

MAY 9, 2024 – ORDINANCE REVISION SUMMARY

At the end of the 2022 legislative session, a new law was enacted that allows certain edible and beverage products infused with tetrahydrocannabinol (THC) to be sold. Unfortunately, the State provided no clear guidance for local regulatory authority, law enforcement, taxing, or employment.

Effective July 1, 2022, changes were made to MN Stats 151.72 regarding the sale of certain cannabinoid (CBD) products. The new law amends the scope of sale of any product that contains cannabinoid extracted from hemp and that is an edible cannabinoid product or is intended for human consumption.

The new law did not provide a clear opt-out option; therefore, the new law makes the new cannabinoid products legal in every city and county throughout the state.

There is nothing in the new law with regards to zoning or limiting the zoning authority related to CBD and/or THC products so long as the regulations are reasonable and consistent with regulations established by state law. Zoning regulations need to be considered related to the retail sales of CBD and/or THC products but also the manufacturing and production of these products within the County. Unless specifically addressed in our Zoning Ordinance, the County's general manufacturing and production provisions would likely apply to both CBD and THC products.

The following are proposed changes in addition to general corrections and typos.

1. SECTION 4 – RULES AND DEFINITIONS

a. Added or Amended a series of Definitions as listed in MN Statutes, Section 342.

1. Added Definitions included:

- a. Cannabis Business
- b. Cannabis Flower
- c. Cannabis Flower, Adult Use
- d. Cannabis Product
- e. Cannabis Product, Adult Use
- f. Hemp Business
- g. Hemp Derived Consumer Products
- h. Hemp Edible, Lower Potency
- i. Place of Public Accommodation
- j. Public Place

2. SECTION 8 – AGRICULTURE (A) DISTRICT

a. Added Cannabis Business and Commercial Greenhouse to the list of Conditional Uses.

SECTION 10 – GENERAL BUSINESS (B) DISTRICT

a. Added Cannabis Business and Commercial Greenhouse to the list of Conditional Uses.

SECTION 11 – GENERAL INDUSTRY (I) DISTRICT

a. Added Cannabis Business and Commercial Greenhouse to the list of Conditional Uses.

SECTION 4. RULES AND DEFINITIONS

SUBDIVISION 1. PURPOSE

A. WORD USAGE

For purposes of this Ordinance, words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular; the word "lot" shall include the word "plot" and the word "shall" is mandatory and not discretionary.

B. PERMITTED USES

1. Permitted uses of land or structures, as hereinafter listed, shall be allowed in the districts indicated under the conditions specified. No structure or land shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such structure or land shall be located, except for the following exceptions:
 - a. Uses lawfully established prior to the effective date of this Ordinance.
 - b. Conditional Uses allowed in accordance with Subdivision 1.C. of this Ordinance.
 - c. Essential services erected, constructed, altered, or maintained by public utilities or by governmental departments or commissions, subject only to the permit requirements as set forth in this Ordinance.

C. CONDITIONAL USES

Conditional Uses of land or structures, as hereinafter listed, may be allowed in the districts indicated, subject to the issuance of Conditional Use Permits, in accordance with the provisions of this Ordinance. Whenever a conditional use is named as a major category, it shall be deemed to include all and only those itemized uses listed.

D. SIGNIFICANT DATES:

(TABLE ON NEXT PAGE)

Ordinance or Amendment	Effective Date	Summary
Primary and Alternative SSTS Sites	January 23, 1996	Lots created after date must have sufficient area for a minimum of two (2) Type 1 subsurface sewage treatment systems.
Primary and Alternative SSTS Sites	June 1, 2022	Lots created after date shall be able to support a minimum design shall be based on a four-bedroom, Class I single-family dwelling with an effluent flow of 600 gallons per day.
Nonconforming Structures and Land Uses in Floodway and Flood Fringe District	July 6, 1999	Lawful nonconforming structures and uses may continue with conditions set forth in Section 24 of this Ordinance.
Lot of Record	July 9, 2009	See Definition
New or Expansion of Feedlots	June 10, 2010	New or expansion of feedlots shall conform to current Section 16 standards and Minnesota Administrative Rules.
Existing Building Sites	June 18, 1996	See Definition

SUBDIVISION 2. DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application. For the purpose of this Ordinance the words “must” and “shall” are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally

ABOVE GROUND MANURE STORAGE AREA – A manure storage area for which all portions of the liner are located at or above the elevation of the natural ground level.

ABSORPTION AREA – The design parameter that is associated with the hydraulic acceptance of effluent. The absorption area for mound systems is the original soil below a mound system that is designed to absorb sewage tank effluent. The absorption area for trenches, seepage beds, and at-grade systems is the soil area in contact with the part of the distribution medium that is designed and loaded to allow absorption of sewage tank effluent. This includes both bottom and sidewall soil contact areas.

ADMINISTRATIVE SPECIAL USE PERMIT – A specific approval, issued by the Department, for a use that has been determined to be more intense or has a potential for a greater impact than permitted use within the same zoning district.

ADULT USES - A use, business or establishment, including but not limited to, adult bookstores, adult motion picture theaters, adult picture rental, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of specified sexual activities or specified anatomical areas which are capable of being seen by members of the public.

ADULT USES, ACCESSORY - A use, business or establishment having ten (10) percent or less of its stock in trade or floor area allocated to, or twenty (20) percent or less of its gross receipts derived from movie rentals or magazine sales.

ADULT USES, PRINCIPAL - A use, business or establishment having more than ten (10) percent of its stock in trade or floor area to, or more than twenty (20) percent of its gross receipts derived from movie rentals or magazine sales.

AGENCY - The Minnesota Pollution Control Agency (MPCA) as established in Minnesota Statutes, Chapter 116.

AGGREGATED PROJECTS - Aggregated projects are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more components 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 BEST MANAGEMENT PRACTICES (BMP) - An agricultural BMP is broadly defined as an economically sound practice that is capable of minimizing nutrient contamination of surface and ground waters. Specific BMP practices are described in Minnesota Extension Service Bulletins AG-FO-6125, AG-FO-6127 and AG-FO3553.

AGRICULTURAL LAND – As of June 1, 2022, land that has been, or is immediately adjacent to and under common ownership of land, tilled and utilized for farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry or similar purposes for the majority of the past ten (10) years. Land that is entered in a state or federal program where there is reimbursement for maintaining the land out of production shall be considered agricultural land for the purposes of enforcing these regulations.

AGRICULTURE - The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the agricultural product provided, however, that the operation of any such accessory uses shall be secondary to that of primary agricultural activities.

AGRICULTURE, VALUE ADDED - An agriculture product in which value is added to an agriculture crop, poultry, or livestock grown on a site owned or operated by the applicant by the process of changing, combining or transforming its original state to a more valuable state.

ALARM DEVICE - A device that alerts a system operator or system owner of a component's status using a visual and/or audible device. An alarm device can be either on site or remotely located.

ANIMAL CREMATORIUM - A place in which deceased animals are cremated through the use of properly installed and certified apparatus.

ANIMAL, DOMESTIC PETS - Dogs, cats, birds and similar animals kept in a residence. Animals considered wild, exotic, or non-domestic, such as lions, bears, wolves, and similar animals, shall not be considered domestic pets.

ANIMAL FEEDLOT - A lot or structure or combination of lots and structures intended for the feeding, breeding, raising, or holding of animals and specifically designed as a structure or area in which animals may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. 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.

ANIMAL FEEDLOT, CERTIFICATE OF COMPLIANCE - A letter sent prior to October 23, 2000, from the Agency or the county feedlot officer to the owner of an animal feedlot or manure storage area stating that the feedlot or manure storage area meets Agency standards, and that the animal feedlot or manure storage area did not create or maintain a potential pollution hazard, or if a potential pollution hazard existed, it had been corrected to meet the Agency requirements.

ANIMAL FEEDLOT, CHANGE IN OPERATION – A change in the types of animals kept at the animal feedlot facility or a change in operation of an animal feedlot facility or manure storage area that would affect the storage, handling, utilization, or disposal of animal manure.

ANIMAL FEEDLOT, COMMENCEMENT OF CONSTRUCTION - Begin or cause to begin, as part of a continuous program, the placement, assembly, or installation of facilities or equipment; or to conduct significant site preparation work, including clearing, excavation, or removal of existing buildings, structures, or facilities, necessary for the placement, assembly, or installation of facilities or equipment at:

1. A new or expanded animal feedlot; or
2. A new, modified, or expanded manure storage area.

ANIMAL FEEDLOT, DISCHARGE - The addition of a pollutant to waters of the state, including a release of animal manure, manure-contaminated runoff or process wastewater from an animal feedlot, a manure storage area, or an animal manure land application site by leaking, pumping, pouring, emitting, emptying, dumping, escaping, seeping, leaching, or any other means. Discharge includes both point source and nonpoint source discharges.

ANIMAL FEEDLOT, EXISTING - An animal feedlot that has been utilized for livestock production within the past five (5) years.

ANIMAL FEEDLOT, MODIFICATION - A change to a facility component or operational practice described, required, or authorized by a permit issued under Minnesota Administrative Rules, Chapter 7020 and the Zoning Ordinance, including an expansion. A change to a facility component or operational practice that is not described, required, or authorized by a permit is not a modification, including changes to:

1. The type of crop or manure application rate if consistent with the methodology portion of the manure management plan and reflected in required records;
2. Routine maintenance;
3. Feeding or milking schedules;
4. Animal diets;
5. Bedding materials so long as consistent with approved design plans and specifications;
6. Equipment used to clean the facility so long as consistent with approved design plans and specifications;
7. Lands used as pasture; or
8. Facility components not involved directly in animal or manure management such as an office or machine shed.

ANIMAL FEEDLOT, NEW - An animal feedlot constructed and operated at a site where an animal feedlot did not previously exist or where a preexisting animal feedlot has been discontinued or unused for live-stock production for five (5) years or more.

ANIMAL FEEDLOT, OPERATOR/OWNER - All persons having possession, control, or title to an animal feedlot or manure storage area.

ANIMAL FEEDLOT PERMIT, INTERIM - A permit issued by the county and, when required, the Agency which expires no later than ten (10) months from the date of issuance, identifying the necessary corrective measures to abate potential pollution hazards.

ANIMAL FEEDLOT, POTENTIAL POLLUTION HAZARD - A condition which indicates a potential for pollution of the land or waters of the state including, but not limited to:

1. An animal feedlot or manure storage area whose boundaries are located within shoreland or floodplain, or are located in an area draining directly to a sinkhole or draining to an area with shallow soils overlaying a fractured or cavernous rock, or are located within one hundred (100) feet of a water well; or
2. An animal feedlot or manure storage area whose construction or operation will allow a discharge of pollutants to surface or groundwater of the state in excess of applicable standards, including, but not limited to, MN Rules Chapters 7050 and 7055, during a rainstorm event of less magnitude than the twenty-five (25) year, (4.9 inches), twenty-four (24) hour event, or will violate any applicable state rules.

ANIMAL FEEDLOT, SUITABLE AREA - The area remaining on a lot or parcel of land that is capable of sustaining animal units after land defined as bluffs, steep slopes, wetlands, floodplain, land enrolled in government-funded conservation programs (for example, Conservation Reserve Program (CRP), Conservation Reserve Enhancement Program (CREP), and Reinvest in Minnesota Reserve (RIM)), and land below the ordinary high water level are subtracted.

ANIMAL HOSPITAL AND VETERINARY CLINIC - A facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases and where animals may be boarded for their treatment.

ANIMAL MANURE - Poultry, livestock, or other animal excreta or a mixture of excreta with feed, bedding, or other materials.

ANIMAL SHELTER - A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned by a private citizen, public body, humane society or other non-profit organization devoted to the welfare, protection, and humane treatment of animals.

ANIMAL UNIT - A unit of measure used to compare differences in the production of animal manures that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer for an animal feedlot or a manure storage area, calculated by multiplying the number of animals of each type in items A to I by the respective multiplication factor and summing the resulting values for the total number of animal units. For purposes of this ordinance, the multiplication factors listed in MN Administrative Rules, Chapter 7020 shall apply.

ANTENNA - Any structure or device used for the purpose of collecting or radiating electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

ANTIQUÉ STORE - A place offering antiques for sale. An antique, for purposes of this Ordinance, shall be a work of art, piece of furniture, decorative object, or the like, of or belonging to the past, at least thirty (30) years old.

APPLICANT - A person, property owner, or entity that submits an application for a permit, development approval, or land use action which includes but not limited to a variance, conditional use permit, rezoning, ordinance amendment, or plat.

APPLICATION DEADLINE - The date, as established by the Department, by which an applicant must submit an application for consideration by the Planning Commission or the Board of Adjustment.

AS-BUILTS - A construction drawing prepared after completion of a project which depicts the site as it has been actually constructed. An As-Built may include structures, parking and topographic elevations. See also Record Drawings.

AT-GRADE SYSTEM - A pressurized soil treatment and dispersal system where sewage tank effluent is dosed to an absorption bed that is constructed directly on original soil at the ground surface and covered by loamy soil materials.

AUTOMOBILE WRECKING - See Junk/Salvage Yards.

AVERAGE DAILY TRIP - The average number of vehicles using a traveled way for a 24-hour period determined by dividing the total number of vehicles for a stated period by the number of days in that time period. In calculating vehicle trips, trucks with trailers shall be adjusted to a passenger car equivalent.

BAFFLE - A device installed in a septic tank to retain solids and includes, but is not limited to, vented sanitary tees with submerged pipes and effluent screens.

BARRIER - An artificially constructed enclosure of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas. This does not include hedges, shrubs, trees, or other natural growth.

BASE FLOOD – The flood having a one-percent (1%) chance of being equaled or exceeded in any given year. Base Flood is synonymous with the term Regional Flood.

BASE FLOOD ELEVATION (BFE) – The elevation of the base flood, regional flood, or one-percent (1%) annual chance flood. The term Base Flood Elevation is used in the flood insurance study.

BASEMENT - Any area or a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

BASIN - A man-made wetland or low area that may contain related vegetation which functions to remove sediment, organic matter, and other pollutants from Agriculture or Urban runoff or wastewater by filtration, deposition, infiltration, absorption, adsorption, decomposition and volatilization, thereby reducing pollution and protecting the environment.

BEACH SAND BLANKET - An amount of sand allowable by County and State regulations that is placed on a lakeshore to make a beach area.

BEDROOM - An area or room of a dwelling that has the following characteristics:

1. A minimum area of seventy (70) square feet.
2. A minimum ceiling height of seven (7) feet.
3. A minimum seven (7) foot horizontal distance in any direction.
4. A minimum of two (2) different types of egress (for the purpose of this definition, multiple windows or doors equals one type of egress).

BED AND BREAKFAST INN - An owner-occupied dwelling unit where short-term lodging rooms with or without meals, are provided for compensation.

BEST MANAGEMENT PRACTICE (BMP) - A practice or combination of practices for preventing or reducing the impacts of development, particular land uses, or other activities on the environment, as described in current Minnesota Pollution Control Agency’s manual, State Statute, and other sources as approved by the County.

BLOCK - An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or lake.

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

1. The slope rises at least fifteen (15) feet from the toe of the bluff to the top of the bluff.
2. The grade of the slope from the toe of the bluff to the top of the bluff averages 18 percent or greater.

The percent of the slope is defined as the change in elevation (rise) over a distance (run).

BLUFF, TOE - The toe of the bluff shall be determined to be the lower end of the lowest ten (10) foot segment that exceeds eighteen (18) percent slope.

BLUFF, TOP - The top of the bluff shall be determined to be the upper end of the highest ten (10) foot segment that exceeds eighteen (18) percent.

BLUFF IMPACT ZONE - Land located within twenty (20) feet from the top or toe of a bluff.

BLUFF AND STEEP SLOPE STABILIZATION – Practice that stabilizes slopes that are equal to or greater than 12% and has active, and often severe, erosion and runoff due to high water, flooding, and land use activities. Native vegetation, soil bioengineering practices, rock, and manmade materials may be used to complete the project.

BLUFFLINE – A line at the top of a slope connecting the points at which the slope becomes less than 18%.

BOARD OF COUNTY COMMISSIONERS - Le Sueur County Board of Commissioners.

BOARDWALK - A horizontal, unenclosed walkway without attached railings, seats, trellises, or other features, attached or functionally related to a water oriented accessory structure, extending less than one (1) foot above ground, and which does not exceed four (4) feet in width. The area of a Boardwalk shall be included in the total area of a water oriented accessory structure.

BOAT STORAGE STRUCTURE - A structure for storage of boat or lake sporting and recreational equipment.

BRUSH - A woody plant that is smaller than six (6) inches in diameter measured at four and one-half (4.5) feet above ground level.

BUFFER - A continuous strip of land intended to create a physical separation between potentially incompatible uses of land.

BUFFER ZONE - That portion of a parcel of land which adjoins neighboring parcels and is not used for structures, manufactured homes, recreational camping units or vehicle parking, or storage; and which requires minimal maintenance.

BUILDING - See Structure

BUILDABLE LOT AREA - The portion of a lot or parcel remaining after the deletion of primary structure setbacks, floodplain, wetlands, bluffs and/or below the ordinary high water level.

CABIN - A structure used seasonally or intermittently as a single-family dwelling.

CALCAREOUS FENS - A rare type of wetland as identified by the commissioner by written order published in the State Register, are regulated under the Wetland Conservation Act (WCA) but the responsibility for their regulation is assigned to the DNR and which may not be filled, drained, or otherwise degraded, wholly or partially, by any activity, unless the Commissioner, under an approved management plan, decides some alteration is necessary, as defined in MN Statutes, §103G.223.

CAMPER - See Travel Trailer.

CAMPGROUND - An area of property, whether privately or publicly owned, used on a daily, nightly, or longer basis for the placement of three or more camping units for the purpose of people occupying the unit on an overnight basis, where proper sanitation facilities and spacing of camp units are provided and maintained.

CAMPING UNIT(S) - Any tent, trailer, cabin, lean-to, recreational vehicle, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation purposes.

CANNABIS BUSINESS - Any of the following licensed under MN Statutes, Section 342:

1. [Cannabis Cultivator](#)
2. [Cannabis Delivery Service;](#)
3. [Cannabis Event Organizer;](#)
4. [Cannabis Manufacturer;](#)
5. [Cannabis Mezzobusiness;](#)
- ~~1~~6. [Cannabis Microbusiness;](#)
7. [Cannabis Retailer;](#)
- ~~2~~8. [Cannabis Testing Facility;](#)
9. [Cannabis Transporter;](#)
- ~~3~~10. [Cannabis Wholesaler;](#)

11. Medical Cannabis Combination Business.

~~4.~~12. Medical Cannabis Cultivator;

~~5.~~13. Medical Cannabis Processor; and,

~~6.~~14. Medical Cannabis Retailer.

CANNABIS BUSINESS, CULTIVATOR - Can grow cannabis plants within the approved amount of space from seed to immature plant to mature plant, harvest cannabis flower, package and label immature cannabis plants and seedlings and cannabis flower, and transport cannabis flower to cannabis manufacturers.

CANNABIS BUSINESS, DELIVERY SERVICE - May purchase cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products from licensed cannabis microbusinesses with a retail endorsement, cannabis mezzo businesses with a retail endorsement, cannabis retailers, medical cannabis retailers, and medical cannabis combination businesses; transport and deliver cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumable products to customers; and perform other actions approved by the office

CANNABIS BUSINESS, EVENT ORGANIZER - May organize a temporary cannabis event lasting no more than four days. A cannabis event organizer must receive local approval, including obtaining any necessary permits or licenses issue by a local unit of government before holding a cannabis event. If approved by the local unit of government, a cannabis event may designate an area for consumption of adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or any combination of those items.

CANNABIS BUSINESS, MANUFACTURER - May purchase cannabis flower, cannabis products hemp plant parts, hemp concentrate, and artificially derived cannabinoids from a cannabis business, purchase hemp plants and hemp concentrates, make cannabis hemp concentrate, manufacture artificially derived cannabinoids, manufacture adult-use cannabis products, lower-potency hemp edibles, and hemp derived consumer products, and sell cannabis concentrate, hemp concentrate, artificially derived cannabinoids, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products to other cannabis businesses.

CANNABIS BUSINESS, MEZZOBUSINESS - May grow cannabis from seed or immature plant for cannabis products or medical cannabis flower, make cannabis and hemp concentrate, manufacture adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products for public consumption, process medical cannabinoid products, sell immature cannabis plants and seedlings, and purchase cannabis concentrate, hemp concentrate, and synthetically derived cannabinoids from another cannabis business.

CANNABIS BUSINESS, MICROBUSINESS - May grow cannabis plants, make cannabis concentrate, make hemp concentrate, manufacture artificially derived cannabinoids, manufacture adult-use cannabis products, lower-potency hemp edibles, and hemp derived consumer products for public consumption, purchase hemp or hemp concentrate parts, package and label cannabis and hemp products, and sell cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp products, and hemp-derived consumer products.

CANNABIS BUSINESS, RETAILER - May purchase immature cannabis plants and seedlings, cannabis flower, cannabis products, and lower-potency hemp products, from cannabis businesses, and sell immature cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and other products authorized by law to customers.

CANNABIS BUSINESS, TESTING FACILITY - May obtain and test immature cannabis plants and seedlings, cannabis flower, cannabis products, hemp plant parts, hemp concentrate, artificially derived cannabinoids, lower-potency hemp edibles, and hemp-derived consumer products from cannabis microbusinesses, cannabis mezzo businesses, cannabis cultivators, cannabis manufacturers, cannabis wholesalers, lower-potency hemp edible manufacturers, medical cannabis cultivators, medical cannabis processors, medical cannabis combination businesses, and industrial hemp growers.

CANNABIS BUSINESS, TRANSPORTER - May transport immature cannabis plants and seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency hemp edibles, and hemp-derived consumer products from cannabis microbusinesses, cannabis mezzo businesses, cannabis cultivators, cannabis manufacturers, cannabis wholesalers, lower-potency hemp edible manufacturers, medical cannabis retailers, medical cannabis processors, and industrial hemp growers to cannabis microbusinesses, cannabis mezzo businesses, cannabis manufacturers, cannabis testing facilities, cannabis wholesalers, cannabis retailers, lower-potency hemp edible retailers, medical cannabis processors, medical cannabis retailers, and medical cannabis combination businesses and perform other actions approved by the office.

CANNABIS BUSINESS, WHOLESALE - May purchase immature cannabis plants and seedlings, cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products from cannabis businesses, and purchase hemp plant parts and hemp concentrates. Cannabis wholesalers may sell immature cannabis plants and seedlings, cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products to cannabis microbusinesses, cannabis mezzo businesses, cannabis manufacturers, and cannabis retailers, sell lower-potency hemp edibles to lower-potency-hemp edible retailers, and import hemp-derived consumer products and lower-potency hemp edibles that contain hemp concentrate or artificially derived cannabinoids

CANNABIS FLOWER - The harvested flower, bud, leaves, and stems of a cannabis plant. Cannabis flower includes adult-use cannabis flower and medical cannabis flower. Cannabis flower does not include cannabis seed, hemp plant parts, or hemp-derived consumer products.

CANNABIS FLOWER, ADULT-USE - Cannabis flower that is approved for sale by the office or is substantially similar to a product approved by the office. Adult-use cannabis flower does not include medical cannabis flower, hemp plant parts, or hemp-derived consumer products.

CANNABIS PRODUCT - Any of the following:

1. Cannabis concentrate;
2. A product infused with cannabinoids, including but not limited to tetrahydrocannabinol, extracted or derived from cannabis plants or cannabis flower;
or
3. Any other product that contains cannabis concentrate.

Cannabis product includes adult-use cannabis products, including but not limited to edible cannabis products and medical cannabinoid products. Cannabis product does not include cannabis flower, artificially derived cannabinoid, lower-potency hemp edibles, hemp-derived consumer products, or hemp-derived topical products.

CANNABIS PRODUCTS, ADULT-USE - Cannabis concentrate that is approved for sale by the office or is substantially similar to a product approved by the office. Adult-use cannabis concentrate does not include any artificially derived cannabinoid.

CANDELAS PER SQUARE METER (cd/m²) - The standard unit of luminance (*also called NITS*). 1 CDM is equal to 1 NIT.

CARTAGE AND EXPRESS FACILITIES - A facility which receives packages and materials from another customer and transports those packages and materials to another location.

CERTIFIED STATEMENT - A statement signed by a certified individual, apprentice, or qualified employee under MN Rules Chapter 7083 certifying that the licensed business or qualified employee completed work in accordance with applicable requirements.

CESSPOOL - An underground pit, receptacle, or seepage tank that receives sewage directly from a building sewer and leaches sewage into the surrounding soil, bedrock, or other soil materials. Cesspools include sewage tanks that were designed to be watertight, but subsequently leak below the designed operating depth.

CHANNEL - A natural or artificial depression of perceptible extent, with definite beds and banks to confine and conduct flowing water either continuously or periodically.

CHURCH - A structure that is used for the assembling of people for religious purposes.

CLASS V INJECTION WELL - A shallow well used to place a variety of fluids directly below the land surface. This includes SSTS that are designed to receive sewage or nonsewage from a two-family dwelling or greater or receive sewage or nonsewage from another establishment that serves more than twenty (20) persons per day. The US Environmental Protection Agency and delegated state groundwater programs permit these wells to inject wastes below the ground surface provided they meet certain requirements and do not endanger underground sources of drinking water. Class V motor vehicle waste disposal wells and large-capacity cesspools are specifically prohibited (see 40 CFR Parts 144 & 146).

CLUSTER DEVELOPMENT - A pattern of subdivision development which places housing units into compact groupings while providing a network of commonly owned or dedicated open space.

CLUSTER SYSTEM - A wastewater collection and treatment system under some form of common ownership that collects wastewater from three (3) or more dwelling units and conveys it to a treatment and dispersal system located on an acceptable site near the dwellings or structures.

COMMERCIAL BUSINESS - The selling or vending of any good or service including but not limited to food, beverages, souvenirs, craft items, repair or rental services, or any other salable item or service.

COMMERCIAL GRAIN ELEVATOR - A facility with a group of structures and grain storage facilities that purchases grain from agricultural producers. The facility stores and at times may process grain on site before transporting grain off site.

COMMERCIAL GRAIN STORAGE - A facility with a group of structures and grain storage facility that is used by agricultural cooperative or agribusiness.

COMMERCIAL GREENHOUSE – [A retail business whose principal activity is the selling of plants grown on the site and having outside storage, growing, or display.](#)

COMMERCIAL RECREATIONAL AREA, INDOOR - Recreational uses conducted indoors, including; but not limited to, archery, miniature golf, firing ranges, paintball, laser tag, motorized cart tracks, water parks, and similar uses.

COMMERCIAL RECREATIONAL AREA, OUTDOOR - Recreational uses conducted outdoors, including; golf driving ranges (not associated with a golf course), archery, miniature golf, firing ranges, paintball, laser tag, motorized cart tracks, water parks, amusement parks, and similar uses.

COMMERCIAL USE - The principal use of land or structures for the sale, lease, rental, or trade of products, goods, and services.

COMMISSIONER - Minnesota Commissioner of Natural Resources or the Commissioner of the Minnesota Pollution Control Agency whose duties are defined in Minnesota Statutes, section 116.03.

COMMUNITY CENTER - A place, structure, area, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

COMMUNITY WATER AND SEWER SYSTEMS - Utilities systems serving a group of structures, lots, or an area of the County with the design and construction of such utility systems as approved by the County Engineer and the State of Minnesota.

COMPLIANCE INSPECTION - An evaluation, investigation, inspection, or other such process for the purpose of issuing a certificate of compliance or notice of noncompliance.

COMPREHENSIVE LAND USE PLAN - The policies, statements, goals, and interrelated plans for private and public land and water use, transportation, and community facilities including recommendations for plan execution, documented in ordinances and maps which constitute the guide for the future development of the County or any portion of the County.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) – An animal feedlot meeting the definition of a large, medium, or small CAFO under Code of Federal Regulations, title 40, section 122.23.

CONDITIONAL USE - A land use or development as defined by this Ordinance that would not be appropriate generally but may be allowed with restrictions as provided by official controls upon a finding that certain conditions as detailed in this Ordinance exist, the use or development conforms to the comprehensive land use plan of Le Sueur County, and the use is compatible with the surrounding area.

CONSERVATION PRACTICES - Practices and standards containing a definition, purpose, and conditions applied to the practice, including but not limited to, design requirements and specifications containing a statement of details required for installing a conservation practice, including kinds, quality, and quantity of work and materials needed to meet the standards. A conservation practice may be a permanent or temporary, vegetative or structural measure that will aid the control of wind and water erosion. Permanent practices are those that have effective life greater than ten (10) years and include grassed waterways, terraces, field windbreaks, water control structures, grade stabilization structures, sediment retention structures, strip-cropping, and other permanent practices approved by the Board of Water and Soil Resources. Temporary practices include conservation tillage, contour farming, grasses and legumes in rotation, emergency tillage, and any other cultural practices approved by the Board of Water and Soil Resources (MN State Statute 103F.401 Subd. 3).

CONSTRUCTION SHORT-FORM PERMIT - A permit issued for an animal feedlot or manure storage area according to Minnesota Administrative Rules, parts 7020.0505 and 7020.0535.

CORNER LOT – A lot situated at the junction of and fronting on two (2) or more roads or highways.

CORRECTIVE ACTION – Any action required by the Department to ensure compliance or conformance with this Ordinance and State regulations.

CORRECTIVE OR PROTECTIVE MEASURE – A practice, structure, condition, or combination thereof which prevents or reduces the discharge of pollutants, including but not limited to discharge from an animal feedlot, sediment, industrial by-product, etc. to a level in conformity with the applicable requirements.

COUNTRY CLUB – A golfing club equipped with a golf course and a club house.

COUNTY – Le Sueur County, Minnesota.

COUNTY FEEDLOT POLLUTION CONTROL OFFICER - An employee or officer of a delegated county who is knowledgeable in agriculture and who is designated by the county board to perform the duties under Minnesota Administrative Rules, part 7020.1600.

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.

DEADLINE DATE - The date as established by the Department in reference to an application for the Planning Commission or the Board of Adjustment.

DECK - A horizontal, unenclosed structure with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site, at any point extending more than one (1) foot above ground, and which exceeds thirty-two (32) square feet.

DELEGATED COUNTY - A county that has applied for and received authorization pursuant to Minnesota Administrative Rules, part 7020.1600, subpart 3a, item C, to implement an animal feedlot program.

DEPARTMENT - The Le Sueur County Environmental Services Department.

DEPTH OF LOT - The mean horizontal distance between the mean front street and the mean rear property line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.

DEPTH OF REAR YARD - The mean horizontal distance between the rear structure line and the rear property line.

DESIGN ENGINEER - A professional engineer licensed in the state of Minnesota or a Natural Resources Conservation Service (NRCS) staff person having NRCS approval authority for the project.

DESIGN FLOW - The daily volume of wastewater for which an onsite/cluster system is designed to treat and discharge.

DEVELOPMENT - Any building, construction, renovation, mining, extraction, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwelling units in a structure or a change to a commercial or industrial use from a less intensive use; any activity that alters a shore, beach, seacoast, river, stream, lake, pond, canal, marsh, dune area, woodlands, wetland, endangered species habitat, aquifer or other resource area, including coastal construction or other activity.

DIRECT LINE OF FIRE - For the purposes of Outdoor Firing Ranges this is the straight horizontal line from the muzzle of a weapon in the direction of the axis of the bore, just prior to firing.

DISTRICT - A section of the County for which the regulations governing the height, area, use of structures and premises are the same.

DITCH - Any depression two (2) feet or more below the surrounding land serving to give direction to a current of water and having a bed and well-defined bank. A ditch is generally not able to be plowed or tilled due to its depth of width. An open channel to conduct the flow of water (MN State Statute 103E.005 Defn. Subd. 8).

DNR - Department of Natural Resources.

DNR, SCENIC TRAIL - That strip of land one hundred (100) feet wide which was formerly the Chicago and North Western railroad that extends from the Rice County line on the east (Waterville Township) to the Blue Earth County line on the west (Elysian Township).

DOMESTIC FERTILIZER - For the purposes of this Ordinance domestic fertilizer means animal manure that is put on or into the soil to improve the quality or quantity of plant growth; or animal manure that is used as compost, soil conditioners, or specialized plant beds.

DOMESTICATED FOWL - Any domesticated bird, including, but not limited to, chickens, turkeys, waterfowl, ratites, and game birds.

DUPLEX, TRIPLEX, AND QUAD - A dwelling structure on a single lot, having two (2), three (3), or four (4) units respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living and sanitation facilities.

DWELLING UNIT - Any structure or part thereof which is designed or used exclusively for residential purposes by one or more human beings, either permanently or transiently; short- or long-term living quarters for one or more persons, including rental or time-share accommodations such as motel, hotel, cabins, and resort rooms are considered dwelling units. A recreational vehicle, travel trailer, or tent shall not be considered a dwelling for the purposes of this Ordinance.

DWELLING, MULTIPLE - A dwelling designed for or occupied by two (2) or more families.

DWELLING, SINGLE FAMILY DETACHED - A dwelling structure designed for or occupied exclusively by one (1) family, not attached to another dwelling.

DWELLING SITE - A designated location for residential use.

DWELLING SITE, PERMITTED - A site that was permitted by the Department for a single-family dwelling.

DWELLING, TEMPORARY - Temporary dwellings are defined as manufactured homes that are less than twenty (20) feet wide, excluding decks or entry vestibules, and not on a permanent foundation. All manufactured homes shall bear a State seal as verification of construction and inspection to ANSI A119.1 standard during original construction (issued for manufactured homes built between July 1, 1972 to June 14, 1976) or, for manufactured homes built after that date a Federal seal in accordance with HUD CFR 3280 Construction Standards.

EASEMENT - A grant by a landowner for the use of a parcel of land for the purpose of construction and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

EFFLUENT SCREEN - A device installed on the outlet piping of a septic tank for the purpose of retaining solids of a specific size.

ENGINEER – A registered professional engineer.

ENVIRONMENTALLY SENSITIVE AREA – Any land area containing one or more of the following: (1) Bluff; (2) Bluff Impact Zone; (3) Shore Impact Zone; (4) Steep Slopes; (5) Wetlands; (6) Floodplain; (7) Highly Erodible Soils; and (8) Former Landfills or Industrial Waste Areas.

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.

EROSION - Any process that removes soil away from the surface of the land by the action of water, wind, or gravity (MN State Statute 103F.401 Subd. 5). Excessive erosion occurs when either or both of the following conditions exist:

1. Estimated average annual rate of soil erosion for a particular parcel of land resulting from sheet, rill, or wind erosion is greater than the soil loss tolerance for any of the soil series comprising that particular parcel of land.
2. Evidence of active gully erosion.

ESSENTIAL SERVICES - Overhead or underground electrical, gas, steam or water transmission or distribution systems and structures; or collection, communication, supply or disposal systems and structures, used by public utilities or governmental departments or commissions; or as are required for protection of the public health, safety or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection therewith, but not including structures.

EXCAVATING - To make hollow by removing the inner part and/or make a hole or cavity by digging.

EXISTING BUILDING SITE - A permitted dwelling site or an area that has an existing access to a public road right of way and at least one of the following is presently on the premises: a windbreak, water well, accessory structures or a dwelling. In addition, the area must be non-cultivated and have existed prior to June 18, 1996.

EXISTING SYSTEM – Subsurface Sewage Treatment Systems that have been previously inspected and approved by the local unit of government during installation. In addition, all operating systems installed before the adoption of a local permitting and inspection program are considered existing systems.

EXPANSION OR EXPANDED – Construction, or any activity that has resulted or may result in an increase in the number of animal units that an animal feedlot is capable of holding or an increase in storage capacity of a manure storage area.

EXTRACTION PIT - Any artificial excavation of the earth exceeding fifty (50) square feet of surface area or two (2) feet in depth, excavated or made by the removal from the natural surface of the earth, of sod, soil, sand, gravel, stone or other natural matter; or made by turning, or breaking or undermining the surface of the earth. Excavations ancillary to other construction of any installation erected or to be erected, built, or placed thereon in conjunction with or immediately following such excavation shall be exempted, if a permit has been issued for such construction for installation.

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 and as amended from time to time.

FACILITY - An animal feedlot, a manure storage area, or an animal feedlot with a manure storage area.

FAILURE TO PROTECT GROUNDWATER - A SSTS that does not protect groundwater such as 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, subps. 4(D) and 4(E); and a system not abandoned in accordance with Minn. R. 7080.2500. The determination of the threat to groundwater for other conditions must be made by a qualified employee or a licensed inspection business.

FARM - A tract of land, which is principally used for agricultural production of cash crop, livestock, or poultry farming. Such farm may include accessory structures and structures necessary to the operation of the farm.

FARM FENCE – An open type of fence of posts and horizontally run wire, further specified in MN Statutes, Section 344.02, Subd. 1 (a-d).

FARM, HOBBY - An area used as a limited farm operation where the income from the farm is incidental to the residential use of the property.

FARMING - The cultivation of the soil and all activities incidental thereto; agriculture.

FARMLAND - Any land used in conjunction with a farming operation.

FARMSTEAD - Property on which structures and a farm dwelling are located for management, storage, livestock, etc. for a farm operation.

FEMA – Federal Emergency Management Agency.

FILLING - An act of depositing any clean earthen material.

FILTER STRIP - A linear strip of land along a lake, wetland, river, creek, or stormwater ponding area where vegetation is established and maintained as a means to slow the velocity of stormwater drainage and to filter sediment and pollutants from stormwater.

FLOOD - A temporary rise in the flow or water surface elevation of a stream, 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 - That portion of the one-percent (1%) annual chance floodplain located outside the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Le Sueur County.

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) – A study 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.

FLOODPLAIN - The beds, channel, and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the base flood.

FLOODPROOFING - 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 the watercourse and those portions of the adjoining floodplain which are reasonably required 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 a structure measured from the exterior walls, including basements and attached accessory structures.

FLORIST STORE - A retail business within an enclosed structure whose principal activity is the selling of cut flowers and plants which are not grown on the site.

FLOW DISTANCE - The distance runoff travels from the source of the runoff to waters of the state.

FLOW MEASUREMENT - Any method to accurately measure water or sewage flow, including, but not limited to, water meters, event counters, running time clocks, or electronically controlled dosing.

FOOTCANDLE - A unit of measurement that calculates lighting illumination levels.

FOREST LAND CONVERSION - Clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

FOREST MANAGEMENT - A process which ensures the proper care so that a forest stand remains healthy and vigorous.

FUR FARM - An area used for keeping and/or raising fur-bearing animals.

GARAGE, PRIVATE - A detached or attached accessory structure or carport which is used primarily for storing private vehicles.

GARAGE, PUBLIC - Any premises, except those described as a private garage, used for the storage or care of power-driven vehicles, or where any such vehicles are equipped for operation, repair or are kept for remuneration, hire or sale.

GRADE - An underlying surface such as earth or a walking surface.

GRADING - Changing the natural or existing topography of the land.

GRAYWATER - Sewage that does not contain toilet wastes.

GRAYWATER SYSTEM - A Subsurface Sewage Treatment System that receives, treats, and disperses only gray water or other similar system as designated by the Commissioner.

GREENHOUSE/NURSERY - A retail business for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted inside or outside an enclosed structure.

GOLF COURSE - A tract of land laid out with at least nine (9) holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course includes a clubhouse and shelters as accessory uses.

GOLF COURSE, MINIATURE - A theme-oriented recreational facility, typically comprised of nine (9) or eighteen (18) putting greens, each with a “cup” or “hole,” where individual patrons or groups pay a fee to move in consecutive order from the first hole to the last.

GRID - An inter-connected network for delivering electricity from producers to consumers.

GROUNDWATER - Water contained below the surface of the earth in a saturated zone.

GUEST COTTAGE - A structure used as a dwelling unit that may contain one (1) bathroom, one (1) kitchen (with or without an eating area), one (1) utility room, two (2) bedrooms, and one (1) living/multi-purpose room in addition to those provided in the primary dwelling unit on a lot. A guest cottage shall not contain laundry facilities.

HEMP BUSINESS – [Either of the following licensed under MN Statutes, Section 342.](#)

1. [Lower-potency hemp edible manufacturer; or](#)

2. [Lower-potency hemp edible retailer.](#)

[Hemp business does not include a person or entity licensed under chapter 18K to grow industrial hemp for commercial or research purposes or to process industrial hemp for commercial purposes.](#)

HEMP BUSINESS, LOWER-POTENCY HEMP EDIBLE MANUFACTURER – May purchase hemp plant parts, hemp concentrate, and artificially derived cannabinoids from cannabis microbusiness, cannabis mezzo businesses, cannabis manufacturers, cannabis wholesalers, and lower-potency edible hemp edible manufacturers. Lower-potency hemp edible manufacturers may also purchase hemp parts and hemp concentrate, make hemp concentrate, manufacture artificially derived cannabinoids, manufacture lower-potency hemp edibles for public consumption, package and label lower potency hemp edibles, and sell hemp concentrate, artificially derived cannabinoids, and lower-potency hemp edibles to other cannabis businesses and hemp businesses.

HEMP BUSINESS, LOWER-POTENCY HEMP EDIBLE RETAILER - May only sell lower-potency hemp edibles to individuals who are at least 21 years of age. A lower-potency hemp edible retailer may sell lower-potency hemp edibles that are obtained from a licensed Minnesota cannabis microbusiness, cannabis mezzo business, cannabis manufacturer, cannabis wholesaler, or lower-potency hemp edible manufacturer, and meet all applicable packaging and labeling requirements.

HEMP DERIVED CONSUMER PRODUCTS - A product intended for human or animal consumption, does not contain cannabis flower or cannabis concentrate, and:

1. Contains or consists of hemp plant parts; or
2. Contains hemp concentrate or artificially derived cannabinoids in combination with other ingredients.

Hemp-derived consumer product does not include artificially derived cannabinoids, lower-potency hemp edibles, hemp-derived topical products, hemp fiber products, or hemp grain.

HEMP EDIBLE, LOWER POTENCY - Any product that:

1. Is intended to be eaten or consumed as a beverage by humans;
2. Contains hemp concentrate or an artificially derived cannabinoid, in combination with food ingredients;
3. Is not a drug;
4. Consists of servings that contain no more than five milligrams of delta-9 tetrahydrocannabinol, 25 milligrams of cannabidiol, 25 milligrams of cannabigerol, or any combination of those cannabinoids that does not exceed the identified amounts;
5. Does not contain more than a combined total of 0.5 milligrams of all other cannabinoids per serving;
6. Does not contain an artificially derived cannabinoid other than delta-9 tetrahydrocannabinol;

7. [Does not contain a cannabinoid derived from cannabis plants or cannabis flower; and](#)
8. [Is a type of product approved for sale by the office or is substantially similar to a product approved by the office, including but not limited to products that resemble nonalcoholic beverages, candy, and baked goods.](#)

HIGHWAY - Any public thoroughfare or vehicular right-of-way with a Federal or State numerical route designation; any public thoroughfare or vehicular, right-of-way with a Le Sueur County numerical route designation.

HISTORIC SITE - A location set aside for no other purpose than to commemorate a historical event, activity, or person having local, regional, statewide, or national historic significance.

HOLDING TANK - 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 Statutes, Section 115.55.

HOME OCCUPATION - Any owner-occupied dwelling which includes an occupation of a service character clearly secondary to the main use of the premises as a dwelling place but does not change the character thereof or have any exterior evidence. There are two (2) levels; Level I and Level II.

ICE RIDGE - A modification to the topographic characteristics of the shoreline resulting from expanding and contracting ice sheets and consisting of a linear mound of a soil generally parallel to the water's edge.

IMMINENT THREAT TO PUBLIC HEALTH AND SAFETY - A SSTS with a discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains or directly to surface water; SSTS that cause a reoccurring sewage backup into a dwelling or other establishment; SSTS with electrical hazards; sewage tanks with unsecured, damaged, or weak maintenance access covers; or any other situation with the potential to immediately and adversely affect or threaten public health or safety. The determination of protectiveness for other conditions must be made by a qualified employee or a licensed inspection business.

IMPERMEABLE SOILS - Hardpans or restrictive soils as referenced in Minn. Rules, Chap. 7080-7083, and the United States Department of Agriculture Soils Survey Manual or other soil types or conditions that prevent water from infiltrating.

IMPERVIOUS SURFACE - A constructed 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 prior to development. Examples include but are not limited to, rooftops, sidewalks, patios, decks, driveways, parking lots, storage areas and concrete, asphalt, or gravel roads, or tightly compacted soils. Surface area of a lot physically separated by a public or private road right-of-way or access shall not be included for the purposes of the impervious surface calculation.

INCORPORATION - The mixing of manure or septage with the topsoil, concurrent with the application or immediately thereafter, by means such as discing, plowing, rototilling, injection or other mechanical means.

INDUSTRIAL USE - The principal use of land or structures for the assembling, fabrication, finishing, manufacturing, packaging, processing, or warehousing of goods.

INSLOPE - The area from the bottom of a ditch to the adjacent roadway elevation.

INSPECTOR - An individual qualified to review proposed plans and inspect subsurface sewage treatment systems and who has been issued a license from the Agency.

INTENSIVE VEGETATION CLEARING - The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

INTERIM PERMIT - A permit issued by the commissioner or the county feedlot pollution control officer in accordance with Minnesota Administrative Rules, parts 7020.0505 and 7020.0535.

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.

INTERIM USE PERMIT - A permit issued by the Board of Commissioners for a temporary use of a property in accordance with procedures specified in this chapter which would enable the board of commissioners to assign site specific conditions to a proposed use.

JUNK/SALVAGE YARD - A place maintained for keeping, storing, or piling in commercial quantities, whether temporarily, irregularly, or continually; buying or selling at retail or wholesale any old, used, or second hand material of any kind, including used motor vehicles, machinery of any kind, and/or parts thereof, cloth, rugs, clothing, paper, rubbish, bottles, rubber, iron, or other metals, or articles which from its worn condition render it practically useless for the purpose for which it was made and which is commonly classed as junk. This shall include a lot or yard for the keeping of unlicensed motor vehicles or the remains thereof for the purpose of dismantling, sale of parts, sale as scrap, storage or abandonment. Provided further, that the unenclosed storage of five (5) or more inoperable and/or unlicensed motor vehicles or trailers; or any major appliances as defined by Minn. Stats. §115A.03 subd. 17A; for a period in excess of three (3) months shall also be considered a salvage yard.

KENNEL - Any place where there are more than the permitted number of dogs or cats, in accordance with the applicable zoning district regulations for the subject property.

LAKE, NATURAL ENVIRONMENT (NE) - Lakes that usually have less than one hundred fifty (150) total acres, less than sixty (60) acres per mile of shoreline, and less than three (3) dwellings per mile of shoreline. They may have some winter kill of fish; may have shallow, swampy shoreline; and are less than fifteen (15) feet deep.

LAKE, RECREATIONAL DEVELOPMENT (RD) - Lakes that usually have between sixty (60) and two hundred twenty five (225) acres of water per mile of shoreline, between three (3) and twenty five (25) dwellings per mile of shoreline, and are more than fifteen (15) feet deep.

LAKE, REGULATED – Pertains to a lake listed in an ordinance or project, defined by the Minnesota Department of Natural Resources Public Waters Inventory identification numbers.

LAND ALTERATIONS PERMIT (LAP) - A permit required, as approved by the Department, for projects involving grading, excavating or filling activities as described in each applicable zoning district and for projects creating impervious surface including but not limited to driveways, patios, decks, sidewalks, etc. as follows:

<u>Acreage</u>	<u>Impervious Surface Projects</u>
Lots less than one (1) acre	32 square feet or more
Lots one (1) acre to 1.99 acres	100 square feet or more

LAND DISTURBING ACTIVITIES - Any change of the land surface including, but not limited to, removing vegetation cover, excavating, filling, and grading.

LAND DIVISION - A tract of land which is to be or has been divided into two (2) or more lots or plots for the purpose of sale, rent, lease, or of building development.

LAND RESTORATION/RECLAMATION - The process of reestablishing acceptable topography (i.e. slopes, vegetative cover, soil stability).

LAND SPREADING - The placement of septage or human waste from septic or holding tanks on or into the soil surface.

LAND USE DEVELOPMENT APPLICATION - The term includes, but is not limited to applications for the following: zoning permits for construction, zoning permits for subsurface sewage treatment system, land alteration permits, or other types of zoning permits, conditional use permits, amendments to this Ordinance, variances from the provisions of this Ordinance, and the subdivision of real estate. The application is not considered complete unless all fees are paid, preliminary reviews and approvals are completed and submitted with associated supporting information and documents, and such other information as required by the Department.

LANDING – The platform or floor at the top of a flight of stairs, between flights of stairs, or interrupting a flight of stairs. A Landing shall not provide space for chairs, tables, or other furnishings, and shall not exceed the applicable area listed in this Ordinance.

LANDOWNER - Any person who holds a fee interest, either individually or as a joint tenant or tenant in common, to any land lying within the County. Where the term "owner of land" or "land owner" is used, it includes each and all of the joint tenants and tenants in common with respect to such land.

LANDSCAPING - Planting of trees, grass, ground cover, shrubs, and screening, including the use of rock and timbers for aesthetics.

LIQUID MANURE STORAGE AREA - An area where liquid animal manure and process wastewaters are stored or processed. For purposes of this subpart, "liquid animal manure" is manure that does not meet the stockpile standard under Minnesota Administrative Rules, part 7020.2125, subpart 1, item B.

LIQUOR STORE, OFF-SALE - A structure primarily used for the sale of alcoholic beverages.

LICENSED PROFESSIONAL ENGINEER - A person who is registered as a professional engineer in the State of Minnesota.

LIGHT DUTY TRUCK - Any motor vehicle that has all three of the following:

1. 8,500 pounds of Gross Vehicle Weight Rating or less;
2. Vehicle curb weight of 6,000 pounds or less; and
3. Basic vehicle frontal area less than 45 square feet.

LIVESTOCK - Any domesticated animal that is kept for use or pleasure, raised for home use, for profit, or for food or other products. These domesticated animals include, but are not limited to, beef and dairy cattle, swine, horses, sheep, goats, domesticated fowl, bison (buffalo), farmed cervidae, or llamas.

LOGGING - The cutting of timber on any public or private land of one (1) acre or more for the purpose of selling the timber for a profit. This shall not include the selective cutting of trees by the property owner for the purpose of removing dead or diseased trees.

LOT - A parcel of land designated by plat, metes, and bounds, registered land survey, auditors plat, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

LOT AREA - The lot area is the land area within the property lines.

LOT AREA PER FAMILY - The lot area per family is the lot area required by this Ordinance to be provided for each family in a dwelling.

LOT DEPTH - The mean horizontal distance between the mean front road and the mean rear property line. The greater frontage of a corner lot is its depth and its lesser frontage is its width.

LOT, DOUBLE FRONTAGE - An interior lot having frontage on two (2) streets.

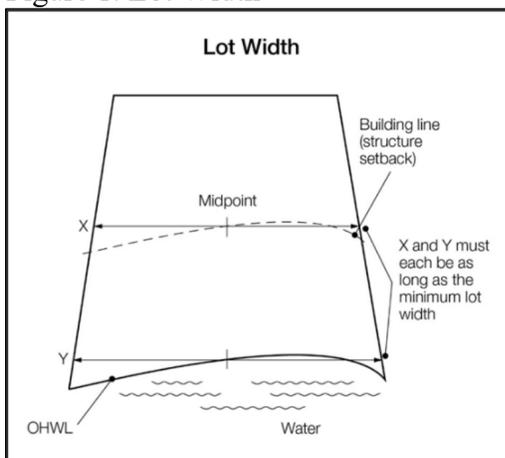
LOT, INTERIOR - A lot other than a corner lot.

LOT OF RECORD - All lots which are a part of a subdivision legally recorded with the County Recorder, and all lots, parcels, tracts, and other legally described land to which the deed has been recorded prior to July 9, 2009, shall be considered Lots of Record. Lots of Record shall be legally developable for the purpose of single-family dwelling construction, provided all applicable standards and official controls of this Ordinance can be met at the time of development.

LOT WIDTH - The minimum distance between:

1. Side lot lines at the midpoint of the setback line; and
2. Side lot lines at the ordinary high water level, if applicable (see Figure 1).

Figure 1. Lot Width



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 this Ordinance.

MANAGEMENT PLAN - A plan that requires the periodic examination, adjustment, testing, and other operational requirements to meet system performance expectations, including a planned course of action in the event a system does not meet performance expectations.

MANUFACTURED HOME - A structure, transportable in one (1) or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is 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 therein to be used as a single-family dwelling; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary, as defined in Minnesota Statute 327.31, subd. 18, and complies with the standards established under this chapter.

MANUFACTURED HOME (IN FLOOD PLAIN DISTRICTS) - A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include the term “recreational vehicle”.

MANUFACTURED HOME, DEPENDENT - A manufactured home which does not have a self-contained sanitary system. One that is hooked to an outside sanitary system.

MANURE-CONTAMINATED RUNOFF - A liquid that has come into contact with animal manure and drains over land from any animal feedlot, manure storage area, or animal manure land application site.

MANURE STORAGE AREA - 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 Minnesota Administrative Rules, part 7020.2000, subpart 3, are not manure storage areas.

MEDICAL CANNABIS BUSINESS – Means an entity licensed under MN Statutes, Section 342 to engage in one or more of the following:

1. The cultivation of cannabis plants for medical cannabis flower;
2. The manufacture of medical cannabinoid products; and,
3. The retail sale of medical cannabis flower and medical cannabinoid products.

MEDICAL CANNABIS BUSINESS, COMBINATION BUSINESS - May grow cannabis plants from seed to immature plant to mature plant and harvest adult-use cannabis flower and medical cannabis flower from a mature plant, make cannabis concentrate, make cannabis and hemp concentrate, manufacture artificially derived cannabinoids, manufacture medical cannabinoid products, package and label medical cannabis and medical cannabinoid products for sale to medical cannabis processors, medical cannabis retailers, other medical cannabis combination businesses, and patients enrolled in the registry program, registered caregivers, and parents, legal guardians, and spouses of an enrolled patient.

MEDICAL CANNABIS BUSINESS, CULTIVATOR - May grow cannabis plants within the approved amount of space (60,000 square feet of plant canopy) from seed or immature plant, harvest cannabis flower from a mature plant, package and label cannabis flower as medical cannabis flower, sell medical cannabis flower to medical cannabis processors and medical cannabis retailers, transport medical cannabis flower to a medical cannabis processor located on the same premises, and perform other actions approved by the office.

MEDICAL CANNABIS BUSINESS, PROCESSOR - May purchase medical cannabis flower, medical cannabinoid products, hemp plant parts, and hemp concentrate from medical cannabis cultivators and other medical cannabis processors, purchase hemp plant parts from industrial hemp growers, make cannabis and hemp concentrate from medical cannabis flower, manufacture medical cannabinoid products, package and label medical cannabinoid products for sale to other medical cannabis processors and to medical cannabis retailers.

MEDICAL CANNABIS BUSINESS, RETAILER - May purchase medical cannabis flower and medical cannabinoid products from medical cannabis cultivators and medical cannabis processors and sell or distribute medical cannabis flower and medical cannabinoid products to any person authorized to receive medical cannabis flower or medical cannabinoid products.

MEDICAL CANNABIS FLOWER - Means cannabis flower provided to a patient enrolled in the registry program; a registered designated caregiver; or a parent, legal guardian, or spouse of an enrolled patient by a cannabis retailer or medical cannabis business to treat or alleviate the symptoms of a qualifying medical condition. Medical cannabis flower does not include adult-use cannabis flower.

METES AND BOUNDS - A method of property description by means of their direction and distance from an easily identifiable point.

MINOR - A person under eighteen (18) years of age.

MINOR REPAIR - The repair or replacement of an existing damaged or faulty component/part of an SSTS that will return the SSTS to its operable condition. The repair shall not alter the original area, dimensions, design, specifications, or concepts of the SSTS.

MODULAR HOME - A non-mobile housing unit that is basically fabricated at a central factory and transported to a dwelling site, to be used as a single-family dwelling.

MOTEL - A structure or group of structures used primarily for the temporary residence of motorists or travelers.

MOTOR HOME - See Recreational Vehicle.

MOUND SYSTEM - A soil treatment and dispersal system designed and installed such that all of the infiltrative surface is installed above grade, using clean sand between the bottom of the infiltrative surface and the original ground elevation, utilizing pressure distribution and capped with suitable soil material to stabilize the surface and encourage vegetative growth.

MPCA - Minnesota Pollution Control Agency. Referred to as “the Agency” throughout this Ordinance.

MUNICIPALITY - Any incorporated city or township within the boundaries of Le Sueur County, Minnesota.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) - A permit issued by the Agency for the purpose of regulating the discharge of pollutants from point sources including concentrated animal feeding operations.

NATURAL AND ARTIFICIAL WATER STORAGE AND RETENTION AREAS - Any natural or artificial lake, pond, surface water storage area, or wetland that has the potential to temporarily retain surface water runoff for the purpose of runoff water management or water quality management.

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.

NONCONFORMING LOT - Any lot that does not meet the zoning district regulations for minimum lot width, lot depth and/or lot size.

NONCONFORMING STRUCTURE - Any structure that does not meet zoning district regulations for structure size, structure height, lot coverage, or setback.

NONCONFORMING STRUCTURE, EXPANSION - Any expansion of a structure that does not meet zoning district regulations for building size, structure height, lot coverage, or setback.

NONCONFORMING USE - A use of land that does not comply with the use regulations of this Ordinance.

NONCONFORMING USE, EXPANSION - Intensifying a use of land that does not comply with the use regulations of this Ordinance.

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-CONCENTRATING THERMAL COLLECTOR - The collector area (the area that intercepts the solar radiation) is the same as the absorber area (the area absorbing the radiation).

NON-WATER CARRIED SEWAGE SYSTEMS - A device for the disposal of human excreta in a structure designed to treat sewage utilizing methods that significantly reduce or eliminate the addition of water to the sewage. These systems include, but are not limited to, privies, chemical toilets, recirculating toilets, combustion toilets, composting toilets, oil flush toilets, and portable toilets.

NOTICE OF NONCOMPLIANCE - A document written and signed by a certified subsurface sewage treatment system inspector after a compliance inspection that gives notice that a subsurface sewage treatment system is not in compliance as specified under part MN Rules, Chapter 7080.1500.

NRCS - Natural Resources Conservation Service.

OBSTRUCTION (WATERWAY) - Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, 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, or that is placed where the flow of water might carry the same downstream to damage life or property.

OFFICE – Means the Office of Cannabis Management.

OPERATION & MAINTENANCE PLAN – A document approved by the Department and recorded with the County that contains text, maps, graphics, etc. used to direct the routine maintenance, repair, and/or improvement of an approved operational area or structure including but not limited to stormwater ponds, infiltration basins, areas that require vegetation management practices, and other uses deemed necessary by the Department.

ORCHARD - A non-natural group of fruit trees that are grown, planted, managed, and renewed by the landowner or farmer.

ORCHARD, COMMERCIAL - A group of fruit trees, grown and cultivated for revenue and fruit from the trees is processed on site.

ORDINARY HIGH WATER LEVEL, (OHWL) - The boundary of public waters and wetlands, that is an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, that commonly point where the natural vegetation changes from predominately aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool as defined in MN Statutes, §103G.005, subd 14, as amended from time to time.

ORGANIZED GROUP CAMP - Premises and facilities used occasionally or periodically for the accommodation of members of groups or associations for outdoor recreational activities.

ORGANIZED MOTOR SPORTS - A commercial operation that involves ATV trails, motorcycle tracks, trails or go cart tracks.

OTHER ESTABLISHMENT - Any public or private structure, including recreational vehicles, other than a dwelling that generates sewage that discharges to an SSTS.

OUTDOOR LIGHT FIXTURE - Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. Such devices shall include, but are not limited to: search, spot, and floodlights for structures; recreational areas; parking lot lighting; landscape lighting; billboards and other signs; street lighting; product display area lighting; structure overhangs and open canopies.

OUTPATIENT MENTAL HEALTH CLINIC – Any organization or agency operated by a municipality or corporation, other than a hospital, that provides licensed or certified outpatient mental health treatment services to human patients for the purpose of diagnosing or treating mental health or substance use condition that does not require the patient’s overnight care.

OUTPATIENT MENTAL HEALTH SERVICES – Services that include psychotherapy, psychotherapy groups, mental health rehabilitation, diagnostic assessment, psychological evaluation and testing, comprehensive substance use disorder assessment, individual substance use disorder counseling, group substance use disorder counseling, care coordination, and peer recovery support services provided in an outpatient clinic setting that does not provide overnight care to a patient.

PARK - A public or private area of land, with or without structures intended for outdoor active or passive recreational uses.

PASTURES –

A. Areas, including winter feeding areas as part of a grazing area, where grass or other growing plants are used for grazing and where the concentration of animals allows a vegetative cover to be maintained during the growing season, except that vegetative cover is not required:

1. In the immediate vicinity of supplemental feeding or water devices;
2. In associated corrals and chutes where livestock are gathered for the purpose of sorting, providing veterinary services, loading and unloading trucks and trailers, and other necessary activities related to good animal husbandry practices; or
3. In associated livestock access lanes used to convey livestock to and from areas of the pasture; or

B. Agricultural land:

1. Where livestock are allowed to forage during the winter;
2. That is used for cropping purposes in the growing season; and
3. Where the concentration of animals is such that a vegetative cover, whether of grass, growing plants, or crops, is maintained during the growing season, except in the immediate vicinity of temporary supplemental feeding or watering devices.

PERIODICALLY SATURATED SOIL - The highest elevation in the soil that is in a reduced chemical state due to soil pores filled or nearly filled with water causing anaerobic conditions. Periodically saturated soil is determined by the presence of redoximorphic features in conjunction with other established indicators as specified in part MN Rules, chapter 7080.1720, subpart 5, items E and F, or determined by other scientifically established technical methods or empirical field measurements acceptable to the permitting authority in consultation with the commissioner.

PERMANENT STOCKPILING SITE - A manure storage area where manure is stored or processed that does not meet the requirements of Minnesota Administrative Rules, part 7020.2125, subpart 2.

PERMIT, ZONING - A document issued by the Department to permit construction or the establishment of certain uses of land, including but not limited to: all structures, structure additions, towers, and subsurface sewage treatment systems.

PERMITTEE - Any person who obtains a permit from the County pursuant to this Ordinance. A person is a permittee only for the term of the permit.

PERSONS - Any individual, firm, partnership, corporation, company, association, joint stock association or body politic; includes any trustee, receiver, assignee or other similar representative thereof.

PERVIOUS PAVERS - Paving surfaces that are separated by joints and/or gaps that are filled with small stones, sand, or grass, which are laid over a bed of aggregate stones. It allows stormwater runoff to infiltrate around the surfaces into the joints and/or gaps for filtration and storage.

PERVIOUS SURFACE - Allows percolation or infiltration of stormwater through the surface into the soil below where the water is naturally filtered and pollutants are removed. Examples include but are not limited to, permeable pavers, pervious concrete, porous asphalt, and naturally porous materials that allow air and water to move through it.

PHOSPHORUS MANAGEMENT – The manure application rate and frequency over a six-year time period will not result in soil phosphorus build-up where soil phosphorus already exceeds 21 parts per million Bray P1 or 16 parts per million Olsen.

[PLACE OF PUBLIC ACCOMMODATION](#) - [A business, refreshment, entertainment, recreation, or transportation facility of any kind, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.](#)

PLANNED UNIT DEVELOPMENT - A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels and conversions of structures and land uses to these uses.

PLANNED UNIT DEVELOPMENT, COMMERCIAL - Typically uses that provide transient, short-term lodging spaces, rooms or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle, camping parks, and other primarily service-oriented activities are commercial planned unit developments.

PLANNED UNIT DEVELOPMENT, RESIDENTIAL - A use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives and full fee ownership residences would be considered as residential planned unit developments.

PLANT CANOPY - [Means the surface area within a cultivation facility that is used at any time to cultivate mature, flowering cannabis plants. For multiple tier cultivation, each tier of cultivation surface area contributes to the total plant canopy calculation. Calculation of the area of the plant canopy does not include the surface area within the cultivation facility that is used to cultivate immature cannabis plants and seedlings.](#)

PLAT, FINAL - A drawing or map of a subdivision, meeting all the requirements of the County and in such form as required by the County for purposes of recording.

PLAT, PRELIMINARY - A tentative drawing or map of a proposed subdivision, meeting requirements herein enumerated.

PLATFORM - A raised level surface without attached railings, seats, trellises, or other features, detached but functionally related to a principal use or site, extending less than one (1) foot above ground, and which exceeds thirty-two (32) square feet. A Platform abutting a camper in a licensed campground shall be exempt from the standard structure setbacks.

PLOT - A tract, other than one unit, of a recorded plat or subdivision and occupied and used or intended to be occupied and used as an individual site and improved or intended to be improved by the erection thereon of buildings, and having a frontage on a public road or highway upon a traveled or used road and including as a minimum such open spaces as required under this section.

POLLUTION HAZARD - An animal feedlot or manure storage area that:

- A. Does not comply with the requirements of Minnesota Administrative Rules, parts 7020.2000 to 7020.2225 and has not been issued an SDS or NPDES permit establishing an alternative construction or operating method; or
- B. Presents a potential or immediate source of pollution to waters of the state as determined by inspection by a county feedlot pollution control officer or agency staff taking into consideration the following:
 - 1. The size of the animal feedlot or manure storage area;
 - 2. The amount of pollutants reaching or that may reach waters of the state;
 - 3. The location of the animal feedlot or manure storage area relative to waters of the state;
 - 4. The means of conveyance of animal manure or process wastewater into waters of the state; and
 - 5. The slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of animal manure or process wastewater into waters of the state.

POOL, PERMANENT - pools constructed in the ground; in a structure, or surrounded by a permanent structure in such a manner that the pool cannot be readily disassembled; and contains more than three thousand (3,000) gallons and with a depth of water over three and one-half (3 1/2) feet.

PREMISES - A lot or plot with the required front, side and rear yards for a dwelling or other use as allowed.

PRESSURE DISTRIBUTION - A network of distribution pipes in which effluent is forced through orifices under pressure.

PRINCIPAL USE OR STRUCTURE - All uses or structures that are not accessory uses or structures.

PROCESS WASTEWATERS - Waters and/or precipitation, including rain or snow, which comes into contact with manure, litter, bedding, or other raw material or intermediate or final material or product used in or resulting from the production of animals, poultry, or direct products, such as milk or eggs.

PUBLIC NUISANCES - Any condition which is generally objectionable to people in the direct area and as regulated in this Ordinance.

PUBLIC PLACE - A public park or trail, public street or sidewalk, any enclosed, indoor area used by the general public, including, but not limited to, theaters, restaurants, bars, food establishments, places licensed to sell intoxicating liquor, wine, or malt beverages, retail businesses, gyms, common areas in buildings, public shopping areas, auditoriums, arenas, or other places of public accommodation.

PUBLIC UTILITY - Persons, corporations, or governments, supplying gas, electric, transportation, water, sewer, or land line telephone service to the general public. For purposes of this Ordinance wireless telecommunication services shall not be considered utility uses, and are defined separately.

PUBLIC WATERS - Any waters that have been determined to be public waters or navigable waters as defined in MN Statutes, §103G.005, subd 15.

PUBLIC WATERS WETLANDS - All types of 3, 4, and 5 wetlands, as defined in United States Fish and Wildlife Service Circular No. 39 (1971 edition), as well as public waters that are ten (10) or more acres in size in unincorporated areas and two point five (2.5) or more acres in incorporated areas, as defined in MN Statutes, §103G.005, subd 15a.

PUMP TANK - A sewage tank or separate compartment within a sewage tank, which receives sewage tank effluent, that serves as a reservoir for a pump. A separate tank used as a pump tank is considered a septic system tank under Minnesota Statutes, Section 115.55, Subdivision 1, paragraph (p).

QUARTER/QUARTER SECTION - A division of a section of land according to the rules of the original United States Government Public Land Survey containing approximately 40 acres.

RAIN GARDENS - A shallow depression filled with flood-tolerant shrubs, flowers and grasses used to collect and filter stormwater runoff.

RAIN GARDENS, LARGE CAPACITY - A rain garden as defined by this Ordinance that has a footprint larger than 20% of the size of the roof, patio, or pavement area draining into it.

RAIN GARDENS, SMALL CAPACITY - A rain garden as defined by this Ordinance that has a footprint less than or equal to 20% of the size of the roof, patio, or pavement area draining into it.

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

RECLAMATION - Activity which 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.

RECORD DRAWING - Drawings and documentation specifying the final in-place location, actual setbacks, size, and type of all septic system components. These records identify the results of materials testing and describe conditions during construction and shall contain a certified statement. See also As-Builts.

RECREATIONAL AREA - Any public park, playground, trail, athletic field, picnic ground, swimming beach, or fairground.

RECREATIONAL VEHICLE - A vehicle that is built on a single chassis, is four hundred (400) square feet or less when measured at the largest projection, is designed to be self-propelled or permanently towable by a light duty truck, and its primary design is not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this Ordinance, the term recreational vehicle shall be synonymous with the term travel trailer.

REDOXIMORPHIC FEATURES –

1. A color pattern in soil, formed by oxidation and reduction of iron or manganese in saturated soil coupled with their removal, translocation, or accrual, which results in the loss (depletion) or gain (concentration) of mineral compounds compared to the matrix color; or
2. A soil matrix color controlled by the presence of ferrous iron.

REGIONAL FLOOD - A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the one hundred (100) year recurrence interval. Regional flood is synonymous with the term “Base Flood” used in the Flood Insurance Study.

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.

REPETITIVE LOSS - Flood related damages sustained by a structure on two separate occasions during a ten (10) 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.

RESTAURANT - A structure with its primary activity being the preparation and sale of food and beverages.

RESORT - A structure or group of structures containing guest rooms, with a large portion of the site devoted to recreational activities.

RETAIL SALES AND SERVICES - Establishments that are retail operations and that carry an assortment of merchandise from varied categories. Such establishments may include, but are not limited to, department stores, discount stores, farm stores, and similar establishments.

RETAINING WALL – Any fence or wall built or designed to retain or restrain the lateral forces of soil or other materials on the up-hillside from sliding, slumping, or falling. A row of boulders, more than thirty (30) inches in diameter, shall be considered a retaining wall.

RIDING ACADEMY - An establishment where horses are boarded and cared for; such facilities may include instructional riding courses.

RIPARIAN - Land contiguous to the bank of a stream, the shore of a lake, or the edge of a wetland.

RIPARIAN AND STREAMBANK STABILIZATION – Practice that stabilizes a bank along a river or stream that has active, and often severe, erosion and runoff due to high water, flooding, and land use activities. Native vegetation, soil bioengineering practices, rock, and manmade materials may be used to complete the project.

RIPRAP - Coarse stones randomly and loosely placed along an unstable shoreline of a lake to help prevent and reduce erosion and runoff.

RIPRAP, LAKE - Coarse stones randomly and loosely placed along an unstable shoreline of a lake to help prevent and reduce erosion and runoff. Installation requirements must follow DNR guidance and Section 13, Subdivision 5, Part B, #5 of the Le Sueur County Ordinance.

RIPRAP, RIPARIAN AND STREAMBANK - Coarse stones randomly and loosely placed along rivers and streams to help prevent and reduce erosion and runoff, and stabilize the bank. Installation requirements must follow Department of Natural Resources guidance and Natural Resource Conservation Service Standard 580.

RIVER, AGRICULTURAL - Rivers located in intensively cultivated areas of the County. For purposes of this Ordinance the Minnesota River and Cannon River are considered Agricultural Rivers.

RIVER, TRANSITIONAL - Rivers located in a mixture of cultivated, pasture, and forested lands.

ROAD - A public or private 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.

ROAD AUTHORITY - The Commissioner, as to trunk highways; the County Board, as to county state-aid highways and county highways; and the town board, as to town roads.

ROAD RIGHT-OF-WAY - Any United States, county, municipal, or township highway, or road including any shoulder and drainage alongside the road.

ROCK, ARMOR - Coarse stones randomly and loosely placed along sensitive areas, such as bluffs and steep slopes, to help prevent and reduce erosion and runoff, and stabilize slopes that are equal to or greater than 12%. Installation requirements must follow Department of Natural Resources guidance and Natural Resource Conservation Service Standards.

RUNOFF - The portion of precipitation on an area that does not soak into the soil or becomes trapped in depressions and is discharged from the area on the land surface either in sheet or channelized flow.

SALVAGE VEHICLE - Any unlicensed and/or inoperable, self-propelled, motorized vehicle or equipment/parts.

SCREENING - Fencing or vegetative growth that visually separates one object from another.

SEASONAL HIGH WATER TABLE - The highest elevation in the soil where all voids are filled with water, as evidenced by presence of water or soil mottling or other information.

SEASONAL PRODUCE STAND - A temporary stand, structure or place that is used for the seasonal selling of agricultural produce.

SECTION - An area approximately one (1) mile square containing more or less six hundred and forty (640) acres.

SEDIMENT - The solid mineral or organic material that is in suspension, is being transported, or has been moved from its original location by erosion and has been deposited at another location.

SEEPAGE BED - A soil treatment and dispersal subsurface sewage treatment system, the absorption width of which is greater than three (3) feet but no greater than twenty five (25) feet.

SELECTIVE CUTTING - The removal of individual or small groups of trees or shrubs while maintaining a continuous tree cover.

SELF-SERVICE STORAGE FACILITY - A commercial structure or group of structures that contain varying sizes of individual compartmentalized and controlled access stalls or lockers for the storage of customers' items.

SEMIPUBLIC USE - The use of land by a private or nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

SENSITIVE AREA - Areas which due to steep slopes, bluffs, flooding, erosion, limiting soil conditions (shallow soils over groundwater or bedrock, highly erosive or expansive soils), occurrence of vegetation or wildlife in need of special protection, the presence of wetlands or other physical constraints are sensitive to development.

SENSITIVE RESOURCE MANAGEMENT - The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

SEPTAGE - Those solids and liquids removed during periodic maintenance of a subsurface sewage treatment system or those solids or liquids which are removed from toilet waste treatment devices or a holding tank.

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.

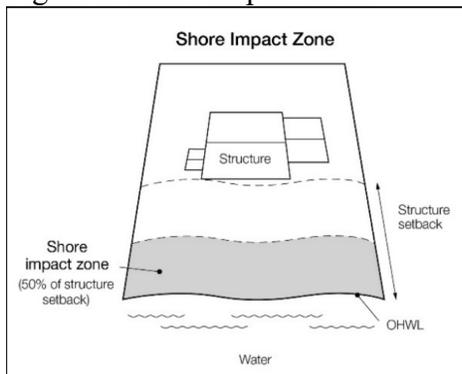
SETBACK - Minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, top of a bluff, road, highway, lot line, or other facility.

SEWAGE - Waste produced by toilets, bathing, laundry, or culinary operations or the floor drains associated with these sources, and includes household cleaners, medications, and other constituents in sewage restricted to amounts normally used for domestic purposes

SEWAGE TANK - A receptacle used in the containment or treatment of sewage and includes, but is not limited to, septic tanks, aerobic tanks, pump tanks, and holding tanks. Requirements for sewage tanks are described in MN Rules, Chapter 7080.1900 to 7080.2030. Sewage tanks are considered a septic system tank in Minnesota Statutes, Section 115.55, Subdivision 1, Paragraph (p).

SHORE IMPACT ZONE - Land located between the ordinary high water level of public waters and a line parallel to it at a setback of fifty (50) percent of the structure setback (see Figure 2).

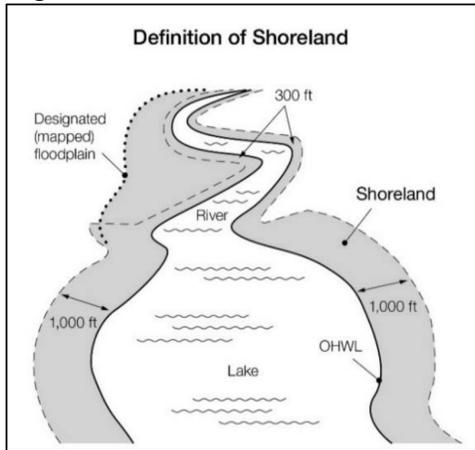
Figure 2. Shore Impact Zone



SHORELAND - The land located within the following distances from public waters:

1. One thousand (1,000) feet from the ordinary high water level of a lake, pond, or flowage.
2. Three hundred (300) feet from a river or stream, or the landward extent of a flood plain designated by this Ordinance on such a river or stream, whichever is greater (see Figure 3)

Figure 3. Definition of Shoreland



3. The practical limits of shorelands may be less than the statutory limits wherever the waters involved are bounded by natural topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

SHORT-TERM PRIVATE LODGING RENTAL – Non-traditional lodging for over-night stays on a daily or weekly basis of thirty (30) days or less for short-term rental of a private single-family dwelling, cabin, or condominium with basic living accommodations including sleeping space, toilet, and cooking space. This does not include Bed & Breakfast, Resorts, Campgrounds, or Hotel/Motel. Attached garage, and accessory structures (including, but not limited to, boat house, detached garage, shed, barn) are not acceptable dwelling units.

SHORT-TERM STOCKPILING SITE – A manure storage area where manure is stored or processed according to Minnesota Administrative Rules, part 7020.2125, subparts 1 to 3.

SIGN – A name, identification, description, display, illustration or device which is affixed to or represented directly or upon a structure or land in view of the general public and which directs attention to a product, place, activity, person, institution or business.

SIGN, ADDRESS – A sign for single-family dwellings or multi dwelling units identifying the occupant or street address. Such signs shall be at a maximum of three (3) square feet.

SIGN, BUSINESS – A sign which directs attention to a business or profession or to a commodity, service, or entertainment sold or offered on the premises where such sign is located.

SIGN, DIRECTIONAL BUSINESS – Twelve (12) square feet or less with directional arrows or information of a business or other use for the purpose of guiding vehicular and pedestrian traffic.

SIGN, ELECTRONIC GRAPHIC DISPLAY/DYNAMIC – A sign or portion of a sign that displays electronic text and/or images using different combinations of LED's, fiber optics or other illumination devises.

SIGN, ELECTRONIC MESSAGEBOARD – A sign or portion of a sign that displays electronic text using different combinations of LED's, fiber optics or other illumination devises.

SIGN, FLASHING – Any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use.

SIGN, GROUND/PYLON – A freestanding sign, including the structure needed to support such sign.

SIGN, HEIGHT – The sign shall be measured from ground grade elevation to the highest point of said sign.

SIGN, HOME OCCUPATION – A sign that denotes the name of a Home Occupation Business. LEVEL I Home Occupations: a maximum size of three (3) Square feet. LEVEL II Home Occupations: a maximum size of sixteen (16) square feet.

SIGN, ILLUMINATED – Any sign which has characters, letters, figures, designs, or outlines illuminated by electric lights or luminous tubes as a part of the sign.

SIGN, NONCONFORMING – A sign which lawfully existed at the time of the adoption of this Ordinance and does not conform to the requirements thereof.

SIGN, OFF PREMISES/BILLBOARD – A sign advertising a business, commodity, service, or entertainment conducted, sold, or offered elsewhere other than upon the property where the sign is maintained.

SIGN, ROTATING – A sign which revolves or rotates on its axis by mechanical means.

SIGN, SURFACE OF – The entire area within a single, continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits of such sign and not forming an integral part of the display. Only one side of a double-face V-type sign structure shall be used in computing total surface area.

SIGN, WALL – A sign affixed to the exterior wall of a structure.

SIGNIFICANT SITE, HISTORIC – Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

SOIL BIOENGINEERING PRACTICES – The use of engineering design principles with biological and ecological concepts to construct and assure the survival of living plant communities that will naturally control erosion, sediment, and flooding. Horticultural principles are applied to establish the plant communities. Engineering design principles are applied to build structures that will help protect the communities as they grow to maturity and function as they would in their natural settings.

SOIL DISPERSAL AREA – The area required for the subsurface sewage treatment system, including spacing between individual units or zones.

SOIL LOSS TOLERANCE – The maximum average annual rate of soil loss from sheet and the erosion of wind, expressed in tons per acre per year, that is allowed in order to indefinitely sustain the productive capacity of soil to produce food and fiber.

SOLAR ARRAY – Any number of solar photovoltaic modules or panels connected to provide a single electrical output.

SOLAR CELL – The basic unit of a photovoltaic solar panel.

SOLAR ENERGY SYSTEM (SES) - A set of devices whose primary purpose is to collect solar energy and convert and/or store it for useful purposes including heating and cooling structures or other energy-using processes, or to produce generated power by means of any combination of collecting, transferring, or converting solar-generated energy through the use of photovoltaic and non-concentrating thermal collector, excluding reflecting SES.

SOLAR ENERGY SYSTEM, GROUND-MOUNT - A solar energy system mounted on a rack or pole that sits on the ground, has its own foundation, and is not attached to a structure.

SOLAR ENERGY SYSTEM, LARGE - A solar array, or system, with a power capacity of 100 kilowatts or greater.

SOLAR ENERGY SYSTEM, OFF-GRID - A stand-alone power system not connected to the grid.

SOLAR ENERGY SYSTEM, PHOTOVOLTAIC - A system of components that generates electricity from incident sunlight by means of photovoltaic effect, whether or not the device is able to store the energy produced for later use.

SOLAR ENERGY SYSTEM, REFLECTING - A solar energy system that includes a device to reflect light onto the collector surface for the purpose of increasing the energy production of the system.

SOLAR ENERGY SYSTEM, ROOF-TOP OR WALL - A solar energy system mounted on the roof or wall of a structure and is accessory to the principal land use.

SOLAR ENERGY SYSTEM, SMALL - A solar array, or system, with a power capacity of less than 100 kilowatts.

SOLAR MODULE - A number of individual solar cells connected together in an environmentally protected housing, producing a standard output voltage and power. Multiple modules/panels can be assembled into an array for increased power and/or voltage.

SPECIAL EVENT - The use of privately owned land, structures for a gathering at any location, for any purpose. Private gatherings are exempt.

1. Special Events include, but are not limited to: Carnivals, Circuses, Concerts, Fund-raisers, Flea markets, Craft fairs, or markets.
 - a. Farmers markets or stands for sale of seasonal products when sold other than on the site where the product is grown.
2. Special Events do not include gatherings at any regularly established place of assembly or other similar permanently established place of assembly provided that such place is being used for its established and normal use allowed by this Ordinance and the applicant/landowner meets all applicable County, State and Federal regulations, shall include but not limited to:
 - a. Permanent place of worship, stadiums, athletic fields, auditoriums, picnic or camping areas, sale or auction of agricultural lands or personal property, polling places for special or general elections,

STABLE - A structure that is used to house horses, ponies, mules or donkeys in individual stalls or compartments.

STAGE INCREASE – Any increase in the water surface elevation during the one percent (1%) annual chance flood caused by encroachments on the floodplain.

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.

STATE - the State of Minnesota.

STEEP SLOPE - Lands having average slopes over twelve (12) percent, as measured over horizontal distances of fifty (50) feet or more, which are not considered bluffs.

STORMWATER RETENTION AREA - An area designed by a licensed professional and approved by the County to retain water to control the flow of stormwater.

STORY - That portion of a structure included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, the space between the floor and the ceiling above it.

STORY, HALF - That portion of a structure under a gable, hip, or gambrel roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than two (2) feet above the floor of such story.

STREAM, INTERMITTENT - A stream that only flows during wet periods and only flows in a well-defined channel.

STREAM, PERENNIAL - A stream or river (channel) that has continuous flow in parts of its bed all year-round during years of normal rainfall.

STREAM, TRIBUTARY - Other streams in the Protected (Public) Waters Inventory that do not have a specific classification.

STRUCTURAL ALTERATIONS - Any change in the supporting members of a structure such as bearing walls, columns, beams, or girders.

STRUCTURE - Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, structures, structure additions, pools, basements, water wells, factories, sheds, decks or similar elevated platforms, detached garages, cabins, manufactured homes. Retaining walls and fences shall be exempt from this definition.

STRUCTURE, ACCESSORY - A structure on the same lot with, and of a nature customarily incidental and subordinate to the principal structure. An accessory structure shall not contain a dwelling unit.

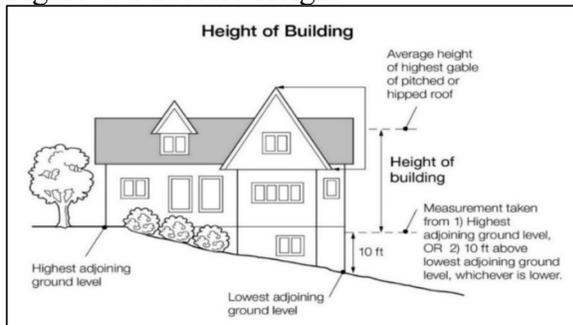
STRUCTURE, AGRICULTURAL – An uninhabited structure on agricultural land intended exclusively for the storage of farm animals, implements, supplies, or products that contains no residential use and is not open to the public. This includes, but is not limited to barns, grain elevators, grain bins, and other similar structures, but not commercial greenhouses or structures used for agricultural processing activities.

STRUCTURE, COMMERCIAL – An uninhabited structure intended primarily or exclusively for the selling or vending of any good or service including, but not limited to food, beverages, souvenirs, craft items, repair or rental services, any other salable item or service, other similar structures.

STRUCTURE, INDUSTRIAL – An uninhabited structure intended primarily or exclusively for the assembling, fabrication, finishing, manufacturing, packaging, processing, warehousing of goods, other similar structures.

STRUCTURE HEIGHT - The vertical distance between the highest adjoining ground level at the building or ten (10) feet above the lowest adjoining ground level (whichever is lower), and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof (see Figure 4).

Figure 4. Structure Height



STRUCTURE SETBACK LINE - A line within a lot or other parcel of land parallel to a public road or street or highway right-of-way or ordinary high water level, defining a portion of the lot between said setback line and said right-of-way in which structures may not be placed.

STRUCTURE, WATER-ORIENTED ACCESSORY - A small, above ground structure or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include watercraft equipment storage structures, gazebos, screen houses, fish houses, pump houses, saunas, patios and detached decks.

SUBSTANDARD SHORELAND USE - Any legal use of shorelands existing prior to the date of enactment of this Ordinance which is permitted within the applicable zoning district but does not meet the minimum lot area and length of water frontage, structure setbacks or other dimensional standards of this 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 fifty (50) percent of the estimated market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - Within any consecutive three hundred and sixty five (365) day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the estimated market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damages,” regardless of the actual repair work performed. The term does not, however, include either:

1. 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.
2. Any alteration of an “historic structure,” provided that the alteration will not preclude the structure’s continued designation as an “historic structure.” For the purpose of this Ordinance, “historic structure” shall be as defined in 44 Code of Federal Regulations, Part 59.1 as amended from time to time.

SUBSURFACE SEWAGE TREATMENT SYSTEM (SSTS) - Is either an individual subsurface sewage treatment system (ISTS) or a mid-sized subsurface sewage treatment system (MSTS) as defined in MN Rules, Chapters 7080 and 7081.

SUBSURFACE SEWAGE TREATMENT SYSTEM, CERTIFICATE OF COMPLIANCE - A document, written after a compliance inspection, certifying that a system is in compliance with applicable requirements at the time of the inspection.

SUBSURFACE SEWAGE TREATMENT SYSTEM, TREATMENT LEVEL - Treatment system performance levels as defined in MN Rules, Chapter 7083.4030, Table III for testing of proprietary treatment products.

SUBSURFACE SEWAGE TREATMENT SYSTEM, INDIVIDUAL - As defined in MN Rules, Chapter 7080, subpart 41, as amended from time to time.

SUBSURFACE SEWAGE TREATMENT SYSTEM, MIDSIZED - As defined in MN Rules, Chapter 7081, subpart 4, as amended from time to time.

SUBSURFACE SEWAGE TREATMENT SYSTEM, TYPE I SYSTEM - A SSTS designed according to MN Rule 7080.2200 through MN Rule 7080.2240, as may be amended from time to time.

SUBSURFACE SEWAGE TREATMENT SYSTEM, TYPE II SYSTEM - A SSTS designed according to MN Rule parts 7080.2250 to 7080.2290, as may be amended from time to time.

SUBSURFACE SEWAGE TREATMENT SYSTEM, TYPE III SYSTEM - A SSTS designed according to MN Rule 7080.2300, as may be amended from time to time.

SUBSURFACE SEWAGE TREATMENT SYSTEM, TYPE IV SYSTEM - A SSTS designed according to MN Rule 7080.2350, as may be amended from time to time.

SUBSURFACE SEWAGE TREATMENT SYSTEM, TYPE V SYSTEM - A SSTS designed according to MN Rule 7080.2400, as may be amended from time to time.

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

SURVEYOR – A Minnesota Licensed Land Surveyor.

SWCD - Le Sueur County Soil and Water Conservation District.

TAVERN - A place primarily used for the consumption of alcoholic beverages on site by the public.

TECHNICAL EVALUATION PANEL (TEP) - The TEP consists of at least three technical professionals appointed by Le Sueur County, Board of Soil and Water Resources (BWSR), and the local Soil and Water Conservation District (SWCD). For projects impacting or adjacent to public waters or public waters wetlands, the TEP also includes a technical professional employee of the Department of Natural Resources (DNR).

TOWER - Any ground or roof mounted pole, spire, structure, or combination thereof taller than fifteen (15) feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade (except amateur radio antennas).

TRANSFER OF PROPERTY - The act of a party by which the title to property is conveyed from one person to another. The sale and every other method, direct or indirect, of disposing or parting with property, or with an interest therein, or with the possession thereof, absolutely or conditionally, voluntarily or involuntarily, by or without judicial proceedings, as a conveyance, sale, mortgage, gift, or otherwise.

TRAVEL TRAILER - A trailer, mounted on wheels, that is designed to provide temporary living quarters during recreation, camping or travel, does not require a special highway movement permit based on its size or weight when towed by a motor vehicle, and does not exceed eight and one half (8.5) feet in width or forty (40) feet in length.

TREE - A woody plant that is at least six (6) inches or greater in diameter measured at four and one-half (4.5) feet above ground level.

TREE FARM - A parcel of land that is used to raise trees for the purpose of transporting them to be replanted off-site or for the purpose of harvesting them for wood products.

TRENCH - A soil treatment and dispersal system, the absorption width of which is 36 inches or less.

UNINCORPORATED AREA - The area outside a city.

UNPERMITTED OR NONCERTIFIED LIQUID MANURE STORAGE AREA - A liquid manure storage area that has never been permitted or approved as meeting the standards in Minnesota Administrative Rules, part 7020.2100 and that did not obtain approval or certification pursuant to the process established in Minnesota Rules 2011, part 7020.2110.

USE - The purpose for which land or premises or a structure thereon is designated, arranged or intended, or for which it is or may be occupied or maintained.

USE, ACCESSORY - A use on the same lot with, and of a nature customarily incidental and subordinate to the principal use.

VARIANCE - A modification of a specific development standard in an official control including this Ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a practical difficulty as defined in Minnesota Statutes, Chapter 394.27.

VERTICAL SEPARATION – In an SSTS, the vertical measurement of unsaturated soil or sand between the bottom of the distribution medium and the periodically saturated soil level or bedrock.

WATER SUPPLY PURPOSE - Includes any uses of water for domestic, commercial, industrial, or agricultural purposes.

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.

WATERCRAFT – Any contrivance used or designed for navigation on water, except: a waterfowl boat during the waterfowl-hunting season; a rice boat during the harvest season; or a seaplane.

WATERS OF THE STATE - All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portions of the state.

WATERSHED MANAGEMENT OR FLOOD CONTROL STRUCTURE - A dam, floodwall, wing-dam, dike, diversion channel or an 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 of a river or stream. The term “watershed management or flood control structure” does not include pilings, retaining walls, gabion baskets, rock riprap, or other facilities intended primarily to prevent erosion and which must be authorized by a permit from the Commissioner of the Department of Natural Resources.

WETLAND - Lands 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.
3. Under normal circumstances support a prevalence of such vegetation. Wetlands are further defined in the Wetland Conservation Act, Minnesota Statutes, § 103G.005, subd. 19.

WETLAND BOUNDARY - Area delineating wetland as determined using the methodologies in the United States Army Corps of Engineers Wetlands Delineation Manual (January 1987), including subsequent updates and supplements, and guidance provided by the board, per MN Rules 8420.

WETLAND TYPE - Refers to a classification system according to Wetlands of the United States, US Fish and Wildlife Service Circular 39 (1971 edition). As summarized in this subdivision and as defined in MN Statutes, §103G.005, subd. 17b as amended from time to time.

1. **Type 1 wetlands** are seasonally flooded basins or flats in which soil is covered with water or is waterlogged during variable seasonal periods but usually is well-drained during much of the growing season. Type 1 wetlands are located in depressions and in overflow bottomlands along watercourses, and in which vegetation varies greatly according to season and duration of flooding and includes bottomland hardwoods as well as herbaceous growths.
2. **Type 2 wetlands** are inland fresh meadows in which soil is usually without standing water during most of the growing season but is waterlogged within at least a few inches of surface. Vegetation includes grasses, sedges, rushes, and various broad-leafed plants. Meadows may fill shallow basins, sloughs, or farmland sags, or these meadows may border shallow marshes on the landward side.
3. **Type 3 wetlands** are inland shallow fresh marshes in which soil is usually waterlogged early during a growing season and often covered with as much as six (6) inches or more of water. Vegetation includes grasses, bulrushes, spikerushes, and various other marsh plants such as cattails, arrowheads, pickerelweed, and smartweeds. These marshes may nearly fill shallow lake basins or sloughs, or may border deep marshes on the landward side and are also common as seep areas on irrigated lands.
4. **Type 4 wetlands** are inland deep fresh marshes in which soil is usually covered with six (6) inches to three (3) feet or more of water during the growing season. Vegetation includes cattails, reeds, bulrushes, spikerushes, and wild rice. In open areas, pondweeds, naiads, coontail, water milfoils, waterweeds, duckweeds, waterlilies, or spatterdocks may occur. These deep marshes may completely fill shallow lake basins, potholes, limestone sinks, and sloughs, or they may border open water in such depressions.
5. **Type 5 wetlands** are inland open fresh water, shallow ponds, and reservoirs in which water is usually less than ten (10) feet deep and is fringed by a border of emergent vegetation similar to open areas of type 4 wetland.
6. **Type 6 wetlands** are shrub swamps in which soil is usually waterlogged during growing season and is often covered with as much as six (6) inches of water. Vegetation includes alders, willows, buttonbush, dogwoods, and swamp-privet. This type occurs mostly along sluggish streams and occasionally on floodplains.

7. **Type 7 wetlands** are wooded swamps in which soil is waterlogged at least to within a few inches of the surface during growing season and is often covered with as much as one (1) foot of water. This type occurs mostly along sluggish streams, on floodplains, on flat uplands, and in shallow basins. Trees include tamarack, arborvitae, black spruce, balsam, red maple, and black ash. Northern evergreen swamps usually have a thick ground cover of mosses. Deciduous swamps frequently support beds of duckweeds and smartweeds.
8. **Type 8 wetlands** are bogs in which soil is usually waterlogged and supports a spongy covering of mosses. This type occurs mostly in shallow basins, on flat uplands, and along sluggish streams. Vegetation is woody or herbaceous or both. Typical plants are heath shrubs, sphagnum moss, and sedges. In the north, leatherleaf, Labrador-tea, cranberries, carex, and cottongrass are often present. Scattered, often stunted, black spruce and tamarack may occur.

WIND ENERGY CONVERSION SYSTEMS (WECS) - An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and metrological towers that operate by converting kinetic energy of the wind into electrical energy. The energy may be used on-site or transferred off-site via transmission lines

1. **WECS, COMMERCIAL** - A WECS of equal or greater than forty (40) kW in total name plate generating capacity with not more than five (5) MW.
2. **WECS, NON-COMMERCIAL** - A WECS of less than forty (40) kW in total name plate generating capacity, not to exceed a maximum height of one hundred fifty (150) feet.
3. **WECS, TOTAL HEIGHT** - Overall height of a WEC measured as the height of the tip of a blade extended at apex of rotation above the local ground level.
4. **WECS, ROTOR DIAMETER** - The diameter of the circle described by the moving rotor blades.
5. **WECS, AGGREGATED PROJECTS** - 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.

WIRELESS TELECOMMUNICATION TOWERS – Includes cellular towers, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

YARD - Any space in the same lot with a structure, open and unobstructed from the ground to the sky.

YARD, FRONT - A yard extending along the full width of the front property line between side property lines and extending from the adjacent road right-of-way line to depth required in the setback regulations for the zoning district in which such lot is located.

YARD, REAR - An open space unoccupied except for accessory structures on the same lot with the principal structure between the rear line of the principal structure and the rear property line and extending the full width of the lot.

YARD, SIDE - An open unoccupied space between the structure and the side line of the lot and extending from the front lot line to the rear lot line.

SECTION 8. AGRICULTURE (A) DISTRICT

SUBDIVISION 1. PURPOSE

The Agriculture (A) District is established for areas where agriculture uses are seen as the best and highest long term use of the land. The land itself needs to be preserved for primarily agricultural activities. These areas should avoid existing cities, residential zones and subdivisions. They should be large contiguous land areas with mostly prime soils. Rezoning should only be considered on the zone's borders in order to maintain the Zoning integrity of the District. Dwellings that are allowed should be on the edges of the open farmland where possible or utilize existing abandoned farm sites. The total number of Dwellings shall not exceed sixteen (16) per section of land with the exception of Transfer of Development Right and lots of record. Transfer of development rights may be utilized to exceed the permitted housing density of one dwelling per quarter-quarter section (40 acres), provided that the density does not exceed four dwellings per quarter-quarter section in the receiving quarter-quarter section. Lots of Record shall be exempt from density standards.

SUBDIVISION 2. PERMITTED USES

The following uses shall be permitted within the Agriculture (A) District:

- A. Agriculture, including crop production, pasturing utilizing agricultural best management practices, and accessory structures.
- B. Feedlots up to a total of three hundred (300) animal units, located more than one (1) mile from city boundaries.
- C. One (1) single-family dwelling per existing building site, Lot of Record, or per quarter-quarter section.
- D. Parks, recreational areas, wildlife areas, historic sites, game refuges and forest preserves owned or operated by governmental agencies.
- E. Flood management and control, watershed structures, erosion control and fish and game hatcheries.
- F. Forest management.
- G. Wireless Telecommunications Service Antenna when located on existing towers.
- H. Public Utility and Service Structures.
- I. Non Commercial Wind Energy Conversion Systems.
- J. Vineyard/Orchard.

- K. Tree farms.
- L. Agricultural related services such as feed and seed sales, custom applicators of animal livestock wastes, and custom tillage/harvesting.
- M. Government administration buildings, police and fire stations, community center buildings, public libraries, museums, art galleries, post office and other municipal service buildings.
- N. Small Solar Energy System.
- O. **For parcels less than twenty (20) acres.** Grading, excavating or filling activities involving the movement of five hundred (500) cubic yards or less of material that is not in connection with another permitted use. Activities associated with the maintenance or improvement of public roads are exempt.

Permitted Use	Permitted Use with Land Alteration(s) Permit	Land Alteration(s) Permit Requirements
<5 cubic yards within Bluff Impact Zone	5-10 cubic yards within Bluff Impact Zone	Scaled site plan w/2-foot contours depicting existing and proposed topography. As-Built upon completion
<250 cubic yards outside Bluff Impact Zone	250-500 cubic yards outside Bluff Impact Zone	<p>Parcels < 5 acres: Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p>Parcels 5-20 acres: Scaled site plan w/ 5-foot contours depicting existing and proposed topography. As-Built upon completion.</p>

- P. **For parcels more than twenty (20) acres.** Grading, excavating or filling activities involving the movement of one thousand (1,000) cubic yards or less of material that is not in connection with another permitted use. Activities associated with the maintenance or improvement of public roads are exempt.

(TABLE ON NEXT PAGE)

Permitted Use	Permitted Use with Land Alteration(s) Permit	Land Alteration(s) Permit Requirements
< 5 cubic yards within Bluff Impact Zone	5-10 cubic yards within Bluff Impact Zone	Scaled site plan w/2-foot contours depicting existing and proposed topography. As-Built upon completion
< 500 cubic yards outside Bluff Impact Zone	500-1000 cubic yards outside Bluff Impact Zone	Scaled site plan w/10-foot contours depicting existing and proposed topography. As-Built upon completion.

SUBDIVISION 3. ADMINISTRATIVE SPECIAL USES

The following uses may be allowed in the Agriculture (A) District with the issuance of an Administrative Special Use Permit:

- A. One (1) temporary dwelling per lot that will be occupied for one (1) year or less.
- B. Seasonal produce stands.
- C. Transfer of Development Rights.
- D. Driveway construction and associated land preparation prior to issuance of a zoning permit.
Temporary uses on private property by a township, city, county, the state or persons engaged in a construction project for a township, city, county, or the state.
- E. Special Event which is open to or accessible by the general public, on any parcel(s) of land. Events exceeding one (1) but less than four (4) requests per year or any event exceeding two (2) days in length.
- F. Home Occupations, Level I.

SUBDIVISION 4. INTERIM USE PERMITS

The following uses may be allowed in the Agriculture (A) District as Interim Uses:

- A. One (1) temporary dwelling per lot that will be occupied for more than one (1) year.
- B. Riding academies and stables.
- C. Mineral extraction.

- D. Home occupations, Level II.
- E. Bed and Breakfast Inns.
- F. Contractors and Construction Companies along with Shops and Yards.
- G. Outdoor Commercial Recreational Areas.
- H. Special Event which is open to or accessible by the general public, on any parcel(s) of land. Events exceeding three (3) requests per year or exceeding three (3) days in length.
- I. Short-Term Private Lodging Rental.
- J. Grading, excavating or filling within the bluff.
- K. **Parcels less than twenty (20) acres.** Grading, excavating or filling activities involving the movement of more than five hundred (500) cubic yards of material that is not in connection with another permitted use. Activities associated with the maintenance or improvement of public roads are exempt.

Interim Use	Interim Use Requirements
> 10 cubic yards within Bluff Impact Zone	<p>Scaled site plan w/2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p>Site Plan(s) and As-Built completed by a surveyor or engineer.</p>
> 500 cubic yards outside Bluff Impact Zone	<p><u>Parcels < 5 ac:</u> Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels 5-20 ac:</u> Scaled site plan w/ 5-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p>Site Plan(s) and As-Built completed by a surveyor or engineer.</p>

- L. **Parcels more than twenty (20) acres.** Grading, excavating or filling activities involving the movement of more than one thousand (1,000) cubic yards of material that is not in connection with another permitted use. Activities associated with the maintenance or improvement of public roads are exempt.

Interim Use	Interim Use Requirements
> 10 cubic yards within Bluff Impact Zone	Scaled site plan w/2-foot contours depicting existing and proposed topography. As-Built upon completion. Site Plan(s) and As-Built completed by a surveyor or engineer.
> 1000 cubic yards outside Bluff Impact Zone	Scaled site plan w/ 10-foot contours depicting existing and proposed topography. As-Built upon completion. Site Plan(s) and As-Built completed by a surveyor or engineer.

SUBDIVISION 5. CONDITIONAL USES

The following uses may be allowed in the Agriculture (A) District as Conditional Uses:

- A. All feedlots greater than three hundred (300) to three thousand (3,000) animal units.
- B. A new feedlot or expansion of an existing feedlot within one (1) mile of a city boundary.
- C. Agriculture and Industrial machinery sales and service.
- D. Fertilizer and chemical sales.
- E. Value Added Agriculture.
- F. Commercial grain storage facilities.
- G. Organized group camps.
- H. Water supply tanks or buildings, reservoirs, commercial wells, gas regulator stations, electric substations or transmission lines greater n 35kV, railroad right-of-way, but not including railroad yards, public sewage treatment facilities and other similar essential public utility and service structures.
- I. Public or private schools, churches, cemeteries and memorial gardens.
- J. Antique sales, service and restoration.

- K. Retail nursery and garden supplies and greenhouses.
- L. Animal hospitals, veterinary clinics, animal crematoriums and related facilities for the care and breeding of animals including kennels.
- M. Campgrounds.
- N. Wireless telecommunication towers.
- O. Commercial Orchards.
- P. Winery.
- Q. Indoor Commercial Recreational Areas.
- R. Self Service Storage.
- S. Commercial Wind Energy Conversion System.
- T. Commercial Grain Elevators.
- U. Forest Land Conversion.
- V. Large Solar Energy System.
- [W. Cannabis Business.](#)
- [X. Commercial Green House.](#)

SUBDIVISION 6. PERMITTED ACCESSORY USES AND STANDARDS

The following uses shall be permitted accessory uses within the Agriculture (A) District:

- A. Having no more than two (2) boarders or roomers by a resident family.
- B. Light aircraft, unpaved landing fields used solely by the property owner.
- C. ACCESSORY STRUCTURES

1. Accessory structures in the Agriculture (A) District that have lot sizes less than five (5) acres shall conform to the following structure areas and maximum structure heights.

Lot Size	Maximum Structure Area	Maximum Structure Height
Less than 1 acre	2,000 square feet	20 feet
1-1.99 acres	3,600 square feet	20 feet
2-4.99 acres	4,000 square feet	25 feet

2. Outside wall dimensions shall be used to determine maximum structure area, except where a roof projects out further than two (2) feet from the sidewall; roof area shall be used to determine maximum structure area.
3. Grading, Excavating, and Filling to create a walk-out basement shall be prohibited for all structures other than a primary dwelling.

D. SWIMMING POOL. PERMANENT

1. No pool shall be located within ten (10) feet of a septic tank.
2. No pool shall be located within twenty (20) feet of a septic drain field.
3. No pool shall be located beneath overhead electrical lines or over underground utility lines of any type.
4. No pool shall be located within any private or public utility, walkway, drainage, or other easement.
5. Lighting for the pool shall be oriented so as not to cast light onto adjacent properties.
6. A barrier of at least five (5) feet in height shall completely enclose the pool area and the access to the pool area shall be controlled by a self-latching gate.
 - a. Pools equipped with a lockable safety cover complying with ASTM F 1346 safety specifications shall be exempt from the barrier requirement.

E. HEIGHT AND SEPARATION REGULATIONS

1. For parcels greater than five (5) acres, there shall be a maximum height limitation of one hundred and fifty (150) feet on all structures. Any structure including but not limited to tower, spire and similar type structure, only after obtaining a letter of clearance from the Federal Aeronautics Administration and the Airport Commission for any airport located within ten (10) miles of the structure proposed to exceed the height limitation.
2. An accessory structure shall not be closer than five (5) feet to the principal structure.
 - a. In case an accessory structure is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure.

F. DRAINAGE

Adequate drainage shall be provided and the drainage shall be directed away from adjacent private property.

- G. Other accessory uses customarily incidental to the uses permitted in Subdivisions 2-5 of this Section.

SUBDIVISION 7. DIMENSIONAL REGULATIONS

A. FRONT YARD SETBACKS

1. There shall be a front yard setback of not less than eighty five (85) feet from the right-of-way of State-Federal trunk arterials, expressways and State collector arterials.
2. There shall be a front yard setback of not less than seventy five (75) feet from the right-of-way of County Highways.
3. There shall be a front yard setback of not less than sixty five (65) feet from a township or any other public or private right-of-way.
4. When a lot is located at the intersection of two (2) or more roads, there shall be a front yard setback on each road right-of-way.
5. All components of an onsite Subsurface Sewage Treatment System (SSTS) shall be twenty (20) feet from all road right-of-ways.
6. All components of an onsite Subsurface Sewage Treatment System (SSTS) for a non-conforming Lot of Record shall be ten (10) feet from all road right-of-ways.
7. The required front yard of a corner lot shall be unobstructed above a height of three (3) feet in a triangular area, two (2) sides of which are the lines running parallel along the right of way lines between the road intersection and a point fifty (50) feet from the intersection, and the third side of which is the line between the latter two (2) points.
8. No trees or shrubs shall be planted within ten (10) feet from any right-of-way.

B. SIDE YARD SETBACKS

1. All structures shall have a side yard setback of not less than fifty (50) feet.
2. Accessory structures shall have a side yard setback of not less than fifteen (15) feet.

C. REAR YARD SETBACKS

1. All structures shall have a rear yard setback of not less than fifty (50) feet.
2. Accessory structures shall have a rear yard setback of not less than fifteen (15) feet.

2. All new animal feedlots shall be separated from an existing dwelling and conversely, all new dwellings shall be separated from an existing animal feedlot by the following:
 - a. 10-50 AU 500 feet
 - b. 51-2000 AU 1000 feet
 - c. Greater than 2000 AU 1500 feet
3. The animal feedlot owner's dwelling is exempt from these requirements.
4. Any new animal feedlot or expansion of an existing animal feedlot shall conform to the lot requirement as follows:
 - a. Up to 100 AU 5 acres
 - b. 101-2000 AU 10 acres
 - c. 2001-3000 AU 15 acres
5. In the Agriculture (A) District, the following standards shall be applicable for allowable animal units:

Suitable Area Acreage	Animal Units Allowed
< 1.49 acres	Dogs, cats, and animals customarily kept as pets
1.5 to 4.99 acres	Up to 10 AU
5 to 9.99 acres	10 to 100 AU (50 AU or more-required to be registered feedlots)
10 to 14.99 acres	101 to 2,000 AU
15 or more acres	2,001 to 3,000 AU

6. In the Agriculture (A) District the following maximum number of domestic animals are allowed.

Number Of Cats & Dogs	Kennel (CUP)	Animal Shelter (CUP)
10	> Than # allowed	> Than # allowed

H. LOT AREA

Every lot or plot of land on which a single-family dwelling is erected shall contain an area of not less than one and one-half (1.5) acres.

I. LOT WIDTH AND DEPTH

Every lot or plot of land on which a single-family dwelling is erected shall have a minimum width of not less than two hundred (200) feet at the-setback line and a minimum depth of not less than three hundred (300) feet.

J. BUILDABLE LOT STANDARDS

1. A conforming lot, recorded with the County Recorder, and which has frontage on an improved and maintained public or private road, shall meet the following Buildable Lot standards. The buildable Lot shall have a contiguous area greater than or equal to twenty five (25) percent of the required lot area of which shall not include any of the following:
 - a. Area below the Ordinary High Water Level (OHWL).
 - b. Bluff.
 - c. Floodplain.
 - d. Principle Structure Setbacks.
 - e. Wetland.
2. An undeveloped legal non-conforming lot, recorded with the County Recorder, which has frontage on an improved and maintained public or private road, or recorded easement shall meet the following Buildable Lot standards. The buildable Lot shall have a contiguous area greater than or equal to ten (10) percent of the required lot area and shall not include the following:
 - a. Area below the Ordinary High Water Level (OHWL).
 - b. Area that meet the County's definition for a Bluff.
 - c. Floodplain.
 - d. Structure Setbacks.
 - e. Wetland.
3. All lots created after January 23, 1996 must have a minimum of two (2) soil treatment and dispersal areas that can support Type 1 systems as described in Minnesota Rules, Chapters 7080 through 7083, as amended from time to time.
4. Lots of Record that are substandard in area must conform to all other applicable regulations to qualify for placement of a dwelling.

SUBDIVISION 8. DWELLING STANDARDS

A. PROHIBITED DWELLINGS

No garage, tent, trailer, or accessory structure shall at any time be used as a dwelling.

B. DWELLING REGULATIONS

1. No more than one (1) dwelling shall be placed on a lot except in the cases of temporary dwellings.

2. All dwellings shall be affixed to a permanent foundation, frost footings or frost piers extending a minimum of 42 inches below grade. Manufactured homes shall be anchored according to the requirements of the manufacturer.
3. The minimum dwelling width excluding porches, decks, or other similar attachments shall be twenty (20) feet except in the cases of temporary dwellings.
4. All dwellings shall include at least one (1) bathroom sink, one (1) toilet, one (1) kitchen sink, and one (1) bathtub or shower to meet basic requirements of sanitation and personal hygiene, connected to municipal sewer or subsurface soil treatment system that conforms with the sewage treatment regulations of this Ordinance. No zoning permits will be issued for new dwellings prior to sewage treatment system approval.
5. Manufactured homes shall bear a State seal as verification of construction and inspection to ANSI A119.1 standards during original construction (issued for manufactured homes built between July 1, 1972 to June 14, 1976) or, for manufactured homes built after that date, a Federal seal in accordance with HUD CFR 3280 Construction Standards.
6. All dwellings shall have a minimum of seven hundred sixty (760) square feet of floor area on the ground floor.
7. Dwellings shall not exceed two and one-half (2 1/2) stories or thirty five (35) feet in height.
8. For all dwellings the lowest floor elevation shall be at least three (3) feet above the ordinary high water level (OHWL) or highest known lake elevation, whichever is greater.
9. Outside wall dimensions shall be used to determine maximum structure area, except where a roof projects out further than two (2) feet from the sidewall; roof area shall be used to determine maximum structure area.
10. All dwellings shall include heating facilities capable of maintaining a temperature of 70 degrees Fahrenheit (21 degrees Celsius) at a point three feet above the floor.
11. All dwellings shall include a potable drinking water supply from a well, individual or shared, which meets the requirements of the County's water supply well ordinance.
12. All dwellings shall include a source of electricity meeting the requirements of, and approved by, the Minnesota State Board of Electricity.

13. The footprint or foundation area of an attached garage shall not exceed 125% of the footprint or foundation area of the related dwelling.
14. Occupancy. Residential buildings shall not be occupied until such residential building is connected to a source of potable drinking water, required sanitary facilities have been installed and connected to approved sewage treatment facilities, heating facilities are operational, and the electrical installation has received final approval from the Minnesota State Board of Electricity.

SUBDIVISION 9. ACCESS DRIVES, ACCESS AND SERVICE ROADS

- A. Access drives onto any public roads shall require a review by the Road Authority. The Road Authority shall determine the appropriate location, size, and design of such access drives along public roads and may limit the number of access drives in the interest of public safety and efficient traffic flow.
- B. Access drives shall be constructed and maintained to meet all of the following:
 1. A minimum driving surface width of fourteen (14) feet.
 2. Inslope no greater than 4 to 1, as measured horizontal to vertical.
 3. Base material depth sufficient to support access by emergency vehicles.
 4. Unobstructed width of not less than twenty (20) feet.
 5. Unobstructed vertical clearance of not less than thirteen (13) feet, six (6) inches.
- C. Access drives in excess of one hundred fifty (150) feet in length shall provide a minimum turn-around of sixty (60) feet in width by sixty (60) feet in length.
- D. Access drives shall have a twenty (20) foot long flat grade directly adjacent to the road that the drive accesses.
- E. All lots or parcels with dwellings shall have direct physical access of adequate size for emergency vehicles along the frontage of the lot or parcel from either an existing or dedicated public roadway.
- F. All roads serving more than two (2) lots or parcels with dwellings shall be built to township road specifications or at least sixty six (66) feet wide with a minimum driving surface width of twenty four (24) feet.
- G. Access drives shall not be located within the bluff impact zone.

SUBDIVISION 10. GENERAL REGULATIONS.

A. All land uses and development shall follow all other applicable regulations of this Ordinance.

SECTION 10. GENERAL BUSINESS (B) DISTRICT

SUBDIVISION 1. PURPOSE

The General Business (B) District is established for areas that allows for a wide range of services and goods in compact and convenient limited highway-oriented businesses which are close to existing urban areas or major transportation routes. Such business developments are to be developed at standards that will not impair the traffic carrying capabilities of abutting roads and highways.

SUBDIVISION 2. PERMITTED USES

The following uses shall be permitted within the General Business (B) District:

- A. Agriculture.
- B. Bowling alleys.
- C. Drive-in restaurants, drive-in theaters or similar uses that provide goods and services to patrons in automobiles.
- D. Florist shops, greenhouses and nurseries.
- E. Motel and Hotels.
- F. Professional, governmental offices and buildings.
- G. Restaurants.
- H. Retail sales and service.
- I. Wireless Telecommunications Service Antenna when located on existing towers.
- J. Antique sales, service and restoration.
- K. Seasonal produce stand.
- L. Sporting goods establishments, outfitters and bait shops.
- M. Building materials and sales.
- N. Self-Service Storage Facilities.
- O. Public Utility and Service Structures.
- P. Small Solar Energy System.

Q. Grading, excavating or filling activities involving the movement of fifty (50) cubic yards or less of material that is not in connection with another permitted use. Activities associated with maintenance or improvement of public roads are exempt.

Permitted Use	Permitted Use with Land Alteration(s) Permit	Land Alteration(s) Permit Requirements
< 5 cubic yards within Bluff Impact Zone	5-10 cubic yards within Bluff Impact Zone	Scaled site plan w/2-foot contours depicting existing and proposed topography. As-Built upon completion.
<25 cubic yards outside Bluff Impact Zone	25-50 cubic yards outside Bluff Impact Zone	<p><u>Parcels < 5 acres:</u> Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels 5-20 acres:</u> Scaled site plan w/ 5-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels > 20 acres:</u> Scaled site plan w/ 10-foot contours depicting existing and proposed topography. As-Built upon completion.</p>

SUBDIVISION 3. INTERIM USES

The following uses shall be allowed in the General Business (B) District as Interim Uses:

- A. One (1) Temporary Dwelling for watchmen, supervisors, and their families, located on the premises where they are employed in such capacity provided the dwelling is under the same ownership as the principal use.
- B. Mineral Extraction.
- C. Outdoor Commercial Recreational Area.
- D. Special Event which is open to or accessible by the general public, on any parcel(s) of land. Events exceeding three (3) requests per year or exceeding three (3) days in length.

- E. Grading, excavating or filling activities within the bluff.
- F. Grading, excavating or filling activities involving the movement of more than (50) fifty cubic yards of material that is not in connection with another permitted use. Activities associated with maintenance or improvement of public roads are exempt.

Interim Use	Interim Use Requirements
>10 cubic yards within Bluff Impact Zone	<p>Scaled site plan w/2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p>Site Plan(s) and As-Built completed by a surveyor or engineer.</p>
>50 cubic yards outside Bluff Impact Zone	<p><u>Parcels < 5 acres:</u> Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels 5-20 ac:</u> Scaled site plan w/ 5-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels > 20 ac:</u> Scaled site plan w/ 10-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p>Site Plan(s) and As-Built completed by a surveyor or engineer.</p>

SUBDIVISION 4. CONDITIONAL USES

The following uses shall be allowed in the General Business (B) District as Conditional Uses:

- A. Off-sale liquor stores.
- B. Taverns.
- C. Open and outdoor storage, sales and service.
- D. Animal hospitals and veterinary clinics and related facilities for the care and breeding of animals including kennels.
- E. Agriculture and Industrial machinery sales and service.
- F. Auditoriums.

- G. Automobile Sales, Service Stations and Repair.
- H. Medical Clinics and Hospitals.
- I. Car Washes.
- J. Commercial Orchards.
- K. Contractors and Construction Companies along with Shops and Yards.
- L. Winery.
- M. Indoor Commercial Recreational Area.
- N. Adult Uses.
- O. Non-Commercial Wind Energy Conservation Systems.
- P. Platted Business Subdivisions.
- Q. Other business activities similar to those listed under the permitted uses in this Section and deemed suitable by the Department or appeals process and subject to all conditions imposed thereon.
- R. Off Premises Signs/Billboards.
- S. Illuminated Signs.
- T. Large Solar Energy System.
- [U. Cannabis Business.](#)
- [U.V. Commercial Green House.](#)

SUBDIVISION 5. PERMITTED ACCESSORY USES AND STANDARDS

The following uses shall be permitted accessory uses within the General Business (B) District:

A. ACCESSORY STRUCTURES

1. In the General Business (B) District that have lot sizes less than five (5) acres shall conform to the following structure areas and maximum structure heights.

(TABLE ON NEXT PAGE)

Lot Size	Maximum Structure Area	Maximum Structure Height
Less than 1 acre	2,000 square feet	20 feet
1-1.99 acres	3,600 square feet	20 feet
2-4.99 acres	4,000 square feet	25 feet

2. Outside wall dimensions shall be used to determine maximum structure area, except where a roof projects out further than two (2) feet from the sidewall; roof area shall be used to determine maximum structure area.
3. No accessory structures shall be constructed or developed on a lot prior to construction of the principal structure.
4. Structures used for the storage of agricultural equipment or used for other agricultural purposes may be allowed on parcels of ten (10) or more acres being used as Agricultural Land.
5. Grading, Excavating, and Filling to create a walk-out basement shall be prohibited for all structures other than a primary dwelling.
6. Commercial or business structures for use accessory to the principal use but not exceeding thirty (30) percent of the floor space of the principal use and meeting all other setback and parking requirements of this section.

B. SEPARATION REGULATIONS

1. In case an accessory structure is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure.
2. An accessory structure shall not be closer than five (5) feet to the principal structure.
 - a. In case an accessory structure is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure.

C. SWIMMING POOL. PERMANENT

1. No pool shall be located within ten (10) feet of a septic tank.
2. No pool shall be located within twenty (20) feet of a septic drain field.
3. No pool shall be located beneath overhead electrical lines or over underground utility lines of any type.
4. No pool shall be located within any private or public utility, walkway, drainage, or other easement.

5. Lighting for the pool shall be oriented so as not to cast light onto adjacent properties.
6. A barrier of at least five (5) feet in height shall completely enclose the pool area and the access to the pool area shall be controlled by a self-latching gate.

D. DRAINAGE

Adequate drainage shall be provided and the drainage shall be directed away from adjacent private property.

E. PARKING

Off-street parking and loading shall meet the applicable standards as required by Section 19 of this Ordinance.

F. LANDSCAPING AND SCREENING

Landscaping and Screening shall meet the applicable standards as required by Section 19 of this Ordinance.

G. PERMITTED SIGNAGE

1. **Ground/Pylon Signs**

- a. The maximum height of a sign is thirty (30) feet.
- b. No more than one (1) ground/pylon sign shall be permitted per every thirty five (35) lineal feet of road frontage.
- c. The square foot area of such signs shall not exceed two hundred (200) square feet.
- d. Ground/pylon signs shall be set back a minimum of ten (10) feet from property lines and/or right-of-way.

2. **Wall signs**

- a. Wall signs on any structure shall not exceed twenty (20) percent of the wall area.
- b. Wall signs shall not project above the roof level.

3. **Electronic Message Board Signs/Dynamic Signs**

- a. Shall not flash.

- b. Any portion of the sign display shall be a minimum duration of ten (10) seconds and must be a static image.
- c. Lighting shall comply with the exterior lighting standards of this Section.

4. **Electronic Graphic Display Signs**

- a. Shall not flash.
- b. Any portion of the sign display shall be a minimum duration of ten (10) seconds and must be a static image.
- c. The sign shall not exceed illumination levels of five thousand (5,000) candela per square meter (NITS) between dusk and dawn and five hundred (500) NITS during the daytime.
- d. Lighting shall comply with the exterior lighting standards of this Section.

H. Other accessory uses customarily incidental to the uses permitted in Subdivisions 2-4 of this Section.

SUBDIVISION 6. DIMENSIONAL REGULATIONS

A. FRONT YARD SETBACKS

- 1. There shall be a front yard setback of not less than one hundred (100) feet from any right-of-way.
- 2. When a lot is located at the intersection of two (2) or more roads, there shall be a front yard setback on each road right-of-way.
- 3. All components of an onsite Subsurface Sewage Treatment System (SSTS) shall be twenty (20) feet from all road right-of-ways.
- 4. All components of an onsite Subsurface Sewage Treatment System (SSTS) for a non-conforming Lot of Record shall be ten (10) feet from all road right-of-ways.
- 5. The required front yard of a corner lot shall be unobstructed above a height of three (3) feet in a triangular area, two (2) sides of which are the lines running parallel along the right of way lines between the road intersection and a point fifty (50) feet from the intersection, and the third side of which is the line between the latter two (2) points.
- 6. No trees or shrubs shall be planted within ten (10) feet from any right-of-way.

B. SIDE YARD SETBACKS

There shall be a minimum side yard setback of not less than fifteen (15) for all structures.

C. REAR YARD SETBACKS

1. All principal structures shall have a rear yard setback of not less than forty (40) feet.
2. All accessory structures shall have a rear yard setback of not less than ten (10) feet
3. No structures shall be located within fifty (50) feet of any Residential or Agricultural District.

D. BLUFF SETBACKS

1. All structures shall be set back from the top and/or toe of the bluff:
 - a. Thirty (30) feet for bluffs with slopes eighteen (18) to thirty (30) percent.
 - b. Fifty (50) feet for bluffs with slopes greater than thirty (30) percent,
 - c. **Existing Building Sites**. All structures shall be set back thirty (30) feet from the top or toe of the bluff.
2. SSTS shall be set back thirty (30) feet from the top or toe of the bluff.
 - a. For an existing dwelling, SSTS upgrade and/or replacement tank(s):
 1. Shall be exempt from bluff setback.
 2. May be located within the bluff impact zone.
 3. Shall not be located within the bluff.
3. If the adjacent bluff is actively eroding, the Department may increase the setback requirement.
4. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

E. WETLAND SETBACKS

All structures shall be setback a minimum of seventy five (75) feet from the wetland boundary of any Type three (3) through eight (8) wetland.

F. ADDITIONAL SETBACKS

1. When more than one (1) setback applies to a site, structures must be located to meet all setbacks.
2. All structures shall be setback fifty (50) feet from a cemetery.

G. LOT AREA

The minimum lot area shall contain an area of not less than forty thousand (40,000) square feet.

H. LOT WIDTH

Every lot or tract shall have a width of not less than seventy five (75) feet abutting a public right-of-way.

I. BUILDABLE LOT STANDARDS

1. A conforming lot, recorded with the County Recorder, and which has frontage on an improved and maintained public or private road, shall meet the following Buildable Lot standards. The buildable Lot shall have a contiguous area greater than or equal to twenty five (25) percent of the required lot area of which shall not include any of the following:
 - a. Area below the Ordinary High Water Level (OHWL).
 - b. Bluff.
 - c. Floodplain.
 - d. Principle Structure Setbacks.
 - e. Wetland.
2. An undeveloped legal non-conforming lot, recorded with the County Recorder, which has frontage on an improved and maintained public or private road, or recorded easement shall meet the following Buildable Lot standards. The buildable Lot shall have a contiguous area greater than or equal to ten (10) percent of the required lot area and shall not include the following:
 - a. Area below the Ordinary High Water Level (OHWL).
 - b. Area that meet the County's definition for a Bluff.
 - c. Floodplain.
 - d. Structure Setbacks.
 - e. Wetland.
3. All lots created after January 23, 1996 must have a minimum of two (2) soil treatment and dispersal areas that can support Type 1 systems as described in Minnesota Rules, Chapters 7080 through 7083, as amended from time to time.

4. Lots of Record that are substandard in area must conform to all other applicable regulations herein to qualify for placement of a structure.

J. LOT COVERAGE

Not more than fifty (50) percent of the lot shall be covered by impervious surface.

K. HEIGHT

1. No structure shall hereafter be erected or structurally altered to exceed three (3) stories or forty five (45) feet in height.
2. For parcels greater than five (5) acres, there shall be a maximum height limitation of one hundred and fifty (150) feet on all structures. Any structure including but not limited to tower, spire and similar type structure, only after obtaining a letter of clearance from the Federal Aeronautics Administration and the Airport Commission for any airport located within ten (10) miles of the structure proposed to exceed the height limitation.

L. STRUCTURE AREA

Outside wall dimensions shall be used to determine maximum structure area, except where a roof projects out further than two (2) feet from the sidewall; roof area shall be used to determine maximum structure area.

SUBDIVISION 7. ACCESS DRIVES, ACCESS AND SERVICE ROADS

- A. Access drives onto any public roads shall require a review by the Road Authority. The Road Authority shall determine the appropriate location, size, and design of such access drives along public roads and may limit the number of access drives in the interest of public safety and efficient traffic flow.
- B. Access drives shall be constructed and maintained to meet all of the following:
 1. A minimum driving surface width of fourteen (14) feet.
 2. Inslope no greater than 4 to 1, as measured horizontal to vertical.
 3. Base material depth sufficient to support access by emergency vehicles.
 4. Unobstructed width of not less twenty (20) feet.
 5. Unobstructed vertical clearance of not less than thirteen (13) feet, six (6) inches.
- C. Access drives in excess of one hundred fifty (150) feet in length shall provide a minimum turn-around of sixty (60) feet in width by sixty (60) feet in length.

- D. Access drives shall have a twenty (20) foot long flat grade directly adjacent to the road that the drive accesses.
- E. All lots or parcels with dwellings shall have direct physical access of adequate size for emergency vehicles along the frontage of the lot or parcel from either an existing or dedicated public roadway.
- F. A service road shall be constructed when two (2) or more General Business (B) properties are contiguous and when required by the Road Authority.
- G. Access drives shall not be located within the bluff impact zone.

SUBDIVISION 8. GENERAL REGULATIONS

- A. All land uses and development shall follow all other applicable regulations of this Ordinance.

SECTION 11. GENERAL INDUSTRY (I) DISTRICT

SUBDIVISION 1. PURPOSE

The General Industry (I) District is established for areas that allows for a wide range of compact, warehousing and industrial uses closely related to existing urban areas or major transportation routes. Such industrial uses are to be governed by standards that will not impair the traffic carrying capabilities of abutting roads and highways.

SUBDIVISION 2. PERMITTED USES

The following uses shall be permitted in the General Industry (I) District:

- A. Building material and sales.
- B. Cartage and express facilities.
- C. Contractor, architect, and engineers' offices, shops and yards, such as building, cement, electrical, heating, ventilating and air conditioning, masonry, painting, plumbing, refrigeration and roofing.
- D. Agriculture and Industrial machinery sales and service.
- E. Grain Elevators.
- F. Public utility and service structures.
- G. Wireless Telecommunication Towers.
- H. Automobile Sales, Service Stations and Repair.
- I. Warehousing of bulk goods or goods produced on the premises.
- J. Agriculture.
- K. Agricultural related services such as feed and seed sales, custom applicators of animal livestock wastes, and custom tillage/harvesting.
- L. Car Washes.
- M. Commercial grain storage facilities.
- N. Water supply tanks or buildings, reservoirs, commercial wells, gas regulator stations, electric substations or transmission lines greater than 35kV, railroad right-of-way, but not including railroad yards, public sewage treatment facilities and other similar essential public utility and service structures.

- O. Self-Service Storage Facilities.
- P. Non-Commercial Wind Energy Conversion Systems.
- Q. Small Solar Energy System.
- R. Grading, excavating or filling activities involving the movement of five hundred (500) cubic yards or less of material that is not in connection with another permitted use. Activities associated with the maintenance or improvement of public roads are exempt.

Permitted Use	Permitted Use with Land Alteration(s) Permit	Land Alteration(s) Permit Requirements
< 5 cubic yards within Bluff Impact Zone	5-10 cubic yards within Bluff Impact Zone	Scaled site plan w/2-foot contours depicting existing and proposed topography. As-Built upon completion
<250 cubic yards outside Bluff Impact Zone	250-500 cubic yards outside Bluff Impact Zone	<p><u>Parcels < 5 acres:</u> Scaled site plan w/2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels 5-20 acres:</u> Scaled site plan w/5-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels >20 acres:</u> Scaled site plan w/ 10 - foot contours depicting existing and proposed topography. As-Built upon completion.</p>

SUBDIVISION 3. INTERIM USES

The following uses may be allowed in the General Industry (I) District as Interim Uses:

- A. Mineral Extraction.
- B. One (1) Temporary Dwelling for watchmen, supervisors, and their families, located on the premises where they are employed in such capacity provided the dwelling is under the same ownership as the principal use.
- C. Outdoor Commercial Recreation.

- D. Special Event which is open to or accessible by the general public, on any parcel(s) of land. Events exceeding three (3) requests per year or exceeding three (3) days in length.
- E. Grading, excavating or filling activities within the bluff.
- F. Grading, excavating or filling activities involving the movement of more than five hundred (500) cubic yards of material that is not in connection with another permitted use. Activities associated with the maintenance or improvement of public roads are exempt.

Interim Use	Interim Use Requirements
> 10 cubic yards within Bluff Impact Zone	<p>Scaled site plan w/2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p>Site Plan (s) and As-Built completed by a surveyor or engineer.</p>
> 500 cubic yards outside Bluff Impact Zone	<p><u>Parcels < 5 acres:</u> Scaled site plan w/ 2-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels 5-20 ac:</u> Scaled site plan w/ 5-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p><u>Parcels > 20 ac:</u> Scaled site plan w/ 10-foot contours depicting existing and proposed topography. As-Built upon completion.</p> <p>Site Plan(s) and As-Built completed by a surveyor or engineer.</p>

SUBDIVISION 4. CONDITIONAL USES

The following uses may be allowed in the General Industry (I) District as Conditional Uses:

- A. Any production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products which conform to the performance standards set forth in this Ordinance, and which shall not be injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic materials, odors, fire or explosion hazards or glare.
- B. Airports, heliports, landing fields, flying schools, hangers, transportation terminals, switching yards, freight terminals, automobile testing grounds, or associated maintenance facilities.

- C. Refuse collection facilities, recycling facilities, sanitary landfills, car refuse, and junk or salvage yards and livestock sales.
- D. Fuel, fertilizer (containerized or bulk) processing and storage.
- E. Fertilizer and chemical sales.
- F. Indoor Commercial Recreation.
- G. Winery.
- H. Commercial Wind Energy Conversion System.
- I. Animal Crematorium.
- J. Off Premises Signs/Billboards.
- K. Illuminated signs.
- L. Platted Industrial Subdivisions.
- M. Large Solar Energy System.

[N. Cannabis Business.](#)

~~N.O.~~ [Commercial Green House.](#)

SUBDIVISION 5. PERMITTED ACCESSORY USES AND STANDARDS

The following uses shall be permitted accessory uses within the General Industry (I) District.

A. ACCESSORY STRUCTURES

1. Accessory structures in the General Industry (I) District that have lot sizes less than five (5) acres shall conform to the following structure areas and maximum structure heights.

Lot Size	Maximum Structure Area	Maximum Structure Height
Less than 1 acre	2,000 square feet	20 feet
1-1.99 acres	3,600 square feet	20 feet
2-4.99 acres	4,000 square feet	25 feet

2. Outside wall dimensions shall be used to determine maximum structure area, except where a roof projects out further than two (2) feet from the sidewall, roof area shall be used to determine maximum structure area.

3. No accessory structures such as but not limited to: Offices, retail and service structures shall be constructed or developed on a lot prior to construction of the principal use.
4. Structures used for the storage of agricultural equipment or used for other agricultural purposes may be allowed on parcels of ten (10) or more acres being used as Agricultural Land.
5. Grading, Excavating, and Filling to create a walk-out basement shall be prohibited for all structures other than a primary dwelling.

B. SEPARATION REGULATIONS

1. In case an accessory structure is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure.
2. An accessory structure shall not be closer than five (5) feet to the principal structure.
 - a. In case an accessory structure is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure.

C. DRAINAGE

Adequate drainage shall be provided and the drainage shall be directed away from adjacent private property.

D. PARKING

Off-street parking and loading shall meet the applicable standards as required by Section 19 of this Ordinance.

E. LANDSCAPING AND SCREENING

Landscaping and Screening shall meet the applicable standards as required by Section 19 of this Ordinance.

F. OPEN, OUTDOOR SALES, SERVICE AND STORAGE

Open, Outdoor Sales, Service and Storage shall meet the applicable standards as required by Section 19 of this Ordinance.

G. PERMITTED SIGNAGE

1. **Ground/Pylon Signs.**

- a. The maximum height of a sign is thirty (30) feet.
- b. No more than one (1) ground/pylon sign shall be permitted per every thirty five (35) lineal feet of road frontage.
- c. The square foot area of such signs shall not exceed two hundred (200) square feet.
- d. Ground/pylon signs shall be set back a minimum of ten (10) feet from property lines and/or right-of-way.

2. **Wall Signs.**

- a. Wall signs on any structure shall not exceed twenty (20) percent of the wall area.
- b. Wall signs shall not project above the roof level.

3. **Electronic Messageboard Signs/Dynamic Signs**

- a. Shall not flash.
- b. Any portion of the sign display shall be a minimum duration of ten (10) seconds and must be a static image.
- c. Lighting shall comply with the exterior lighting standards of this Section.

4. **Electronic Graphic Display Signs**

- a. Shall not flash.
- b. Any portion of the sign display shall be a minimum duration of ten (10) seconds and must be a static image.
- c. The sign shall not exceed illumination levels of five thousand (5,000) candela per square meter (NITS) between dusk and dawn and five hundred (500) NITS during the daytime.
- d. Lighting shall comply with the exterior lighting standards of this Section.

H. Accessory uses customarily incidental to the permitted uses in Subdivision 2 and 3 of this Section.

SUBDIVISION 6. DIMENSIONAL REGULATIONS

A. FRONT YARD SETBACKS

1. There shall be a front yard setback of not less than one hundred (100) feet from any right-of-way.
2. When a lot is located at the intersection of two (2) or more roads, there shall be a front yard setback on each road right-of-way.
3. All component of an onsite subsurface sewage treatment system (SSTS) shall be a minimum of twenty (20) feet from all road right-of-ways.
4. All components of an onsite subsurface sewage treatment system (SSTS) for a non-conforming Lot of Record shall be ten (10) feet from all road right-of-ways.
5. The required front yard of a corner lot shall be unobstructed above a height of three (3) feet in a triangular area, two (2) sides of which are the lines running parallel along the right of way lines between the road intersection and a point fifty (50) feet from the intersection, and the third side of which is the line between the latter two (2) points.
6. No trees or shrubs shall be planted within ten (10) feet from any right-of-way.

B. SIDE YARD SETBACKS

1. There shall be a minimum side yard setback of not less than fifteen (15) feet for all structures.
2. For the purposes of emergency access, no storage of material shall be allowed within five (5) feet of side yard property lines.
3. No structures shall be located within fifty (50) feet of any Residential or Agricultural District.
4. Where a use has railroad side trackage abutting the side or rear of a site, a railroad loading facility may be constructed closer to the lot line than specified in other provisions of this Ordinance, subject to approval by the Planning Commission and Board of County Commissioners.

C. REAR YARD SETBACKS

1. There shall be a minimum rear yard setback of fifteen (15) for all structures.
2. Except no structures shall be located within fifty (50) feet of any Residential or Agricultural District.

3. For the purposes of emergency access, no storage of any material shall be allowed within five (5) feet of the rear property line.
4. Where a use has railroad side trackage abutting the side or rear of a site, a railroad loading facility may be constructed closer to the lot line than specified in other provisions of this Ordinance, subject to approval by the Planning Commission and Board of County Commissioners.

D. BLUFF SETBACKS

1. All structures shall be set back from the top and/or toe of the bluff:
 - a. Thirty (30) feet for bluffs with slopes eighteen (18) to thirty (30) percent.
 - b. Fifty (50) feet for bluffs with slopes greater than thirty (30) percent,
 - c. **Existing Building Sites**. All structures shall be set back thirty (30) feet from the top or toe of the bluff.
2. SSTS shall be set back thirty (30) feet from the top or toe of the bluff.
 - a. For an existing dwelling, SSTS upgrade and/or replacement tank(s):
 1. Shall be exempt from bluff setback.
 2. May be located within the bluff impact zone.
 3. Shall not be located within the bluff.
3. If the adjacent bluff is actively eroding, the Department may increase the setback requirement.
4. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

E. WETLAND SETBACKS

All structures shall be setback a minimum of seventy five (75) feet from the wetland boundary of any Type three (3) through eight (8) wetland.

F. ADDITIONAL SETBACKS

1. When more than one (1) setback applies to a site, structures must be located to meet all setbacks.
2. All structures shall be setback fifty (50) feet from a cemetery.

G. LOT AREA

The minimum lot area shall contain an area of not less than one and one-half (1.5) acres.

H. LOT WIDTH

Every lot or tract shall have a width of not less than one hundred (100) feet abutting a public right-of-way.

I. LOT COVERAGE

Not more than sixty (60) percent of the lot shall be covered by impervious surface.

J. BUILDABLE LOT STANDARDS

1. A conforming lot, recorded with the County Recorder, and which has frontage on an improved and maintained public or private road, shall meet the following Buildable Lot standards. The buildable Lot shall have a contiguous area greater than or equal to twenty five (25) percent of the required lot area of which shall not include any of the following:
 - a. Area below the Ordinary High Water Level (OHWL).
 - b. Bluff.
 - c. Floodplain.
 - d. Principle Structure Setbacks.
 - e. Wetland.

2. An undeveloped legal non-conforming lot, recorded with the County Recorder, which has frontage on an improved and maintained public or private road, or recorded easement shall meet the following Buildable Lot standards. The buildable Lot shall have a contiguous area greater than or equal to ten (10) percent of the required lot area and shall not include the following:
 - a. Area below the Ordinary High Water Level (OHWL).
 - b. Area that meet the County's definition for a Bluff.
 - c. Floodplain.
 - d. Structure Setbacks.
 - e. Wetland.

3. All lots created after January 23, 1996 must have a minimum of two (2) soil treatment and dispersal areas that can support Type 1 systems as described in Minnesota Rules, Chapters 7080 through 7083, as amended from time to time.

4. Lots of Record that are substandard in area must conform to all other applicable regulations herein to qualify for placement of a structure.

K. HEIGHT

There shall be a maximum height limitation of one hundred and fifty (150) feet on all structures within the County. Any structure including but not limited to tower, spire and similar type structure, that exceeds this height requires a Conditional Use Permit, and then only after obtaining a letter of clearance from the Federal Aeronautics Administration and the Airport Commission for any airport located within ten (10) miles of the structure proposed to exceed the height limitation.

L. STRUCTURE AREA

Outside wall dimensions shall be used to determine maximum structure area, except where a roof projects out further than two (2) feet from the sidewall; roof area shall be used to determine maximum structure area.

SUBDIVISION 7. ACCESS DRIVES, ACCESS AND SERVICE ROADS

- A. Access drives onto any public roads shall require a review by the Road Authority. The Road Authority shall determine the appropriate location, size, and design of such access drives along public roads and may limit the number of access drives in the interest of public safety and efficient traffic flow.
- B. Access drives shall be constructed and maintained to meet all of the following:
 - 1. A minimum driving surface width of fourteen (14) feet.
 - 2. Inslope no greater than 4 to 1, as measured horizontal to vertical.
 - 3. Base material depth sufficient to support access by emergency vehicles.
 - 4. Unobstructed width of not less than twenty (20) feet.
 - 5. Unobstructed vertical clearance of not less than thirteen (13) feet, six (6) inches.
- C. Access drives in excess of one hundred fifty (150) feet in length shall provide a minimum turn-around of sixty (60) feet in width by sixty (60) feet in length.
- D. Access drives shall have a twenty (20) foot long flat grade directly adjacent to the road that the drive accesses.
- E. All lots or parcels with dwellings shall have direct physical access of adequate size for emergency vehicles along the frontage of the lot or parcel from either an existing or dedicated public roadway.
- F. A service road shall be constructed when two (2) or more General Industrial (I) properties are contiguous and when required by the Road Authority.

G. Access drives shall not be located within the bluff impact zone.

SUBDIVISION 8. GENERAL REGULATIONS

A. All land uses and development shall follow all other applicable regulations of this Ordinance.