

PROJECT F-123

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TITLE

An ordinance regulating and restricting the height and size of buildings, the size of yards, courts and other open spaces, the density of population, the location and use of buildings and land for trade, commerce, industry, residence and other purposes; creating districts for said purposes and establishing the boundaries thereof; providing for changes in regulations, restrictions and boundaries of such districts; defining certain terms used herein; providing for enforcement and administration, and imposing penalties for the violation of this Ordinance.

PURPOSE

Pursuant to the authority conferred by the State of Minnesota in Chapter 394, Minnesota Statutes of 1967, and for the purpose of promoting and protecting the public health, safety and general welfare of the inhabitants of the County of Lac qui Parle by protecting and conserving the character and social and economic stability of the agricultural, residential, commercial, industrial and other use areas; by securing the most appropriate use of the land; preventing the overcrowding of the land; and undue congestion of population; providing adequate light, air and reasonable access; and facilitating adequate and economical provision of transportation, water supply and sewage disposal, schools, recreation and other public requirements; now therefore:

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LAC QUI PARLE COUNTY, MINNESOTA.

ARTICLE I SHORT TITLE

Section 1.1 Except when referred to in this document as the "Ordinance", this Ordinance shall be known, cited and referred to as the "Lac qui Parle County Zoning Ordinances".

ARTICLE II JURISDICTION AND INTERPRETATION

Section 2.1 Jurisdiction. This Ordinance controls the use of the land and the construction and moving of buildings and structures in the unincorporated area of Lac qui Parle County. After the effective date of this Ordinance the use of all land and every building or structure hereafter constructed or moved shall be in conformity with the provisions of this Ordinance.

Existing buildings or structures and any existing use of land not in conformity shall be regarded as non-conforming uses.

Incorporated municipalities can apply to the county for the jurisdiction of zoning ordinance controls no more than two miles outside their respective incorporated limits. Such authority must be applied for, granted and administered in accordance with Minnesota Statutes.

Section 2.2 Interpretation. In interpreting the provisions of this Ordinance, they shall be considered to be the minimum requirements for the promotion of the public health, safety, morals, convenience and general welfare. Any statutes, regulation or permanent township zoning ordinance that is in effect or which shall be enacted during the period covered by this Ordinance which is more restrictive shall apply. Where the provisions of this Ordinance impose greater restrictions than those of any statutes, regulation or ordinance, the provisions of this Ordinance shall apply.

ARTICLE III RULES AND DEFINITIONS

Section 3.1 Rules. For the purpose of this Ordinance, words used in the present tense shall include the future; words used in the singular shall include the plural, and the plural the singular.

- (1) The word "building" shall include "structures" of every kind, regardless of similarity to buildings.
- (2) The word "person" shall include a firm, association, organizations, partnership, trust, company or corporation as well as an individual.
- (3) The word "shall" is mandatory and not discretionary.
- (4) The word "may" is permissive.
- (5) The word "lot" shall include the word "plot", "place", and "parcel".

Section 3.2 Definitions. For the purpose of this Ordinance,

certain words and terms are herein defined as follows:

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

Agricultural Structures. Structures customary and incidental to farming and the raising of animals, including barns and other animal shelters, corrals and fences, silos and storage sheds for machinery and crops.

Builder. Any person or persons that build, construct, erect, remodel, repair or move buildings or structures of any kind; to include but not limited to carpenters, plumbers, electricians, masons, and their associated firms.

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

Building Height. The vertical distance measured from the ground level adjoining the building to the highest point of the roof surface.

Building Permit. A written approval issued pursuant to the terms of Section 8.2 authorizing the applicant to erect, alter or move a building according to the terms of the application.

Commercial Feedlot. Commercial feedlot shall mean the place of confined feeding of more than two hundred (200) head of livestock or other animals for food, fur, pleasure or resale purposes in yards, lots, pens, buildings or other areas not normally used for pasture or crops and in which substantial amounts of manure or related wastes may originate by reason of such feeding animals.

District. Any section in the unincorporated area of the county for which the regulations governing the use of building and land or the height and area of buildings are uniform.

Dwelling. A building or portion thereof which is occupied wholly as a home, residence or sleeping place of one or more human beings.

Farm. A farm shall be a parcel of land which is

worked as a single contiguous unit of not less than ten (10) acres in extent.

Farmstead. The area within which the farm dwelling, barn stables, machinery sheds and usual and customary accessory agricultural structures are located.

Home Occupation. Any occupation or profession carried on by a member of a family, residing on the premises, in connection with which there is used no sign other than one (1) non-illuminated nameplate measuring not more than one (1) by one and one-half (1 1/2) feet in area attached to the building entrance provided that:

- (1) No commodity is sold upon the premises.
- (2) No person is regularly employed for commercial purposes other than a member of the immediate family residing on the same premises.
- (3) No more than twenty-five percent (25%) of the total floor area is to be used for said home occupation.

Junkyard. Land or building where waste, discarded or salvaged materials are bought, sold, exchanged, stored, cleaned, packed, disassembled or handled, including; but not limited to, scrap metal, rags, paper, hides, rubber products, glass products, lumber products resulting from the wrecking of automobiles or other vehicles.

Lot. A lot is a piece or parcel of land occupied or to be occupied by a building, structure or use, or by other activity permitted thereon, and including the open spaces required under this Ordinance. A lot need not be a lot of existing record.

Lot, Corner. A corner lot is a lot of which at least two (2) adjacent sides abut for their full length upon a street.

Lot of Record. A lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder of Lac qui Parle County, or a lot described by metes and bounds, the deed to which has been recorded in the office of the County Recorder of Lac qui Parle County.

Maintenance. The upkeep of a property such that deterioration is arrested or lessened.

Mobile Home. Any mobile home, camper, house trailer or similar mobile unit, which may be used as a portable dwelling.

Mobile Home Park. A lot or tract of land upon which two (2) or more occupied 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.

Motel. A motel is a business comprising a series of attached or semi-detached or detached rental units for the overnight accommodation of transient guests.

Non-Conforming Use. A land use or building or structure or portion thereof lawfully existing at the effective date of this Ordinance, or at the time of any amendment thereto, which does not conform to the regulations of the zone in which it is located.

Open Fences. Wire or rail or other fences so constructed that they do not hold or restrict snow.

Parking Space. An area of not less than two hundred (200) square feet, exclusive of drives or aisles giving access thereto, accessible from streets or alleys or private drives or aisles leading to streets or alleys, and to be usable for the storage or parking of motor vehicles.

Planning Commission. The Planning Commission shall be the planning commission established and appointed by the County Board of Lac qui Parle County.

Planning and Zoning Administrator. The Planning and Zoning Administrator shall be the office of the Planning and Zoning Administrator of Lac qui Parle County.

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

Sign, Advertising. A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered; (1) only elsewhere than upon the premises where the sign is displayed, or (2) as a minor and incidental activity upon the premises where the sign is displayed.

Sign, Business. A sign which directs attention to a

business, commodity, service, or entertainment conducted, sold or offered on the premises where the sign is displayed.

Setback. An open space between a building and the adjoining lot lines, unoccupied and unobstructed from the ground upward. Setback measurements shall be the minimum horizontal distance between a lot line and the nearest line of a building.

Repair. The restoration made possible by replacing a part or fixing what has deteriorated.

Street. Any thoroughfare other than a public alley, dedicated to the use of the public and open to public travel, whether designated as a road, avenue, highway, boulevard, drive, lane, circle, place, court or any other similar designation, or a private street open to restricted travel, at least thirty (30) feet in width.

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

Use. The purpose for which land or buildings thereon are designed, arranged, or intended to be occupied or used, or for which they are occupied or maintained.

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 County of Lac qui Parle Official Zoning Map, with all proper notations, references and other information shown thereon.

ARTICLE IV GENERAL REGULATIONS

The following general regulations contained in this Article shall apply equally to all districts.

Section 4.1 Compliance Required. Builders shall not erect, alter or move any permanent building or structure without knowing that the landowner or his agent has in his possession a building permit that properly describes said construction together with the location of same as required by this Ordinance. Except as provided in Article VII, land and structures in each district shall be used only for

the purpose specifically permitted by this Ordinance.

Section 4.2 Minimum Requirements. The following shall be considered as minimum requirements in all districts.

(1) Front Setback

(1-A) Agriculture District. No structure, other than open fences, shall be located less than one hundred fifty (150) feet from the centerline or one hundred (100) feet from the right-of-way line, whichever is greater of the road or roads they abut.

(1-B) Residential District. No structures other than open fences, shall be located less than thirty (30) feet from the right-of-way line of road or street it abuts, or the average of setback of structures on adjoining lots. All unattached garages and other structures must be set back from the front line of the house a distance which is thirty percent (30%) of the total length of the house and must conform to side yard setback.

(1-C) Commercial and Industrial Districts. No structure, other than open fences, shall be located less than thirty (30) feet from the right-of-way line of road or street it abuts.

(2) Side and Rear Setback

(2-A) Side and rear yard setback in residential districts: for all structures, other than open fences, side yard setback shall not be less than ten (10) feet. No structure, other than open fences, shall be located less than twenty (20) feet from the rear property line it adjoins.

(2-B) Side and rear setback in districts other than residential districts: No structure, other than open fences, shall be located less than twenty (20) feet from any side or rear property line it adjoins.

(3) Building Height. The maximum building height shall not exceed thirty-five (35) feet, provided that storage silos, barns and other usual and

customary agricultural structures and churches may exceed this height.

Section 4.3 Signs.

- (1) All business signs and advertising signs, including billboards, require a building permit prior to erection. Before a building permit for a sign may be issued, application for a conditional use permit must be made and approved.
- (2) Advertising sign structures developed on property shall be limited to not more than one (1) for a lot of one hundred (100) foot frontage or less and to only one (1) per additional one hundred (100) feet of additional lot frontage. Such structure may not contain more than two (2) signs per facing nor exceed fifty-five (55) feet in total length. No advertising sign may be erected within one hundred (100) feet of adjoining residential property.
- (3) Maximum size of permitted signs is four hundred (400) square feet of surface including border area.
- (4) Maximum height of permitted advertising signs twenty (20) feet above the average ground level at the base of the sign.
- (5) Business signs developed on property shall be limited to no more than one (1) freestanding or pylon sign of not more than thirty-five (35) square feet in surface area and no more than twenty (20) feet in height above the average grade. No business sign shall project above the permitted building height for the district in which it is located.
- (6) Rotating signs or flashing signs shall not be permitted. Lighted signs and other lighting shall be directed in a manner that will not disurb neighboring residential properties or distract motorists.
- (7) No sign shall be erected on property as follows:
 - A. Closer than three hundred (300) feet from the intersection of platted streets, roads or highways.

- B. Within one hundred (100) feet of property used for church or school purposes.
 - C. Less than eight hundred (800) feet from any other advertising on the same side of the right-of-way.
- (8) The following signs are exempt from this Ordinance:
- A. Official signs erected and maintained by a public body.
 - B. One sign per real estate parcel indicating the sale or lease of the property.
 - C. Signs of less than eight (8) square feet showing such things as the name, address, owner or occupant.
- (9) Two laws established in Chapters 828 and 862 of the Minnesota Sessions Laws, 1965, regarding advertising devices along state trunk and the interstate system of highways further regulate the size and location of signs. These Minnesota standards do not replace but are in addition to the above regulations.
- (10) A new permit is required prior to the reconstruction of any permitted sign and any existing permitted sign can be terminated at any time by the board of adjustment upon a finding that the sign is not in a reasonable state of repair. The board of adjustment may cause the removal of signs that are not in conformance with this Ordinance.

Section 4.4 Mobile Homes and Mobile Home Parks.

(1) Individual Mobile Homes:

A. Purpose:

To regulate the individual mobile home that is located outside of a mobile home park. To treat the mobile home in much the same manner as the single family home, recognizing that the mobile home as it is now used, is similar in most but not all respects to the single family home.

B. The individual mobile home will be given the same privileges and will be placed under the same controls as provided in the zoning ordinance as applied to the single family home, except:

1. It will be treated as a conditional use under the provisions of Article VII of this Ordinance in all districts within one mile of an incorporated city.

2. The mobile home stand will conform to the standards required in the mobile home park.

C. The mobile homes installed under the jurisdiction of this Ordinance shall be anchored. Such anchors shall meet the requirements as established by the State of Minnesota.

(2) Mobile Home Parks - Minimum Standards:

A. Minimum Density and Area Requirements: Lot areas and density as hereby established shall be considered the minimum requirements within a mobile home park.

1. The density for mobile home units or mobile coaches in a mobile home park shall not be greater than eight (8) units per gross acre.

2. Minimum area requirements for a mobile home park shall be five (5) acres and shall not be less than one hundred-fifty (150) feet in width.

3. A minimum of five hundred (500) square feet per mobile home shall be provided for definable play areas and open space within the mobile home park. Such areas of open space and/or play area shall not be areas included within any setback nor shall they include any areas of less than twenty (20) feet in length or width.

B. Lot Coverage and Setback Requirements:

1. Maximum lot coverage for mobile home

parks shall be twenty-five percent (25%).

2. Minimum distance between units shall be not less than twenty (20) feet, or the sum of the heights of the two (2) units whichever is greater; the point of measurement being a straight line between the closest point of the units being measured.
3. When a mobile home park abuts a single family residential use area, there shall be a minimum setback on that side of fifty (50) feet between the street right-of-way line and any mobile home park use, which setback area shall act as a buffer zone and be landscaped according to a landscape plan to be submitted at time of application. Such plan shall show the type of planting material, size and the planting schedule.
4. Street access shall not open into or upon minor single family residential area streets.

C. General Internal Park Development Requirements:

1. There shall be a minimum front yard setback from the mobile home unit to street line of fifteen (15) feet.
2. There shall be a concrete slab or surface patio constructed in either one or more segments on the ground beside each unit parking space; this slab or patio, or slabs or patios, shall be not less than one hundred eighty (180) square feet in area, and shall be a minimum of two (2) inches thick.
3. The mobile home stand shall be at such elevation, distance and angle relative to the street and driveway that placement and removal of the mobile home with a car, tow truck, or other customary moving equipment is practical. The mobil home stand shall have a longitudinal grade of less than four

percent (4%) and transverse crown or grade to provide adequate surface drainage. The stand shall be compacted and surfaced with a material which will prevent the growth of vegetation while supporting the maximum anticipated loads during all seasons.

4. The entire mobile home park shall be landscaped (excluding hard surfaced areas) and there shall be planted, or otherwise located, one shade tree with a minimum diameter of two (2) inches placed and maintained near each unit pad.
5. All mobile home parks shall be enclosed by a fence or screen planting so as to provide privacy for the occupants of the court. Height, size and type of enclosing shall be predetermined and submitted as a part of the general development plan prior to final action of the planning commission.
6. All utilities supplied by the mobile home park shall be underground. This shall include sanitary sewer, municipal water and electricity. When piped fuel and/or gas is provided by the mobile park to each mobile home stand, such service shall also be located underground.

D. Parking and Street Regulations:

1. Parking

- a. Off-street parking areas shall be surfaced in accordance with the street surface standards below.
- b. All required off-street parking space shall be located not further than two hundred (200) feet from the unit or units for which they are designed.
- c. A minimum of one and one-half (1 1/2) spaces of parking must be provided for each mobile home unit space provided within the park. The

one unit space for occupant use must be within the distance from the unit established above. The remaining spaces equivalent to one-half (1/2) spaces for each mobile home unit space must be in group campgrounds appropriately located within the park.

- d. Public access to a mobile home park shall be so designed as to permit a minimum number of ingress and egress points to control traffic movement, and to keep undesirable traffic out of the park.
2. Streets shall be graded to their full width to provide proper grades for pavement and sidewalks to have adequate surface drainage to the storm sewer system. The improvements shall extend continuously from existing improved streets to provide access to each lot and to provide connections to existing or future streets at the boundaries of the mobile home park.
3. Street and parking areas shall be surfaced for all weather travel with not less than four (4) inches of crushed stone, gravel or other suitable material.
- E. Storage: enclosed storage lockers, when provided, shall be located either adjacent to the mobile home in a mobile home park or at such other places in the park as to be convenient to the unit for which it is provided. Storage of large items such as boats, boat trailers, etc., shall not be accomplished at the site of the mobile home unit, but rather shall be provided in a separate screened area of the park.
- F. Regulations:
 1. It shall be the duty of the operator of the mobile home park to keep a register containing a record of all mobile homeowners and occupants located within the park. The register shall contain the following information:

- a. The name and address of each mobile home occupant.
 - b. The name and address of the owner of each mobile home.
 - c. The make, model, year and serial number of each mobile home.
 - d. The date of arrival and departure of each mobile home.
 - e. The number and type of motor vehicles of residents in the park.
2. The park shall keep the register available for inspection at all times by county law enforcement officials, public health officials and other public offices whose duty necessitates acquisition of the information contained in the register. The register record for each occupant and/or mobile home registered shall not be destroyed until after a period of three (3) years following the date of departure of the registrant from the park.

G. Maintenance: the operator of any mobile home park, or a duly authorized attendant or caretaker shall be in charge at all times to keep the mobile home park, its facilities and equipment, in a clean, orderly, and sanitary condition. The operator or caretaker shall be responsible, with said operator, for the violation of any provisions of these regulations to which said operator is subject.

Section 4.5

Junkyards. No person shall be allowed to use an area for storage, sorting or processing of scrap metal, automobile bodies, scrap farm machinery, or other scrap metals, unless such person has acquired a conditional use permit.

- (1) No junkyard established after the effective date of this Ordinance shall be located closer than one thousand (1,000) feet to existing state and federal roads, nor closer than three hundred

(300) feet to any county or township right-of-way.

- (2) Access to and egress from junkyards established after the effective date of this Ordinance shall not be from state or federal roads.

Section 4.6 Conveyance of Land. The conveyance of land by metes and bounds to create a building site or secure a building permit shall be prohibited when said parcel is less than the acreage defined in Section 6 for the respective zoning districts.

Section 4.7 Approval of Plats. No proposed plat of a new subdivision shall hereafter be approved unless the lots within such plat shall be equal to or exceed the minimum lot size required for the district in which the property is located.

Section 4.8 Structures Under Construction. Any structure for which a building permit has been issued and the construction has started prior to the effective date of this Ordinance may be completed and used in accordance with the plans and application on which said building permit was granted.

Section 4.9 Structures to be Moved. No permanent structure shall be moved to a new location within the county until a building permit has been secured as specified in Article VIII. Any such structure shall conform to all provisions of this Ordinance as a new structure.

Section 4.10 Excavating of Mineral Material. The use of land for the commercial excavation of mineral material or removal of topsoil, sand and gravel is not permitted in any district except with the granting of a conditional use permit as specified in Article VII. Permits shall be granted for one (1) year and shall be subject to review and rehearing at that time.

Section 4.11 Sanitary Provisions

(1) Waste Disposal:

- A. The disposal of sewage industrial wastes, or other wastes as defined in M.S.C. 115 shall be subject to the standards, criteria, rules and regulations of the Minnesota Pollution Control Agency.
- B. No rubbish or trash of any sort shall be thrown or discarded in any manner onto any public property or private property unless specifically provided for by the property owner.
- C. No solid waste disposal site shall be located within the jurisdiction of this Ordinance, unless approved by a conditional use permit under Article VII and the Pollution Control Agency.

(2) Sewage Disposal:

Any premises intended for human occupancy must be provided with an adequate method of sewage disposal to be maintained in accordance with acceptable practices.

- A. Public or municipal collection and treatment facilities must be used where available and where feasible.
- B. No person, firm or corporation shall install, alter, or extend an individual sewage disposal system without first obtaining a permit therefore from the zoning administrator for the specific installation, alteration, or extension.
 - 1. Application for permits shall be made in writing upon printed blanks or forms furnished by the zoning administrator and shall be signed by the applicant.
 - 2. Each application for a permit shall have thereon the correct legal description of the property on which the proposed installation, alteration, or extension is to take place; and each application

for a permit shall be accompanied by a plan of the site of reasonable scale and accuracy showing the location of any proposed or existing buildings located on the property with respect to the boundary lines of the property and complete plans of the proposed sewage disposal system with substantiating data, if necessary, attesting to the compliance with the minimum standards of this Ordinance. A complete plan shall include the location, size, and design of all parts of the system to be installed, altered, repaired or extended. The application shall also show the present or proposed location of water supply facilities and water supply piping, and the name of the person, firm or corporation who is to install the system, and shall provide such further information as may be required by the zoning administrator.

3. The zoning administrator may assign responsibility for administration of these provisions to a qualified inspector.

C. General Requirements

1. Location and installation of the individual sewage disposal system and each part thereof shall be such that, with reasonable maintenance, it will function in a sanitary manner and will not create a nuisance nor endanger the safety of any domestic water supply nor pollute any public waters. In determining a suitable location for the system, consideration shall be given to the size and shape of the lot, slope of natural and finished grade, soil permeability, depth of ground water, geology, proximity to existing or future water supplies, accessibility for maintenance and possible expansion of the system.
2. No part of the system shall be located so that it is nearer to any water supply than outlined herein after, or so that surface drainage from its location may

reach any domestic water supply.

3. Raw sewage, septic tank effluent, or seepage from a soil absorption system shall not be discharged onto the ground surface, abandoned wells, or bodies of surface water or into any rock formation the structure of which is not conducive to purification of water by filtration, or onto any well or other excavation in the ground which does not comply with the requirements of this Ordinance, the Minnesota State Board of Health and the Minnesota Pollution Control Agency.
4. Bulldozers, trucks or other heavy machinery shall not be driven over the system after installation.
5. Installation of individual sewage disposal systems shall not be made in low swampy areas or in areas subject to flooding.
6. The system or systems shall be designed to receive all sewage from the dwelling, building or other establishments served, including laundry waste and basement floor drainage. Footing or roof drainage shall not enter any part of the system. Where the construction of additional bedrooms, the installation of mechanical equipment, or other factors likely to affect the operation of the system can be reasonably anticipated, the installation of the system adequate for such anticipated needs shall be required.
7. The system shall consist of a building sewer, a septic tank and a soil absorption unit shall consist of a subsurface disposal field of one or more of one or more seepage pits, or a combination of the two. All sewage shall be treated in the septic tank and the septic tank effluent shall be discharged to the disposal field or seepage pits. Where unusual conditions exist other systems of disposal may be employed, provided that they comply with all other provisions of this code.

8. No buried or concealed portion of the building sewer, or building drain or branch thereof serving any establishment shall be located less than fifty (50) feet from any water supply well.
9. The portions of any buried sewer more than fifty (50) feet from a well or buried section line shall be of adequate size and construction of cast-iron, vitrified clay, a cement asbestos, concrete or other pipe material acceptable to the Minnesota State Board of Health. Clay pipe and clay pipe fittings shall conform to A.S.T.M. specifications for standard strength or extra strength clay pipe fittings. No building drain or building sewer shall be less than four (4) inches in diameter.
10. Only septic tanks meeting the specifications prescribed by the Minnesota Department of Health and Minnesota Pollution Control Agency may be installed or constructed. Location of the septic tank shall be such as to provide not less than the standard distances from the following:
 - a) Property lines, buried pipe distributing water under pressure and occupied buildings, ten (10) feet.
 - b) Any source of domestic water supply or buried water suction line, fifty (50) feet; and where feasible, the septic tank shall be placed downslope from a well.
11. The liquid capacity of a septic tank serving a dwelling shall be based on the number of bedrooms contemplated in the dwelling served and shall conform to capacities given in Table 1 which follows. The liquid capacity of a septic tank serving an establishment other than a dwelling shall be sufficient to provide a sewage detention period of not less than twenty-four (24)

hours in the tank but in no instance shall it be less than five hundred (500) gallons.

TABLE 1
MINIMUM CAPACITIES FOR SEPTIC TANKS

(Provides for use of garbage-grinders, automatic washers, and other household appliances.)

<u>NUMBER OF BEDROOMS</u>	<u>RECOMMENDED MINIMUM TANK CAPACITY</u>	<u>EQUIVALENT CAPACITY PER BEDROOM</u>
3 or less	900	300
4*	1000	250

*For each additional bedroom add 250 gallons

12. Location of disposal field shall be in an unobstructed and preferably unshaded area, and the distances given below shall be the minimum horizontal separations between the disposal field and the following:

- a) Any water supply well, or buried water suction pipe - 50 feet
- b) Streams or other bodies of water - 25 feet
- c) Occupied buildings - 20 feet
- d) Large trees - 10 feet
- e) Property lines or buried pipe distributing water under pressure - 10 feet

When coarse soil formations are encountered, the distance specified in items (a) and (b) shall be increased appropriately.

13. Seepage pits shall be used for disposal of septic tank effluent only when such use is indicated by favorable conditions of soil, groundwater level, or topography, and where such use does

not reduce the safety of surrounding water supplies. The pit excavation shall terminate at least four (4) feet above the highest known or calculated ground water table. The depth of the excavation shall not exceed fifty (50%) percent of the depth of any well casing in the area of twenty (20) feet, whichever is least.

14. The location of seepage pits, in addition to the general provisions under "13" shall not be less than the state minimum distances from the following:

- a) Any water supply well or buried water suction pipe - 75 feet
- b) Streams or other bodies of water - 50 feet
- c) Occupied buildings - 20 feet
- d) Property lines and buried pipe distributing water under pressure - 10 feet
- e) Other seepage pits, three time the diameter of the largest pit (edge to edge)

D. Privies

- 1. Privies shall be considered to be an adequate method of sewage disposal, provided they are maintained in a clean condition and do not constitute a public nuisance.
- 2. Privies shall be located at least ten (10) feet from a dwelling or lot line, and they shall meet the structural setbacks as required under Article IV of this Ordinance.

E. Alternative Systems

Alternative methods of sewage disposal such as holding tanks, electric or gas incinerators, biological and/or tertiary

Waste treatment plants or land disposal systems, wherever required or allowed in particular circumstances, shall be subject to the standards, criteria, rules and regulations of the Minnesota Department of Health and Pollution Control Agency.

(3) Land Application and Utilization of Seepage:

The disposal of septage, those materials removed from septic tanks, cesspools, or holding tanks, must be done in accordance with the recommended guidelines prepared by the Minnesota Pollution Control Agency. A copy of these guidelines are available at the offices of the planning and zoning administrator. A conditional use permit must be granted to a person prior to disposing septage onto land in the county except when a person disposes septage on his own tillable land.

(4) Water Systems:

A. Public water facilities, including pipe fittings, hydrants, etc., shall be installed and maintained as required by standards and specifications as established by the board of county commissioners.

B. Where public water facilities are not available, the board of county commissioners may by ordinance grant a franchise for such water facilities, to serve all properties within the area where a complete and adequate community water distribution system is designed, and complete plans for the system are submitted to and approved by the board of county commissioners and the Minnesota State Board of Health.

Individual wells shall be constructed and maintained according to standards and regulations approved by the county board of commissioners and the Minnesota State Board of Health.

Section 4.12 Non-Conforming Uses. The lawful non-conforming use of buildings, structures or land existing at the time this Ordinance becomes effective may be continued provided that no non-conforming use shall:

- (1) Be changed to another non-conforming use;
- (2) Be extended to occupy a greater portion of the lot, building or structure than it occupied on the effective date of this Ordinance;

- (3) Be re-established if discontinued for a period of one (1) year; and,
- (4) Be rebuilt after damage in excess of sixty percent (60%) of its then appraised value.

Section 4.13 Fences - Bales, Machinery and Other Personal Property.

No fence, wall, structure, perennial planting or other visual obstruction shall be permitted within fifty (50) feet of any road right-of-way. Open fences constructed so as not to obstruct snow shall be permitted on property lines.

ARTICLE V
ZONING DISTRICTS

Section 5.1 Zoning Districts. For the purpose of this Ordinance, the unincorporated area of Lac qui Parle is divided into the zoning districts described in Article VI.

Section 5.2 Additional Zoning Districts. Additional zoning districts may be added or zoning districts may be deleted or modified in the manner prescribed in Article X of this Ordinance.

Section 5.3 Zoning Map. The areas comprising these zoning districts and the boundaries of said districts are shown upon the zoning map made a part of this Ordinance, being designated as the County of Lac qui Parle Official Zoning Map, with all proper notations, references and other information shown thereon.

(1) The Official Zoning Map shall be signed by the chairman of the County Board, attested to by the County Auditor and bear the seal of the county under the words "This is to certify that this map of the County of Lac qui Parle, Minnesota". The Official Zoning Map shall be kept on file in the office of the County Auditor.

(2) Changes made in district boundaries by amendments to this Ordinance shall be recorded by the Zoning Administrator on the Official Zoning Map within thirty (30) days after official publication of the amendment.

Section 5.4 District Boundaries. The boundaries separating

districts, are unless otherwise specified, the centerlines of highways, roads, streets, alleys, or railroad rights-of-way, or such lines extended, or lines parallel or perpendicular thereto, or section, half section, quarter section, quarter-quarter section, or other fractional section lines of United States public land surveys as provided by law.

ARTICLE VI USE DISTRICT REGULATIONS

Section 6.1 A-1 Agricultural District. Consists of prime and good farmland and is identified by Lac qui Parle County's Comprehensive Plan as being the best farmland in the county. The predominant soil types are the Baines-Flom and Flom-Aastad.

(1) Permitted Uses.

- Agriculture including farm dwellings and agricultural
- Public parks, wildlife management areas and similar public outdoor recreation areas.
- Golf courses, resorts, vacation farms, group camps, riding stables and similar private outdoor recreation areas.
- Churches, cemeteries.
- Home occupations.
- Accessory buildings and uses customarily and usually incidental to the uses listed above.

(2) Conditional Uses.

- Commercial feedlots. (See Article VII)
- Rubbish dumps, landfills, junkyards.
- Extraction of mineral materials including topsoil, sand and gravel.
- Billboards, outdoor advertising signs.
- Mobile home parks.

(3) Minimum Lot Area. Three (3) acres, except that tracts of less than three acres acquired by a deed prior to December 10, 1970, shall be eligible for building permits providing that the owner complies with all other provisions of this Ordinance.

(4) Minimum Front Setback. As specified in Section 4.2 (1-A).

(5) Minimum Side and Rear Setbacks. As specified in

Section 4.2 (2-B).

- (6) Maximum Building Height. As specified in Section 4.2 (3).

Section 6.2

A-2 Agricultural District. That farmland in the county that is identified by the Lac qui Parle County's Comprehensive Plan as being less than prime and good farmland.

- (1) Permitted Uses.

- Uses specified in Section 6.1 (1).
- One and two family dwellings.
- Temporary stands for the sale of farm products.

- (2) Conditional Uses. (See Article VII)

- Extraction of mineral material including topsoil, and gravel.
- Billboards, outdoor advertising signs.
- Mobile home parks.
- Golf driving ranges, drive-in movies, trap shooting ranges and related commercial outdoor recreation areas.
- Greenhouses, plant nurseries.

- (3) Minimum Lot Area. Three (3) acres, except that tracts of lesser size acquired by a deed prior to December 10, 1970, shall be eligible for building permits providing that the owner complies with all other provisions of this Ordinance.

- (4) Minimum Front Setback. As specified in Section 4.2 (1-A).

- (5) Minimum Side and Rear Setback. As specified in Section 4.2 (2-B).

- (6) Maximum Building Height. As specified in Section 4.2 (3).

Section 6.3

R-1 Residential District.

- (1) Permitted Uses.

- One and two family dwellings.
- Churches, cemeteries.
- Truck gardening, nurseries.
- Home occupations.
- Accessory buildings and uses customarily and usually incidental to the uses listed above.

- (2) Conditional Uses. (See Article VII)
 - Municipal sewage treatment plant.
 - Nonfarm dwellings.
 - Motels.
 - Truck stops, gas stations and restaurants.
 - Commercial and industrial buildings.
- (3) Minimum Lot Area. One (1) acre.
- (4) Minimum Front Setback. As specified in Section 4.2 (1-B).
- (5) Minimum Side and Rear Setback. As specified in Section 4.2 (2-A).
- (6) Maximum Building Height. As specified in Section 4.2 (3).

Section 6.4 C-1 Commercial District.

- (1) Permitted Uses.
 - Uses specified in Section 6.3 (1) on lots not less than one (1) acre.
 - Eating and drinking places.
 - Truck stops, gas stations, repair garages.
 - Motels and motor courts.
 - Animal clinics.
 - Billboards, outdoor advertising signs.
- (2) Conditional Uses.
 - Other retail or services uses.
- (3) Minimum Lot Area. Three (3) acres, except that tracts of lesser size acquired by a deed prior to December 10, 1970, shall be eligible for building permits providing that the owner complies with all other provisions of this Ordinance.
- (4) Minimum Front Setback. As specified in Section 4.2 (1-C).
- (5) Minimum Side and Rear Setback. As specified in Section 4.2 (2-B).
- (6) Maximum Building Height. As specified in Section 4.2 (3).

(7) Minimum Parking Spaces Required.

- One (1) for each dwelling unit.
- Two (2) for each one (1) employee.

Section 6.5 I-1 Industrial District.

(1) Permitted Uses.

- Uses specified in Section 6.4 (1) subject to the requirements specified for the C-1 Commercial District.
- Any other use not prohibited by law except those uses listed below which shall require a conditional use permit.

(2) Conditional Uses.

- Uses specified in Section 6.3 (2).

(3) Minimum Lot Area. Three (3) acres, except that tracts of lesser size acquired by a deed prior to December 10, 1970, shall be eligible for building permits providing that the owner complies with all other provisions of this Ordinance.

(4) Minimum Front Setback. As specified in Section 4.2 (1-C).

(5) Minimum Side and Rear Setback. As specified in Section 4.2 (2-B).

(6) Maximum Building Height. As specified in Section 4.2 (3).

(7) Minimum Parking Spaces Required. Two (2) for each employee.

ARTICLE VII
CONDITIONAL USES

Recognizing that certain uses 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.

Section 7.1 Conditional Uses. Conditional use 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.

Section 7.2 Procedure for Conditional Use Permit Application. An application for a conditional use permit shall be filed with the Zoning Administrator on a form prescribed by the County Board. The application shall be forwarded to the County Planning Commission and shall be accompanied by such further information as prescribed by the County Planning Commission.

- (1) The County Planning Commission shall hold at least one (1) public hearing in a location to be prescribed by the County Planning Commission.
- (2) Notice of the time and place of such hearing shall be published in the official paper of the county at least ten (10) days in advance of each hearing.
- (3) Notice shall be given to the township in which the conditional use is proposed to be located and to any municipality within one and one-half (1 1/2) miles.
- (4) All property owners within three hundred (300) feet shall be notified by U.S. mail as to the time and place of the public hearing.
- (5) No hearing shall be required in regard to a commercial feedlot in the event that there is no dwelling other than that of the owner of said commercial feedlot within 2,000 feet of the closest boundary of said commercial feedlot.

Section 7.3 Report of Planning Commission to County Board. The County Planning Commission shall report to the County Board its findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest.

Section 7.4 Conditional Use Review Criteria. No conditional use shall be recommended by the County Planning Commission unless said Commission shall find:

- (1) That the use is one of the conditional uses specifically listed for the district in which it is to be located.
- (2) That the conditional use will not be injurious

to the use and enjoyment of other property in the immediate vicinity, for the purposes already permitted, nor substantially diminished and impair property values within the immediate vicinity.

- (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
- (4) That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
- (5) That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration; so that none of these will constitute a nuisance, and to control lighted signs and other lights in such manner that no disturbance to neighboring properties will result.

Section 7.5 Upon receipt of the report of the County 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 use permit.

Section 7.6 The County Board may impose such conditions and safeguards upon the premises benefited by a conditional use as may 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 use is punishable under Article XII.

Section 7.7 No conditional use permitting the erection or alteration of a building shall be valid for a period longer than one (1) year unless the building is erected or altered within that period.

ARTICLE VIII ADMINISTRATION AND ENFORCEMENT

Section 8.1 Administrative Official. Administration and enforcement of this Ordinance shall be the responsibility of the Planning and Zoning Administrator. The administrator shall perform the

following duties.

- (1) Administer this Ordinance.
- (2) Enforce the terms of this Ordinance through proper legal channels.
- (3) Issue building permits.
- (4) Receive and forward to the Planning Commission and Board of County Commissioners all applications for conditional use permits and applications to amend this Ordinance.
- (5) Maintain permanent and current records of the Zoning Ordinance, including all maps, amendments, conditional uses and non-conforming uses.
- (6) Provide clerical and technical assistance to the Board of Adjustment.
- (7) Provide information to the public, relative to the content and administration of this Ordinance.

Section 8.2 Building Permits. Hereafter, no person shall erect, alter or move any building or structure without first obtaining a building permit from the administrator. Interior remodeling is exempt from any permit fee but shall require a building permit. Where remodeling or altering a structure changes the exterior dimensions, the established fee shall be paid prior to issuing a permit. All normal maintenance and repair is exempt from this provision unless the use of the structure is changed.

- (1) Each application for a permit to construct or alter shall be accompanied by a site plan drawn to scale showing the dimensions of the lot, the size and location of the building and accessory buildings to be erected together with the proposed use of same. Applications for any kind of building permit shall contain such other information as may be deemed necessary for the proper enforcement of this Ordinance.
- (2) Upon determining that the proposed construction or alteration conforms to all provisions of this Ordinance and other applicable codes and ordinances, the Administrator shall issue the building permit.

- (3) One (1) copy of the building permit and application shall be returned to the applicant and the other shall be retained permanently as part of the records of the Administrator.
- (4) If the work described in the building permit application is not substantially completed within two (2) years, said permit shall expire and further work shall not proceed until a new permit is obtained.
- (5) The fee shall be paid to the Administrator before any building permit shall be issued which shall be transferred to the County Auditor for deposit to the account of the county general fund.
- (6) A building permit may be issued by the Zoning Administrator, without a variance being granted, for remodeling or additions to existing structures that do not comply with the established setback requirements for the district; provided that said addition extends no further into the setback area required than the original structure and provided that the use of the structure is not changed.
- (7) The amount of the building or setback permit fee shall be determined by the County Board of Commissioners.

Section 8.3 Lac qui Parle County Board of Commissioners.

The Lac qui Parle County Board of Commissioners have the power and authority to prepare and adopt (by ordinance) a plan for the unincorporated portions of the county. The board may also enter into contract with the governing bodies of municipalities to provide planning and zoning services within the municipalities. Under state law, the adopted plan must become the basis for any official controls adopted by the board.

Zoning is one of the official controls intended to further the purpose and objectives of the plan. Once the zoning ordinance is adopted, the Board shall provide for its enforcement and may impose enforcement opportunities on any officer, department or employee of the county. The duties of the Lac qui Parle County Board of Commissioners include:

Appoint members to the Lac qui Parle County Planning Commission.

Officially adopt the plan and zoning ordinances.

Officially adopt any changes or amendments made to the plan and zoning ordinances.

Approve or deny the application for a conditional use permit upon recommendation by the Lac qui Parle County Planning Commission.

Periodically meet with the Lac qui Parle County Planning Commission to review the plan and zoning ordinances as it applies to Lac qui Parle County.

Section 8.4 Lac qui Parle County Planning Commission.

The Lac qui Parle County Board of Commissioners shall appoint a Lac qui Parle County Planning Commission composed of no fewer than five and no more than eleven (11) members. At least two members must be residents of that portion of Lac qui Parle County lying outside the corporate limits of the municipalities. No more than one (1) voting member of the planning commission may be an officer or employee of the county; however, the board may designate any county officer or employee as an ex-officio member of the planning commission. Lac qui Parle County Planning Commission members shall be appointed by the Lac qui Parle County Board of Commissioners. Appointments will occur during the regularly scheduled meeting of the Lac qui Parle County Board of Commissioners each January. Terms of office for Lac qui Parle County Planning Commission members will be for two (2) years. If any planning commission member has two (2) unexcused absences during a calendar year the Lac qui Parle County Planning Commission can recommend to the Lac qui Parle County Board of Commissioners a replacement for that person. Replacement of an individual with two (2) unexcused absences during a calendar year can occur at a regularly scheduled meeting of the Lac qui Parle County Board of Commissioners and his or her appointment will occur in the same manner prescribed by all newly appointed planning commission members. Lac qui Parle County Planning Commission members shall elect a chairman and secretary each January and their terms of office will be for one year. The duties of the Lac qui Parle County Planning Commission will include:

Cooperate in the preparation and/or revision of a comprehensive plan and recommend with the Lac qui Parle County Board of Commissioners.

Cooperate in the recommendation for plan execution or implementation in the form of official controls and other measures (basically, this means the development or revision of zoning ordinances for Lac qui Parle County and recommendation to the Lac qui Parle County Board of Commissioners their approval of the zoning ordinances following a public hearing).

Conduct public hearings for the approval/denial of amendments made to the comprehensive plan, zoning ordinances and conditional use permits.

Periodically request the Lac qui Parle County Board of Commissioners to meet with the Lac qui Parle County Planning Commission to discuss and make changes where necessary to the comprehensive plan and zoning ordinances in accordance with the land use issues currently existing.

ARTICLE IX BOARD OF ADJUSTMENT

A Board of Adjustment consisting of three (3) members is hereby created. The Board shall have the powers and duties enumerated in Minnesota Statutes 1969, Chapter 394.27; which is hereby adopted by reference.

ARTICLE X AMENDMENT

Section 10.1 Amendment. Amendments, including changes in the district boundaries or in the text of this Ordinance, may be made wherever the public necessity and general welfare require, by following the procedure specified in this Article.

Section 10.2 Initiation. Amendments shall be initiated in the following manner.

- (1) A petition of the owner or owners of the actual property.
- (2) A recommendation of the County Planning Commission.
- (3) Action of the Board of County Commissioners.

- Section 10.3 Planning Commission Review. Any amendment not initiated by the County Planning Commission shall be referred to it for study and report and shall not be acted upon by the County Board until it has received the recommendation of the County Planning Commission or until sixty (60) days have elapsed from the time of referral.
- Section 10.4 Application. An application for amendment initiated by petition of the owner or owners of the actual property shall be filed with the Administrator. The application shall be accompanied by a map showing lands proposed to be changed and all lands within three hundred (300) feet of the property, together with the names and addresses of the owners of said land.
- Section 10.5 Notice and Hearing. Before it makes its recommendations to the Board of County Commissioners, the County Planning Commission shall hold at least one (1) public hearing on the proposed amendment in a location to be prescribed by the County Planning Commission. The procedure for notice and hearing shall be as specified in Section 7.3.
- Section 10.6 Following the public hearing, the County Planning Commission shall make a report of its findings and recommendations on the proposed amendment and shall file a copy with the Board of County Commissioners and the Zoning Administrator within sixty (60) days after the hearing.
- (1) If no report or recommendation is transmitted by the County Planning Commission within sixty (60) days after the hearing, the Board of County Commissioners may take action without awaiting such recommendations.
 - (2) Upon the filing of such report or recommendation, the Board of County Commissioners may hold such public hearings upon the amendment as it deems advisable.
 - (3) After the conclusion of the hearings, if any, the Board of County Commissioners may adopt the amendment or any part thereof in such form as it deems advisable.
 - (4) The amendment shall be effective only if

four-fifths (4/5) of all the members of the Board concur in its passage.

- Section 10.7 Petitions Previously Denied. A period of not less than one (1) year is required between presentation of petitions for a change or amendment applying to a specific piece of property, where prior petition was denied.

ARTICLE XI FEES

- Section 11.1 All petition for amendments to this Ordinance, requests for variances, notices of appeals from an administrative order or applications for conditional use permits shall be accompanied by a fee as determined by the Board of County Commissioners to defray the administrative costs of processing such requests.

ARTICLE XII VIOLATIONS

- Section 12.1 Violations. Any person, firm or corporation who violates any of the provisions or who makes any false statement in any document required to be submitted under the provisions of this Ordinance shall be guilty of a misdemeanor.

- (1) Each day that a violation continues shall constitute a separate offense.
- (2) In the event of a violation or a threatened violation of this Ordinance, the Zoning Administrator or the Board of County Commissioners or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the County Attorney to institute such action.
- (3) Any taxpayer or taxpayers of the county may institute mandamus proceedings in district court to compel specific performance by the proper official or officials of any duty required by this Ordinance.

Section 12.2 Penalty Clause.

Structure started without a building permit application having been filed --- \$50.00.

Structure started which does not comply with the Ordinance requirements, without a building permit application having been filed and no variance decision given --- minimum \$100.00, maximum \$500.00 (to the discretion of the Board of Adjustment).

ARTICLE XIII
VALIDITY

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

ARTICLE XIV
REPEALING

Upon the effective date of this Ordinance, Ordinance No. _____ is hereby repealed. Parts of other ordinances in conflict with this Ordinance, to the extent of such conflict and not further, are hereby repealed.

ARTICLE XV
EFFECTIVE DATE

This Ordinance shall become effective and be in force from and after its passage, approval and publication as provided by law.

Passed and approved this 23rd day of November, 1970.

s/ Melvin Lillejord
Chairman
Board of County Commissioners

Attest:

s/ Harlan M. Farnen
County Auditor

Published this 10th day of December, 1970.

Zoning Administrator

Lac Qui Parle County

Madison, Minnesota 55256

612-598-3187

The following fee schedule was set by the Board of County Commissioners on December 4, 1984 to be effective on January 2, 1985:

<u>TYPE OF STRUCTURE</u>	<u>AMOUNT</u>
Accessory Agricultural	\$ 5.00
Residence and/or Farm Dwellings	10.00
All Other Structures	20.00
Article XI Fees	50.00