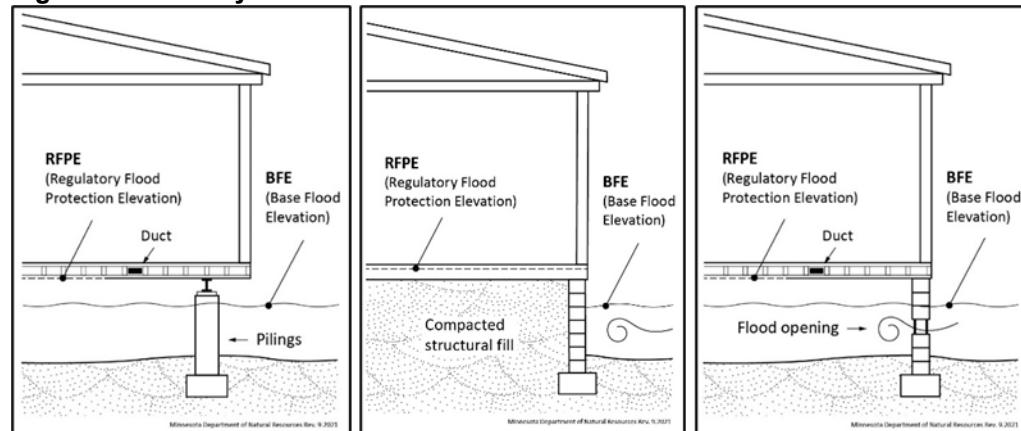
1006.22 Nonresidential Principal Structures. Nonresidential principal structures must meet one of the following construction methods:

- A. Elevation on Fill. Structures may be elevated on fill, meeting the standards in Section 1006.21.A of this ordinance. Fill for nonresidential structures is not required to be extended 15 feet beyond the outside limits of the structure.
- B. Alternative Elevation Methods. Structures may be elevated using methods alternative to the fill standards in Section 1006.21.A of this ordinance. Such methods include the use of blocks, pilings (Figure 3), filled stem walls (Figure 4), or internally flooded enclosed areas (Figure 5) such as crawl spaces, attached garages, or tuck under garages.

Figure 3: Blocks or pilings.

Figure 5: Internally flooded enclosed area.

Figure 4: Filled stem walls.



Designs accommodating for internally flooded enclosed areas must be certified by a registered professional engineer or architect, and meet or exceed the standards detailed in *FEMA Technical Bulletin 1*, as amended, as well as the following standards:

- (1) The lowest floor, as defined in Section 200 of this ordinance, shall be elevated at or above the Regulatory Flood Protection Elevation (RFPE).
- (2) The floor of the enclosed area must be at or above the exterior grade on at least one side of the structure.
- (3) To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings below the base flood elevation on at least two sides of the structure. The bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, have a net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.
- (4) Internally flooded enclosed areas shall only be used for the parking of vehicles, building access, or storage. Bathrooms and toilet rooms shall not be allowed. Such areas shall be subject to a deed-restricted non-conversion agreement as well as periodic inspections with the issuance of any permit.

C. Dry Floodproofing. Structures having watertight enclosed basements or spaces below the Regulatory Flood Protection Elevation (RFPE) must meet the following standards:

- (1) Walls must be substantially impermeable to the passage of water, with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, at least up to the Regulatory Flood Protection Elevation (RFPE);
- (2) Must meet the standards of FEMA Technical Bulletin 3, as amended; and
- (3) A registered professional engineer or architect shall be required to certify that the design and methods of construction meet the standards detailed in this Section.

1006.23 Accessory Structures. All accessory structures must meet the following standards:

- A. Structures shall not be designed or used for human habitation.
- B. Structures will have a low flood damage potential.
- C. Structures with fewer than two rigid walls, such as carports, gazebos, and picnic pavilions, may be located at an elevation below the Regulatory Flood Protection Elevation.
- D. Structures with two or more rigid walls, must meet one of the following construction methods:
 - (1) Wet Floodproofing. Structures may be floodproofed in a way to accommodate internal flooding. Such structures shall constitute a minimal investment not to exceed 576 square feet in size, one-story in height, and shall only be used for parking and storage. To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding and shall allow automatic entry and exit of floodwaters without human intervention.
 - (2) Elevation on Fill. Structures may be elevated on fill, meeting the standards in Section 1006.21.A of this ordinance. Fill is not required to be extended 15 feet beyond the outside limits of the structure.

(3) Alternative Elevation Methods. Structures may have their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) through methods alternative to the fill standards in Section 1006.23.D(2) and must meet the standards in Section 1006.22.B of this ordinance.

(4) Dry Floodproofing. Structures may be dry-floodproofed, or watertight, meeting the standards in Section 1006.22.C of this ordinance.

1006.24 All new principal structures must provide vehicular access no lower than one foot below the Base Flood Elevation (BFE) unless a flood warning/emergency evacuation plan has been approved by Morrison County.

1006.25 Any facilities used by employees, or the general public must be designed with a flood warning system acceptable to Morrison County that provides adequate time for evacuation or be designed to ensure that within the area inundated during the base flood event, the depth (in feet) multiplied by the velocity (in feet per second) is less than four.

1006.26 Manufactured homes and recreational vehicles must meet the standards of Section 1010 of this ordinance.

1006.3 **Conditional Uses in Flood Fringe.** The following uses and activities may be permitted as conditional uses, subject to the standards in Sections 1006.4:

1006.31 Alternative Elevation Methods – Residential Structures. Residential structures with their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) using methods alternative to the fill requirements in Section 1006.21.

1006.4 **Standards for Conditional Uses in Flood Fringe.** In addition to the applicable standards detailed in Sections 1004, 1006.2 and 1011.2:

1006.41 All residential structures with lowest floors elevated through alternative elevation methods must meet the standards in Section 1006.22.B of this ordinance.

1007.0 GENERAL FLOODPLAIN DISTRICT

1007.1 Permitted Uses in General Floodplain District

1007.11 Until the floodway is delineated, allowable uses will be restricted to those listed in the Floodway District, Section 1005.

1007.12 All other uses are subject to a floodway/flood fringe determination as provided in Section 1007.4, in addition to the standards provided in Sections 1007.2 and 1007.3. Permitted uses shall be determined as follows:

- A. If the development is determined to be in the Floodway District, Section 1005 applies.
- B. If the development is determined to be in the Flood Fringe District, Section 1006 applies.

1007.2 Determining Flood Elevations

1007.21 All development requires a determination of the Base Flood Elevation (BFE). Exceptions to this requirement include projects that restore the site to the previous cross-sectional area, such as shore stabilization or culvert replacement projects. Base Flood Elevations (BFE) may be found using best available data from any Federal, State, or other source (including MNDNR's Lake & Flood Elevations Online (LFEO) Viewer).

1007.22 The Regulatory Flood Protection Elevation (RFPE) can be determined by assuming a one-half (0.5) foot stage increase to accommodate for future cumulative

impacts. A stage increase does not need to be assumed along lakes, wetlands, and other basins that are not affected by velocities.

1007.3 Encroachment Analysis

1007.31 Encroachments due to development may not allow stage increases more than one-half (0.5) foot at any point, unless through a map revision following the procedures in Sections 1011.15 and 1014. This evaluation must include the cumulative effects of previous encroachments and must be documented with hydrologic and hydraulic analysis performed by a professional engineer or using other standard engineering practices. A lesser water surface elevation increase than one-half (0.5) foot is required if, due to the water surface level increase, increased flood damages would potentially result.

1007.32 Alterations or changes that result in stage decreases are allowed and encouraged.

1007.4 Standards for the Analysis of Floodway Boundaries

1007.41 Requirements for Detailed Studies. Any development, as requested by the Zoning Administrator, shall be subject to a detailed study to determine the Regulatory Flood Protection Elevation (RFPE) and the limits of the Floodway District. This determination must be consistent with the minimum standards for hydrologic and hydraulic mapping standards and techniques, as detailed in Minnesota Rules, part 6120.5600, Subp. 4 and *FEMA Guidelines and Standards for Flood Risk Analysis and Mapping*, as revised. Additionally:

- A. A regulatory floodway necessary to carry the discharge of the one-percent annual chance flood must be selected without increasing the water surface elevation more than one-half (0.5) foot at any point. This determination should include the cumulative effects of previous encroachments. A lesser water surface elevation increase than one-half (0.5) foot is required if, due to the water surface level increase, increased flood damages would potentially result; and
- B. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries, unless topography, existing development patterns, and comprehensive land use plans justify a modified approach, as approved by the Department of Natural Resources.

1007.42 Other Acceptable Methods. For areas where a detailed study is not available or required:

- A. Development prohibited in floodways (e.g. most buildings) requires a floodway/flood fringe determination to verify the development is within the flood fringe. This determination must be done by a professional engineer or utilize other accepted engineering practices. The Department of Natural Resources may also provide technical assistance and must approve any alternative methods used to determine floodway boundaries.
- B. For areas where the floodway has not been determined in and along lakes, wetlands, and other basins, the following methodology may be used as an alternative to Item A above, provided these areas are not affected by velocities and the lot is able to accommodate a building site above the Regulatory Flood Protection Elevation (RFPE):
 - (1) All areas that are at or below the ordinary high-water level, as defined in Minnesota Statutes, section 103G.005, Subd. 14, will be considered floodway, and all areas below the Base Flood Elevation (BFE) but above the ordinary high-water level will

be considered flood fringe, provided that within 25 feet of the ordinary high water level, or within the Shore Impact Zone as identified in the community's Shoreland ordinance, whichever distance is greater, land alterations shall be restricted to:

- (a) The minimum required to accommodate beach areas, access areas, and accessory structures as permitted, not to exceed a volume greater than 10 cubic yards; projects involving volumes exceeding 10 cubic yards require floodway/flood fringe determination in accordance with the procedures in Section 1007.42, item A; and
- (b) The minimum required to accommodate shoreline stabilization projects to correct an identified erosion problem as verified by a qualified resource agency or the zoning administrator.

1008.0 SUBDIVISION STANDARDS

1008.1 Subdivisions. All subdivided land must meet the following requirements. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.

- 1008.11 All lots within floodplain districts must be suitable for a building site outside of the Floodway District.
- 1008.12 Subdivision of lands within the floodplain districts may not be approved if the cost of providing governmental services would impose an unreasonable economic burden on Morrison County.
- 1008.13 All subdivisions must have vehicular access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation (RFPE) unless a flood warning/emergency evacuation plan has been approved by Morrison County.
- 1008.14 The Floodway and Flood Fringe District boundaries, the Regulatory Flood Protection Elevation (RFPE) and the required elevation of all access roads must be clearly identified on all required subdivision drawings and platting documents.

1009.0 PUBLIC AND PRIVATE UTILITIES, SERVICE FACILITIES, ROADS, BRIDGES, AND RAILROADS

1009.1 Public Transportation Facilities. Railroad tracks, roads, and bridges must be elevated to the Regulatory Flood Protection Elevation (RFPE) where such facilities are essential to the orderly functioning of the area, or where failure or interruption would result in danger to public health or safety. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety. All public transportation facilities should be designed to minimize increases in flood elevations.

1009.2 Public Utilities. All utilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be elevated and/or floodproofed to the Regulatory Flood Protection Elevation (RFPE), be located and constructed to minimize or eliminate flood damage and be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. All public utilities should be designed to minimize increases in flood elevations. New solid waste management facilities, as defined in Minnesota Rules, part 7035.0300, are prohibited in the one-percent annual chance floodplain. Water supply systems are subject to the provisions in Minnesota Rules, part 4725.4350.

1009.3 Private On-Site Water Supply, Individual Sewage Treatment Systems, and other Service Facilities. Private facilities shall be subject to applicable provisions detailed in Section 1009.2. In addition, new or replacement on-site sewage treatment systems are to be located to avoid impairment to

them or contamination from them during times of flooding, shall not be located in a designated floodway, and are subject to the provisions in Minnesota Rules, parts 7080.2270.

1010.0 MANUFACTURED HOMES AND RECREATIONAL VEHICLES

1010.1 Manufactured Homes. Manufactured homes and manufactured home parks are subject to applicable standards for each floodplain district. In addition:

1010.11 New and replacement manufactured homes must be placed and elevated in compliance with Section 1006 of this ordinance and must be securely anchored to a system that resists flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

1010.12 New manufactured home parks and expansions to existing manufactured home parks must meet the appropriate standards for subdivisions in Section 1008 of this ordinance.

1010.2 Recreational Vehicles. New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Recreational vehicles placed in existing recreational vehicle parks, campgrounds, or lots of record in the floodplain must either:

1010.21 Meet the requirements for manufactured homes in Section 1010.1, or

1010.22 Be travel ready, meeting the following criteria:

- A. The vehicle must be fully licensed.
- B. The vehicle must be ready for highway use, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities.
- C. No permanent structural type additions may be attached to the vehicle.
- D. Accessory structures may be permitted in the Flood Fringe District, provided they do not hinder the removal of the vehicle should flooding occur, and meet the standards outlined in Sections 1004 and 1006.23.

1011.0 ADMINISTRATION

1011.11 Recordkeeping. The Zoning Administrator must maintain applicable records in perpetuity documenting:

- A. All certifications for dry floodproofing and alternative elevation methods, where applicable.
- B. Analysis of no-rise in the Floodway District, as detailed in Section 1005.21, and encroachment analysis ensuring no more than one-half foot of rise in the General Floodplain District, as detailed in Sections 1007.22 and 1007.31.
- C. Final elevations, as applicable, detailing the elevation to which structures and improvements to structures are constructed or floodproofed. Elevations shall be determined by an engineer, architect, surveyor, or other qualified individual, as approved by the Zoning Administrator.
- D. Substantial damage and substantial improvement determinations, as detailed in Section 1012.13, including the cost of improvements, repairs, and market value.
- E. All variance actions, including justification for their issuance, and must report such variances as requested by the Federal Emergency Management Agency.

1011.12 Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of

zoning compliance has been issued by the Zoning Administrator stating that the finished fill and building floor elevations or other flood protection measures are in compliance with the requirements of this ordinance.

1011.13 Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters in accordance with Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to FEMA.

1011.14 Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. Where physical changes affecting flooding conditions may increase or decrease the water surface elevation of the base flood, Morrison County must notify FEMA of the changes in order to obtain a Letter of Map Revision (LOMR), by submitting a copy of the relevant technical or scientific data as soon as practicable, but no later than six months after the date such supporting information becomes available. Within the General Floodplain District, a map revision is only required if development results in stage increases greater than 0.5 feet.

1011.2 Conditional Uses and Variances

1011.21 Process.

- A. An application for a conditional use permit will be processed and reviewed in accordance with the provisions of this ordinance.
- B. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with Minnesota Statutes, section 394.27, Subd. 7 and this ordinance.

1011.22 Additional Variance Criteria. The following additional variance criteria must be satisfied:

- A. Variances must not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances from the provisions of this ordinance may only be issued by a community upon:
 - (1) A showing of good and sufficient cause.
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- C. Variances from the provisions in this ordinance may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- D. Variances must be consistent with the general purpose of these standards and the intent of applicable provisions in state and federal law.
- E. Variances may be used to modify permissible methods of flood protection, but no variance shall permit a lesser degree of flood protection than the Regulatory Flood Protection Elevation (RFPE).

F. The Zoning Administrator must notify the applicant for a variance in writing that:

- (1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
- (2) Such construction below the base flood level increases risks to life and property. Notification must be maintained with a record of all variance actions.

1011.23 Considerations for Approval. Morrison County must consider all relevant factors specified in other sections of this ordinance in granting variances and conditional use permits, including the following:

- A. The potential danger to life and property due to increased flood heights or velocities caused by encroachments.
- B. The danger that materials may be swept onto other lands or downstream to the injury of others.
- C. The safety of access to the property in times of flood for ordinary and emergency vehicles.

1011.24 Conditions of Approval. Morrison County may attach such conditions to the granting of variances and 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. Limitations on period of use, occupancy, and operation.
- B. Imposition of operational controls, sureties, and deed restrictions.
- C. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
- D. Other conditions as deemed appropriate by the Zoning Administrator and Planning Commission/Board of Adjustment.

1011.3 Notifications to the Department of Natural Resources

1011.31 All notices of public hearings to consider variances or conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist at least ten (10) days before the hearings. Notices of hearings to consider subdivisions/plats must include copies of the subdivision/plat.

1011.32 A copy of all decisions granting variances and conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist within ten (10) days of final action.

1012.0 NONCONFORMITIES

1012.1 **Continuance of Nonconformities.** A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:

1012.11 Within the floodway and general floodplain districts (when a site has been determined to be located in the floodway following the procedures in Section 1007.3, or when the floodway has not been delineated), any expansion or enlargement of uses or structures is prohibited.

1012.12 Within all districts, any addition, modification, rehabilitation, repair, or alteration shall be in conformance with the provisions of this ordinance, shall not increase the flood

damage potential or increase the degree of obstruction to flood flows, and where applicable, must be protected to the Regulatory Flood Protection Elevation (RFPE).

1012.13 If any nonconforming structure is determined to be substantially damaged or substantially improved based on the procedures in Section 1012.2, it may not be reconstructed except in conformity with the provisions of this ordinance.

1012.14 If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance.

1012.15 If any nonconforming structure has utilities, electrical, or mechanical equipment damaged due to flooding, it must be rebuilt in conformance with the elevation requirements in Section 1004.31.D to the greatest extent practicable. This requirement shall apply regardless of the determinations made in Section 1012.2.

1012.2 Substantial Improvement and Substantial Damage Determinations. Prior to issuing any permits for additions, modifications, rehabilitations, repairs, alterations, or maintenance to nonconforming structures, the Zoning Administrator is required to determine if such work constitutes substantial improvement or repair of a substantially damaged structure. A determination must be made in accordance with the following procedures:

1012.21 Estimate the market value of the structure. In the case of repairs, the market value of the structure shall be the market value before the damage occurred and before any restoration or repairs are made.

1012.22 Estimate the cost of the project. The property owner shall accommodate for inspection, and furnish other documentation needed by the zoning administrator to evaluate costs.

A. Improvement costs shall be comprised of the market rate of all materials and labor, as well as the costs of all ordinary maintenance and upkeep carried out over the past one year.

B. Costs to repair damages shall be comprised of the market rate of all materials and labor required to restore a building to its pre-damaged condition regardless of the work proposed, as well as associated improvement costs if structure is being restored beyond its pre-damaged condition.

1012.23 Compare the cost of the improvement, repairs, or combination thereof to the estimated market value of the structure and determine whether the proposed work constitutes substantial improvement or repair of a substantially damaged structure, as defined in Section 200 of this ordinance.

A. For the purposes of determining whether the proposed work would constitute substantial improvement, the evaluation shall also include all rehabilitations, additions, or other improvements completed since the community has adopted floodplain standards impacting this structure.

B. If any nonconforming structure experiences a repetitive loss, as defined in Section 1002 of this ordinance, it shall be considered substantially damaged and must not be reconstructed except in conformity with the provisions of this ordinance.

1012.24 Based on this determination, the zoning administrator shall prepare a determination letter and notify the property owner accordingly. Structures determined to be substantially damaged or substantially improved may not be reconstructed except in conformity with the provisions of this ordinance.

1013.0 VIOLATIONS AND PENALTIES

1013.1 Uses in Violation of the Ordinance. Every structure, fill, deposit, or other use placed or maintained in the floodplain in violation of this ordinance shall be considered a public nuisance.

1013.2 Civil Remedies. The creation of a public nuisance may be enjoined and the maintenance of a public nuisance under this ordinance may be abated by an action brought by Morrison County or the Department of Natural Resources.

1013.3 Enforcement. Violations of the provisions of this ordinance constitutes a misdemeanor and is punishable as defined by law. The Zoning Administrator may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance. Morrison County must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

1014.0 AMENDMENTS

1014.1 Ordinance Amendments. Any revisions to the floodplain maps by the Federal Emergency Management Agency or annexations of new map panels require an ordinance amendment to update the map references in Section 1003.2 of this ordinance.

1014.2 Required Approval. All amendments to this ordinance must be submitted to the Department of Natural Resources for review and approval prior to adoption, for compliance with state and federal rules and requirements. The floodplain ordinance shall not be considered valid until approved.

1100. WETLANDS REGULATIONS

1101. **Delegation of Authority.** The jurisdictional responsibility to review and regulate activities in or affecting wetlands is held by the Minnesota Department of Natural Resources and Morrison County. By the terms of a Joint Powers Agreement signed December 14, 1993 Morrison County has authorized the Morrison County Soil and Water Conservation District to administer the Wetland Conservation Act of 1991, as may be amended from time to time.

1102. **Procedures.** Morrison County shall follow these procedures whenever a proposed project may impact a wetland.

1102.1 The Zoning Administrator shall make a preliminary determination using maps, photographs, site visits and other pertinent information whether a proposed project impacts a wetland.

1102.2 If the Zoning Administrator determines that a project does not or is not likely to impact a wetland, a permit may be issued in accordance with the procedures and regulations set forth in this ordinance. If the Zoning Administrator determines that the project may impact a wetland, the Zoning Administrator shall, in writing, direct the applicant to contact the Morrison County Soil and Water Conservation District to undertake a more thorough wetland evaluation.

1102.3 No permit shall be issued for the proposed project for which the Zoning Administrator has directed the applicant to the Morrison County Soil and Water Conservation District for a wetland evaluation unless and until the applicant provides one of the following:

- Written statement from the Morrison County Soil and Water Conservation District that the proposed project does not impact a wetland; or
- A Certificate of Exemption from the Morrison County Soil and Water Conservation District stating that the proposed project is an exempted activity regarding impacts on wetlands; or
- A wetland replacement plan approved by the Morrison County Soil and Water Conservation District.

1103. **Wetland Requirements and Setbacks.** No structure may be constructed, erected, or moved on to any land that is either a designated wetland as specified in the Morrison County Protected Waters and Wetlands Inventory List or is determined to be a wetland by the wetland authority of Morrison County.

1103.1 Wetland Setbacks:

- All Structures and SSTS – 25 feet
- All structures and SSTS for Protected Wetlands – 75 feet

1103.2 For new developments, a protective strip of natural vegetation at least one rod (16.5 feet) in width shall be retained around all wetlands.

1103.3 A structure in existence on or before the enactment of this ordinance, that becomes nonconforming due only to the wetland buffer setback requirement of this Ordinance shall be deemed conforming. Any expansion of the structure shall not further infringe on the wetland buffer area. Any reconstruction of the structure, or any portion thereof, following

destruction by fire, flood, storm, explosion, earthquake, war, riot, or act of God, shall not be located within the required wetland buffer setback.

1200. PERFORMANCE STANDARDS AND CONDITIONAL AND INTERIM USE CRITERIA

1201. Duplex dwelling.

- 1201.1 In the R Residential District duplex dwellings shall have a lot size of at least one hundred fifty percent (150%) of the required minimum lot size for a single-family dwelling.
- 1201.2 In the Shoreland district, duplex dwellings shall meet the lot dimensional standards of section 705.4 and 705.5 and where appropriate, the requirements of section 707.2.

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 one 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:

- a. The manufactured home will be utilized as a field headquarters for directing the ongoing construction of a project.
- b. The manufactured home has adequate sanitary facilities, or the site shall have temporary sanitary facilities installed.
- c. The manufactured home and parking spaces shall adhere to all setbacks for the zoning district and shall only utilize the permitted access driveway.
- d. The manufactured home shall not be used as a dwelling unit.
- e. The manufactured home allowed for this use does not need to conform to the rules in section 1202.1, ("a" and "b").
- f. The certificate of compliance is issued only after the land use permit has been issued. The manufactured home shall not be placed on the construction site until both a certificate of compliance and a land use permit have been issued.
- g. Such permit shall expire when construction is completed or within one hundred eighty (180) days from the date of issuance, whichever is less. Renewal of such a permit may be approved by the Planning & Zoning Administrator.
- h. The manufactured home shall be removed within thirty (30) days of the permit termination.

1202.6 Temporary Dwelling Unit During Construction. A manufactured home may be permitted in any Residential or Agricultural District if the Planning & Zoning Administrator finds the following conditions are satisfied.

- a. The manufactured home will be utilized as a temporary dwelling unit by the present or potential occupant of a single-family residence during the construction, reconstruction, or alteration of said residency by the present or potential occupant.
- b. The manufactured home shall have adequate sanitary facilities as prescribed by the county building official/sanitarian.
- c. The land use permit for the temporary dwelling is issued only after the land use permit has been obtained for the proposed construction.
- d. The manufactured home and parking spaces shall adhere to all setbacks for the zoning district and shall only utilize the permitted access driveways.
- e. The manufactured home allowed for this use does not need to conform to the rules in section 1202.1, ("a" to "b").

- f. Such a permit shall expire when construction is completed or within one hundred eighty (180) days from the date of issuance, whichever is less. Renewal of such permit may be approved by the Planning & Zoning Administrator.

1202.7 All manufactured homes permitted under this Section shall meet or exceed the current Federal Manufactured Home Construction and Safety Standards. The manufactured home shall have a sanitary sewage treatment and disposal system in compliance with the Minnesota Pollution Control Agency and this zoning ordinance.

1202.8 When the manufactured home is utilized as an accessory dwelling unit to the principal dwelling unit, the placement of the manufactured home is subject to the same zoning district dimensional setbacks as a principal dwelling unit.

1202.9 Manufactured homes utilized as accessory dwelling units shall use the existing road access driveway of the principal dwelling unit.

1202.10 Manufactured homes utilized as accessory dwelling units shall be separated by a minimum horizontal distance of forty (40') feet from any other structure.

1202.11 Manufactured homes utilized as accessory dwelling units shall have ground anchors or tie downs as approved by the manufacturer.

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 located on a parcel for more than sixteen (16) consecutive days in any year 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 the Shoreland zoning districts are regulated in Section 700.

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

<u>1 to 5 Acres</u>	<u>5.1 to 9.9 Acres</u>	<u>10+ Acres</u>
1	2	up to 4
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.		

1203.5 The provisions of Section shall not apply to homeowners who are storing a recreational vehicle registered in the property owner's name 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 RR Rural Residential the following standards shall apply:

- 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 and Public Ditches 300'	Property Line 200'	Other Existing Feedlot 0'	Minimum Contiguous Parcel Size 20 acres

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.

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	660'	660'	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	300'	1000'	1000'
Property Line	200'	200'	200'
Other existing feedlot	0'	0'	0'
Minimum Contiguous Parcel	75 acres	75 acres	75 acres

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:

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

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

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 owner/operators must notify the road authority when hauling manure during road restrictions.

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 and the recording will reference each of the identified parcels. The sale of any of the parcels, or parts thereof, separate from the feedlot itself, will make the conditional use permit null and void. This provision will not apply to a subsequent, involuntary taking through eminent domain.

1209.8 Notifications:

- a. All feedlot expansions that will result in a facility containing 500 animal units or more or a new facility proposing to house 500 or more animal units must provide public notice as required by Minnesota Statutes 116.07 subd. 7a.
- b. For all new feedlots or feedlot expansions that are required to apply for a conditional use permit, the County will send out notices to landowners within one-half mile of the proposed feedlot site.

1209.9 The large-scale feedlot must have a cumulative total capacity of nine (9) months of liquid manure storage. It is required that there be an additional site for a waste storage facility should further expansion of the feedlot occur.

1209.10 The waste storage facility must be within three hundred (300) feet of the associated feedlot.

1210. Outdoor storage.

1210.1 In the RR Rural Residential and R Residential districts not more than two (2) fish houses or recreational vehicles may be stored outside provided they are owned by the resident, are maintained in a neat, safe, and orderly fashion, and provided that they are not stored in the front yard or nearer to the front lot line than the principal building, or less than five (5) feet from any other lot line.

1210.2 Fuel wood (for use by the property owner) storage piles are permitted in all districts provided they are maintained in a neat, safe, and orderly fashion, and provided they are not stored in the front yard or nearer the front lot line than the principal building, or less than five (5) feet from any other lot line.

1210.3 In the C Commercial, MI Manufacturing/Industry districts and in the S Shoreland district where commercial uses exist, the outdoor storage of those items not generally considered to be retail display items shall be screened from view from public roads, abutting residences, public surface water and public recreational facilities.

1211. Home Occupation, Home Extended Business and Limited Rural Business.

1211.1 Home Occupations shall be subject to the following regulations:

- a. There may only be one (1) sign on the parcel advertising the business which sign shall be attached to the exterior of the home, shall not be illuminated, and shall not measure greater than three (3) square feet in area.
- b. No person is regularly employed for commercial purposes other than members of the immediate family, who reside on the same premises.
- c. The business enterprise must be conducted within the principal residential building and shall not occupy more than twenty-five (25) percent of the total floor area of the residence.
- d. Only articles made or originating on the premises shall be sold on the premise, unless such articles are incidental of a permitted commercial service.
- e. No articles for sale shall be displayed so as to be visible from any street in a residential district.
- f. No mechanical or electrical equipment is used if the operation of such equipment interferes unreasonably with the desired quiet residential environment of the neighborhood or TV and radio reception, and the health and safety of the residents is not endangered.
- g. No outside storage of material for the home occupation shall be allowed.
- h. Conducting of the home occupation shall result in no change of outside appearance of the building.

- i. The business shall only generate normal domestic household sewage waste unless a plan for off-site disposal of the waste is approved.

1211.2 Home Occupations allowing retail sales or employment of persons other than the members of the household residing on the premises may be permitted if the following additional conditions are met:

- a. Such occupation does not generate more than two (2) vehicles at any one time.
- b. Such occupation must provide off-street parking.

1211.3 Home Extended Business. The following standards and requirements apply to rural business activities that meet the definition found in Section 200 and do not comply with the standards found in section 1211.1 above:

- a. The business is conducted primarily within an accessory building by the inhabitants residing at the residence with no more than five (5) employees.
- b. The home business shall be incidental and subordinate to the primary use of the premises for farming and/or residential purposes.
- c. Said use shall not create odor, dust, noise, electrical disturbances, glare, or vibrations noticeable outside of the accessory structure.
- d. Junk and Salvage Yards are prohibited.
- e. No sign other than one (1) non-illuminated name plate containing not more than twelve (12) square feet in area shall be allowed. The sign must be located on the property of the business subject to setback requirements.
- f. The business shall not generate business or industrial waste unless a plan for off-site disposal of the waste is approved.
- g. The business shall only generate normal domestic household sewage waste unless a plan for off-site disposal of waste is approved.
- h. Parking for employees and customers must be provided off-street.
- i. A Home Extended Business permit form shall be filed with the Planning & Zoning Administrator and shall be made a part of the Interim Use Permit application. It shall request the following information:
 1. Name, address, and phone number of landowner/operator.
 2. Date of application.
 3. Type of business use, and date the business began operations on the property or intends to begin operations.
 4. Date the business operation initially began.
 5. Structure the business occupies, including any outside storage.
 6. A site plan of the business uses and parking on the property in relation to roads and other non-business structures.
 7. Sewage and wastewater disposal information.

8. Types, amounts and locations of storage of hazardous materials.
9. Number of employees.
10. Number of off-street parking stalls and their location.
11. Approximate number of vehicle trips generated per day, including employees, shopping, and deliveries; and
12. Information on any signage proposed.

1211.4 Limited Rural Business. The following standards and requirements apply to Limited Rural Businesses:

- a. The Limited Rural Business shall be operated primarily by a person or persons with ownership of the parcel the Limited Rural Business is located. No more than seven (7) employees may be engaged in the conduct of the Limited Rural Business on the premises at any one time on a regular basis.
- b. The hours of operation shall be reasonable and shall not have an adverse impact on adjacent property owners.
- c. The identified use shall not create odor, dust, noise, electrical disturbances, glare or vibrations noticeable at or beyond the property line.
- d. Junk and Salvage Yards are prohibited.
- e. Signing of property shall be in compliance with Section 1220 of this Ordinance.
- f. If the business generates industrial or hazardous waste, a plan for off-site disposal of the waste must be submitted as part of the Interim Use Permit application.
- g. A septic system design for the anticipated flow and waste strength shall be provided prior to the issuance of land use permits. In the case of an existing septic system, a compliance inspection along with a review of the anticipated flow and waste strength and certification the system design is adequate must be submitted prior to the issuance of land use permits.
- h. Parking for employees and customers must be provided off-street and not interfere with the general character of the area.
- i. The limited rural business shall not generate excessive customer or client traffic that is detrimental to the character of the surrounding properties.
- j. A Limited Rural Business information form shall be filed with the Planning & Zoning Administrator and shall be made a part of the Interim Use Permit application. It shall request the following information:
 1. Name, address, and phone number of landowner/operator.
 2. Date of application.
 3. Type of business use and date the business intends to begin operations.
 4. Structure the business will occupy, including any outside storage.
 5. A site plan of the business uses and parking on the property in relation to roads and other non-business structures.
 6. Sewage and wastewater disposal information.

7. Types, amounts and locations of storage of hazardous materials.
8. Number of employees.
9. Approximate number of vehicle trips generated per day, including employees, shipping, and deliveries; and
10. Information on any signage proposed.

1212 **Retreat Centers.** The following standards and requirements apply to Retreat Centers:

- a. Adequate off-street parking must be provided on site.
- b. Applicable Public Health licenses must be obtained prior to operation of the Retreat Center. A copy of the license shall be provided to the Planning & Zoning Office.
- c. A current septic system certificate of compliance must be provided, maintained and on file at the Planning and Zoning Office.
- d. On premise signs are prohibited.
- e. The Planning Commission may impose conditions that will reduce the impact of the proposed use on neighboring properties and nearby waterbodies. Said conditions may include but not be limited to a fence or vegetative screening along a property line or a native buffer along the shoreline.
- f. The owners of Retreat Centers shall ensure that the noise standards of *Minnesota Rules, chapter 7030; or successor rules*, are met. The Planning Commission may impose a quiet hours standard in order to assist in achieving this goal and to reduce the potential impacts on neighboring properties.

1213 **Wood Products Manufacturer.** The following standards and requirements apply to Wood Products Manufacturers:

- a. Parking for employees and customers must be provided off-street and not interfere with the general character of the area.
- b. If the business generates industrial or hazardous waste, a plan for off-site disposal of the waste must be submitted as part of the Interim Use Permit application.
- c. The identified use shall not create odor, dust, noise, electrical disturbances, glare or vibrations noticeable at or beyond the property line.
- d. The hours of operation shall be reasonable and shall not have an adverse impact on adjacent property owners.
- e. A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
- f. Signing of property shall be in compliance with Section 1217 of this Ordinance.

1214 **Winery.** The following standards and requirements apply to Wineries:

- a. The use shall comply with all applicable Federal, State and County rules and regulations.
- b. The hours of operation shall be reasonable and shall not have an adverse impact on adjacent property owners.
- c. Adequate parking shall be off-street and shall not interfere with the general character of the area.
- d. Signing of property shall be in compliance with Section 1220 of this Ordinance.

1215. **Seasonal Produce Stands.** Such structures shall not exceed four hundred (400) square feet in area nor have a height exceeding fifteen (15) feet. The structures shall be located on the farm where most of the produce sold originates, shall conform to all structure setbacks of the zone district, and shall be used not more than six months during a calendar year.

1216. **Forestry.** In all zone districts the harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota."

1217. **Contaminated Soil Treatment, Land Applied Sludge.** The application of contaminated soil (e.g., from leaking underground fuel storage tanks) or sewage sludge to the land shall be allowed only if the applicant has received and provided copies to the Zoning Administrator of all appropriate local, regional, state, and federal permits.

1218. **Gravel Pits.** The following standards shall apply for all existing or proposed gravel pits.

1218.1 All gravel pits, whether they are in operation at the time of this ordinance adoption or are proposed, including regularly established non-conforming pits, shall follow the Minimum Standards set forth in this section. A gravel pit shall include the pit area, stockpiles, haul roads, entrance roads, scales, crusher, and all related facilities. The minimum standards are as follows:

- a. No gravel pit shall be within three hundred (300') feet or less than the setback for principal structures, whichever is the greater, from the shore of any lake, river or MDNR protected wetland.
- b. A fifty (50) foot no disturbance buffer area shall be established between the pit and the property line containing the gravel pit. This buffer area may be altered only through a written agreement with the adjacent property owner. Proof of the agreement shall be filed with the Zoning Administrator.
- c. Temporary hot mix bituminous or concrete facilities are permitted for specific projects without a conditional use permit if no residence other than the property owner's is located within six-hundred-sixty (660') feet of the facility.
- d. Fencing, berms, and use of natural topography provided to shield the view of salvage material from any surface water, public recreation facility, public/private road or private residence, within one-half (1/2) mile of the gravel pit if the salvage material is not going to be recycled within one (1) year.
- e. Excavation below the water table is permitted with appropriate State permits provided there is no adverse impact upon the quality and quantity of nearby surface water or nearby wells.
- f. All entrances and exits shall be constructed so as not to create a safety hazard and shall comply with the manual of uniform traffic control devices as specified by MNDOT.
- g. A pit shall have a barrier-controlled entrance and such barriers shall be clearly visible to prevent safety hazards to members of the public. The use of cable, chain, or similar barrier is prohibited. A gate of wood or metal shall effectively deny vehicle access when the pit is not in operation.

- h. The pit access road shall be placed in a manner that minimizes the view into the pit from the public road or any residence unless the County requires improved visibility for safety purposes.
- i. Dust control measures shall be utilized on non-paved routes in accordance with the policy of the local road authority. Dust control measures shall also take place within the pit so that dust does not leave the property and affect adjacent residential properties.
- j. A gravel pit shall be used solely for operations directly related to a gravel pit. Any other use may require a separate permit as approved by the County. It shall be the responsibility of the pit operator or owner to control activity within the pit area and to clean up any debris or other material left on the site. If done in conjunction with a hot mix operation, the recycling of asphalt/concrete may be done in a gravel pit. Storage of asphalt and concrete is permitted in a gravel pit provided it is part of an ongoing recycling effort and meets the screening requirements specified in "d" above.
- k. All operating gravel pits shall take measures to control erosion that has the potential to damage adjacent land, and control sedimentation that has the potential to leave the site. The access road shall also be designed in a manner that minimizes erosion. The owner or operator shall maintain all such practices until the pit area is permanently stabilized or reclaimed.
- l. Provide evidence to the County that all related permits have been secured, such as an NPDES permit from the Mn MPCA.
- m. Pits shall be defined as being in continuous use provided the owners or their clients remove at least five hundred (500) cubic yards of material in a calendar year.

1218.2 Existing Pre-Ordinance Pits.

- a. Owners of existing gravel pits shall apply to the County for a gravel pit permit within one (1) year of adoption of this ordinance. Operators may continue operations during the permit application and review process.
- b. No gravel pits may be closed under this provision if the pit was established prior to January 1, 1995 and has been in continuous use since that date, application is made within the one (1) year period, and the minimum standards are met. Continuous use is defined as the removal of at least five hundred (500) cubic yards of material every year.
- c. No gravel pit may operate after May 1, 1996 unless it complies with this ordinance.
- d. The permit shall remain in effect as long as the operation remains in compliance with the minimum standards.
- e. A pre-ordinance pit that cannot meet the minimum standards may continue in operation provided the gravel pit can meet the performance standards within one (1) year of permit application.

1218.3 Permit Required.

- a. A permit is required for all gravel pits. Unless otherwise approved, a five (5) year sunset provision will be attached to all permits. An extension of the pit permit can be

renewed administratively if the sunset provision expires and the pit meets the continuous use activity standard found in 1218.1, "m."

- b. The following criteria shall be used in approving a gravel application:
 1. The ability of roads to handle pit-related traffic.
 2. Air quality, dust and noise control measures and ability to limit impact upon any adjacent residential properties.
 3. Groundwater protection.
 4. Properly controlling accesses.
 5. Control of erosion and sedimentation.
 6. Impact upon watershed.
- c. Notifications:
 1. The Zoning Administrator will notify officials in the township the pit is located in at the time an application is made for a gravel pit permit.
 2. The Zoning Administrator will notify City Officials that are adjacent to an UF Urban Fringe District in which a pit is being considered.
- d. Gravel pit applications shall provide the following information:
 1. A written description of the pit and operation including volume of material to be excavated, amount of truck activity at highest and average levels, dust control measures, buffer area vegetation, hours of operation, description of operation, routes trucks will take to and from site, types of barriers established, property line locations, reclamation plans and timing of reclamation effort, screening from the residential properties, drainage from the site and future plans for the pit.
 2. A drawing of the gravel pit area covered by the permit shall show the following:
 - i Location of all pit operations.
 - ii Horizontal and vertical dimensions of the pit site.
 - iii All setbacks from roads and adjacent property lines.
 - iv Location, size, and use of all structures on the parcel.
 - v Location of all adjacent structures and their uses.
 - vi Area of excavation.
 - vii Extent of vegetation in buffer area.
 - viii All lakes, streams, and wetlands on property.
 3. Information submitted to other regulating agencies that address the required information needs of this Ordinance may be used in lieu of the specific information item listed in this section.
- e. Before any permit is issued, the applicant must submit a reclamation plan for approval by the County. The plan shall meet the following minimum reclamation standards:
 1. All slopes shall be stabilized (with side slopes not exceeding 3:1), equipment and structures removed, topsoil properly placed and permanent seeding established, banks rounded, and other reclamation actions completed in accordance with the reclamation plan within twelve (12) months of cessation of pit operations.
 2. All trees, brush, stumps, and any other debris removed for the sole purpose of operation of gravel pit, shall be disposed of in a manner acceptable to the fire

warden and the local solid waste authority. In no case shall vegetation from over a ten (10) acre area be kept on the property unless it is burned or buried.

3. The tops of banks shall be rounded to conform to the surrounding topography.
4. Pits may also be reclaimed for wetland mitigation or creation and, if it is the intent of the operator to reclaim in that manner, it must be done in accordance with a plan approved by the County.
5. All measures shall be taken to control erosion that has potential to damage adjacent land.

1219. Demolition Facilities

1219.1 Type I. A Demolition Facility, Type I, may not be constructed or used until the property owner complies with all local ordinances and has the appropriate permit(s), for the facility, from the Minnesota Pollution Control Agency.

1219.2 Type II. A Demolition Facility, Type II, shall meet the following minimum criteria:

- a. The facility must be designed to hold no less than 15,000 cubic yards of demolition debris,
- b. The facility must not be constructed or used until the property owner complies with all local ordinances and has obtained the appropriate permit(s) from the Minnesota Pollution Control Agency.

1220. Signs

1220.1 Purpose. The intent of the establishment of use and performance standards for signs is to protect and promote the health, safety, morals, and general welfare of the inhabitants of Morrison County through the creation of impartial standards, regulations and procedures which govern the erection, use and/or display of devices, signs, or symbols serving as a means of visual communication to persons situated within, upon or adjacent to public rights-of-way of properties. It is the intent of these provisions to authorize visual communicative devices which: are compatible with their surroundings; are appropriate to the type of activity to which they pertain; are safely located with respect to vehicular and pedestrian traffic; preserve and promote the aesthetics of the location and community; and protect the value of land, buildings, and landscapes.

1220.2 Prohibited characteristics. The following signs or characteristics of signs shall not be permitted or erected in Morrison County:

- a. Any sign which resembles, imitates or approximates the shape, size, form or color of railroad or traffic signs, signals, or devices.
- b. Any sign which is located so as to interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.
- c. Any sign which is erected, relocated or maintained so as to prevent free ingress or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.
- d. Any sign which emits sound.
- e. Any sign or structure which is unsafe or constitutes a hazard.

- f. Abandoned signs.
- g. Any sign displaying obscene, indecent, immoral or offensive matter.
- h. Any sign so erected and/or maintained so as to direct beams or rays of light at any portion of the traveled way of any highway or street of such intensity or brilliance so as to cause glare or impair the vision of the operator of any motor vehicle, or, which directs beams or rays of light at any portion of a building or residence other than the owners.
- i. Signs, except governmental signs, are prohibited within public rights-of-way and easements and on public property without written permission of the appropriate governmental unit.

1220.3 Sign classifications. The following classifications of signs are hereby established:

- a. Class A: On-Site Advertising. Class A signs are signs which advertise a business, product, service, commodity, or profession located on the same premises as the sign.
- b. Class B: Off-Site Advertising. Class B signs are outdoor advertising signs which direct the attention of the general public to a business, product, service, commodity or profession which is conducted, sold or offered at a place other than on the premises on which the sign is located.
- c. Class C: Temporary Advertising. Class C signs are signs which advertise a business, product, service, commodity, or profession located on the same premises as the sign and which are not permanently affixed to the premises.
- d. Class D: Exempt. Class D signs are signs which do not require a permit as long as the pertinent performance standards are satisfied. Class D signs include, but are not limited to, the following: signs required by the governing body having jurisdiction including, but not limited to, the Morrison County Highway Department and the Minnesota Department of Transportation; informational signs used to inform the general public in a non-advertising message; temporary construction and real estate signs; election signs, posters or banners, place of worship directional signs, public service signs, garage/yard/rummage sale signs, name plate or identification signs, window signs and farm signs.

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, facia 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 1/2') 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 side yard setback equal to the height of the sign structure and shall be located outside of 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

1. 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 B 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.
2. Height. The maximum height of any Class B free standing sign shall not exceed fifty (50') feet.
3. 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.
4. Spacing. No Class B free standing sign shall be erected closer to any other Class B free standing sign on the same side of the same highway facing traffic proceeding in the same direction than thirteen hundred twenty (1,320') feet. This provision does not prohibit back-to-back or "V" type construction of Class B signs. The distance between Class B signs shall be measured along the nearest edge of the pavement between points directly opposite the center of the signs along the same side of the street or highway.
5. Lighting. Class B signs may be illuminated.
6. Setback. Class B free standing signs shall maintain a side yard setback of fifty (50') feet.

7. All free-standing signs shall be plainly marked with the name and address of the owner of said sign.
8. Class B off-site signs are not permitted to be placed along scenic byways in Morrison County, which includes Highway #371, starting at the north border of the City of Little Falls to the north edge of Morrison County.

c. Class C temporary advertising signs

1. Type. Class C signs shall be limited to banners, pennants and portable signs.
2. Size. The maximum square footage for the total of all Class C signs on a single lot of record shall be one (1) square foot of sign area for everyone (1') lineal foot of lot frontage.
3. Height. The maximum height for all Class C signs not attached to buildings shall not exceed ten (10') feet.
4. 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.
5. Time limitation. Class C signs shall be allowed by permit for a period of time not to exceed thirty (30) consecutive days within any one hundred eighty (180) day period.

d. Class D exempt signs

1. Government signs. Government signs shall be allowed in any zone district as required by the governing body having jurisdiction including, but not limited to, school districts, Morrison County Highway Department, and State of Minnesota Department of Transportation. Class D government exempt signs include fire numbers and emergency (9-1-1) identification numbers. Size, height, spacing and other requirements shall conform to those set by the appropriate governing body.
2. Real estate signs. For the purpose of selling, renting or leasing any real estate, a sign of thirty-two (32) square feet or less may be placed in the front yard. Said sign shall be removed within seven (7) days following the sale, lease, or termination of sales agreement.
3. Temporary construction. One (1) temporary construction or identification sign of not more than one hundred (100) square feet may be installed upon a construction site in any district denoting the name of the architect, engineer, contractor and/or future business, provided the sign shall not be installed prior to the issuance of a land use permit for the proposed construction and provided further that the sign shall be removed within thirty (30) days following occupancy of the building.
4. Place of worship directional signs. Signs directing people to places of worship shall be allowed in all districts provided the total area of such signs shall not exceed eight (8) square feet and provided the sign does not constitute a Class B sign.
5. Public service signs. Temporary signs which advertise a special event of a public service nature may be displayed in any commercial or industrial district for thirty (30) days or less each calendar year.
6. Informational signs. Signs of a non-advertising nature which inform, direct, provide address information, warn or similar signs shall be allowed in all districts provided that the total area of such signs shall not exceed six (6) square feet in surface area. Class D exempt informational signs include, but are not limited to,

signs that indicate to a visitor on the property that the visitor should enter, exit, stop, not enter, or not trespass.

7. Election signs. Signs, posters, or banners which pertain to an upcoming election of a candidate or political issue shall be permitted in all districts. Class D exempt election signs shall not include Class B off-site outdoor advertising signs purchased or rented by political candidates or in connection with a political issue. The maximum square footage for Class D exempt election signs shall be twenty-five (25) square feet. In addition, the following standards apply to Class D exempt election signs: maximum height shall not exceed ten (10') feet; shall not be placed upon any right-of-way or on any publicly owned property, any public utility pole or on any private property without the consent of the owner or occupant of such property; shall not be placed so as to constitute a hazard to any person or property; shall not be allowed to remain on the location more than ten (10) days after the election; removal of signs shall be the responsibility of the owner or occupant of the lot upon which the sign is located.
8. Garage/yard/rummage sale signs. Signs advertising garage, yard or rummage sales shall be permitted in all districts provided that the signs shall be located on private property and shall not be placed on the public right-of-way, shall not exceed four (4) square feet in total surface, and may be placed at no more than one (1) day prior to sale and shall be removed within one (1) day of termination of sale.
9. Name plate or identification signs. Signs identifying the name of a building or occupants of a building or structure and/or the address of said building shall be permitted in all districts provided that the signs do not exceed three (3) square feet in area per face.
10. Window signs. Signs located on or inside a window shall be permitted in all districts.
11. Farm signs. Signs identifying the name of a farm or identifying farm related products, are permitted provided these signs do not exceed fifty (50) square feet.

1220.5 Permits.

- a. Except as otherwise specifically authorized, no sign shall be located, erected, moved, reconstructed, extended, enlarged or structurally altered within the County until a sign permit has been issued by the Zoning Administrator.
- b. All applicable provisions of this ordinance shall apply except that no permit or permit fee shall be required for the following signs or conditions:
 1. Class C signs.
 2. Class D signs.
 3. Copy changes on permitted signs.
- c. Application for a sign permit shall be made to the Zoning Administrator. The application shall contain the following information: exact location of the proposed sign; the dimensions of the proposed sign; a listing of the materials with which the proposed sign will be constructed; whether the sign will be illuminated or use any type of artificial light source; name and address of the owner of the property on which the sign is to be constructed; name and address of the person that is to construct the proposed sign. The Zoning Administrator may require additional information consistent with the provisions of this ordinance. All signs shall be constructed and placed in substantial compliance with the permit and data submitted by the applicant.

An application for a sign permit shall be accompanied by the fee specified by resolution by the County Board, except that Class C and Class D signs shall not require a fee. No application will be considered unless and until the required fee has been paid by the applicant. Any fee paid shall be refunded if the applicant withdraws the application prior to its consideration by the Zoning Administrator.

Any sign permit issued by the Zoning Administrator under this ordinance shall be valid for a period of twelve (12) months from the date of issuance. If the construction of the sign is not completed within twelve (12) months from the date of its issuance, the permit shall be void and the site for which the permit was sought shall be returned to its condition prior to the issuance of said sign permit.

- d. The structural design of the following signs shall be certified by an engineer:
 1. Any freestanding sign which has a sign area in excess of fifty (50) square feet or a height greater than fifteen (15') feet.
 2. Any projecting sign which has a sign area in excess of fifty (50) square feet.
 3. Permitted signs supported by the roof of a building.

In lieu of the above, if a structural design book showing standard sign designs is filed with the Zoning Administrator and the designs therein are certified by an engineer and the proposed sign is shown in the standard design book, no individual certification shall be required.

- e. All signs shall be maintained so as not to threaten danger to persons or property. Abandoned signs and signs that have become damaged, dangerous, or dilapidated shall be repaired or removed immediately.

1220.6 Non-conforming signs

- a. Except as specified in 1220.6, "d"-of this section and except for signs which possess one or more characteristics prohibited in 1212.2 of this ordinance, non-conforming signs shall be allowed to continue and reasonable maintenance of said signs shall be allowed. The changes in advertising message and/or maintenance and repair upon an existing sign shall not be considered a relocation, replacement or structural alteration.
- b. A sign which is non-conforming because of its location may be structurally altered or modified in its existing location, provided that the sign is not made more non-conforming. For the purpose of administering this Principal, the following tests will be used:
 1. The modified sign may not be larger in area than the existing sign.
 2. The modified sign may not encroach into a required yard any further than the existing sign.
 3. The modified sign must meet all other applicable codes and requirements.
- c. Non-conforming signs shall not be relocated or replaced without being brought into compliance with all requirements of this ordinance.
- d. Portable and/or temporary signs, except as permitted in this ordinance, shall either be removed or brought up to the requirements of this ordinance within twelve (12) months of the adoption of this ordinance.

1221. Junk Yards. All junk, wrecking or salvage yards within Morrison County shall meet the following minimum standards.

- 1221.1 No material shall be disposed of or placed in a wetland and no draining or filling of wetlands shall occur.
- 1221.2 All such uses shall have the minimum rear, side, and road setback of the zoning district. No activity except fencing, berms or other screening may take place in the setback area.
- 1221.3 No such use is permitted within three hundred (300') feet of a protected water.
- 1221.4 All waste including batteries, tires and hazardous waste shall be kept on the property in a manner consistent with applicable MPCA and USEPA regulations or disposed of in a manner acceptable to pertinent County, State or Federal regulations.
- 1221.5 Fencing, berms, use of natural topography and use of vegetation shall be sufficiently provided to shield the view of any salvage material from any surface water, public recreation facility, public road, private residence, or other structure, within one quarter (1/4) mile of the parcel containing the junk yard.
- 1221.6 Fire breaks and roads shall be provided by the owner and approved by the appropriate fire department.
- 1221.7 The junk yard shall conform to all on-site sewage treatment regulations.
- 1221.8 The junk yard shall conform with all standards for wells of the State Health Department including the sealing of abandoned wells.
- 1221.9 All access roads and bridges shall be able to handle traffic generated by the junk yard as determined by the County Engineer.
- 1221.10 Junkyards existing at the time this ordinance is enacted, which do not have a Conditional Use Permit from Morrison County, will be allowed to continue to operate if the owner applies to the County within twelve (12) months of the date of enactment of this ordinance to obtain the proper Conditional Use Permit and meet all the standards set forth in this Section.

1222. Communication Services and Utility Towers.

1222.1 Applicability

- a. Pre-existing towers and antenna support structures.
 1. Any addition, reduction or modification to any pre-existing tower or antenna supporting structure that substantially modifies the number, placement, or types of antennas on that tower or structure shall make such tower or structure subject to all applicable requirements of this ordinance. A substantial change is one in which fifty percent (50%) or more of the antenna design capacity upon the tower or structure is modified. It is the intention of this subsection that the owner/operator of the tower or structure not be required to move the physical structure, unless said modification is determined by the Zoning Administrator to create a physical threat to the public safety.
 2. Any pre-existing tower or antenna supporting structure that fails or becomes structurally unsound such that the tower or antenna supporting structure must be replaced or requires repairs costing greater than fifty percent (50%) of the value of said tower or antenna support structure, shall be required to meet all provisions of this ordinance.

3. The provisions of this Chapter shall not apply to the replacement of an existing lawful tower with a height of seventy-five (75') feet or more providing communication services for the State of Minnesota or any of the State's political subdivisions on the same property as the existing tower provided that both the existing tower and the replacement tower provide communication services for the State of Minnesota or any of its political subdivisions. The existing tower must be completely removed from the site upon construction of the replacement tower and the replacement tower shall not exceed three hundred (300') feet in height. The replacement tower must continue to provide communication services for the State of Minnesota and/or any of its political subdivisions during the life of said tower or the tower shall be promptly removed or come into full compliance with all requirements of this ordinance. Any tower in excess of three hundred (300') feet shall fully comply with this Chapter.
- b. District height limitation. The requirements set forth in this chapter shall govern the design and siting of towers that exceed the height limitations specified for each zoning district under Chapter 600.
- c. Amateur radio. This ordinance shall not govern the installation of any tower or antenna support structure that is owned and/or operated by a federally licensed amateur radio operator, that is less than 75 feet in height and is placed at a distance equal to or more than one and one-half (1 ½) the height of the tower from any adjacent property line.
- d. Towers or additions of minimal height.
 1. This ordinance shall not govern the installation or maintenance of any tower not more than 75 feet in height, other than as required in (c) below.
 2. This ordinance shall not govern the installation or maintenance of any addition to an existing structure, the purpose of which is to attach an antenna, which does not raise the overall height of that structure by more than 20 feet in height, other than as required in (c) below.
 3. A land use permit must be acquired prior to the construction or modification of any tower or structure if otherwise required by any law, administrative rule, or ordinance.

1222.2 General Requirements.

- a. All towers and antennas shall comply with all FCC and FAA regulations.
- b. Design and installation of all towers shall comply with the manufacturers' specifications and with ANS/TIA/EIA standards. Plans shall be approved and stamped by a professional engineer registered in the State of Minnesota.
- c. Installation of all towers shall comply with applicable state and local building and electrical codes.
- d. All wireless communication facilities must be adequately insured for injury and property damage, proof of which shall be provided with the application.
- e. All unused towers must be removed within six (6) months of cessation of operation or use unless a written exemption is provided by the Morrison County Zoning Administrator. After the facilities are removed, the site shall be restored to its original condition or as close as possible. If removal and/or restoration is not completed

within 90 days of the expiration of the six (6) month period specified herein, the County may complete the removal and site restoration with all costs assessed against the property as a special assessment.

- f. Proposals to erect new towers shall be accompanied by any required federal, state, or local agency licenses or applications for such licenses.
- g. Only one (1) tower is allowed on a parcel of land. Positioning of multiple users upon a single tower is the preferred method of siting multiple antennas.
- h. No application to place a telecommunications tower may be denied based upon the potential effects of non-ionizing electromagnetic radiation, providing such tower's emission complies with applicable FCC emission standards.

1222.3 Prohibitions

- a. No tower may be installed on a parcel within a residential subdivision, or any property zoned residential, created for residential purposes or within an area designated for future residential development in the County land use plan.
- b. No advertising message or sign shall be affixed to any tower.
- c. Towers shall be illuminated only as provided for by FCC and FAA regulations.
- d. No part of any tower, including guywires, shall extend across, over or into the setback of any right-of-way, public street, highway, sidewalk, or other property beyond the siting parcel without written permission of the Morrison County Zoning Administrator and adjacent property owner(s).
- e. No temporary mobile communication sites are permitted except in the case of equipment failure, equipment testing, and equipment replacement, or in the case of emergency situations. Placement of temporary equipment shall be limited to 90 days unless extended in writing by the Zoning Administrator.
- f. Towers located within $\frac{1}{2}$ mile of an ordinary high-water mark from a designated public water shall be limited to 199 feet in height.

1222.4 Performance Standards

- a. General. Except as provided in this ordinance, all wireless communication facilities shall meet the dimensional standards of the zoning district in which they are located. Where the facilities are the principal use on a separate parcel, the parcel shall meet the minimum lot size requirements of the respective zoning district. On a parcel of land that already has a principal use, the facilities shall be considered as an accessory use and a smaller area of and may be leased provided that all requirements of this chapter can be met.
- b. Any building or structure accompanying a tower shall not exceed four hundred fifty (450) square feet in area and shall have at least one (1) off street parking space.
- c. Setbacks and separation. Towers shall be setback from all property lines, a distance at least equal to its height or its approved engineered collapse zone and, shall be at least twice the tower height from the nearest non-accessory structure.
- d. Screening and landscaping.

1. The tower and facility location shall provide for the maximum amount of natural screening as possible. The site shall be landscaped and maintained with a buffer of plant materials that effectively screens the view of all tower accessory structures, guy-wire anchors, equipment, and other improvements at ground level.
2. The area should be made to appear as natural and undisturbed, preserving natural vegetation as much as possible.
3. If the tower facility is located in an area that is under cultivation during the growing season, the planting of additional screening vegetation is not required. The intent of this subsection is to allow for the maximum use of productive farmland.
4. In locations where the visual impact of the tower would be minimal, or where the requirements of this section are otherwise impracticable, the landscaping and screening requirements of this section may be reduced or waived by the Zoning Administrator. Existing mature vegetation and natural landforms on the site shall be preserved to the maximum extent possible, or replaced to present a natural, undisturbed appearance in keeping with the intent of this section.

e. Security fencing, lighting, and signs.

1. All towers shall be reasonably protected against unauthorized access. The bottom of the tower from ground level to 12 feet above ground shall be designed to preclude unauthorized climbing or access to the tower or structure. A chain link security fence of no less than six (6') feet in height surrounding the tower or structure is required to prevent unauthorized access. This requirement may be waived if anti-climbing devices or equipment is placed on the tower or structure that completely precludes unauthorized access. Such waiver shall be in writing and issued by the Zoning Administrator.
2. Security lighting for on-ground facilities and equipment is permitted, as long as it is down shielded to keep light within the boundaries of the site.
3. Signs shall be displayed on or adjacent to the tower or structure prohibiting entry without authorization, warning of the danger from electrical equipment and/or unauthorized climbing of the tower and identifying the owner of the tower and telephone number for 24-hour contact in case of emergency.

f. Towers shall be located outside of known migratory bird flight paths.

1222.5 Permit Requirements

- a. The construction or installation of any wireless communication facility requires the issuance of a land use permit or conditional use permit under this ordinance.
 1. Land use permit. Land use permits may be obtained from the Zoning Administrator or designated representative of the Morrison County Planning & Zoning Department.
 2. Conditional use permit. Uses and facilities requiring a conditional use permit under this chapter may be authorized by Morrison County upon the submittal and approval of a properly completed application for a conditional use permit under this section and Chapter 500 of this Ordinance.
- b. Applications. Applications for land use permits or conditional use permits for new wireless communication facilities shall include the following information:

1. A report stamped and signed by a professional engineer registered in the State of Minnesota which:
 - i. Certifies that a detailed engineering soils report has been completed and that the design of the tower foundation is based on that report.
 - ii. Describes the tower height and design, including a cross section elevation and foundation design.
 - iii. Certifies the facility's compliance with structural and electrical standards.
 - iv. Describes the tower's capacity, including the potential number and type of antennas that can be accommodated, and the type of equipment proposed to be used on the tower.
 - v. Identifies the location of all sites that were considered as possible alternates to the site being applied for.
 - vi. Describes the lighting and/or painting to be placed on the tower.
 - vii. The owner(s) and operator(s) of any tower has received and is in compliance with all appropriate government permits and authorizations.
 - viii. Certifies that the applicant or tenant has a valid license from the FCC to operate the proposed facilities and identifies both the class of the license and the license holder.
 - ix. Describes how the requirements and standards of this chapter will be met by the proposed facilities.
2. Each application shall include a facility plan. The County will maintain an inventory of all existing and proposed wireless communication site installations and all providers shall provide the following information in each plan. The plan must be updated with each submittal as necessary.
 - i. Written description of the type of consumer services each provider will provide to its customers (cellular, PCS, SMR, ESMR, paging or other anticipated wireless communication services).
 - ii. Provide a list of all existing sites, existing sites to be upgraded or replaced and proposed telecommunication sites within the County for these services to be provided by the provider. The intent of this requirement is to obtain the provider's current five-year plan for providing service within the County.
 - iii. Provide a map showing the geographic service areas of the existing and proposed telecommunications sites in the County and the nearest sites in adjacent counties.
3. Landowner acknowledgment. Written acknowledgment by the landowner of a leased site that he/she will abide by all applicable terms and conditions of the land use permit or conditional use permit, including the restoration and reclamation requirements of this chapter. Such acknowledgment shall be made applicable to all successors, heirs, and assignees.
4. Additional information and analysis.
 - i. The County may, at its discretion, require visual impact demonstrations, including mock-ups and/or photo montages, screening and painting plans, network maps, alternative site analysis, lists of other nearby wireless communication facilities, or facility design alternatives for the proposed facilities.
 - ii. The County may employ an independent technical expert to review technical materials submitted by the applicant or to prepare any technical materials required but not submitted by the applicant. The applicant shall pay the reasonable costs of such review and/or independent analysis. The applicant may provide a list of consultants for the County's consideration, but the County is not thereby required to use any consultant from that list.

- c. Denial of an application for a permit shall be in writing supported by evidence in a written record prepared by the appropriate permit approval authority.
- d. The applicant may be required to provide detailed engineering documentation or pay for an independent evaluation of the proposed tower facility to assist the County in the evaluation of an application for a proposed facility or to show the existence of a hardship, to a preponderance of the evidence standard.

1222.6 **Transferability.** All permits issued under this chapter shall be transferable, and all subsequent holders of such permits shall be subject to all applicable requirements of this chapter and any permit conditions that may exist. Written notice shall be made to the Zoning Administrator within 30 days of such transfer.

1223. Existing Campgrounds and Planned Unit Developments. Expansion of a campground or a planned unit development by more than two (2) units from the number normally in use prior to the date of enactment of this ordinance must comply with the standards in this ordinance.

1224. Campgrounds, and Camps. All new, expanded, reconstructed, modified, or otherwise altered such facilities shall be treated as Planned Unit Developments and shall meet the standards of section 800 of this ordinance. Existing such facilities including other planned unit developments, whether they have valid land use permits or are legal non-conforming uses, shall not be expanded or modified without a conditional use permit.

1225. Handicap Accessibility Standards. For structures requiring or providing exterior handicapped accessible access the following standards, or applicable state standards, whichever are the most restrictive, must be met:

1225.1 Walkway or exterior ramp shall be at least four (4) feet wide with a slope no greater than one (1) foot vertical to twenty (20) feet horizontal.

1225.2 Walkway surface shall be of a permanent, hard, slip-resistant material.

1225.3 Walkway should be a direct, continuous route.

1226. Parking and Loading Space Requirements.

1226.1 **Minimum Parking Space Size.** Each space shall contain a minimum area of not less than two hundred fifty (250) square feet including access drives, a width of not less than eight and one-half (8 1/2) feet and a depth of not less than twenty (20) feet. Each space shall be adequately served by access drives.

1226.2 **Reduction and Use of Parking and Loading Space.** On-site parking facilities existing at the effective date of this Ordinance shall not subsequently be reduced to an amount less than that required under this Ordinance for a similar new building or use. On-site parking facilities provided to comply with the provisions of this Ordinance shall not subsequently be reduced below the requirements of this Ordinance. Such required parking or loading space shall not be used for storage of goods or for storage of vehicles that are inoperable or for sale or rent.

1226.3 **Computing Requirements.** In computing the number of such parking spaces required, the following rules shall govern:

- a. Floor space shall mean the gross floor area of the specific use.

- b. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.
- c. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature, as determined by the Board of Commissioners and the County Planning Commission.

1226.4 Yards. On-site parking and loading spaces and their facilities shall be subject to all yard setback requirements.

1226.5 Access.

- a. Parking and loading space shall have proper access from a public right-of-way.
- b. The number and width of access drives shall be so located as to minimize traffic congestion and abnormal traffic hazard. Frontage roads, service roads or combined entrances may be required when, in the opinion of the County Highway Engineer, it is necessary to maintain maximum traffic safety.
- c. Vehicular access to business or industrial uses across property in any Residence District shall be prohibited.

1226.6 Location. Off-street parking and loading space shall be provided on the same lot as the principal building or use.

1226.7 Maintenance. The owner and/or operator of the principal building or use shall maintain the parking and loading areas, access drives, and yard areas in a neat and adequate manner.

1226.8 Lighting. Lighting shall be reflected away from the public right of way and nearby or adjacent Shoreland, Residential, and Urban Fringe Districts.

1226.9 Required Number of On-Site Parking Spaces. The minimum number of required on-site spaces for the following uses shall be as follows:

TYPE OF USE	NUMBER OF REQUIRED PARKING SPACES
Single Family Residential Dwellings	Two (2) spaces
Multiple Family Dwellings	One and one half (1 ½) spaces per unit
Bed & Breakfast	Two (2) spaces for the owner or manager plus one (1) space for each guestroom
Churches, Assembly Halls, Auditoriums	One (1) space for each four (4) seats, based upon design occupancy
School – High School	One (1) space for each classroom, plus one (1) space for each ten (10) students, based upon design capacity
School – Elementary or Junior High	Two (2) spaces for each classroom
Golf Course, Golf Club, Country Club, Swim or Tennis Club	Twenty (20) spaces, plus one (1) space for each five hundred (500) square feet of floor area in the principal structure

TYPE OF USE	NUMBER OF REQUIRED PARKING SPACES
Auto sales and/or repair service, trailer sales, marine and boat sales, implement sales, garden supply sales, building materials	Six (6) spaces, plus one (1) space for each five hundred (500) square feet of floor area over 1,000 square feet
Automobile fueling service station	Four (4) spaces, plus two (2) spaces for each service stall
Bowling Alley	Five (5) spaces for each bowling lane
Drive-In Restaurant	Twenty (20) spaces or one (1) space for each twenty (20) square feet of floor area, whichever is greater
Motel or Motor Hotel	One (1) space for each rental room or suite
Restaurant, Café, Nightclub, Tavern, or Bar	One (1) space for each seventy-five (75) square feet of customer floor area
Retail Stores and Service Establishments	One (1) space for each one hundred (100) square feet of floor area, plus one (1) space for each employee on the major shift
Storage, Wholesale, Warehouse Establishments	One (1) space for each two (2) employees on the major shift or one (1) space for each two thousand (2,000) square feet of floor area, whichever is larger, plus one (1) space for each company vehicle when customarily kept on the premises
Manufacturing or Processing Plant	One (1) space for each two (2) employees on the major shift or one (1) space for each one thousand (1,000) square feet of gross floor area, whichever is greater, plus one (1) space for each company motor vehicle when customarily kept on the premises

1226.10 Required On-Site Loading Spaces.

- Unless otherwise specified, a loading berth shall be no less than fifteen (15) feet in width, fifty (50) feet in length, and fourteen (14) feet in height, exclusive of aisle and maneuvering space.
- Required loading spaces:

TYPE OF USE	NUMBER OF REQUIRED LOADING SPACES
Retail Stores, On-Site Service Establishments	One (1) loading space for the first ten thousand (10,000) square feet of gross floor area and one (1) additional space for each additional fifty thousand (50,000) square feet of gross floor area
Restaurants, Nightclubs, Bars, Taverns	One (1) loading space for each structure containing more than ten thousand (10,000) square feet of gross floor area
Manufacturing, Processing Plants	One (1) loading space for each thirty thousand (30,000) square feet of gross floor area

1227. Wind Energy Conversion System Regulations

1227.1 Procedures: Land Use Permits, Interim Use Permits, Conditional Use Permits and Variances shall be applied for and reviewed under the procedures established in Section 500 of the Morrison County Zoning Ordinance, except where noted below.

- a. The application for all WECS shall include the following information:
 1. The name(s) of project applicant
 2. The name of project owner
 3. The legal description and address of the project.
 4. A description of the project including Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
 5. Site layout, including the location of property lines, wind turbines, electrical wires, interconnection points with the electrical grid, and all related accessory structures. The site layout shall include distances and be drawn to scale.
 6. Engineer's certification (See Section 1227.6)
 7. Documentation of land ownership or legal control of the property.
- b. The application for Commercial WECS shall also include:
 1. The latitude and longitude of individual wind turbines
 2. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other WECS within 10 rotor diameters of the proposed WECS.
 3. Location of wetlands, scenic, and natural area (including bluffs) within 1,320 feet of the proposed WECS.
 4. An Acoustical analysis
 5. FAA Permit Application
 6. Location of all known communication towers within 2 miles of the proposed WECS.
 7. Decommissioning plan
 8. Description of potential impacts on nearby WECS and wind resources on adjacent properties.
- c. The County may employ an independent technical expert to review technical materials submitted by the applicant or to prepare any technical materials required but not submitted by the applicant. The applicant shall pay the reasonable costs of such review and/or independent analysis. The applicant may provide a list of consultants for the County's consideration, but the County is not thereby required to use any consultant from that list.

1227.2 Aggregated Projects – Procedures: Aggregated Projects may jointly submit a single application and be reviewed under joint proceedings, including notices, hearings, reviews, and as appropriate approvals. Permits will be issued and recorded separately. Joint applications will be assessed fees as one project (Aggregated projects having a combined capacity equal to or greater than the threshold for State oversight as set forth in MS Statute 216F.01 through 216F.07, or as amended, shall be regulated by the State of Minnesota.

1227.3 District Regulations. WECS will be permitted (P), conditionally permitted (C) or not permitted (N) based on the generating capacity and land use district as established in the table below:

District	Micro	Non-Commercial	Commercial	Meteorological Tower
Agricultural (AG)	P	P	C	C
Urban Fringe (UF)	P	C	N	N
Rural Residential (RR)	P	C	N	N
Residential (R)	C	C	N	N
Commercial (C)	P	C	N	N
Manufacturing/Industry (MI)	P	C	N	N
Shoreland (S)	C	C	N	N
Special Protection Shoreland (SSP) Overlay	N	N	N	N

1227.4 Setbacks – Wind Turbines and Meteorological Towers

Setbacks for WECS 40 Kw and smaller are measured from the base of the tower. Setbacks for WECS 40.01 Kw and larger are measured from the tip of the blade when the blade is extended perpendicular to the tower.

All towers shall adhere to the setbacks established in the following table:

	Wind Turbine – Micro WECS	Wind Turbine – Non-Commercial WECS	Wind Turbine – Commercial WECS	Meteorological Towers
Property Lines	1.5 times the height or the distance of the fall zone, as certified by a professional engineer	1.1 times the total height or in Agricultural or Industrial Use Districts, the distance of the fall zone, as certified by a professional engineer + 10 feet	1.25 times the total height	The fall zone, as certified by a professional engineer + 10 feet or 1.1 times the total height.
Neighboring Dwellings (*)	NA if setbacks are met	500 feet	750 feet	The fall zone, as certified by a professional engineer + 10 feet or 1.1 times the total height.
Road Rights-of-Way (**)	1.5 times the height or the distance of the fall zone, as certified by a professional engineer	The distance of the fall zone, as certified by a professional engineer + 10 feet or 1 times the total height (or equivalent to centerline)	1 times the height, may be reduced for minimum maintenance roads or a road with an Average Daily Traffic Count of less than 10 (or equivalent to centerline)	The fall zone, as certified by a professional engineer + 10 feet or 1 times the total height.

	Wind Turbine – Micro WECS	Wind Turbine – Non-Commercial WECS	Wind Turbine – Commercial WECS	Meteorological Towers
Other Rights-of-Way (Railroad, power lines etc.)	1.5 times the height or the distance of the fall zone, as certified by a professional engineer	The lesser of 1 times the total height or the distance of the fall zone, as certified by a professional engineer + 10 feet.	To be considered by the planning commission	The fall zone, as certified by a professional engineer + 10 feet or 1 times the total height.
Public conservation lands managed as grasslands	NA	NA	600 feet	600 feet
Wetlands, USFW Types III, IV and V	50 feet	50 feet	50 feet	50 feet
Other Structures	NA	NA	To be considered	600 feet
Other Existing WECS	NA	NA	<p>To be considered based on:</p> <ul style="list-style-type: none"> -Relative size of the existing and proposed WECS -Alignment of the WECS relative to the predominant winds -Topography -Extent of wake interference impacts on existing WECS -Property line setback of existing WECS -Other setbacks required <p>Waived for internal setbacks in multiple turbine projects including aggregated projects.</p>	600 feet

* The setback for dwelling shall be reciprocal in that no dwelling shall be constructed within 500 feet of a non-commercial wind turbine and 750 feet of a commercial wind turbine

** The setback shall be measured from future rights-of-way if a planned changed or expanded right-of-way is known

1227.5 Setbacks – substations and accessory facilities

- a. Substation setback requirements:
 - 25-foot structure setback from ROW – located wholly outside the ROW.
 - 25-foot structure setback from adjoining property lines.

1227.6 Requirements and Standards for all WECS

- a. Safety Design Standards:
 1. Engineering Certification – For all WECS over 100 feet in height, the manufacturer's engineer or another qualified engineer shall certify that the turbine, foundation, and

tower design of the WECS is within accepted professional standards, given local soil and climate conditions.

2. Clearance – Rotor blades or airfoils must maintain at least 12 feet of clearance between their lowest point and the ground.
3. Warnings:
 - i. For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors, or tape, shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of 8 feet above the ground. Visible fencing shall be installed around anchor points of guy wires.
 - ii. Consideration shall be given to painted aviation warning on meteorological towers of less than 200 feet.

b. Standards

1. Total height –
 - i. Non-Commercial WECS shall have a total height of less than 200 feet.
 - ii. Micro WECS shall have a total height of less than 100 feet.
 - iii. Metrological towers shall have a total height of less than 200 feet.
2. Meteorological towers may be guyed.
3. Lighting – Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations. Red strobe lights are preferred for night-time illumination to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicators.
4. Other Signage – All signage on site shall comply with section 1220 of the Morrison County Land Use Control Ordinance. The manufacturers or owner's company name and/or logo may be placed upon the nacelle, compartment containing the electrical generator of the WECS.
5. Feeder Lines – All communications and feeder lines, equal to or less than 34.5 kV in capacity, installed as part of a WECS shall be buried (where reasonably feasible). Feeder lines installed as part of a WECS shall not be considered an essential service. This standard applies to all feeder lines subject to Morrison County authority.
6. Waste Disposal – Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state, and federal regulations.
7. Discontinuation and Decommissioning – A WECS shall be considered a discontinued use after 1 year without energy production, unless a plan is developed and submitted to the Morrison County Planning & Zoning Administrator outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to four (4') feet below ground level within 90 days of the discontinuation of use.
8. Noise – All WECS shall comply with Minnesota Rules 7030 governing noise.
9. Electrical codes and standards – All WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.

10. Federal Aviation Administration – All WECS shall comply with FAA standards and permits.
11. Uniform Building Code – All WECS shall comply with the Uniform Building Code adopted by the State of Minnesota.
12. Interference – The applicant shall minimize or mitigate interference with electromagnetic communication, such as radio, telephone, microwaves, or television signals cause by any WECS. The applicant shall notify all communication tower operators within two (2) miles of the proposed WECS location upon application to the County for permits. No WECS shall be constructed so as to interfere with County or Minnesota Department of Transportation microwave transmissions.

1227.7 Commercial WECS Standards (in addition to the standards in Section 1227.6)

- a. For all Commercial WECS, a sign or signs shall be posted on the tower, transformer, and substation warning of high voltage. Signs with emergency contact information shall also be posted on the turbine or at another suitable point.
- b. Tower configuration – All wind turbines, which are part of a commercial WECS, shall be installed with tubular, monopole type tower.
- c. Color and Finish – All wind turbines and towers that are part of a commercial WECS shall be white, grey or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matt or non-reflective. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicators.
- d. Each Commercial WECS shall have a Decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a competent party, such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the WECS and accessory facilities.
- e. Orderly Development – Upon issuance of a conditional use permit, all Commercial WECS shall notify the Environmental Quality Board Power Plant Siting Act Program Staff of the project location and details on the survey form specified by the Environmental Quality Board.

1227.8 Avoidance and Mitigation of Damages to Public Infrastructure

- a. Roads – Applicants shall identify all county, city, or township roads to be used for the purpose of transporting WECS, substation parts, cement, and/or equipment for construction, operation, or maintenance of the WECS and obtain applicable weight and size permits from the impacted road authority(ies) prior to construction.
- b. Conduct a pre-construction survey, in coordination with the impacted local road authority(ies) to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public facility.
- c. Be responsible for restoring or paying damages as agreed to by the applicable road authority(ies) sufficient to restore the road(s) and bridges to preconstruction conditions.

- d. Drainage System – The Applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation, or maintenance of the WECS.

1228. Solar Energy System Regulations

Purpose and Intent.

The Morrison County Comprehensive Plan sets renewable energy development as a County objective within the Agriculture zoning district. Within Goal A1 Objective 4, the plan states that the county should “Increase the use of agricultural land for agricultural technology uses such as for the production of biodiesel fuels, ethanol production, wind and solar electricity production, and similar uses.” The intent of this Section is to create standards for the reasonable capture and use, by households, businesses, and property owners, of their solar energy resource, and encourage the use of non-carbon energy generation.

Solar Energy System Standards by Type

1228.1 Rooftop Solar Energy Systems. The following standards apply to Rooftop Solar Energy Systems:

- a. These systems are permitted accessory uses in all districts in which buildings are permitted.
- b. A land use permit is not required to install a rooftop solar energy system. In the Shoreland Districts, on lots of 30,000 square feet or less and on all riparian lots, rooftop solar energy systems shall be designed to blend into the building or roof design. On pitched roofs (with a slope greater than 15%) panels shall be flush-mounted and shall not extend above the peak of the roof.

1228.2 Ground-Mount Solar Energy Systems. The following standards apply to Ground-mount Solar Energy Systems:

- a. Ground-mount systems are permitted accessory uses in all districts in which buildings are permitted.
- b. Ground-mount systems require a land use permit and are subject to the accessory use standards for the district in which the system is located, including setback, height, and impervious surface coverage limits.
- c. In the Shoreland Districts, on lots of 30,000 square feet or less and on all riparian lots, ground-mount systems shall be located to limit visibility from the water in leaf-on conditions.

1228.3 Community Solar Energy Systems. The following standards apply to Community Solar Energy Systems that are rooftop or ground-mount solar energy systems:

- a. Rooftop Community Solar Energy Systems are permitted in all districts in which buildings are permitted, a land use permit is required.
- b. Ground-mount Community Solar Energy Systems are conditional uses in all districts.
- c. Prohibitions. Community Solar Energy Systems are prohibited:
 1. within areas designated as Shoreland districts by the Department of Natural Resources and the in Morrison County Zoning Ordinance

2. within 600 feet of areas designated or protected from development by Federal, State, or County agencies as wildlife habitat
3. within wetlands to the extent required by the Minnesota Wetlands Conservation Act, the Morrison County Wetlands Regulations, and the Morrison County Shoreland Standards.

- d. Interconnection. An interconnection agreement must be completed with an electric utility.
- e. In Shoreland zoning districts, rooftop community energy systems must comply with rooftop solar energy system standards for that district.

Standards f through i must be provided as part of a complete Conditional Use Permit application:

- f. Site Plan Required. A detailed site plan for both existing and proposed conditions must be submitted, showing the location of all areas where solar arrays are to be placed, existing and proposed structures, property line, surface water drainage patterns, floodplains, delineated wetlands, toe and top of bluffs, ordinary high-water mark and other protected natural resources, topography, electric equipment, and all other characteristics requested by the County.
- g. Natural Resource Impact Assessment. For Community Solar Energy Systems with a project size exceeding ten (10) acres, the applicant must provide a Natural Resource Impact Assessment. The assessment must include:
 1. An assessment that addresses impacts of the project (construction and maintenance phases) to natural resources, defined as natural vegetation, native plant communities, soils, surface waters, wetlands, wildlife and nongame species, and fisheries.
 2. A MN DNR Natural Heritage Information System (NHIS) review to determine if any records of rare species or rare natural resource features are located in proximity to the project. The NHIS Data Request form can be accessed on the DNR website at <http://www.dnr.state.mn.us/eco/nhnrp/nhis.html>.
 3. A Natural Resource Impact Mitigation Plan, if either the assessment or NHIS review identifies adverse impacts to natural resources. This plan should address the following areas:
 - a. Avoid – requires looking at alternatives
 - b. Minimize the impacts (project size, scope and configuration)
 - c. Rectify temporary impacts
 - d. Reduce or eliminate impacts over time (operational or otherwise)
 - e. Replace unavoidable significant (individually or cumulatively) impacts
- h. Aviation Analysis. The applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA. If the SGHAT indicates a completion of an Air Space Case Analysis (Form 7460), the applicant must complete the form and provide the results.
- i. Decommissioning Plan. A decommissioning plan shall be required for ground-mount systems to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet the provisions of the Morrison County Solid

Waste Ordinance. The Board may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure property decommissioning.

1228.4 Solar Farms The following standards apply to Solar Farms:

- a. Conditional Use. Solar farms are allowed within the Agriculture and Commercial zoning district and require a conditional use permit.
- b. Prohibitions. Solar Farms are prohibited:
 1. within areas designated as Shoreland districts by the Department of Natural Resources and the in Morrison County Zoning Ordinance
 2. within 600 feet of areas designated or protected from development by Federal, State, or County agencies as wildlife habitat
 3. within wetlands to the extent required by the Minnesota Wetlands Conservation Act, the Morrison County Wetlands Regulations, and the Morrison County Shoreland Standards.
- c. Interconnection. An interconnection agreement must be completed with an electric utility.
- d. Stormwater and Erosion Control. Solar farms are subject to stormwater management and erosion and sediment control best practices and NPDES permit requirements.
- e. Foundations. The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.
- f. Other standards and codes. All solar farms shall be in compliance with any applicable local, state and federal regulatory standards for solar energy systems.
- g. Power and communication lines. Power and communication lines that are not defined in this Ordinance as Essential Services and running between banks of solar panels and to electric substations or interconnections with buildings that are on adjacent parcels shall be buried underground. Exemptions may be granted by the Department in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or the distance to a substation reasonably precludes burial.

Standards h through k must be provided as part of a complete Conditional Use Permit Application:

- h. Site Plan Required. A detailed site plan for both existing and proposed conditions must be submitted, showing the location of all areas where solar arrays are to be placed, existing and proposed structures, property line, surface water drainage patterns, floodplains, delineated wetlands, toe and top of bluffs, ordinary high-water mark and other protected natural resources, topography, electric equipment, and all other characteristics requested by the County.
- i. Natural Resource Impact Assessment. For Solar Farms with a project size exceeding ten (10) acres, the applicant must provide a Natural Resource Impact Assessment. The assessment must include:
 1. An assessment that addresses impacts of the project (construction and maintenance phases) to natural resources, defined as natural vegetation, native plant

communities, soils, surface waters, wetlands, wildlife and nongame species, and fisheries.

2. A MN DNR Natural Heritage Information System (NHIS) review to determine if any records of rare species or rare natural resource features are located in proximity to the project. The NHIS Data Request form can be accessed on the DNR website at <http://www.dnr.state.mn.us/eco/nhnrp/nhis.html>.
3. A Natural Resource Impact Mitigation Plan, if either the assessment or NHIS review identifies adverse impacts to natural resources. This plan should address the following areas:
 - a. Avoid – requires looking at alternatives
 - b. Minimize the impacts (project size, scope, and configuration)
 - c. Rectify temporary impacts
 - d. Reduce or eliminate impacts over time (operational or otherwise)
 - e. Replace unavoidable significant (individually or cumulatively) impacts
- j. Aviation Analysis. The applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA. If the SGHAT indicates a completion of an Air Space Case Analysis (Form 7460), the applicant must complete the form and provide the results.
- k. Decommissioning Plan. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet the provisions of the Morrison County Solid Waste Ordinance. The Board may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure property decommissioning.

1228.5 General Solar Standards

In addition to the standards above, all solar energy systems shall comply with the following standards:

- a. Interconnection. All electric solar energy systems that are connected to the electric distribution or transmission system, either directly or through the existing service of the principal use on the site, shall obtain an interconnection agreement with the electric utility in whose service territory the system is located. Off-grid systems are exempt from this requirement.
- b. UL listing. Electric solar system components that are connected to a building electric system must have an Underwriters Laboratory (UL) listing.
- c. Electric Code. All Solar Energy Systems must comply with the Minnesota and National Electric Code.
- d. Impervious surface, solar collector. Within shoreland districts the collector surface of a ground-mount system is considered impervious surface, as is any foundation, compacted

soil, or other component of the solar installation that rests on the ground but is not under the collector surface.

- e. Reflector systems. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector that affects adjacent or nearby properties. Steps to minimize glare nuisance may include selective placement of the system, screening on the side of the solar array facing the reflectors, reducing use of the reflector system, or other remedies that limit glare. Community Solar Energy Systems and Solar Farms utilizing a reflector system shall conduct a glare study to identify the impacts of the system on occupied buildings and transportation rights-of-way within a half mile of the project boundary. The glare study shall also address aviation impacts.
- f. Height standards. Building- or roof- mounted solar systems shall not exceed the maximum allowed height in any zoning district, except that solar energy systems shall be restricted or allowed consistent with other rooftop mechanical devices for the zoning district in which the system is being installed. All ground-mount systems shall not exceed height limits for the district in which the collector is located when the solar collector is at its maximum (steepest) design tilt.
- g. Setbacks. All equipment and structures must comply with setback and coverage limitations for the zoning district in which the system is located.

1229. Nuisances

1229.1 Nuisance Characteristics. No noise, odors, vibrations, smoke, air pollution, liquid or solid wastes, heat, glare, dust, or other such adverse influences shall be permitted in any district that will in any way have an objectionable effect upon adjacent or nearby property. All wastes in all districts shall be disposed of in a manner that is not dangerous to public health and safety nor will damage public waste transmission or disposal facilities. These regulations shall not apply to normal farm operations nor to the operations of Camp Ripley.

1229.2 Noise, Air and Water Pollution. Notwithstanding anything contained herein to the contrary, the standards of the MPCA for noise (chapter 7030, or as amended), air quality or odor standards (chapter 7009, or as amended), and water pollution (chapter 7050, or as amended) shall be the standards applied in those areas.

1229.3 Vibration. The following vibrations are prohibited:

- a. Any vibration discernable (beyond the property line) to the human sense of feeling for three (3) minutes or more duration in anyone (1) hour.
- b. Any vibration resulting in any combination of amplitudes and frequencies beyond the "safe" range of the most current standards of the United States Bureau of Mines on any structure. These standards shall not apply to vibrations created during the process of construction.

1229.4 Public Health. The following are declared to be nuisances endangering public health and are prohibited:

- a. Causing or allowing the effluent from any cesspool, septic tank, drainfield or human disposal system to discharge upon the surface of the ground or dumping the contents

thereof at any place except as authorized by the MPCA (chapter 7080, or as amended).

- b. Causing or allowing the pollution of any public well or cistern, stream or lake, canal, or body of water by sewage, industrial waste, or other substances.
- c. Failing to dispose of carcasses of animals within twenty-four (24) hours after death.
- d. Any use operated so as to not to discharge across the boundaries of the lot or through evaporation into the atmosphere of 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, or welfare, or cause injury or damage to property or business.
- e. The ownership, possession or control of any unused refrigerator or other container, with doors which fasten automatically when closed, of sufficient size to retain any person, and which is exposed and accessible to the public, without removing the

1229.5 Refuse. In all districts, with the exception of agricultural uses, all waste material, debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.

1229.6 Inoperable Vehicles. Passenger vehicles and trucks in an inoperable state shall not be parked in any districts, except in a location authorized as a junkyard or enclosed building, for a period exceeding seven (7) consecutive days.

1229.7 Glare. Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible beyond any property line.

1229.8 Fumes or Gases. Fumes or gases shall not be emitted at any point in concentrations of amounts that are noxious, toxic, or corrosive. Detailed plans for the elimination of fumes or gases may be required before the issuance of a land use permit.

1230. Kennels

1230.1 Purpose. This section is intended to help enforce public health, safety, and welfare concerns for the general public and for the purpose of prohibiting nuisance, animal neglect, and containing the spread of diseases.

1230.2 Regulations.

- a. Kennels are allowed in the AG Zone with the issuance of an interim use permit.
- b. No dogs on the kennel site shall be debarked. No shock collars will be used to control barking.
- c. A cremation or rendering service must be used for the removal of dead animals. A dead animal box must be employed to shield the view of same from public view.
- d. If applicable, a USDA kennel license must be maintained at all times. The owner must be in compliance with all requirements at all times. If at any time the kennel owner is convicted of violating the license, the County Board may revoke the Interim Use Permit.

- e. If applicable, a Minnesota State kennel license must be maintained at all times. The owner must be in compliance with all requirements at all times. If at any time the kennel owner is convicted of violating the license, the County Board may revoke the Interim Use permit.
- f. The owner must be in compliance with all applicable federal, state and county statutes, rules and permit requirements at all times.

1230.3 Location and Kennel Structure Provisions.

- a. Kennels must be located on a lot containing a minimum of five (5) acres.
- b. Kennels or shelters and dog runs requires a minimum 100-foot setback from any property line and 500 feet from any pre-existing residence, except that of the kennel owner.
- c. Kennel structures will require a land use permit, if more than 120 square feet in size.
- d. Outdoor commercial kennel areas shall be fenced. Fencing shall consist of durable materials, with a minimum height of six (6') feet, and shall deter dogs from escaping over, under, or through fence materials.
- e. Supervision and monitoring of the site must be continuously maintained, either by having the owner or caretaker living on-site, or through electronic monitoring which, at a minimum, means monitoring for power outages, fire, and temperature.

1230.4 Information to be Submitted with Interim Use Permit.

- a. Specify the species and maximum number of animals that will be at the site.
- b. A statement that all animals at the property will have current vaccinations.
- c. Identify the location and size of all existing and proposed physical improvements, such as buildings, dog runs and/or outside exercise areas, parking area, and other physical improvements.
- d. A manure management plan.
- e. Information must be provided on how the owner will handle on-site kennel wash water. All kennel owners shall provide proper drainage for indoor and outdoor facilities, and which shall be maintained in a healthful manner. Show proposed surface drainage in relation to adjacent landowners and features.

1230.5 Conditions that may be considered to be placed on the Kennel development include, but are not limited to:

- a. Vegetative buffer strips to be used as noise barriers.
- b. Restriction on the number of permitted dogs.
- c. Restricted hours for the use of outside exercise areas.
- d. Location on-site of outdoor exercise areas.

- e. Records need to be kept on-site, or at an identified veterinarian office, and produced upon request.
- f. Area requirements for indoor exercise areas.

1231. Outdoor Wood Boilers

The use of an outdoor wood boiler within the RR, R, S districts must meet the following standards:

- a. Exhaust stacks shall be constructed and supported to a minimum height of twenty (20') feet, or, to a height that is one (1') foot higher than neighboring residential roofline peaks that are within 500' or less of the wood fired boiler, whichever option is most restrictive.
- b. A property owner shall secure a land use permit for placing a wood fired boiler on their lot.

1232. Cannabis Businesses (Cultivation, Delivery Service, Hemp, Manufacturing, Medical Combination, Mezzobusiness, Microbusiness, Testing Facility, Transport, Retail, Wholesale)

1232.1 Performance Standards and Interim Use Criteria

- a. Cannabis Businesses must comply with Minnesota Statutes, Chapter 342 and Minnesota Rules, Chapter 9810. Where conflicts exist between this Ordinance and related Statutes and Rules, the standards contained in the Statute and Rule will apply
- b. Said use shall not create odor, dust, noise, electrical disturbances, glare, or vibrations noticeable at or beyond the property line.
- c. Parking for employees and customers must be provided off-street.
- d. Signing of property shall comply with Section 1220 of this Ordinance.
- e. A septic system design for the anticipated flow and waste strength shall be provided prior to the issuance of land use permits. In the case of an existing septic system, a compliance inspection, along with a review of the anticipated flow and waste strength and certification that the system design is adequate, must be submitted prior to the issuance of land use permits.
- f. Cannabis businesses shall meet the following setbacks as measured in a straight line from the closest point of the property line of the parcel upon which the cannabis business is located to the property line of the uses below:

Use	Setback
School	1,000 feet
Day Care	500 feet
Residential Treatment Facility	500 feet
Attraction within a public park regularly used by minors, including a playground or athletic field	500 feet

- g. Outdoor display is prohibited. Outdoor display is an outdoor arrangement of objects, items, products or other materials typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, product or service.
- h. Outdoor storage of goods and hazardous materials is prohibited. Outdoor storage of equipment may be allowed. The storage area shall be fenced and adequately screened from adjacent land uses and public roadways.

- i. A copy of the business standard operating procedure must be submitted in accordance with Minnesota Rules, chapter 9810.1000
- j. A waste disposal plan shall be submitted to address storage, handling, use, and potential hazards according to Minnesota Rules, Chapter 9810.1200. Solid waste shall be stored, collected, transported, and disposed of in conformity with the Morrison County Solid Waste Ordinance and Industrial Waste Management Plan.
- k. A security and lighting plan must be submitted in accordance with Minnesota Rules, chapter 9810.1500
- l. A plan for proper ventilation and filtration for odor control must be submitted in accordance with Minnesota Rules, chapter 9810
- m. A cultivator must indicate in its cultivation plan whether it plans to cultivate indoors or outdoors. Cultivation plans must comply with Minnesota Rules, chapter 9810.200, subp 3
- n. An outdoor cultivation area must be securely surrounded by fencing and locked gates on the entire perimeter, to prevent access to the area by unauthorized persons set forth in Minnesota Rules, chapter 9810.1500, subp. 15
- o. Delivery Services and Transport Businesses are limited to a maximum of five vehicles
- p. Microbusiness and Mezzobusinesses shall have a cultivation and manufacturing endorsement

1233 . Biofuel Plant - Manure

1233.1 Performance Standards and Interim Use Criteria

- a. The Biofuel Plant must be located on the same property as the registered feedlot that supplies the manure feedstock and must exclusively serve that feedlot. Acceptance/processing of manure generated from another feedlot is prohibited.
- b. Biofuel Plants must comply with all applicable Federal and State laws for biomass conversion facilities.
- c. The Biofuel Plant must be capable of connecting to an existing pipeline. Other transportation of fuels is prohibited.
- d. Said use shall not create odor, dust, noise, electrical disturbances, glare, or vibrations noticeable at or beyond the property line.
- e. Biofuel Plants shall meet the following setbacks:

Feature	Setback
Non-Feedlot Residence	1,000 feet
Property Line	200 feet
Road Right-of-Way	200 feet
Protected Water	300 feet
Wetland	50 feet

- f. A copy of the following items shall be submitted with the Interim Use Permit application:
 - a. Standard operating procedure
 - b. Emergency/Fire response plan
 - c. Copy of notice and provision of application, facility information, and emergency/fire response plan to the responding fire department
 - d. Manure storage plan
 - e. Security and lighting plan
 - f. Pipeline Interconnection Agreement
 - g. Updated manure management plan that includes and incorporates digestate manure nutrient values

1300. SANITARY SYSTEM AND WATER WELL STANDARDS

1301 Sanitary System Standards

1301.1 PURPOSE AND AUTHORITY

The purpose of the Sanitary System Standard section shall be to provide minimum standards for and regulation of Individual Sewage Treatment Systems (ISTS) and Midsized Sewage Treatment Systems (MSTS), collectively called Subsurface Sewage Treatment Systems (SSTS) and sewage disposal including the proper location, design, and construction; their necessary modification and reconstruction; their operation, maintenance, and repair to protect surface water and groundwater from contamination by human sewage and waterborne household and commercial wastes; to protect the public's health and safety, and eliminate or prevent the development of public nuisances pursuant to the authority granted under Minnesota Statutes sections 115.55, 145A.05, 375.51, 394.21-394.37, and 471.82, the County Comprehensive Plan and the County Land Use Control Ordinance.

1301.2 INTENT

It is intended by the County that this Section will promote the following:

- a. The protection of lakes, rivers and streams, wetlands, and groundwater in Morrison County essential to the promotion of public health, safety, welfare, socioeconomic growth, and development of the County.
- b. The regulation of proper SSTS construction, reconstruction, repair, and maintenance to prevent the entry and migration of contaminants, thereby protecting surface water and groundwater quality.
- c. The establishment of minimum standards for SSTS placement, design, construction, reconstruction, repair, and maintenance to prevent contamination and, if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration.
- d. Appropriate management of sewage that results from hand-carried water.

1301.3 JURISDICTION

The jurisdiction of this Section shall include all lands of the County except for incorporated areas that administer an SSTS program by Ordinance within their incorporated jurisdiction, which is at least as strict as this Section.

1301.4 EFFECTIVE DATE

The provisions set forth in this Section shall become effective on June 1, 2024.

1301.5 SCOPE

This Section regulates the siting, design, installation, alterations, operation, maintenance, monitoring, and management of all SSTS within the County's applicable jurisdiction. All sewage generated in unsewered areas of the County shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated, and maintained in accordance with the provisions of this Section or by a system that has been permitted by the Minnesota Pollution Control Agency (MPCA).

1301.6 COUNTY ADMINISTRATION

- A. The Morrison County Land Services Department shall administer the SSTS program and all provisions of this Section.
- B. County Duties and Responsibilities shall include but not be limited to the following:
 1. Review all applications for SSTS
 2. Issue all permits required in this Section
 3. Inspect all work regulated in this Section
 4. Investigate all complaints regarding SSTS
 5. Issue Certificates of Compliance or Notices of Noncompliance on new and replacement SSTS
 6. Enact enforcement provisions of this Section as necessary
 7. Refer unresolved violations of this Section to the County Attorney
 8. Maintain current records for each SSTS including all site evaluation documents, design documents, inspection documents, and other applicable documents.
 9. The County shall employ a Qualified Employee or retain under contract qualified and appropriately certified and licensed professionals to administer and operate the SSTS program.
 10. Submit annual reports to MPCA as required

1301.7 STATE ADMINISTRATION

Per Minnesota Rules Chapter 7081.0040 subpart 1, item B, the owner or owners of a single SSTS or a group of SSTS under common ownership must obtain a SDS permit from the MPCA according to Minnesota Rules Chapter 7001 when all or part of proposed or existing soil dispersal components are within one-half mile of each other and the combined flow from all proposed and existing SSTS is greater than 10,000 gallons per day.

1301.8 CITIES AND TOWNSHIPS ADMINISTRATION

Any jurisdiction within the County that regulates SSTS must comply with the standards and requirements of this Ordinance. The standards and ordinance of the jurisdiction may be administratively and technically more restrictive than this Ordinance.

1301.9 LIABILITY

Any liability or responsibility shall not be imposed upon the Department or agency or any of its officials, employees, or other contract agent, its employees, agents, or servants thereof for damage resulting from the defective construction, operation, or abandonment of any SSTS regulated under this Section by reason of standards, requirements, or inspections authorized hereunder.

1301.10 ALL SSTS

Except as explicitly set forth in Article 1301.11 of this Section, all provisions of this Section shall apply to any SSTS regardless of the date it was originally permitted.

1301.11 EXISTING PERMITS

Unexpired permits which were issued prior to the effective date of this Section shall remain valid under the terms and conditions of the original permit until the original expiration date or until a change in system design, whichever is earlier.

1301.12 SSTS ON LOTS CREATED AFTER JANUARY 23, 1996

All lots created after January 23, 1996, must have a minimum of two soil treatment and dispersal areas that can support Type I systems as described in Minnesota Rules Chapter 7080.2200 to 7080.2230 or site conditions described in part 7081.0270, subparts 3 to 7, as applicable.

1301.13 UPGRADE, REPAIR, REPLACEMENT AND ABANDONMENT

A. Failure to Protect Groundwater

An SSTS that is determined not to be protective of groundwater in accordance with Minnesota Rules Chapter 7080.1500, subpart 4, item B. shall be upgraded, repaired, replaced, or abandoned by the owner in accordance with the provisions of this Article within 12 months from the date of issuance of a Notice of Noncompliance.

B. Imminent Threat to Public Health or Safety

An SSTS posing an imminent threat to public health or safety in accordance with Minnesota Rules Chapter 7080.1500, subpart 4 item A. shall be pumped within seven (7) days of receipt of a letter from the County. It shall be temporarily managed as a holding tank, when deemed appropriate by the Department. Said SSTS shall be upgraded, repaired, replaced, or abandoned by the owner in accordance with the provisions of this Section within 10 months from the date of issuance of a Notice of Noncompliance.

C. Abandonment

Any SSTS, or any component thereof, which is no longer intended to be used must be abandoned in accordance with Minnesota Rules Chapter 7080.2500.

1301.14 SSTS IN FLOODPLAINS

SSTS shall not be located in a floodway and, wherever possible, location within any part of a floodplain should be avoided. If no option exists to locate an SSTS outside of a floodplain, location within the flood fringe is allowed if the requirements in Minnesota Rules Chapter 7080.2270 and all relevant local requirements are met.

1301.15 CLASS V INJECTION WELLS

All owners of new or replacement Class V injection wells, as defined in the Code of Federal Regulations, title 40, part 144, are required by the Federal Government to submit Underground Injection Control (UIC) Inventory information to the Environmental Protection Agency (EPA) and to the MPCA as described in CFR40 part 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures.

1301.16 SSTS PRACTITIONER LICENSING

- A. No person shall engage in site evaluation, inspection, design, installation, construction, operation, alteration, extension, repair, maintenance, or pumping of SSTS without an appropriate and valid license issued by MPCA in accordance with Minnesota Rules Chapter 7083 except as exempted in 7083.0700.
- B. A MPCA license is not required of an individual who is constructing an SSTS on land that is owned by the individual and functions solely as a dwelling for that individual pursuant to Minnesota Rules Chapter 7083.0700. Installation of the system shall be based upon a design by a licensed designer. The system shall be inspected before it is covered and a 24 hour notification to the Department for inspection is required.

1301.17 PROHIBITIONS

A. Occupancy or Use of a Building without a Compliant SSTS

It is unlawful for any person to maintain, occupy, or use any plumbed building or building intended for habitation that is not provided with a wastewater treatment system that provides treatment via an MPCA permitted facility or a system designed under Minnesota Rules Chapters 7080 and 7081 standards as adopted by this Ordinance.

B. Sewage Discharge to Ground Surface or Surface Water

It is unlawful for any person to construct, maintain, or use any SSTS regulated under this Ordinance that results in raw or partially-treated wastewater seeping to the ground surface or flowing into any surface water. Any surface discharging system must be permitted under the National Pollutant Discharge Elimination System (NPDES) program by the MPCA.

C. Sewage Discharge to a Well or Boring

It is unlawful for any person to discharge raw or treated wastewater into any well or boring as described in Minnesota Rules Chapter 4725.2050, or any other excavation in the ground that is not in compliance with this Ordinance.

D. Discharge of Hazardous or Deleterious Materials

It is unlawful for any person to discharge into any treatment system regulated under this Ordinance any hazardous or deleterious material that adversely affects the treatment or dispersal performance of the system or groundwater quality, per Minnesota Rules Chapter 7080.1550, subpart 2, item A.

1301.18 STANDARDS ADOPTED BY REFERENCE

A. Adoption of Rule by Reference

1. The County hereby adopts by reference the provisions of Minnesota Rules Chapters 7080–7083 in their entirety.
2. Unless otherwise defined within this Ordinance, the County hereby adopts Minnesota Rules Chapters 7080.1100, 7081.0020, 7082.0020, and 7083.0020 for definitions relating to this Section.

1301.19 DIFFERENCES IN STANDARDS

A. List of Different Adopted Standards

1. Compliance Inspections shall be required when any of the following conditions occur:
 - a) When applying for a Land Use Permit for a dwelling or dwelling addition, construction or expansion of a commercial structure, or any structure as defined in Section 200 within the Shoreland zoning district, and the existing Certificate of Compliance is no longer valid.
 - b) The transfer of any real property at time of conveyance and the existing Certificate of Compliance is no longer valid.
 - c) At any time as required by this Ordinance or the Department deems appropriate, such as upon receipt of a complaint or other notice of malfunction.
2. SSTS must meet structure setbacks to all accessory structures as defined in Section 200 of this Ordinance, excepting those under 120 square feet in size and open-air unroofed decks provided they do not interfere with the construction, operation, or maintenance of the SSTS.
3. No SSTS tank or soil treatment area component shall be located beneath a structure of any size.

4. Compliance Inspections of existing SSTS shall include a site map drawn to scale or dimension with a north arrow that shows, at minimum, the size and location of all SSTS components in relation to all structures, property lines, adjacent roads, water bodies, and wells.
5. Sewage tanks may be allowed to be buried to the tank's maximum burial depth as indicated by its manufacturer in new and replacement installations, per Minnesota Rules Chapter 7080.2000 item C.
6. All unfinished basements in dwellings shall be counted as one bedroom, at minimum, for the purposes of determining design flow.

1301.20 COMPLIANCE CRITERIA FOR EXISTING SSTS

SSTS built before April 1, 1996, outside of areas designated as "SWF" – Systems in shoreland areas, wellhead protection areas, or systems serving food, beverage, or lodging establishments - must have at least two feet of vertical separation between the distribution medium and the periodically saturated soil level or bedrock.

1301.21 [Reserved for future use.]

1301.22 HOLDING TANKS

- a) Holding tanks may be allowed for the following applications:
 1. As a temporary solution for existing noncompliant SSTS until brought into compliance
 2. On lots with limitations that will not allow for the installation of a soil treatment area, as determined by a certified and licensed designer and approved by the County
 3. Dwellings that are seasonal (used fewer than 180 days per calendar year and fewer than 120 consecutive days) in nature
 4. Accessory structures, with allowed plumbed facilities, that will not produce a flow of more than 200 gallons per day
 5. Other uses that will not produce a flow of more than 200 gallons per day and approved by the County
- b) The property owner must sign a form provided by the Department certifying that the structure meets at least one of the criteria in 1301.22, item A and that the sewage will be properly disposed of. If at some time the criteria in 1301.22, item A are no longer met, then a soil dispersal system must be installed.
- c) All holding tanks shall have a minimum capacity of 1500 gallons or 400 gallons per bedroom, whichever is greater.
- d) A monitoring and disposal contract signed by the owner and a licensed maintainer must be submitted before a permit is issued. The contract must guarantee the removal of the tank contents prior to overflow or any discharge to the ground surface or backup into the home and be submitted as part of the permit application.
- e) Property owners with holding tanks shall retain records of all pumping and shall submit pumping records or other evidence to show that the system is being properly maintained when requested by the Department.
- f) Holding tanks will not be approved for short-term rental properties unless they meet the criteria in Section 1301.22, subpart A, item 2.

1301.23 VARIANCE REQUESTS

A property owner may request a variance from the standards as specified in this Section pursuant to Section 500 of this Ordinance.

1301.24 STATE AGENCY VARIANCE REQUESTS

Variances that pertain to the standards and requirements of the State of Minnesota must be approved by the affected State Agency pursuant to the requirements of the State Agency. No permits will be issued by the County until all required State Agency variances have been approved.

1301.25 PERMIT AND DESIGN REQUIREMENTS

A. Activities Not Requiring a Land Use Permit

A land use permit is not required for portable self-contained toilets, minor repairs or replacements of system components that do not alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system design, layout, or function. Examples include, but are not limited to, rejuvenation and remediation of existing SSTS, pumps, baffles, and effluent screens or filters.

B. Activities Requiring a Land Use Permit

A land use permit shall be obtained by the property owner or an agent of the property owner from the County prior to the installation, construction, replacement, modification, alteration, or capacity expansion of an SSTS. It is unlawful for any person to construct, install, modify or replace an SSTS without the appropriate permit from the Department including repair or replacement of components that will alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function. The issuing of any permit, variance, or conditional use under the provisions of this Ordinance shall not absolve the applicant of responsibility to obtain any other required permit.

C. Soil Verification for SSTS Designs

A soil verification, as described in Minnesota Rules Chapter 7082.0500, subpart 3, item A, and 7082.0700, subpart 4, item B (2); or successor rules, shall be conducted as follows:

- a) Soil verification shall be conducted by a Qualified Employee, or a qualified contract inspector hired by the County for all new and replacement SSTS designs and installations.
- b) Soil verifications must be completed prior to the submission of a design. Designers shall arrange a meeting time with the Department to meet at the site and complete the soil verification. A 24-hour notice by the contractor to the Department is required. Other accommodations will be considered on an as-needed basis, subject to Department approval.
- c) Soil pits are the preferred method of observation, with appropriate access into and out of the pit provided by the contractor. If soil pits cannot be provided, then manual augering of soil samples may be allowed. Other accommodations will be considered on an as-needed basis, with extended completion timeframes subject to Department availability.
- d) Upon completion of soil verifications, a copy of the verification form will be given to the designer and a copy retained by the Department. The verification form shall be submitted as part of the SSTS design for permit review. If the verification form does not accompany the design submittal, and the Department copy cannot be located, the design will not be accepted.

- e) A fee established by resolution of the County Board of Commissioners for the soil verification will be charged in addition to the cost of the SSTS Construction Permit application fee. Multiple verification fees shall be charged for multiple trips to a single site if the multiple verifications occur due to system relocations, contractor changes, or other conditions caused by the property owner or authorized representative.
- f) The designer is responsible for all utility locates, time arrangements, and actual excavation activities.
- g) All property owners shall verify all portions of any SSTS placement, design or construction meet or exceed the specified setbacks as listed in this Ordinance.

D. Design Requirements

- a) For all new and replacement SSTS designs submitted to the Department for review, documentation shall be provided on the most current SSTS Professional Worksheets and Forms made available through the University of Minnesota Onsite Sewage Treatment Program (OSTP) or other forms approved by the County. All plans must be clear, legible, and include all pertinent design information as required in Minnesota Rules Chapter 7080. The Department may reject any design that does not meet the applicable requirements of Minnesota Rules Chapter 7080 or County requirements.
- b) For sizing of soil treatment and dispersal systems, loading rates must be determined by Minnesota Rules Chapter 7080.2150, subpart 3, item E, Tables IX or IXa.
- c) All new and replacement SSTS must have a relative benchmark. A written description of the benchmark must be submitted to the Department as part of the design.
- d) At least one cleanout at or above finished grade shall be installed between the structure and the septic tank with additional clean outs at intervals not more than 100 feet.
- e) All unfinished basements in dwellings shall be counted as one bedroom, at minimum, for the purposes of determining design flow.
- f) For SSTS designs for property within any municipality with a municipal sewage system, written authorization from the municipality shall accompany the submitted design.

E. Permit Requirements

Land Use Permit applications shall be made on forms provided by the Department and signed by the applicant or applicant's agent. All applications shall include the information and documents listed in items 1 through 5 below:

1. Name of property owner, applicant name, mailing address, telephone number, and email address.
2. Property Identification Number, property address and legal description of property location.
3. Site Evaluation and Design Report as described in Minnesota Rules Chapter 7080.
4. A management plan for systems defined in Minnesota Rules Chapter 7080.1100, subparts 51 and 66.
5. If applicable, a copy of recorded written permission from a Township Board allowing any portion of an SSTS or building sewer connection to be placed within or across a township road right of way or drainage/utility easement.

F. Application Review and Response

The Department shall review a permit application and supporting documents according to Section 500 of this Ordinance.

1. In the event a significant change is proposed to an approved application, the applicant or agent must file an amended design detailing the changed conditions for approval prior to initiating or continuing construction, modification, or operation. The proposed changes must be approved by the signature of the licensed designer who completed the original design, or a new design must be submitted by a different certified designer.

G. Appeal

The applicant may appeal any decision of the Department in accordance with Section 500 of this Ordinance.

H. Permit Expiration

1. A Land Use Permit for an SSTS is valid for a period of no more than two (2) years from its date of issuance.
2. Satisfactory completion of construction shall be determined by as-built drawings and a signed certification that the construction and installation of the system was completed in reasonable conformance with the approved design documents by a Qualified Employee of the Department or a licensed inspection business, which is authorized by the Department and independent of the owner and the SSTS installer.

I. Transferability

A Land Use Permit may be transferred to a new owner provided there are no proposed changes to the SSTS design and it is not expired.

J. Suspension or Revocation

The Department may suspend or revoke a Land Use Permit issued under this Section for any false statements, misrepresentations of facts on which the Land Use Permit was issued, or unauthorized changes to the system design. A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the permit holder. If suspended or revoked, installation or modification of a treatment system may not commence or continue until a valid Land Use Permit is obtained.

K. SSTS Assessment Requirements

For those SSTS without a management plan or operating permit according to the provisions of this Section, the following provisions apply:

1. The owner of an SSTS or the owner's agent shall regularly, but in no case less frequently than every three (3) years, assess whether sewage tanks leak below the designed operating depth and whether sewage tank tops, riser joints, and riser connections leak through visual evidence of major defects and measure or remove the accumulations of scum, grease, and other floating materials at the top of each septic tank and compartment, along with the sludge, which consists of the solids denser than water.
2. All solids and liquids must be removed by pumping from all tanks or compartments in which the top of the sludge layer is less than 12 inches from the bottom of the outlet baffle or transfer hole or whenever the bottom of the scum layer is less than three inches above the bottom of the outlet baffle or transfer hole. Total sludge and scum volume must

not be greater than 25 percent of the tank's liquid capacity. Removal of accumulated sludge, scum, and liquids from septic tanks and pump tanks must be through the maintenance hole. The removal of solids from any location other than the maintenance hole is not a compliant method of solids removal from a sewage tank, and this method does not fulfill the solids removal requirement of this part or a management plan. Liquid and solids removal from clean-out pipes is allowed for holding tanks.

1301.26 OPERATING PERMIT

- A. An Operating Permit shall be required for the following SSTS:
 1. Type IV and Type V SSTS.
 2. MSTS designed under Minnesota Rules Chapter 7081.
- B. Operating Permits shall be a signed agreement between the Department and the property owner and shall include monitoring, performance, mitigation, and reporting requirements.
- C. Operating Permits shall be valid for the specific term stated on the permit as determined by the Department.
- D. An Operating Permit must be renewed prior to its expiration. If not renewed, the Department may require the system to be removed from service or operated as a holding tank until the permit is renewed. If not renewed within 90 calendar days of the expiration date, the Department may require that the system be abandoned in accordance with Section 1301.13 C of this Ordinance.
- E. Operating Permits do not transfer to new property owners. New owners shall apply for an operating permit in accordance with Section 1301.26 of this Ordinance. The Department shall not terminate the current permit until 90 calendar days after the date of sale unless an imminent threat to public health and safety exists. To consider the new owner's application, the Department may require a Compliance Inspection of the treatment system certified by a licensed inspector or Qualified Employee.
- F. A report shall be prepared and certified by the licensed service provider. The report shall be submitted to the Department on a form provided by the Department on or before the compliance reporting date stipulated in the operating permit as required. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described in the operating permit.
- G. The Department may suspend or revoke any operating permit issued under this Section for any false statements or misrepresentations of facts on which the operating permit was issued.
- H. If suspended or revoked, the Department may require that the treatment system be removed from service, operated as a holding tank, or abandoned.
- I. At the Department's discretion, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

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 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. 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. At the Department's discretion, 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, 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.

B. New Construction or Replacement

1. New installation inspections must be performed on new or replacement SSTS to determine compliance with Minnesota Rules Chapters 7080 through 7083 and according to this Section. 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 installer to notify the Department 24 hours prior to the installation inspection.
3. If the owner or installer provides proper notice and the Department does not provide an inspection within one (1) 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 Section within five (5) working days of the installation.
4. A Certificate of Compliance for new SSTS construction or replacement shall be issued by the Department within 15 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 Compliance 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 Compliance has been issued.
7. Certificates of Compliance for new construction or replacement shall remain valid for (5) five years from the date of issuance unless the Department finds evidence of noncompliance.

C. Existing Systems

1. Compliance Inspections shall be required when any of the following conditions occur:
 - a) When applying for a Land Use Permit for a dwelling or dwelling addition, construction or expansion of a commercial structure, or any structure as defined in Section 200

within the shoreland zoning district, and the existing Certificate of Compliance is no longer valid. b) The transfer of any real property at time of conveyance and the existing Certificate of Compliance is no longer valid c) At any time as required by this Ordinance or the Department deems appropriate such as upon receipt of a complaint or other notice of a system malfunction.

2. Compliance Inspections of existing SSTS shall be reported on the most up to date inspection report forms provided by MPCA. Existing SSTS must be assessed for compliance in accordance with Minnesota Rules Chapters 7080 to 7083.
 - a) New soil boring logs shall contain a profile of depths indicating soil texture, matrix color, mottle color(s), redoximorphic indicators, and rock fragment percentage. Any Compliance Inspection submitted to the Department not meeting these criteria and Minnesota Rules Chapter 7082.0700 subpart 4 may be rejected by the Department and returned to the inspector.
 - b) Compliance Inspections of existing SSTS shall include a site map drawn to scale or dimension with a north arrow that shows, at minimum, the size and location of SSTS components in relation to all structures, property lines, adjacent roads, water bodies, and wells.
3. The Certificate of Compliance or Notice of Noncompliance must be submitted to both the Department and to the owner or owner's agent no later than 15 calendar days after the date the inspection was performed.
4. Certificates of Compliance for existing SSTS shall remain valid for three (3) years from the date of issuance unless the Department finds evidence of noncompliance.
5. Morrison County may conduct a systematic on-site inspection program including all properties where adequate record of conformances does not exist, identifying noncompliant systems and requiring reconstruction when appropriate.

D. Transfer of Property

1. At time of transfer, all real property with an SSTS must have a current Compliance Inspection or a signed Winter Agreement according to Section 1301.27 on file with the Department.
2. If item 1. is not met at time of transfer, the owner of record shall be responsible for the necessary inspection and any upgrading of said SSTS.

E. Vertical Separation Reduction

Minnesota Rules Chapter 7080.1500, subpart 4, item D is hereby adopted allowing a 15 percent reduction in vertical separation distance for settling of sand or soil, normal variation of measurements and interpretations of the limiting layer for existing SSTS. This provision does not apply to Section 1301.20.

1301.28 ENFORCEMENT

Enforcement of this Section shall follow the standards in Section 509 of this Ordinance.

1301.29 STATE NOTIFICATION OF VIOLATION

The Department shall notify the MPCA of any straight pipe discharges, inspection, installation, design, construction, alteration, or repair of an SSTS or any septic removal that is performed in violation of the provisions of this Ordinance.

1301.30 RECORD KEEPING

The County shall maintain a current record of all SSTS. The record shall contain all permit applications, issued permits, fees assessed, Variance requests, Certificates of Compliance, Notices of Noncompliance, enforcement proceedings, site evaluation reports, design reports, record drawings, management plans, maintenance reports, operating permits, an annual list of all sewage tanks installed in the county sorted by licensed installation businesses, and other records relevant to each system.

1301.31 ANNUAL REPORT

The Department shall provide an annual report of SSTS permitting activities to MPCA for the previous calendar year.

1301.32 FEES

From time to time, the County Board shall establish fees for activities undertaken by the Department pursuant to this Ordinance. Fees shall be due and payable at a time and in a manner to be determined by the Department.

1301.33 DISPUTE RESOLUTION

Resolution of disputes between SSTS Certified Individuals regarding conflicting compliance inspections, determination of periodically saturated soils and other technical issues shall follow Minnesota Rules Chapter 7082.0700, subpart 5.

1301.34 SEPTIC SYSTEM SETBACKS

	Setback to sewage tank(s)	Setback to Soil Treatment Area (STA), including absorption area
All public roads	10 feet from right-of-way	10 feet from right-of-way
Private roads	10 feet from edge of roadway	10 feet from edge of roadway
Property lines (without road frontage)	10 feet	10 feet
Structures	10 feet	20 feet
Accessory Structures ≤ 120 square feet & open aired decks	NA*	NA*
Non-sensitive water supply well	50 feet	50 feet
Sensitive water supply well	50 feet	100 feet
Wetlands	25 feet	25 feet
Wetlands, Protected	75 feet	75 feet
General Development Lakes**	50 feet	50 feet

Recreational Development Lakes**	75 feet	75 feet
Natural Environment Lakes & Rivers**	150 feet	150 feet
Forested & Transition Rivers**	100 feet	100 feet
Agriculture & Tributary Rivers**	75 feet	75 feet
Mississippi River**	125 feet	125 feet

* must comply with Section 1301.19, subpart A, item 2, and no part of any system component shall be located beneath a structure

** measured to the Ordinary High-Water Level (OHWL) as determined by the MN Department of Natural Resources

1302 Water Well Standards

Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health (Minnesota Rules, Chapters 4720 and 4725).

1400. ADULT USE

1401 **Definitions:** For the purposes of this section, the following words shall have the following meanings:

1401.1 **Adult Uses:** Adult bookstore, adult motion picture theatre, adult mini-motion picture theatre, adult health club/sport club/massage parlor, adult sauna/steam room/bathhouse facility, adult health/sport club, adult companionship/conversation/rap establishment, adult cabaret, adult novelty business, adult motion picture arcade, adult modeling studio, adult body painting studio and other premises, enterprises, establishments, businesses or places open to some or all members of the public and membership clubs at or in which there is an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas".

Activities classified as obscene as defined by Minnesota Statutes 617.241; or successor statutes, are not included in the definitions of adult uses.

1401.2. Live on-Site means

The presentation, display, depiction, or description of specified sexual activities or specified anatomical areas by a *performer* on the premises of an adult use, including but not limited to:

a. **Adult Body Painting Studio means:**

An establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude or the application of paint or other substance by a patron to the body of another person.

b. **Adult Cabaret means:**

A building or portion of a building which provides exotic dancing, striptease, or other live entertainment, if such building or portion of a building excludes minors by reason of age or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction, or description of, including, "specified sexual activities" or "specified anatomical areas".

c. **Adult Companionship/Conversation/Rap Establishment means:**

A companionship/conversation/rap establishment which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

d. **Adult Health Club/Sport Club/Massage Parlor means:**

A health club, sport club or massage parlor that excludes or restricts minors by reason of age, or that provides services distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

e. **Adult Modeling Studio means:**

An establishment whose business is the provision to customers of figure models who are provided with the intent of giving sexual stimulation or sexual gratification to customers and who engage in "specified sexual activities" or display "specified anatomical areas" while being observed, painted, painted upon, sketched, drawn, sculptured, photographed or otherwise depicted by such customers.

f. Adult Sauna/Steam Room/Bathhouse Facility means:

A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing which utilizes steam or hot air as a cleaning, relaxing, or reducing agent, if the service provided by the sauna/steam room/bathhouse facility is distinguished or characterized by an emphasis on, "specified sexual activities" or "specified anatomical areas".

1401.3 Media on Site means:

The presentation, display, depiction, or description of specified sexual activities or specified anatomical areas by means of printed materials, drawings, sketches, paintings, cartoons, movies, videos, computer generated images, or other visual or auditory devices or toys, for use on the adult use premises, including but not limited to:

a. Adult Mini-Motion Picture Theatre means:

A building or portion of a building with a capacity for less than 50 persons used for presenting still or motion pictures if such building or portion of a building excludes minors by reason of age, or if such pictures are distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

b. Adult Motion Picture Arcade means:

A building or portion of a building wherein coin or slug-operated or electronically, electrically, or mechanically controlled or operated still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas".

c. Adult Motion Picture Theatre means:

A building or portion of a building with a capacity of 50 or more persons used for presenting still or motion pictures if such building or portion of a building excludes minors by reason of age or if such pictures are distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

1401.4 Media off Site means:

The presentation, display, depiction, or description of specified sexual activities or specified anatomical areas by means of toys, devices, printed materials, drawings, sketches, paintings, cartoons, movies, videos, computer generated images, or other visual or auditory devices for use at a location other than the adult use premises including but not limited to:

a. Adult Bookstore means:

A building or portion of a building used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tapes, videotapes, motion picture films, digital video discs, compact discs or other computer generated images, if such building or portion of a building excludes minors by reason of age or if a substantial or significant portion of the items bartered, rented or sold are distinguished or characterized by an emphasis on the depiction of description of "specified sexual activities" or "specified anatomical areas".

b. Adult Novelty Business means:

A building or portion of a building used for the barter, rental or sale of toys, instruments, devices, clothing, or paraphernalia designed or used in connection with the presentation, display depiction, or description of specified anatomical areas or specified sexual activities.

1401.5 Educational Institution means:

A premises or site upon which there is an institution of learning for minors, whether public or private, which conducts regular classes and/or courses of study. The term "educational institution" includes a premises or site upon which there is a nursery school, kindergarten, elementary school, junior high school, senior high school, vocational school, or college.

1401.6 License means:

Permission granted by Morrison County to operate a business or commercial enterprise where there is an emphasis on the presentation, display, depiction, or description of specified anatomical areas or specified sexual activities.

1401.7 Licensed Family Day Care, Licensed Group Family Day Care, Licensed Child Care Center means:

A facility holding a license from Morrison County or Minnesota pursuant to Minnesota Statutes, Chapter 245A and/or Minnesota Rules, Chapter 9502 or Chapter 9503, as amended.

1401.8 Licensed Premises means:

That physical area of a sexually oriented business devoted to uses or activities which emphasize the presentation, display, depiction, or description of specified anatomical areas or specified sexual activities, which is required to be licensed under the Morrison County Ordinance Regulating Sexual Oriented Businesses and which is specifically identified in the license granted to the Sexually Oriented Business.

1401.9 Minor means:

Any natural person under the age of eighteen (18) years.

1401.10 Performer means:

A performer is any individual including, but not limited to, employees, independent contractors, and patrons of the sexually oriented business, who personally presents, displays, depicts, or describes specified sexual activities or specified anatomical areas.

1401.11 Permit means:

A land use permit required as a prerequisite to the establishment of certain uses in certain zoning districts.

1401.12 Presentation means:

The display, depiction, or description of specified sexual activities or specified anatomical areas.

1401.13 Public Park means:

A park, reservation, open space, playground, beach or recreation or community center in the County owned, leased, or used wholly or in part by a city, county, state, school district, or federal government for recreational, educational, or environmental purposes.

1401.14 Place of Worship means: A building or space that is used as a place where people of the same faith or religion regularly assemble for worship.

1401.15 Specified Anatomical Areas means:

- a. Less than completely and opaquely covered human genitals, pubic region, buttock, anus or female breast(s) below a point immediately above the top of the areola.
- b. Exposed or opaquely covered human male genitals in a discernibly turgid state.

1401.16 Specified Sexual Activities: means

- a. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation or fondling of unclothed genitals, pubic region, buttock, or female breast, flagellation, or torture in a sexual relationship, and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, sodomy, zooerasty; or
- b. Presentation, display, depiction, or description of human genitals in the state of sexual stimulation, arousal, or tumescence; or
- c. Use or acts of human or animal ejaculation, sexual intercourse, sodomy, oral copulation, coitus, or masturbation; or
- d. Fondling or touching of human genitals, pubic regions or pubic hair, buttocks, or female breasts; or
- e. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical restraint of any such person; or
- f. Erotic or lewd touching, fondling or other sexual oriented contact with an animal by a human being; or
- g. Human excretion, urination, menstruation, vaginal or anal irrigation; or any combination of the above.

1402. Permit Application Requirements

1402.1 Permit Required: No person, firm or corporation shall operate or allow the operation of an Adult Use or a Sexually Oriented Business on property under the person's ownership or control without a valid "sexually oriented business" license issued by Morrison County pursuant to the Morrison County Ordinance Regulating Sexually Oriented Businesses and an adult use permit as required by this section. This requirement is in addition to other permits required by this ordinance.

1402.2 Applications: The applicant for an adult use land use permit shall complete an application on a form provided by the county. This application shall include:

- a. The name, address of owner, parcel number, phone number and birth date of the applicant, if an individual; and, if a corporation, partnership, LLC, or similar entity, the names, residences, phone numbers and birth dates of those owners holding more than twenty (20) percent of the issued and outstanding stock of the corporation or ownership interest in a partnership, LLC, or similar entity.
- b. A detailed floor plan, drawn to scale, showing the type of activities which will be conducted in each area of the sexually oriented business, the design of performance or display areas, seating areas, restrooms, service areas, and nonpublic areas.
- c. A Sanitary System design that meets the requirements of Section 1301 of this ordinance, those Sanitary System requirements identified in any Morrison County Public Health ordinances and those included in Chapter 7080, MN Pollution Control Agency, Individual Sewage Treatment Systems Program.

1403. Changes in Design or Use

- 1403.1 If an applicant makes any changes in the proposed design or use of the property, or any other changes to the information submitted in the application, before an adult land use permit is issued, the applicant shall submit the proposed changes in writing to the Morrison County Zoning Administrator. Changes submitted by the applicant will automatically restart the time limit imposed by Minnesota Statute 15.99.
- 1403.2 If an adult use permit holder proposes changes in the design, construction, or use of an already permitted adult use, the permit holder must submit to the Morrison County Zoning Administrator, a detailed description of the proposed change in writing and no change can be made unless and until the Zoning Administrator issues a written opinion that the change complies to all requirements of this ordinance.

1404. Granting of Permit

- 1404.1 The County shall issue an adult use land use permit only to the owner of the real property or to an applicant who has express written permission from the owner to use the land for an adult use.
- 1404.2 An adult use permit shall be valid only for the specific building and type of use described in the application.
- 1404.3 Adult uses are subject to the conditions and performance standards listed in Sec 1405 of this ordinance.

1405. Performance Standards and Conditions of Land Use Permit for Adult Use

The County may issue adult use land use permits to businesses located in a commercial zone, subject to the following conditions.

- 1405.1 No Adult Use shall be located closer than 1,320 feet to any other adult use. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures, or objects, from the nearest point of the licensed premises containing the adult use to the nearest point of the other licensed premises containing the adult use.

1405.2 No Adult Use shall be located closer than 1,320 feet to any dwelling unit, pool hall, video arcade, hotel, motel, licensed day care home, public library, licensed childcare or day care center, or licensed group family day care home. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures, or objects, from the nearest point of the licensed premises containing the adult use to nearest point of the dwelling unit, pool hall, video arcade, hotel, motel, licensed day care home, public library, licensed childcare or day care center or licensed group family day care home.

1405.3 No Adult Use shall be located closer than 1,320 feet to any residential subdivision lot line, residential lot line, residential zone, public park, campground, or public swimming pool, beach, or playground. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures, or objects, from the nearest point of the licensed premises containing the adult use to nearest residential subdivision lot line, residential lot line, residential zone, public park, campground, or public swimming pool, beach, or playground.

1405.4 No Adult Use shall be located closer than 1,320 feet to any place of worship or educational institution. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures, or objects, from the nearest point of the licensed premises containing the adult use to nearest lot line of the place of worship or educational institution.

1405.5 An adult use shall not sell or dispense non-intoxicating or intoxicating liquors or hold a consumption and display permit, as those terms are defined in Minnesota Statute 340A, nor shall an adult use be located in a building that contains a business that sells or dispenses non-intoxicating or intoxicating liquors or holds a consumption and display permit, nor shall an adult use be located closer than 1,320 ft. to any building that contains a business that sells or dispenses non-intoxicating or intoxicating liquors or holds a consumption and display permit. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures, or objects, from the nearest point of the licensed premises containing the adult use to the nearest point of the licensed establishment containing alcohol use.

1405.6 All setbacks identified in this section are reciprocal from adult uses to the uses identified in Section 1405 e. of this ordinance.

1405.7 No adult use can offer or conduct more than one of the following on the same parcel:

- Adult uses defined in this section as Live On Site
- Adult uses defined in this section as Media On Site
- Adult uses defined in this section as Media Off Site

1405.8 All adult uses shall prominently display at all public entrances, located within two (2) feet of the door opening device of the business establishment or section of the establishment devoted to adult uses a sign which states: "This business sells or displays material containing adult themes. Persons under eighteen (18) years of age shall not enter": The sign shall be in clear legible letters each letter being at least one inch high.

1405.9 Adult Use Parking Requirements are as follows:

Minimum Parking Space Size. Each space shall contain a minimum area of not less than two hundred fifty (250) square feet including access drives, a width of not less than eight and one-half (8 1/2) feet and a depth of not less than twenty (20) feet. Each space shall be adequately served by access drives.

- a. Live On Site adult uses must provide one (1) parking space for each seventy-five (75) square feet of floor area of the licensed premise.
- b. Media On Site adult uses must provide one (1) parking space for each seventy-five (75) square feet of floor area of the licensed premise.
- c. Media Off Site adult uses must provide one (1) parking space for each one hundred (100) square feet of floor area of the licensed premise.

1405.10 Adult uses must be contained entirely within an enclosed building with opaque coverings over all doors, windows, or other openings.

1406. Existing Adult Uses

Adult uses legally existing on the date Sections 1400 to 1406 are adopted and which do not conform to the requirements of Section 1400 to 1405, may continue subject to the following provisions.

- 1406.1 No such use shall be expanded, enlarged, or relocated within the same or another building or structure, except in conformity with the provisions of this ordinance.
- 1406.2 The adult use shall be licensed as a sexually oriented business by the County within 6 months of the adoption of Section 1400 Adult Use, as the amendment to the Morrison County Land Use Ordinance.

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1500. SUBDIVISION OF LAND

1501. **Purpose:** Any person platting, replatting or dividing property for purposes of transfer of title or separate description shall do so under the provisions of this ordinance. The Subdivision Ordinance sets forth the minimum requirements deemed necessary to protect the health, safety, and welfare of the public. More specifically, the provisions of this ordinance are designed to:

- Assure that to the maximum extent possible, all lands will be developed for the best possible use with adequate protection against becoming deteriorated or obsolete.
- Assure that effective protection is given to the natural resources of the County, especially ground water and surface waters.
- Encourage well-planned subdivision through the establishment of adequate design standards.
- Discourage inferior developments that might adversely affect the tax base.
- Facilitate adequate provisions for transportation and other public facilities.
- Secure the rights of the public with respect to public lands and waters.
- Improve land records by the establishment of standards for surveys and plats.
- Safeguard the interests of the public, the homeowner, the subdivider and units of local government.
- Provide a common ground for understanding between developers and local units of government.
- Prevent, where possible, excessive governmental operating and maintenance costs.
- Assure the availability of utilities adjacent to planned development.

1501.1 Legal Authority. This ordinance is enacted pursuant to Section 394.25, Laws of Minnesota, 2006 or as amended.

1501.2 Administration. The Subdivision Ordinance shall be administered by the Morrison County Board of Commissioners, after review and recommendation by the Planning Commission.

1501.3 Decisions. Unless otherwise provided by statute or this ordinance, all actions of the County Board and Planning Commission pertaining to this ordinance shall require the vote of a majority of the members of the entire County Board or Commission.

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 system 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.

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.
- B. 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.

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 $\frac{1}{4}$ of the NW $\frac{1}{4}$). 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 $\frac{1}{4}$ of the NW $\frac{1}{4}$). 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.

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.
- C. All subdivisions or combinations of metes and bounds Torrens property descriptions must create a Registered Land Survey or MS 505 plat unless prior approval is obtained by the County Recorder/Registrar of Titles.

1505. General Procedures for Platting

1505.1 Procedures. The following procedures shall be followed in the administration of this Ordinance and no real property within the jurisdiction of this Ordinance shall be subdivided or a plat recorded unless approved according to this ordinance.

- A. All Preliminary and Final Plats of any subdivision, as required by this Ordinance, shall be subject to review and approval by the appropriate Board and staff.
- B. No lots, tracts, or parcels within any proposed subdivision may be sold prior to recording the plat with the County Recorder/Registrar of Titles.

C. The County shall not issue any land use permits for building development on any lot, parcel, or tract within a subdivision that has not received final approval pursuant to this Ordinance.

1505.2 Development Review Team Meeting - Sketch Plan

Prior to the preparation of any preliminary plat, the Subdivider shall meet with the County Planning and Zoning Department and other officials in order to be made fully aware of all applicable ordinances, regulations, and plans in the area to be subdivided. At this time, or at subsequent informal meetings, the Subdivider shall submit a general sketch plan of the proposed subdivision and preliminary proposals for water supply, waste treatment, storm water management, and road layout. The sketch plan may be presented in simple form but should show that consideration has been given to the relationship of the proposed subdivision to existing community facilities that would serve it, to neighboring subdivisions and development, the topography of the site, to the appropriate Comprehensive Plan for the area, and to any other requirements as stipulated in this Ordinance. The sketch plan will be considered as the basis for discussion between the Subdivider and staff. Submission of such sketch plan shall not constitute formal filing of a Preliminary Plat.

1505.3 Preliminary Plat

After the Development Review Team meeting, the Subdivider shall apply for a platting permit with the Zoning Administrator. At the time of submission of the Preliminary Plat, the required fees shall be paid by the Subdivider. The Preliminary Plat process may not be required for an Administrative Plat.

A. The applicant shall be responsible to submit eight (8) full sized (24" x 36") and ten (10) 11' x 17' legible copies of the Preliminary Plat to the Planning and Zoning Department for distribution to the following entities:

1. 3 full sized (22" x 34") copies to the Zoning Administrator
2. 1 full sized (22" x 34") copy to any city within two miles of the proposed plat
3. 1 full sized (22" x 34") copy to the Township Board in which the proposed plat is located
4. 1 full sized (22" x 34") copy to the Soil and Water Conservation District
5. 1 full sized (22" x 34") copy to the Minnesota Dept. of Transportation (District 3) if the proposed plat abuts or is adjacent to a state or federal highway
6. 1 full sized (22" x 34") copy to the Morrison County Engineer
7. 10 - 11" x 17" copies for the Planning Commission and public hearing

B. The Preliminary plat shall show the data requirements as listed in Section 1506 of this ordinance.

C. A public hearing will be conducted at a specified Planning Commission meeting after all the appropriate notifications have been submitted. If approved, the Planning Commission shall express its recommended approval or conditional approval and state the conditions of such recommended approval, if any; or if disapproved, shall express its disapproval and its reasons, therefore. Such approval or disapproval shall be transmitted to the County Board.

D. At the time of filing the Preliminary Plat, the owner or owners of the land covered by such plat shall submit to the County Zoning Administrator a petition for rezoning to the precise proposed future use of said land if the land is not already so zoned. The Planning Commission and County Board may approve a zoning change contingent upon approval of the Final Plat.

E. Based on the information provided, the Planning Commission and the County Board shall review all subdivisions which require their approval, for the following:

1. That the physical characteristics of the site, including but not limited to topography, vegetation, susceptibility to flooding, water storage, drainage, and retention, are such that the site is physically suitable for the proposed density of development.
2. That the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage.
3. That the design of the subdivision or the type of improvements is not likely to cause serious health problems.
4. Comments gathered as a part of the public hearing process.
5. Requirements and comments of pertinent governmental bodies.
6. That the proposed subdivision adequately addresses road arrangement, location, width, and connections with the current and future plans as outlined in the Morrison County Transportation plan and Official Maps.
7. That the proposed subdivision adequately addresses all the goals and objectives as outlined in the Morrison Comprehensive Plan, and requirements outlined in the Morrison County Land Use Control Ordinance.

F. The approval of a Preliminary Plat is an acceptance of the general layout as submitted and indicates to the Subdivider that they may proceed toward preparation of a Final Plat in accordance with the terms of approval and provisions of this Ordinance.

G. If significant changes occur in the layout design, or other supporting information from an approved Preliminary Plat, the Subdivider must rescind their initial submittal and re-submit the proposal to the Planning Commission and pay any re-submittal fees. Any statutory timelines for review and approval shall terminate upon the rescission request and shall recommence upon re-submittal of the proposal.

1505.4 Final Plat

- A. If a change of zone request is proposed, the change of zone request, Preliminary Plat, and Final Plat shall be submitted by the Subdivider for County Board approval within 120 days of the submission of the initial request.
- B. If a change of zone request is not proposed, the Subdivider shall submit the Final Plat to the Zoning Administrator at least two (2) weeks before the regularly scheduled County Board meeting hearing the request, and within one hundred eighty (180) days of the date of approval of the Preliminary Plat.
- C. The County Zoning Administrator, Attorney, Engineer, and Surveyor shall check the Final Plat to see that it is in substantial agreement with the Preliminary Plat as approved by the Planning Commission and that it meets all ordinances and regulations of the county.
- D. The Subdivider shall submit:
 1. One full sized (22" x 34") copy to the Zoning Administrator
 2. One full sized (22" x 34") copy to the County Engineer
 3. Two full sized (22" x 34") copy to the Surveyor
 4. One full sized (22" x 34") copy to the Attorney

5. A current title opinion or commitment to the County Attorney and County Surveyor, covering the area to be subdivided.
- E. Following Final Plat approval or disapproval by the County Board, the Zoning Administrator shall notify the Subdivider of the Board's action within thirty (30) days thereafter. The Final Plat, if approved, shall be submitted by the Subdivider for filing with the County Recorder within one hundred eighty (180) days after the date of County Board approval.
- F. Final Plat approval shall be null and void if the Final Plat is not filed for recording within the timeframe herein specified. The Planning and Zoning Administrator may grant an extension, for good cause, if the extension request is in writing and presented for decision before the one hundred eighty (180) days terminates.

1506 Data Required

1506.1 Data for Preliminary Plat

This section pertains to proposed plats in which the County is the platting authority; or a plat that adjoins or is adjacent to any County Road, County State Aid Highway, or Municipal State Aid Highway.

The Subdivider shall engage a Minnesota Licensed Land Surveyor, Engineer, or Landscape Architect to prepare a Preliminary Plat of the area to be subdivided. The Preliminary Plat shall contain:

- A. Identification and Description
 1. Proof of ownership: A copy of a current Title Commitment, Title Opinion, or Certificate of Title (Torrens property) that covers the property of the proposed plat shall be submitted with the proposed plat.
 2. The name of the proposed plat, which shall not duplicate or be similar in pronunciation or spelling to the name of any plat heretofore recorded in the County.
- B. Existing conditions: A current Certificate of Survey, which shall be used as the basis for the proposed plat, shall be prepared and executed by a Minnesota Licensed Land Surveyor, depicting the following information:
 1. Scale of drawing; one (1) inch equals one hundred (100) feet or one (1) inch equals two hundred (200) feet.
 2. North arrow.
 3. Date of Survey.
 4. Legal description of the boundary of the subject parcel(s);
 5. Sufficient boundary survey data and mathematical information (bearings to the nearest one second of a degree and dimensions to the nearest one hundredth of a foot) to locate and retrace the boundary.
 6. Total area in square feet or acres of the proposed plat (or tax parcel);
 7. Existing site improvements within the proposed plat and any existing improvements within 10 feet of the proposed plat boundary, or a notation indicating no site improvements exist.
 8. All encroachments along the boundary of the proposed plat (or tax parcel), or a notation indicating no evidence of encroachment was found.
 9. All easements of record, or a notation indicating there are no easements of record.
 10. Ponds, lakes, rivers, streams, creeks, wetlands, and other waterways within or adjacent to the proposed plat, or a notation indicating none of these features are within or adjacent to the proposed subdivision. The ordinary high-water elevation and 100-year flood

elevations shall be shown where applicable. Elevations shall be referenced to an established benchmark with a mean sea level elevation and noted on the proposed plat.

11. Location, right of way widths, and names of public roads, other public ways, or railroads within or adjacent to the proposed plat boundary.
12. Location of private roads within or adjacent to the proposed plat boundary
13. Distance and direction reference ties from the boundary of the proposed plat to a minimum of two Public Land Survey corner monuments.
14. The structures that are located closest to the proposed tax parcel boundaries along with distances to such boundary.

C. The names and addresses of the fee owner, Contract for Deed purchasers, or any agent having control of the land; the Subdivider; the Minnesota Licensed professional preparing the plan.

D. Two-foot contours extending throughout the proposed plat location and within a 300-foot buffer surrounding the proposed plat.

E. Existing and proposed zoning classifications for the land within and adjacent to the proposed plat.

F. A tabulation of the approximated square footage/acreage and dimensions of each lot, outlot, or park.

G. Adjoining parcel information to include (within 300 feet of proposed boundary):

1. General location of adjoining parcels; right of way widths; names of existing roads, platted roads, or other public ways; parks; other public lands; public utility easements; Public Land Survey lines; and corporate limits.

H. Adjoining owner's names.

I. Vicinity map depicting and labeling the Section, Township, and Range

J. If applicable, soils analysis and depth to groundwater and bedrock from finished grade must be established. A plan for solving site ground water problems may be required if conditions warrant.

K. Any other such information that is deemed necessary for review and as may be requested by the Planning Commission, - County Board, or staff.

L. If applicable, layout of proposed roads addressing all items within the Morrison County Public Works Department Road Construction Specifications.

M. If applicable, Preliminary Road grades and drainage plan, including drainage structure size and location shall be shown on a copy of the contour map.

N. If applicable, a drainage plan and flood control which includes structure size and location based upon hydraulics of a 100-year flood event.

O. If applicable, source of water. Connection to municipal water is required, if available.

P. Provisions for sewage treatment. Connection to municipal sewage treatment is required, if available.

- 1) Community sewage treatment systems must be designed and installed according to Minnesota Pollution Control Agency Standards.
- 2) All lots served by an individual sewage treatment system must be evaluated and be able to support two Type I systems.

- Q. If applicable, a plan for soil erosion and sediment control both during construction and after development has been completed.
- R. If the Minnesota Environmental Quality Board regulations require an EAW or EIS, such documentation shall be submitted as part of the Preliminary Plat information.
- S. If applicable, a landscape plan shall accompany the application. The plan shall indicate the location of existing trees, proposed new trees and vegetative plantings, and existing trees proposed to be removed.

1506.2 Data for Final Plat (County Board)

- A. Special conditions and/or restrictions pertaining to the approval of the Final Plat by the County Board shall be recorded as covenants. Recording of the special conditions or restrictions shall be the obligation of the developer.

1506.3 Data for Final Plat (Recording)

- A. The proposed plat shall follow the requirements of Minnesota Statute 505.
- B. All plat monuments shall be placed in the ground prior to recording of the plat with the County Recorder.
- C. Refer to Section 1504, for plats that include Torrens parcels.

1506.4 Planned Unit Developments

Small lot sizes (lot sizes smaller than outlined in the Morrison County Land Use Control Ordinance), may be allowed for planned cluster developments, and shall be designed and established under Section 800 of the Land Use Control Ordinance.

1507 Subdivision Design Standards

1507.1 General

Generally, design standards assure that the layout of the subdivision harmonizes with existing plans affecting the development and its surroundings and shall be in conformity with the development objectives of the County.

1507.2 Roads

Road design shall be in compliance with the Morrison County Public Works Department Road Construction Specifications, in addition to the following.

- A. **Road Names.** Proposed roads obviously in alignment with existing and named roads shall bear the names of such existing roads. In no case shall the name for the proposed road duplicate existing road names, phonetically or literally.
- B. **Hardship to Owners of Adjoining Property.** The road arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.
- C. Access control and road right of way dedication may be required.
- D. Intersections and driveways tying into existing roads must meet the requirements of the applicable road jurisdiction policies.
- E. Topsoil removed due to the road construction shall be stockpiled for re-spreading over lots and shall not be sold or otherwise removed from the subdivision area unless the removal of excess topsoil is approved by the County.

1507.3 Easements

- A. All public easements shall be dedicated by appropriate language on the plat as required by M.S. 505.021, Subdivision 7.
- B. Utilities easements shall be provided for utilities where necessary.
- C. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way, as will be adequate for storm water runoff based on the 100-year flood event. The easement shall include not only the stream channel, but also adjoining areas that have been subject to flooding in years of heavy runoff.

1507.4 Blocks

Road lengths shall not exceed 1,200 feet between intersections. In blocks longer than 800 feet a pedestrian crossway with a minimum right-of-way of ten (10) feet may be required near the center of the block. The use of additional access ways to schools, parks and other destinations may also be required. If additional access ways are required, they should be located at road intersections. The design of the plat should take advantage of the natural amenities on site, and account for optimal traffic flow and adequate vehicle access.

1507.5 Lots

- A. Corner lots for residential use shall have additional width to permit appropriate building setback from both roads as required by the Morrison County Zoning Ordinance.
- B. Where possible, side lot lines shall be at right angles to straight lines or radial to curved road lines.
- C. Each lot shall front on a local or private road within the subdivision. Lots with frontage on two (2) parallel roads shall be permitted only under unusual circumstances.
- D. The lot dimensions shall be such as to comply with the minimum lot areas specified in the Morrison County Zoning Ordinance.
- E. Lots shall be graded so as to provide drainage away from building locations and septic drainage fields.
- F. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels unless the owner can show plans for the future use of such remnants wherein, they shall be platted as outlots.
- G. Outlots shall be set aside solely for non-building purposes. No Morrison County Land Use Permits shall be issued for structures on outlots. Outlots may be eliminated through re-subdivision approved by the County.

1507.6 Natural Features

- A. In the subdividing of any land, Morrison County Zoning Ordinance regulations need to be adhered to and due regard shall be shown for all natural features, such as tree growth, wetlands, steep slopes, water courses, historic sites, or similar conditions, and plans adjusted to preserve those which will add attractiveness, safety, and stability to the proposed development.
- B. In general, it is preferable to have trees, other than diseased or damaged trees, only to be cut or removed to accommodate building sites, driveways, or utilities. The applicant shall demonstrate that all grading which takes place will be conducted in a manner that preserves the root zone aeration and stability of existing trees and provides an adequate watering area equal to at least each tree's crown cover. The size and species of trees used in reforestation shall be approved by

the County. The applicant must contact the Minnesota DNR concerning the timing of trimming or removal of trees.

1507.7 Erosion and Sediment Control

- A. Wetlands and other water bodies shall not be utilized as a primary source of hydrologic and/or sediment traps.
- B. Any proposed alteration, filling, or creating of wetlands need to comply with the Minnesota Wetland Conservation Act Rule 8420, which is administered locally by the Morrison County Soil and Water Conservation District.
- C. The proposed development shall not increase the runoff rate of storm water so as to cause an adverse effect upon adjacent lands. Hydraulics to verify post-development rates are at or less than pre-development rates shall be based on the 100-year flood event.
- D. Erosion protection measures shall make maximum use of natural in-place vegetation rather than the placing of new vegetation on-site as erosion control facilities. The use of approved natural erosion control devices shall be preferred to the maximum extent over the construction of artificial drainage devices including culverts, holding ponds and ditches.
- E. Topsoil removed from lots during construction shall be stockpiled for re-spreading over lots and shall not be sold or otherwise removed from the subdivision area unless the removal of excess topsoil is approved by the County.
- F. Topsoil shall be re-spread so as to provide at least six (6) inches of cover originally existing on the site or a minimum of four (4) inches of cover if the original cover was less. The site shall also be stabilized by seeding and or sodding.
- G. Developments are subject to NPDES and SWPPP permit requirements.

1507.8 Public Lands and Open Spaces

Because subdivision activity creates a need for a full range of public facilities, the County Board may require a portion of the subdivided land to be set aside for open space, park, recreational, or common areas and facilities (MS 394.25, Subd.7).

The County Board may accept a contribution to the County Park Fund in lieu of land designation within the subdivision.

1508 Improvements Required

1508.1 Improvements Listed and Described

Before the County Board approves a Final Plat, the Subdivider shall have agreed in the manner set forth below to install in conformity with construction plans approved by the County Engineer and in conformity with all applicable standards and ordinances, the following improvements on the site:

- A. Monuments. All plat monuments shall be placed in the ground prior to recording of the plat with the County Recorder/Registrar of Deeds. Delayed staking of any plat monument will be prohibited.
- B. Water supply. Where a connection with a community water system is possible, the public water shall be used. In other instances, safe and potable water shall be provided by a central distribution system serving the subdivision or by individual wells.

- C. Sanitary Sewer. In all cases, the Subdivider shall be required to connect to municipal trunk line sewers when available. In other instances, individual on-site or a central system following the standards as outlined in the Morrison County Land Use Control Ordinance shall be used.
- D. Drainage. A system that will adequately take care of the surface water runoff within the subdivision shall be provided. Storm sewers and culverts shall be installed where necessary in conjunction with the grading of roads. All culverts installed shall be new. Minimum culvert size through the roadway shall be 24", 18" minimum for driveways. Any culvert over 48" diameter, or at locations requested by the County Engineer, shall have a hydraulic analysis and risk assessment performed. Centerline culverts shall be provided to accommodate all-natural water flow and shall be sufficient length to permit full-width roadways and required side slopes. Drainage ditches shall be sodded to prevent erosion.
- E. Interim measures shall be required to ensure that drainage design functions adequately during phase developments.
- F. Each subdivision must function as independent projects yet be flexible to integrate with surrounding needs.

1508.2 Development Agreement

Before a Final Plat is approved by the County Board, the Subdivider and owner shall be required to enter into a development agreement which shall be binding on their heirs, or personal representatives of the property owners. The agreement may require submittal of a performance bond, cash escrow agreement, or irrevocable letter of credit, as approved by the County Board to assure the following:

- A. The Subdivider shall pay for the cost of all improvements required in the subdivision and the subdivision's share of the costs of any trunk facilities to be extended to the subdivisions with the exception of individual wells and individual sewage disposal systems.
- B. Guarantee completion of the required improvements in accordance with the standards established by the County Engineer or those standards adopted as the official improvement standards of Morrison County within a two (2) year period unless a separate completion timeline is agreed to by both parties.
- C. Payment by Subdivider for all costs incurred by the County for review and inspection. This would include preparation and review of plans and specifications by technical assistants and costs incurred by the County Attorney, County Surveyor, and County Engineer as well as other costs of a similar nature. This payment would be in addition to the subdivision fee paid with the submission of the Preliminary Plat.
- D. The County may elect to install any of the required improvements under the terms of the development agreement.
- E. The development agreement shall be equal to one and one-quarter (1.25) times the estimated cost of the required improvements.
- F. If the required improvements are not complete within the two (2) year period or alternate approved timeline, all amounts held under the development agreement will be applied to the cost of the required improvements. Any balance remaining after such improvements have made, shall be returned to the Subdivider.

1509 Variances and Exceptions

The County Board may have the power to vary the requirements of this Ordinance so long as they are in harmony with the general purposes and intent of the official control in cases when there are practical difficulties as defined in Minnesota State Statutes Chapter 394. Any variance to Section 1503 should be heard and acted upon by the Board of Adjustment, all other variances shall be heard and acted upon by the County Board.

1510 Certification of Final Plat

A. For approval by signature of county officials with the recording of the plat.

1) Taxes payable in the year _____ on the land herein described have been paid, there are no delinquent taxes entered this _____ day of _____, 20____.

Morrison County Auditor/Treasurer

2) I hereby certify that the within instrument was filed in this office for record this _____ day of _____, 20____ at _____ o'clock _____ m and was duly recorded as document number _____,

Morrison County Recorder

3) Approved by the County Board of Commissioners of Morrison County, Minnesota, this _____ day of _____, 20____.

Signed:

Attest:

Chair

Administrator

4) Approved by the _____ Township Board this _____ day of _____, 20____.

Signed:

Chairman, Township Board

5) I hereby certify:

that I have surveyed or directly supervised the survey of the property described on this plat; that I prepared or directly supervised the preparation of this plat as (*name of plat in CAPITAL LETTERS-exactly as it appears in the title*); that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on the plat; that all monuments depicted on the plat have been correctly set; that as of the date of this certificate, all water boundaries and wetlands, as defined in Minnesota Statutes 505.01, Subd. 3, are shown and labeled on the plat; and that all public ways are shown and labeled on the plat.

Land Surveyor
Minnesota License No. _____

STATE OF MINNESOTA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____ Land Surveyor.

Notary Public _____ County, Minnesota
My Commission Expires _____

Pursuant to Chapter 389.09, laws of Minnesota, and Morrison County Land Use Control Ordinance, this plat has been approved this _____ day of _____, 20____.

Morrison County Surveyor

I hereby certify that proper evidence of title has been presented to and examined by me and I hereby approve this plat as to form and execution. _____ Attorney for Morrison County

1600. SEPARABILITY, VALIDITY, REPEALER, EFFECTIVE DATE, SIGNATURES

1601. **Separability.** Every section, provision, or part of this ordinance or any permit issued pursuant to this ordinance is declared separable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this ordinance or any permit issued pursuant to this ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

1602. **Validity, General Application.** If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance not specifically in said judgment.

1603. **Validity, Specific Application.** If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, use, building, or other structure, such judgment shall not affect the application of said provision to any other property, use, building or other structure not specifically included in said judgment.

1604. **Repealer.** The previous Zoning Ordinance and all subsequent amendments to that ordinance adopted by the Morrison County Board are hereby repealed in their entirety. Any previous Zoning Ordinance which has not been repealed is also hereby repealed in its entirety.

1605. **Effective Date.** This ordinance shall be in full force and effect from and after December 8, 2016, the date of this ordinance's passage and publication according to law.

1606. **Signatures.**

Chairman, Morrison County Commissioners

December 8, 2016
Date

ATTEST

Clerk, Morrison County Board

These changes are effective January 1, 2025.
Adopted this 17th Day of December 2024
Adopted this 20th Day of December 2022
Adopted this 7th Day of April 2020

Chairman
Morrison County Board

Clerk
Morrison County Board