

# ORDINANCE AMENDMENT NUMBER 23-X

## THE COUNTY BOARD OF WRIGHT COUNTY HEREBY ORDAINS:

### Article I – Amendment to Chapter 155

#### Sec. 1

#### § 155.100 MINING AND EXTRACTION

#### Amend § 155.100 MINING AND EXTRACTION as follows:

(A) *Purpose.* ~~Modern lifestyles create a continuing demand for the various subsurface resources used throughout the country~~ the indisputable need for a continued and uninterrupted supply of aggregate material. Accordingly, mining is a necessary land use. These resources are unevenly and sometimes sparsely distributed, thus creating a continual shortage of some materials. Unfortunately, excavation of these resources may not only present conflicts with adjacent land uses, but have often, in the past, left unsightly scars upon the landscape. This provision is designed to minimize the conflicts and eliminate the scars as far as is feasible. The purpose of this section is to regulate mining operations so as to minimize conflicts with adjacent land uses and ensure that mining operations are reclaimed with a use compatible with surrounding land uses and a use as designated in the Comprehensive Land Use Plan.

(B) *Administration; permit review.*

(1) An interim use permit shall be required for all commercial mining operations. Said permit shall be valid for a period of time set by the County Planning Commission but shall not exceed 10 years; after which, a permit renewal new interim use permit shall be required.

(2) Persons requesting a mining permit shall submit said fee to the County Planning Commission together with all information required in this section. ~~The owner shall provide five copies of the required information.~~

~~(3) All residents and landowners within a quarter mile of the proposed mining operations shall be notified in writing of the permit request and the date of the Planning Commission review. Notification shall be mailed at least ten days prior to the Planning Commission review.~~

(43) For mining operations which will last only one season, such as for road projects, the Planning Commission may issue a temporary mining permit. Such permit may include the placement of a bituminous hot mix plant and other accessory equipment. Said permits shall only apply if the mining site is to be opened, closed and reclaimed within one year. The Zoning Administrator may waive some of the information required by division (C) below in the case of a temporary mining permit. A temporary mining permit shall be administered as an interim conditional use permit.

(54) If the request is denied, no reapplication shall be made for a period of six months.

(C) *Information required.* The following information shall be provided by the person requesting the permit:

- (1) Name and address of person requesting the mining permit;
- (2) The exact legal property description and acreage of area to be mined;

(3) The following maps of the entire site and to include all areas within 500 feet of the site. All maps shall be drawn to a scale of ~~one inch to 100 feet unless~~ as determined by the Zoning Administrator and submitted on scale-size paper, otherwise stated below:

(a) Map A, existing conditions to include:

1. Contour lines at ~~five~~ two-foot intervals;
2. Existing vegetation;
3. Existing drainage and permanent water areas;
4. Existing structures; and
5. Existing wells.

(b) Map B, proposed operations to include:

1. Structures to be erected;
2. Location of sites to be mined showing depth of proposed excavation;
3. Location of tailings deposits showing maximum height of deposits;
4. Location of machinery to be used in the mining operation;
5. Location of storage of mined materials, showing height of storage deposits;
6. Location of vehicle parking, truck staging, queueing, or stacking area, access roads and local truck routes;
7. Location of storage of explosives, equipment, and other equipment materials; and
8. Erosion and sediment control structures;:
9. Screening, berms, and proposed plantings, and

10. Location of leak containment structures, in the event of a petrochemical leak or spill.

(c) Map C, end use plan to include:

1. Final grade of proposed site showing elevations and contour lines at five two-foot intervals;

2. Location and species of vegetation to be replanted; and

3. Location and nature of any structures to be erected in relation to the end use plan.

(4) A soil erosion and sediment control plan;

(5) A plan for dust and noise control;

(6) A full and adequate description of all phases of the proposed operation to include an estimate of duration of the mining operation; and

(7) Any other information requested by the Planning Commission or Zoning Administrator.

~~(D) *Renewal of mining permits.* All property owners and residents within a quarter mile of the mining operation shall be notified of a mining permit renewal request.~~

~~(ED) *Use restrictions.*~~

(1) Mining operations shall be an conditional interim use in the Agricultural District.

(2) The crushing, washing, refining or processing, other than the initial removal of material, shall be considered a separate conditional interim use.

(3) In stone quarries, the production or manufacturing of veneer stone, sills, lintels, cut flagstone, hearthstones, paving stone and similar architectural or structural stone and the storing or ~~stock-piling~~ stockpiling of such products on the site shall be considered a separate conditional interim use.

(4) The manufacture of concrete building blocks or other similar blocks, the production or manufacture of lime products, the production of ready-mixed concrete and any similar production or manufacturing processes which might be related to the mining operation shall be considered as a separate conditional interim use.

(5) The crushing, heating, storage, washing, refining, or processing of asphalt or bituminous material for the production of bituminous asphalt material shall be considered a separate interim use.

(6) A new interim use permit shall be required for any mining operation where the amount of imported material exceeds the amount of material extracted or the primary use changes from the extraction of aggregate resources to the processing of materials.

(57) ~~The governing body~~ Planning Commission may impose additional performance standards as part of the ~~conditional~~ interim use permit.

(FE) *Performance standards.*

(1) *General provisions.*

(a) Weeds and any other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance and to prevent seeding on adjoining property.

(b) No sand and gravel operation shall be conducted on parcels of less than 20 acres in size. This limitation shall not apply when the tract of land is contiguous to an active mining operation, provided that both tracts are being operated by the same sand and gravel producer.

(c) All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as is practicable, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity. All non-conforming uses shall apply for and obtain an interim use permit.

(2) *Water resources.*

(a) The mining operation shall not be allowed to interfere with surface water drainage beyond the boundaries of the mining operation.

(b) The mining operation shall not adversely affect the quality of surface or subsurface water resources.

(c) Surface water originating outside and passing through the mining district shall, at its point of departure from the mining site, be of equal quality to the water at the point where it enters the mining site. The mining operator shall perform any water treatment necessary to comply with this provision.

(3) *Safety fencing.* Any mining operation adjacent to a residential zone or within 300 feet of two or more residential structures shall ~~be bound by~~ comply with the following standards.

(a) Where collections of water occur that are one and one-half feet or more in depth existing for any period of at least one month, and occupy an area of 700 square feet or more, all access to such collections of water shall be barred by a fence or some similarly effective barrier such as a snow fence at least four feet in height.

(b) In locations where slopes occur that are steeper than one foot vertical to three

feet horizontal existing for a period of one month or more, access to such slopes shall be barred by a fence or some similarly effective barrier such as a snow fence of at least four feet in height.

(4) *Mining access roads.* The location of the intersection of mining access roads with any public roads shall be selected such that traffic on the access roads will have a sufficient distance of the public road in view so that any turns onto the public road can be completed with a margin of safety. Access roads connecting to public roads or highways shall be sufficiently wide to accommodate two-way hauling traffic. Intersections of public roads with access roads shall be maintained by the mine operator and shall be kept clean and free from mud, debris or asphalt tracked out from the mining site. Such intersections shall also be repaired by the mine operator if the public road surface or shoulders have broken down due to repeated traffic by mining trucks and equipment. The need for turn lanes, road improvements, maintenance, or repair will be determined by the road authority. Upon written notification from a local road authority directing the repair, maintenance, or other such actions due to the repeated traffic by mining trucks and equipment, the property owner or operator shall have fourteen days to comply with the directives of the local road authority. If the property owner or operator fails to comply within that time, the Zoning Administrator may suspend any interim mining permit. Any suspension shall be in effect until all conditions or requirements from the local road authority are brought into compliance. No mining, extraction, or processing activities shall occur during a suspension.

(5) *Screening barrier.*

(a) To minimize problems of dust and noise and to shield mining operations from public view, a screening barrier ~~shall be maintained~~ may be required between the mining site and adjacent residential and commercial properties. A screening barrier ~~shall~~ may also be maintained required between the mining site and any public road within 500 feet of any mining or processing operations. ~~The screening barrier shall be planted with a species of fast growing trees such as green ash~~ type and extent of the barrier shall be set by the Planning Commission.

(b) Existing trees and ground cover along public road frontage or property lines shall be preserved and, maintained (~~and or~~ supplemented), for the depth of the roadside or property line setback, except where traffic safety requires cutting and trimming.

(6) *Setback.*

(a) Processing of minerals shall not be conducted closer than 100 feet to the property line, nor closer than 500 feet to any residential or commercial structures located prior to commencement of processing operations ~~without the written consent of all owners and residents of said structures.~~ The processing of minerals shall not be conducted within shoreland principal structure setback distances.

(b) Mining operations, ~~not to include berms or screening barriers,~~ shall not be conducted closer than 30 feet to the boundary of ~~any zone where such operations are not permitted, nor shall such production or processing be conducted closer than 30 feet to the~~ boundary of an adjoining property line, ~~unless the written consent of the owner in fee of such adjoining property is first secured in writing~~ an adjoining property line.

(c) Unless approved in writing by the applicable road authority, Mining operations, not to include berms or screening barriers, shall not be conducted closer than 30 feet to the right-of-way line of any existing or platted street, road or highway; except that, excavating may be conducted within such limits in order to reduce the elevation thereof in conformity to the existing or platted street, road or highway.

(7) *Appearance.* All buildings, structures and plants used for the production of processing of sand and gravel shall be maintained in such a manner as is practicable and according to acceptable industrial practice as to assure that such buildings, structures and plants will not become dangerously dilapidated.

(8) *Days and Hours of operation.*

(a) All mining operations shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday, unless otherwise specified by the Planning Commission;

(b) Any operations not conducted between the hours of 7:00 a.m. and 7:00 p.m. shall require a new or amended-conditional interim use permit. Such permits shall be granted for public or private emergency, for government work required by agency contracts, or whenever any reasonable or necessary repairs to equipment are required to be made.

(c) Operations shall include the loading and unloading of trucks and the moving and processing of materials. Trucks may enter the mining site no earlier than 6 a.m. and leave the mining site no later than 7 p.m. At no time may trucks park, queue, or stack on public rights-of-way. The Planning Commission may authorize work outside of the restrictions stated herein as part of an interim use permit hearing.

(d) Operations shall be prohibited on Federally designated holidays.

(9) *Dust and dirt.*

(a) All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as practicable, dust conditions ~~which are injurious or substantially annoying to persons living within 600 feet of the mining operations lot line.~~

(b) ~~All access roads from mining operations to public highways, roads or streets or to adjoining property shall be paved or surfaced with gravel to minimize dust conditions~~ mining operators will be responsible for providing water or other suitable methods to control dust on roads utilized by trucks hauling to or from mining operations. Roads that require cleaning or dust control because of mining operations shall be tended to when conditions warrant, or a potential safety hazard exists.

(c) ~~These limitations above shall not apply to any mining operation in any~~

industrial zone, unless such operations are closer than 150 yards to another zone other than an industrial zone. The Planning Commission may require dust control measures within mining operations when it is determined that airborne dust from extraction areas, processing activities, stockpiles, internal roads, or other mining related activities may create a public nuisance. Such dust control measures may include berming, landscaping, or enclosures for processing equipment.

(10) Signage – An information sign shall be erected at the intersection of the primary access road and the public road servicing the site identifying the name of the company or landowner responsible for the operations at the site. This sign shall also include a telephone number(s) for the company or responsible landowner, shall be clearly visible from the public road, and shall conform to the signage requirements in section 155.097 of this Ordinance.

(11) Other Regulations – All operations must abide by all other local, state, and federal rules, laws, regulations and provisions. Any violation of these other provisions may result in the revocation of the interim use permit.

(12) Inactivity – In the event less than ten thousand (10,000) cubic yards of material has been removed from the mining operation in any 5-year period, as indicated through the Aggregate Removal Tax program, the Planning Commission may require a hearing to review the facility and may terminate the mining permit.

(GF) Land rehabilitation- All mining sites shall be rehabilitated immediately after mining operations cease. Rehabilitation shall be complete within one year or within the terms specified in the interim use permit. The following standards shall apply.

(1) All mining sites shall be rehabilitated immediately after mining operations cease. Rehabilitation shall be complete within one year. The following standards shall apply. Within twelve (12) months after completion of mining activities or after termination of the permit, all equipment, vehicles, machinery, structures, processing plants, materials, and debris shall be removed from the site.

(a) Within a period of three months after the termination of a mining operation, or within three months after abandonment of such operation for a period of six months, or within three months after expiration of a mining permit, all buildings, structures and plants incidental to such operation shall be dismantled and removed by, and at the expense of, the mining operator last operating such buildings, structures and plants. A temporary variance may be granted for those buildings, structures, machinery and plants required to process previously mined materials stored on the site. Such variance may apply for only one year, after which said buildings, structures, machinery and plants shall be removed.

(b) The peaks and depressions of the area shall be graded and backfilled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No finished slope shall exceed 23% in grade.

(c) Reclaimed areas shall be sodded or surfaced with soil of a quality at least equal

to the topsoil of land areas immediately surrounding, and to a depth of at least three inches.

(2) ~~Such required topsoil shall be planted with legumes and grasses. Trees and shrubs may also be planted, but not as a substitute for legumes and grasses. Such planting shall adequately retard soil erosions.~~ Unless otherwise stated by the Planning Commission, a minimum of four (4) inches of clean, uncontaminated topsoil shall be placed on all final graded and rehabilitated areas. The peaks and depressions of the area shall be graded and backfilled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding area, and which will minimize erosion due to rainfall. No finished slope shall exceed 25% in grade.

(3) ~~Excavations completed to a water producing depth need not be back-filled if the water depth is at least ten feet and if~~ For reclaimed areas that include water features, the banks of such features shall be sloped to the water line at a slope no greater than two feet horizontal to one foot vertical.

(4) All restored areas shall be seeded with a mixture consistent with Minnesota Department of Transportation specifications for rights-of-way or a mixture recommended by the Wright County Soil and Water Conservation District, or returned to crop production, unless otherwise specified or approved by the Planning Commission.

(45) The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site upon which mining operations have been conducted. The finished plan shall restore the mining site to a condition whereby it can be utilized for the type of land use proposed to occupy the site after mining operations cease.

(1) Unless otherwise amended or approved by the Planning Commission, all final grades and site restoration shall be consistent with Map C, the End Use Plan

(G) Financial Guarantee

(1) The County shall require a performance bond, cash escrow, or irrevocable letter of credit in a form and from a financial institution acceptable to the County, to guarantee compliance with this Ordinance and terms and specifications of the interim use permit. The County shall have the right to use the financial guarantee to remove stockpiles, complete site rehabilitation, and correct other deficiencies or problems, in the event the owner or operator is in default of the permit obligations. The amount of financial guarantee shall be equal to five thousand (\$5,000) dollars for every permitted acre or any other amount deemed acceptable by the Planning Commission. The financial guarantee may be adjusted periodically to reflect ongoing progress, at the discretion of the Zoning Administrator, and shall remain in full force and effect until all conditions of the permit have been met, including site restoration.

(H) Exceptions – A mining and extraction permit shall not be required for any of the following:

(1) Excavation for a foundation, cellar, or basement of a building or subsurface sewage treatment system, if such work has been properly permitted.



(2) Excavation by state, county, city, or township authorities in connection with construction and maintenance of roads, highways, bridges, or utilities conducted solely within the permanent easement areas or rights-of-way.

(3) Grading and removal of materials in accordance with the development of an approved plat or development, if the activity was reviewed as part of the approval process.

## **Article II – Amendment to Chapter 155, § 155.003 RULES AND DEFINITIONS**

### **Sec. 1**

**Amend § 155.003(B)(30) as follows:**

(30) CONTRACTORS YARD, NON-COMMERCIAL. Buildings and structures, including limited outdoor storage, located on the homestead of a contractor in the building trades or other similar business, for the purpose of storing machinery and equipment related to the business which is primarily conducted off-site. All storage and screening requirements in §§ 155.076 through 155.079 of this chapter must be met, all building size requirements must be met and the use must be clearly incidental to the primary use of the property as a homestead. (Pre-existing yards will not be required to obtain an an conditional interim use permit; provided, all ordinance requirements are met.)

### **Sec. 2**

**Amend § 155.003(B)(59) as follows:**

(59) FOREST LAND CONVERSION. The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand, not to include normal clearing for permitted, interim or conditional uses.

### **Sec. 3**

**Insert after § 155.003(B)(70):**

(70a) INTERIM USE. A temporary use of a property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

(70b) INTERIM USE PERMIT. A permit that allows a use that is for a limited period of time, subject to conditions set forth in this Ordinance or as established by the Planning Commission.

### **Sec. 4**

**Amend § 155.003(B)(130) as follows:**

(130) SEASONAL STORAGE. The use of an accessory building for the purposes of renting or leasing indoor storage space for the storing and removal of personal property, where the facility is open to the public in the spring and fall on a limited seasonal basis. An ~~conditional~~ interim use permit for seasonal storage shall be required for such use. The accessory structure must meet all requirements of the Minnesota State Building Code. Outdoor storage shall be prohibited.

**Sec. 5**

**Amend § 155.003(B)(172) as follows:**

(172) USE, SUBSTANDARD. A legal use or structure existing prior to the enactment of the county's zoning ordinances which is a permitted, interim or conditional use or structure within the applicable zoning district, but does not meet the minimum lot area, water frontage, structure setbacks or other dimensional standards.

**Sec. 6**

**Amend § 155.003(B)(174) as follows:**

(174) USE, PRINCIPAL. The main use of land or buildings as distinguished from subordinate or accessory uses. A PRINCIPAL USE may be either permitted, interim or conditional.

**Article III – Amendment to Chapter 155**

**Sec. 1**

**§ 155.011 SUBSTANDARD USES.**

**Amend § 155.011(C) as follows:**

(C) Substandard conditional or interim uses may be required to apply for a new or amended conditional or interim use permit for expansion or alteration, or to protect the public health, safety or welfare.

**Sec. 2**

**§ 155.025 ZONING ADMINISTRATOR.**

**Amend § 155.025(B)(3) as follows:**

(3) Receive and forward to the Board of County Commissioners and the County Planning Commission all applications for conditional or interim use permits;

**Amend § 155.025(B)(9) as follows:**

(9) Notify the Commissioner of Natural Resources or the Commissioner's designated representative of public hearings to consider variances, amendments, interim or conditional uses under local shoreland management controls. These notices must be postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat. A copy of approved amendments and subdivisions/plats, and final decisions granting variances, interim or conditional uses under local shoreland management controls must be sent to the Commissioner or the Commissioner's designated representative and postmarked within ten days of final action.

### Sec. 3

#### **§ 155.030 PERMITS AND FEES.**

**Amend § 155.030(A)(3) as follows:**

(3) If the proposed development involves a zoning amendment, variance, interim or conditional use permit, the application, together with a building permit, shall be submitted either to the Planning Commission or Board of Adjustment or Appeals for review and appropriate action according to the procedures set forth in §§ 155.026, 155.027 and 155.028 of this chapter.

### Sec. 4

#### **§ 155.031 INTERIM USE PERMITS**

(A) Authority – No person or entity shall allow the existence of the following uses on lands that are partially or entirely owned, leased, or occupied by them without an Interim Use Permit (IUP), as listed in the Wright County Code of Ordinances, Title XV, issued by the Wright County Planning Commission. Interim Uses must be consistent with the terms of the Interim Use Permit and any applicable local, state, or federal law, rule or other statutory provision.

(B) Criteria for granting interim use permits. In granting an interim use permit, the Planning Commission shall consider the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands. Among other things, the Planning Commission shall make the following findings where applicable.

- (2) The use is in conformance with the Wright County Land Use Plan and Wright County Code of Ordinances.
- (3) The interim use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
- (4) The establishment of the interim use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

- (5) The date or event that will terminate the use can be identified with certainty.
- (6) Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.

(C) Additional Conditions.

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

- (a) Increasing the required lot size or yard dimensions.
- (b) Limiting the height, size, or location of any buildings or uses.
- (c) Controlling the location and number of vehicle access points.
- (d) Limiting the number, size, location, lighting or signs.
- (e) Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.

(2) Any change involving structural alterations, enlargements, intensification of use, expansion, or similar change not specifically permitted by the interim use permit issued shall require a new interim use permit. The Zoning Administrator shall maintain a record of all interim use permits issued, including information on use, location, conditions imposed by the Planning Commission, time limits, review dates, and other such information as may be appropriate. Any interim use permit granted under this provision shall terminate any previously approved interim use permit.

(3) Any interim use permit may be terminated by a change in zoning regulations.

(D) Procedure. The procedures for applying for an interim use permit and required notification distances shall be the same as those listed in 155.029(C) of this chapter.

(E) Transferability

(1) Any Interim Use Permit (IUP) issued under this Ordinance is granted solely to the applicant and the business entity named in the application, and for the premises named in the IUP application. No IUP of any sort granted pursuant to this Ordinance is transferable to any other person or premises. If a change of ownership, control, or location of any licensed premises occurs, whether pursuant to a move, sale, transfer, assignment, or otherwise; the owner or proposed new owner must complete a new application subject to approval pursuant to this Ordinance. A change of ownership or control includes, but is not limited to:

- (a). The sale of all or substantially all of the company assets
- (b). Sale or acquisition of forty (40) percent or more of the controlling interest (voting) stock if the company stock is publicly traded
- (c). Sale of fifty-one (51) percent of the voting stock if a non-publicly traded stock or closely held corporation
- (d). Execution of a management agreement, or
- (e). The change of any officer or majority stockholder if the company is a closely-held corporation.

(F) All previously granted or allowed conditional use permits that include a condition or conditions related to an expiration date, time limit, or other triggering event, shall be considered an interim use permit.

(G) Where an interim use has been established and is discontinued for any reason for a period of one (1) year or longer, or where an interim use has been changed to a permitted use or to any other interim use, the interim use permit has become null and void.

## Sec. 5

### § 155.047 AGRICULTURAL/RESIDENTIAL (A/R).

**Delete everything in section 155.047(D) and insert the following:**

(D) *Conditional and Interim Uses.*

(1) Conditional Uses

- (a) Township halls;
- (b) Commercial outdoor recreation;
- (c) Subdivisions, minimum lot size of ten acres;
- (d) Rural planned unit development in accordance with § 155.059 of this chapter;
- (e) Essential services in accordance with § 155.098 of this chapter; and
- (f) Churches and cemeteries;

(2) Interim Uses

- (a) Kennels;
- (b) Riding stables;
- (c) Home occupations;
- (d) Home extended business in accordance with § 155.103 of this chapter;

- (e) Bed and breakfast units in single-family dwellings;
- (f) Rural planned unit development in accordance with § 155.059 of this chapter;
- (g) Retreat center in accordance with § 155.104 of this chapter;
- (h) Large animal veterinary clinics serving agricultural uses and livestock;
- (i) Commercial agricultural tourism; and
- (j) Solar energy systems as regulated under section 155.108.

**Sec. 6**

**§ 155.047 AGRICULTURAL/RESIDENTIAL (A/R).**

**Delete everything in section 155.047(E) and insert the following:**

(E) Prohibited uses. All other uses not listed as permitted, accessory, conditional, or interim shall be prohibited

**Sec. 7**

**§ 155.048 GENERAL AGRICULTURE (AG).**

**Delete everything in section 155.048(D) and insert the following:**

(D) *Conditional and Interim Uses.*

(1) Conditional Uses

- (a) Land reclamation and alteration;
- (b) Livestock feedlots in excess of 500 animal units;
- (c) Cemeteries;
- (d) Churches, not to include a school, but may include a residence;
- (e) Township halls;
- (f) Sewage treatment plants; and
- (g) Essential services in accordance with § 155.098 of this chapter;

(2) Interim Uses

- (a) Kennels;
- (b) Riding academies;

- (c) Home occupations;
- (d) Wholesale nursery, landscape and garden sales with seasonal retail sales (not to include retail stores);
- (e) Bed and breakfast units in single-family dwellings;
- (f) One farm accessory mobile home or structure per farm operation as a temporary use and subject to annual local township review;
- (g) Commercial outdoor recreation;
- (h) Mining and extraction in accordance with § 155.100 of this chapter;
- (i) Non-commercial contractors yards;
- (j) Private airstrip, subject to the following conditions:
  - (a) All applicable regulations of the state and federal government are properly satisfied;
  - (b) There are no existing residential subdivisions, and no areas designated for future residential growth within the land use plan of the County Comprehensive Plan, within a radius of one and one-half miles of the proposed airport; and
  - (c) The airport shall be limited to use exclusively by the property owner
- (k) Home extended business in accordance with § 155.103 of this chapter;
- (l) Retreat center in accordance with § 155.104 of this chapter;
- (m) Large animal veterinary clinics serving agricultural uses and livestock;
- (n) Commercial agricultural tourism;
- (o) Solar energy systems, as regulated under section 155.108;
- (p) Public schools in accordance with § 155.110 of this chapter;
- (q) Seasonal storage; and
- (r) Treatment and recovery facility.

## **Sec. 8**

### **§ 155.048 GENERAL AGRICULTURE (AG).**

**Delete everything in section 155.048(E) and insert the following:**

(E) Prohibited uses. All other uses not listed as permitted, accessory, conditional, or interim shall be prohibited.

**Sec. 9**

**§ 155.049 URBAN/RURAL TRANSITIONAL (R-1).**

**Delete everything in section 155.049(D) and insert the following:**

(D) *Conditional and Interim Uses.*

(1) Conditional Uses

(a) Essential services - telephone, telegraph and power distribution poles and lines and necessary appurtenant equipment and structures such as transformers, unit substations and equipment houses;

(b) Fire station;

(c) Police station;

(d) Cemeteries;

(e) Other essential services - water supply buildings, reservoirs, wells, regional pipelines;

(f) Residential subdivisions;

(g) Township halls; and

(h) Churches.

(2) Interim Uses

(a) All home occupations;

(b) Any change in agricultural practice that marks an intensification of present agricultural use;

(c) Commercial outdoor recreation;

(d) Seasonal produce stands;

(e) One mobile home per farmstead (necessary to farm operations and at least 800 square feet in area);

(f) Medical and dental clinics;

(g) Golf courses;

(h) Schools within one-half mile of incorporated cities;

(i) Commercial day care center; and

(j) Solar energy systems as regulated under section 155.108.



**Sec. 10**

**§ 155.049 URBAN/RURAL TRANSITIONAL (R-1).**

**Delete everything in section 155.049(E) and insert the following:**

(E) Prohibited uses. All other uses not listed as permitted, accessory, conditional, or interim shall be prohibited.

**Sec. 11**

**§ 155.050 SUBURBAN RESIDENTIAL (R-2).**

**Delete everything in section 155.050(D) and insert the following:**

(D) *Conditional and Interim Uses.*

(1) Conditional Uses

(a) Essential services - telephone, telegraph, sewer, water, gas and power distribution poles and lines and necessary appurtenant equipment and structures such as transformers, unit substations and equipment houses;

(b) Fire station;

(c) Police station;

(d) Cemeteries;

(e) Subdivisions, a two and one-half acre minimum lot subdivision in areas designated as such in the land use plan;

(f) Township Halls; and

(f) Churches.

(2) Interim Uses

(a) All home occupations;

(b) Any change in agricultural practice that marks an intensification of present agricultural use;

(c) Commercial outdoor recreation;

(d) Seasonal produce stands;

(e) One mobile home per farmstead (necessary to the operation of the farm operation at a minimum floor area of 800 square feet);

- (f) Community centers; and
- (g) Solar energy systems as regulated under section 155.108.

## **Sec. 12**

### **§ 155.050 SUBURBAN RESIDENTIAL (R-2).**

**Delete everything in section 155.050(E) and insert the following:**

(E) Prohibited uses. All other uses not listed as permitted, accessory, conditional, or interim shall be prohibited.

## **Sec. 13**

### **§ 155.051 SUBURBAN RESIDENTIAL (R-2a).**

**Delete everything in section 155.051(D) and insert the following:**

(D) *Conditional and Interim Uses.*

(1) Conditional Uses

(a) Essential services - telephone, telegraph, sewer, water, gas and power distribution poles and lines and necessary appurtenant equipment and structures such as transformers, unit substations and equipment houses;

(b) Fire station;

(c) Police station;

(d) Cemeteries;

(e) Subdivisions, five-acre minimum lot subdivision in areas designated as such in the land use plan;

(f) Township Halls; and

(g) Churches.

(2) Interim Uses

(a) All home occupations;

(b) Bed and breakfast units in single-family dwellings;

(c) Any change in agricultural practice that marks an intensification of present agricultural use;

(d) Commercial outdoor recreation;

- (e) Seasonal produce stands;
- (f) One mobile home per farmstead (necessary to the operation of the farm operation at a minimum floor area of 800 square feet);
- (g) Community centers; and
- (h) Solar energy systems as regulated under section 155.108.

#### **Sec. 14**

#### **§ 155.051 SUBURBAN RESIDENTIAL (R-2a).**

**Delete everything in section 155.051(E) and insert the following:**

(E) Prohibited uses. All other uses not listed as permitted, accessory, conditional, or interim shall be prohibited.

#### **Sec. 15**

#### **§ 155.052 MULTIPLE-FAMILY URBAN DISTRICT (R-3).**

**Delete everything in section 155.052(D) and insert the following:**

(D) *Conditional and Interim Uses.*

(1) Conditional Uses

(a) Essential services - telephone, telegraph and power distribution poles and lines and necessary appurtenant, equipment and structures such as transformers, unit substations and equipment housing; and

- (b) City or town hall;
- (c) Churches;
- (d) Single-family attached dwellings; and
- (e) Duplexes.

(2) Interim Uses

- (a) Multiple-family dwellings;
- (b) Student housing;
- (c) All home occupations;
- (d) Agricultural land use already existing at time of zoning. No intensification or modification of agricultural activities should be allowed in multiple-family dwelling areas;

- (e) Commercial recreational areas;
- (f) Prefabricated or modular manufactured housing units;
- (g) Medical and dental clinics;
- (h) Rest homes, hospitals;
- (i) Community center;
- (j) Boarding or lodging houses;
- (k) Schools;
- (l) Public recreation including golf courses (public or private);
- (m) Mobile home parks subject to the standards in § 155.099 of this chapter; and
- (n) Solar energy systems as regulated under section 155.108.

#### **Sec. 16**

#### **§ 155.052 MULTI-FAMILY URBAN DISTRICT (R-3).**

**Delete everything in section 155.052(E) and insert the following:**

(E) Prohibited uses. All other uses not listed as permitted, accessory, conditional, or interim shall be prohibited.

#### **Sec. 17**

#### **§ 155.053 HIGHWAY BUSINESS DISTRICT (B-1).**

**Delete everything in section 155.055(B) and insert the following:**

(B) *Conditional and interim uses.*

(1) Conditional Uses

- (a) Essential services - utility lines and other necessary appurtenant structures; and
- (b) Subdivisions, minimum size of one acre; and
- (c) Churches

(2) Interim Uses

- (a) Drive-in movie theater;
- (b) Drive-in restaurant;

- (c) Recreation equipment sales;
- (d) Motels;
- (e) Auto service stations;
- (f) Seasonal produce stand;
- (g) Auto sales lot;
- (h) Cafés and restaurants;
- (i) Parking lots;
- (j) Any other incidental repair, processing and storage necessary to conduct a permitted principal use; provided that, said accessory use does not exceed 30% of the floor space of the principal building;
- (k) Other highway-oriented business activities of the same general character as listed;
- (l) Commercial recreation;
- (m) Commercial day care centers;
- (n) Convenience-type retail outlets with high customer turnover rate;
- (o) Solar energy farms;
- (p) Solar energy systems as regulated under section 155.108; and
- (q) Electric Vehicle Supply Equipment (EVSE) Ports

## **Sec. 18**

### **§ 155.054 GENERAL BUSINESS DISTRICT (B-2).**

**Delete everything in section 155.054(B) and insert the following:**

*(B) Conditional and Interim Uses.*

(1) Conditional Uses

- (a) Subdivisions, minimum lot size of one acre;
- (b) Essential services - telephone, telegraph and power distribution poles and lines and necessary appurtenant equipment and structures; and
- (d) Churches.

(2) Interim Uses

- (a) Commercial recreation;

- (b) Hospitals;
- (c) Hotel and motel;
- (d) Offices and medical centers;
- (e) Retail trade;
- (f) Government buildings;
- (g) Wholesale business;
- (h) Indoor recreation, such as movie theater;
- (i) Restaurants, cafés and supper clubs;
- (j) Passenger transportation terminal;
- (k) Drive-in business;
- (l) Clubs, lodges;
- (m) Automobile service stations;
- (n) Landscaping;
- (o) Parking facilities;
- (p) Fences;
- (q) Any incidental repair, processing and storage necessary to conduct a principal use, but not exceeding 30% of the floor space of the principal building;
- (r) On-off sale liquor establishment;
- (s) Freight transportation terminals;
- (t) Industry, such as a printing company, that requires direct contact with the public for sales;
- (u) Single dwelling units;
- (v) Commercial day care centers;
- (w) Solar energy farms;
- (x) Solar energy systems as regulated under section 155.108; and
- (y) Electric Vehicle Supply Equipment (EVSE) Ports

**Sec. 19**

**§ 155.055 GENERAL INDUSTRY DISTRICT (I-1).**

**Delete everything in section 155.055(B) and insert the following:**

*(B) Conditional and Interim Uses.*

(1) Conditional Uses

- (a) Subdivisions, minimum lot size of one acre;
- (b) Public service structures, including power substations, gas regulator stations, sewage disposal plant, telephone exchange, police or fire station, elevated tanks, water works and other essential utilities; and
- (c) Railroad rights-of-way and railroad yards;

(2) Interim Uses

- (a) Bottling establishments;
- (b) Building material sales and storage and lumber yards;
- (c) Camera and photographic supplies manufacturing;
- (d) Cartage and express facilities;
- (e) Cartography and bookbinding;
- (f) Commercial radio and television transmitting stations and towers;
- (g) Contractor's offices, shops and yards for plumbing, heating, glazing, painting, paper hanging, roofing, ventilating, air conditioning, masonry, electrical and refrigeration;
- (h) Dry cleaning plants;
- (i) Electric light or power-generating stations;
- (j) Electrical and electronic products manufacturers;
- (k) Electrical service shops;
- (l) Engraving, printing and publishing;
- (m) Extraction, processing or storage of sand, gravel, stone or other minerals, bituminous plants and concrete mixing plants;
- (n) Farm implement dealerships;
- (o) Feed and fertilizer manufacturing;
- (p) Freight terminal;
- (q) Garage for storage, repair and servicing of motor vehicles;
- (r) Highway maintenance shops and yards;

- (s) Ice sales and storage;
- (t) Jewelry manufacturer;
- (u) Junk yards, salvage yards, sanitary landfills;
- (v) Laundries;
- (w) Medical, dental and optical laboratories;
- (x) Monument works;
- (y) Slaughter houses;
- (z) Storage or warehousing;
- (aa) Wholesale business and office establishments;
- (bb) Any use permitted in the B-2 General Business District;
- (cc) Any manufacturing, fabrication, production, processing, cleaning, storage, servicing, repair and testing of materials, goods or products which conform with the performance standards set forth for this district;
- (dd) Solar energy farms;
- (ee) Solar energy systems as regulated under section 155.108; and
- (ff) Electric Vehicle Supply Equipment (EVSE) Ports.

## **Sec. 20**

### **§ 155.055 GENERAL INDUSTRY DISTRICT (I-1).**

#### **Amend § 155.055(C)(3) as follows:**

(3) The County Planning Commission shall set additional conditions on any conditional or interim use permit to carry out the intent of the Comprehensive Plan and this chapter.

## **Sec. 21**

### **§ 155.056 FLOODPLAIN OVERLAY DISTRICT (FP).**

#### **Amend § 155.056(B)(4)(a) as follows:**

(a) No new structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter. Within the



floodway, flood fringe and general floodplain areas, all uses not listed as permitted, interim, ~~uses~~ or conditional uses in divisions (C), (D) and (E) below shall be prohibited.

## Sec. 22

### § 155.056 FLOODPLAIN OVERLAY DISTRICT (FP).

**Delete everything in section 155.056(C)(3) and insert the following:**

(3) Conditional and interim uses.

(a) Conditional Uses

- (1) Structures accessory to the uses listed in division (C)(2) above and the uses listed below;
- (2) Marinas, boat rentals, docks, piers, wharves and water control structures;
- (3) Railroads, streets, bridges, utility transmission lines and pipelines;
- (4) Placement of fill;
- (5) Travel trailers and travel vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of § 155.056(H); and
- (6) Structural works for flood control such as levees, dikes and flood walls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the ten-year frequency flood event.

(b) Interim Uses

- (1) Extraction and storage of sand, gravel and other material;
- (2) Storage yards for equipment, machinery or materials;

## Sec. 23

### § 155.056 FLOODPLAIN OVERLAY DISTRICT (FP).

**Amend § 155.056(C)(4), 155.056(C)(4)(a), and 155.056(C)(4)(b) as follows:**

(4) Standards for floodway conditional and interim uses.

(a) All uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional or interim use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.

(b) Conditional and interim uses. All floodway conditional and interim uses shall be subject to the procedures and standards contained in division (I)(6) below.

#### **Sec. 24**

#### **§ 155.056 FLOODPLAIN OVERLAY DISTRICT (FP).**

**Amend § 155.056(D)(2) as follows:**

(2) Permitted uses. Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning district(s). All permitted uses shall comply with the standards for all flood fringe permitted, interim and conditional uses listed herein.

#### **Sec. 25**

#### **§ 155.056 FLOODPLAIN OVERLAY DISTRICT (FP).**

**Amend § 155.056(D)(3) as follows:**

(3) Conditional and interim uses. Conditional and interim uses shall be those uses or structures listed as conditional or interim uses in the underlying zoning district, those structures proposed to be flood-proofed by methods other than elevating on fill, and the storage of materials or equipment on flood fringe lands not elevated above the regulatory flood protection elevation. An application for a conditional or interim use shall be subject to all standards and criteria listed in division (D) above and elsewhere in this chapter.

#### **Sec. 25**

#### **§ 155.056 FLOODPLAIN OVERLAY DISTRICT (FP).**

**Amend § 155.056(I) as follows:**

(I) Administration. In addition to the requirements in §§ 155.025 through 155.03031 of this chapter, the following shall apply.

#### **Sec. 26**

#### **§ 155.056 FLOODPLAIN OVERLAY DISTRICT (FP).**

**Amend § 155.056(I)(1) as follows:**

(1) State and federal permits. Prior to granting a permit or processing an application for a conditional use permit, interim use permit, or variance, in the Floodplain Overlay District, the Zoning Administrator shall determine that the applicant has obtained all necessary state and federal permits.

**Sec. 27**

**§ 155.056 FLOODPLAIN OVERLAY DISTRICT (FP).**

**Amend § 155.056(I)(6) as follows:**

(6) Conditional and interim use permits. In passing upon conditional or interim use applications, the Planning Commission shall consider all relevant factors specified in other sections of this chapter, and:

**Sec. 28**

**§ 155.057 SHORELAND ZONING REGULATIONS.**

**Delete everything in section 155.057(F)(4) and insert the following:**

(4) Conditional and interim uses. Conditional and interim uses in the underlying zoning district shall not be allowed in the S-1 District. Only those conditional or interim uses listed below may be allowed:

(a) Conditional Uses

- (1) All approved aerial or underground utility line crossings such as electrical, telephone, telegraph or gas lines which cannot be reasonably located in other than a special protection district;
- (2) Non-residential structures used solely in conjunction with raising wild animals or fish; provided, the structures are of a design approved by the Planning Commission as being compatible with other general allowable uses of the district;
- (3) New agricultural feedlots; and
- (4) Development of parks and historic sites;

(b) Interim Uses

- (1) Mining, sand and gravel extraction; and

- (2) Other uses of the same general character as permitted uses; provided, they comply with the statewide standards for management of shoreland areas.

## Sec. 29

### § 155.057 SHORELAND ZONING REGULATIONS.

#### **Amend § 155.057(G)(4) as follows:**

(4) ~~Conditional-Interim~~ uses. In addition to the ~~conditional~~-interim uses listed below, those conditional and interim uses listed in the underlying zoning district may be considered in the S-2 District. However, the Planning Commission shall give special consideration to conditional and interim use permits in shoreland areas, in addition to the review specified in § 155.029 and § 155.031 of this chapter. The Planning Commission may deny a conditional or interim use permit in the shoreland district if the Commission finds that the use could have a detrimental effect on the lake or stream or that the proposed use is not suited to a shoreland area.

- (a) Golf clubhouses, country club, public swimming pool, private swimming pools serving more than one family;
- (b) Riding academies, stables;
- (c) Organized group camps; and
- (d) Home occupations.

## Sec. 30

### § 155.057 SHORELAND ZONING REGULATIONS.

#### **Amend § 155.057(H)(3) as follows:**

- (3) ~~Conditional-Interim~~ uses.
  - (a) Resort facilities to include lodges, guest houses and cabins;
  - (b) Taverns where the main function is servicing a resort or recreational development;
  - (c) Restaurants where the main function is servicing a resort or recreational development;
  - (d) Golf courses and clubhouses;
  - (e) Indoor theaters;

(f) Sporting goods, establishments, outfitters and suppliers, bait shops and rental goods establishments;

(g) Ski areas and lodges;

(h) Single-family detached dwellings for personnel directly connected with the operating of resort or recreation facilities only, as regulated in S-2 Residential-Recreational Shorelands District;

(i) Motels and auto courts;

(j) Yacht slips, service and storage marinas, harbor and docking facilities subject also to all approved regulations and ordinances of governmental agencies for the same;

(k) Recreational trailer parks and commercial camping facilities for short duration uses, subject to all requirements of this division (H);

(l) Nature trails, snowmobile trails, ski trails and similar facilities;

(m) Other commercial and industrial uses included in the B-1, B-2 or I-1 Districts, only if the use is to utilize an existing building located in the shoreland area which is not suited to being used as an otherwise permitted, interim or conditional use. The Planning Commission must determine that the proposed use will not have an adverse impact on the lake or stream involved;

(n) Solar energy farms;

(o) Solar energy systems over ten kilowatts up to 100 kilowatts.

### **Sec. 31**

#### **§ 155.057 SHORELAND ZONING REGULATIONS.**

##### **Amend § 155.057(H)(4) as follows:**

(4) Accessory uses to allowed interim or conditional uses.

(a) Swimming pools, saunas, outdoor recreational equipment and structures;

(b) Boathouses, docks and piers; and

(c) Storage garages.

### **Sec. 32**

#### **§ 155.057 SHORELAND ZONING REGULATIONS.**

**Amend § 155.057(H)(6)(k)(2) as follows:**

2. An applicant for a recreational vehicle camping area ~~conditional~~ interim use permit shall submit a development plan for the proposed park, including the following:

**Sec. 33**

**§ 155.076 EXTERIOR STORAGE.**

**Amend § 155.076(B) as follows:**

(B) In all districts, the County Board may require an ~~conditional~~ interim use permit for any exterior storage if it is demonstrated that such storage is a hazard to the public health, safety, convenience, morals or has a depreciating effect upon nearby property values, or impairs scenic views, or constitutes threat to living amenities.

**Sec. 34**

**§ 155.077 REFUSE.**

**Amend § 155.077(B) as follows:**

(B) Except as provided below or specifically permitted, outdoor storage of inoperative or unlicensed vehicles, boats, recreational vehicles, farm implements and other machinery or vehicle parts shall be considered refuse. One unlicensed or inoperative passenger vehicle or truck may be parked within setbacks in the rear yard of any residential district or any lot ten acres or less in size for a period not to exceed 30 days; INOPERATIVE shall mean incapable of movement under their own power and in need of repairs or junk yard. In the Agricultural District, on lots larger than ten acres in size, exterior storage of not more than two unlicensed or inoperable vehicles or machines shall be permitted provided no repair or dismantling business takes place and the storage area is completely screened and not visible from any other property or public road at all times of the year. All exterior storage not included as a permitted accessory use, a permitted use or included as part of a conditional or interim use permit, or otherwise permitted by provisions of this chapter shall be considered as refuse.

**Sec. 35**

**§ 155.081 PARKING.**

**Amend § 155.081(A) as follows:**

(A) Surfacing and drainage. Off-street parking areas shall be improved with a durable and dustless surface which may include an aggregate material or similar treatment. Such areas shall

be so graded and drained as to dispose of all surface water without damage to adjoining property. These requirements shall also apply to open sales lots. The Planning Commission may require the use of asphalt, concrete or other aggregate material as part of a conditional or interim use permit.

### **Sec. 36**

#### **§ 155.083 TREES AND WOODLAND PRESERVATION.**

**Amend § 155.083(C)(2) as follows:**

(2) When not part of a conditional or interim use permit otherwise required, forest land conversion to another use require issuance of an ~~conditional~~ interim use permit and adherence to the following standards:

(a) Shore and bluff impact zones must not be intensively cleared of vegetation; and

(b) An erosion and sediment control plan is developed and approved by the local soil and water conservation district before issuance of an ~~conditional~~ interim use permit for the conversion.

### **Sec. 37**

#### **§ 155.087 DRIVE-IN BUSINESS DEVELOPMENT STANDARDS.**

**Amend § 155.087(D)(2) as follows:**

(2) The hours of operation shall be set forth as a condition of the ~~conditional~~ interim use permit for drive-in business.

### **Sec. 38**

#### **§ 155.088 NUISANCES.**

**Amend § 155.088(B)(4) and § 155.088(B)(4) as follows:**

(4) The County Board may order the owner of any animals to apply for a conditional or interim use permit if it is deemed to be in the interest of the public health, safety or welfare.

(5) Keeping four or more dogs on any parcel for any reason shall be deemed a kennel. Kennels are permitted by ~~conditional~~ interim use in the AG and A/R Districts only.

### **Sec. 39**

**§ 155.089 AUTO SERVICE STATIONS.**

**Amend § 155.089(E) as follows:**

(E) Business activities not listed in the definition of service stations in this chapter are not permitted on the premises of a service station unless an ~~conditional~~ interim use permit is obtained specifically for such business. Such activities include, but are not limited to, the following:

- (1) Automatic car and truck wash;
- (2) Rental of vehicles, equipment or trailers; and
- (3) General retail sales.

**Sec. 40**

**§ 155.092 RELOCATION OF STRUCTURES.**

**Amend § 155.092(C) as follows:**

(C) An ~~conditional~~ interim use permit shall be required to locate a mobile home on any property for use as a storage shed or other non-residential use.

**Sec. 41**

**§ 155.097 SIGN REGULATIONS.**

**Amend § 155.097(D) as follows:**

(D) Signs in the S-2 Residential-Recreational Shorelands District, S-3 Commercial Recreation Shorelands, W/S Wild and Scenic, A/R Agricultural-Residential, AG General Agriculture District and R-1, R-2, R-2a and R-3 Residential Districts. In S-2, S-3, W/R, A/R, AG and R-1, R-2, R-2a and R-3 Districts, no sign shall be erected, except as follows:

(1) One sign, not to exceed 35 square feet in surface area and not more than 15 feet in height above the average grade shall be allowed on a parcel with an active agricultural, horticultural, forestry or nursery operation, or seasonal produce stand, or has a valid conditional or interim use permit. No property will be permitted more than one sign under this provision. It may be illuminated, but not flashing; and

(2) One canopy, window, or wall sign, which shall not exceed 35 square feet in surface area or the height of the building, for a parcel with an active agricultural, horticultural, forestry or



nursery operation, or seasonal produce stand, or has a valid conditional or interim use permit. This can be in addition to the sign allowed under division (D)(1), above.

(3) Signs, located on the premises, for allowed conditional or interim uses, subject to the following provisions:

- (a) No sign shall be erected within 30 feet of the road right-of-way; and
- (b) No sign shall be erected within ten feet of any abutting property line.

#### **Sec. 42**

#### **§ 155.097 SIGN REGULATIONS.**

**Amend § 155.097(E)(2) as follows:**

(2) Parcels of property abutting US Highway 12, State Highway 55, and Interstate Highway 94 shall be permitted to construct one pole/pylon sign or monument sign that is in excess of the permitted building height, provided the sign is not in excess of 50 feet in height above the average grade. Signs permitted under this section shall not exceed 96 square feet in surface area for each conditional or interim use and shall not exceed 300 square feet in total surface area for all signs.

#### **Sec. 43**

#### **§ 155.097 SIGN REGULATIONS.**

**Amend § 155.097(I)(6) as follows:**

(6) Abandoned signs shall be removed by the owner or lessee of the premises upon which the sign is located. If the owner or lessee fails to remove the sign, the Zoning Administrator shall remove it in accordance with division(K)(3) below. These removal provisions shall not apply where a succeeding owner or lessee has a valid conditional or interim use permit and agrees to maintain the signs as provided in this chapter or changes copy on the signs in accord with a valid conditional or interim use permit and provided the signs comply with the other provisions of this chapter.

#### **Sec. 44**

#### **§ 155.101 LAND ALTERATIONS.**

**Amend § 155.101(B) as follows:**

(B) Requirements. Before the issuance of a land alteration permit or an administrative land alteration permit, it must be established that all of the following conditions are met. These conditions must also be adhered to during the issuance of construction permits, permits, conditional use permits, interim use permits, variances and subdivision approvals.

**Sec. 45**

**§ 155.101 LAND ALTERATIONS.**

**Amend § 155.101(B)(10) as follows:**

(10) Alterations of topography must only be allowed if they are accessory to permitted, interim, or conditional uses and do not adversely affect adjacent or nearby properties.

**Sec. 46**

**§ 155.103 RULES AND DEFINITION OF HOME EXTENDED BUSINESS.**

**Amend § 155.103(L) as follows:**

(L) If located on a township road and determined necessary by the town board, a letter of agreement containing any dust control measures determined necessary by the township shall be provided prior to issuance of the ~~conditional~~-interim use permit and renewed annually (January 1 of every year).

**Sec. 47**

**§ 155.103 RULES AND DEFINITION OF HOME EXTENDED BUSINESS.**

**Amend § 155.103(Q) as follows:**

(Q) After four founded nuisance or permit violation complaints have been made and verified with written notice to the holder of the ~~conditional~~-interim use permit or at any time upon the written request of the town board a hearing shall be called to re-consider the ~~conditional~~-interim use permit within 60 days.

**Sec. 48**

**§ 155.104 PERFORMANCE STANDARDS FOR RETREAT CENTERS.**

**Amend § 155.104(B)(2) as follows:**

(2) Only one communal facility shall be used as an interpretive center, museum, library or similar use, and the hours of operation and programming shall be consistent with a retreat center as defined in this chapter, and as approved by the Planning Commission as part of the ~~conditional~~-interim use permit. The communal facility buildings shall be principally, but not exclusively, for the use of the persons occupying the residential buildings. The one communal facility which may be used as an interpretive center, museum, library or similar use may be available to private guests of the owner of the retreat center, and to the general public only at such hours and days as approved in the ~~conditional~~-interim use permit and as consistent with the location in a rural area.

#### **Sec. 49**

#### **§ 155.104 PERFORMANCE STANDARDS FOR RETREAT CENTERS.**

##### **Amend § 155.104(B)(3) as follows:**

(3) Unless the retreat center contains only one structure, there shall not be a separate lot of record for each structure (no lot divisions). Parking requirements shall be included in the terms of the ~~conditional~~-interim use permit, but the retreat center shall provide at least two parking spaces at any communal facility, and at least two off-street parking stalls for each residential building.

#### **Sec. 50**

#### **§ 155.104 PERFORMANCE STANDARDS FOR RETREAT CENTERS.**

##### **Amend § 155.104(C)(1) as follows:**

(1) Any use allowed in the zoning district as a ~~conditional~~or interim use may only be allowed with the retreat center if expressly included in the ~~conditional~~-interim use permit for the retreat center; except that, commercial outdoor recreation uses are not allowed within the area of the retreat center. The performance standards of §§ 155.047(F) and 155.048(F) of this chapter shall apply; except that, a separate lot shall not be required nor permitted for each structure, and that commercial outdoor-commercial recreation use is not included in the retreat center. Commercial campgrounds and recreation vehicle camps are not allowed, but camping sites may be provided as long as occupancy (number) does not exceed the number that would be allowed if each camping site was a residential building/unit (one family each).

#### **Sec. 51**

#### **§ 155.106 ANTENNAS AND SUPPORT STRUCTURES.**

##### **Amend § 155.106(A)(3) as follows:**

(3) ANTENNA, RADIO AND TELEVISION BROADCAST TRANSMITTING. A wire, set of wires, metal or carbon fiber rod or other electromagnetic element used to transmit public or commercial broadcast radio, or television programming, and including the wiring, related ground equipment and the support structure thereof. (Allowed by ~~conditional~~ interim use in the I-1 District only.)

#### Sec. 52

#### § 155.106 ANTENNAS AND SUPPORT STRUCTURES.

##### Amend § 155.106(B)(10) as follows:

(10) The addition of antennas and associated equipment of an additional provider to an existing legal structure shall be considered co-location and not require an amendment to the ~~conditional~~ interim use permit.

#### Sec. 53

#### § 155.106 ANTENNAS AND SUPPORT STRUCTURES.

##### Amend § 155.106(C)(1)(c) as follows:

(c) The installation of more than one support structure per property shall require the approval of an ~~conditional~~ interim use permit.

#### Sec. 54

#### § 155.106 ANTENNAS AND SUPPORT STRUCTURES.

##### Amend § 155.106(D) as follows:

(D) Personal wireless service and microwave antennas.

(1) Residential and Shoreland Districts.

(a) Antenna and support structures shall not exceed 75 feet in height in the R-1, R-2, R-2a and all Shoreland and Wild and Scenic Districts.

(b) Commercial antennas (other than co-location) and support structures of any type in the R-1, R-2, R-2a and all Shoreland and Wild and Scenic Districts shall require an ~~conditional~~ interim use permit and be subject to all other requirements for an ~~conditional~~ interim use listed in division (E) below.

(c) Any antenna or antenna support structure not located on a building must be located in the rear yard, no closer to any property line than the height of the structure.

(2) Agricultural Districts (AG, General Agriculture and A/R, Agricultural/Residential).

(a) The Zoning Administrator may issue an administrative use permit for any antenna support structure equal to or less than 130 feet in height, or for any antenna to be located on any pre-existing legal antenna support structure, or for any antenna to be located upon an existing building or structure which does not exceed 15 feet in height above the permitted structure height. An application filed for any new structure must include all the information required for an ~~an conditional-interim~~ use permit as specified in division (E) below. If the Zoning Administrator finds that the information submitted does not properly address all of the requirements of this chapter, he or she may require an ~~an conditional-interim~~ use permit upon providing the applicant a written summary of the reasons for this finding.

(b) An ~~an conditional-interim~~ use permit shall be required for any antenna or support structure over 130 feet in height. No structure shall be located closer to any property line than the height of the structure.

(3) Commercial Districts (B-1, B-2 and I-1).

(a) The Zoning Administrator may issue an administrative use permit for any antenna support structure equal to or less than 130 feet in height, or for any antenna to be located on any pre-existing legal antenna support structure, or for any antenna to be located upon an existing building or structure which does not exceed 15 feet in height above the permitted structure height. An application filed for any new structure must include all the information required for an ~~an conditional-interim~~ use permit as specified in division (E) below. If the Zoning Administrator finds that the information submitted does not properly address all of the requirements of this chapter, he or she may require an ~~an conditional-interim~~ use permit upon providing the applicant a written summary of the reasons for this finding.

(b) An ~~an conditional-interim~~ use permit shall be required for any antenna or support structure over 130 feet in height. No structure shall be located closer to any property line than one-half the height of the structure, exceptions to such setback may be granted if a structural engineer licensed in the state specifies in writing that any failure or collapse of the structure will occur within a lesser distance under all foreseeable circumstances.

## Sec. 55

### § 155.106 ANTENNAS AND SUPPORT STRUCTURES.

**Amend § 155.106(E) as follows:**

(E) Standards and requirements for ~~conditional-interim~~ use permits.

**Sec. 56**

**§ 155.106 ANTENNAS AND SUPPORT STRUCTURES.**

**Amend § 155.106(E)(1) as follows:**

(1) Information required with application. In addition to the standard application materials required by § 155.02931 of this chapter for an ~~conditional-interim~~ use permit, no application for an antenna shall be complete unless the following data has been submitted.

**Sec. 57**

**§ 155.106 ANTENNAS AND SUPPORT STRUCTURES.**

**Amend § 155.106(E)(1)(c) as follows:**

(c) An agreement stating that structures over 130 feet tall will be designed for not less than three users (including the applicant) with applicant and property owner commitment to co-location on reasonable market terms in good faith; any prohibition of additional users on a tower will be considered a violation of the ~~conditional-interim~~ use permit. The agreement shall also include a statement that any unused or obsolete tower shall be removed by the property owner and/or applicant. Said agreement shall be signed by the applicant and the property owner and shall be attached to and become a part of the permit.

**Sec. 58**

**§ 155.106 ANTENNAS AND SUPPORT STRUCTURES.**

**Amend § 155.106(E)(2) as follows:**

(2) Standards and conditions. In addition to any terms or conditions applied as a result of the process for issuing an ~~conditional-interim~~ use, the following standards shall apply to all antenna and support structures unless specifically waived by the Planning Commission.

**Sec. 59**

**§ 155.107 WIND ENERGY CONVERSION SYSTEMS.**

**Amend § 155.107(E) as follows:**

(E) District regulations.

<i>District</i>	<i>Micro-WECS</i>	<i>Non-Commercial WECS</i>	<i>Commercial WECS</i>	<i>Meteorological Tower</i>
AG – General Agriculture	Permitted*	Permitted*	<del>Conditional</del> <u>Interim</u> use permit	Permitted*
AR – Ag/Residential	Permitted*	<del>Conditional</del> <u>Interim</u> use permit	Prohibited	Prohibited
B1 – Highway Business	Permitted*	<del>Conditional</del> <u>Interim</u> use permit	<del>Conditional</del> <u>Interim</u> use permit	Permitted*
B2 – General Business	Permitted*	<del>Conditional</del> <u>Interim</u> use permit	<del>Conditional</del> <u>Interim</u> use permit	Permitted*
I1 – General Industry	Permitted*	<del>Conditional</del> <u>Interim</u> use permit	<del>Conditional</del> <u>Interim</u> use permit	Permitted*
R1 – Urban Rural Transition	Prohibited	Prohibited	Prohibited	Prohibited
R2 – Suburban Residential	<del>Conditional</del> <u>Interim</u> use permit	Prohibited	Prohibited	Prohibited
R2a -Suburban Residential (a)	<del>Conditional</del> <u>Interim</u> use permit	<del>Conditional</del> <u>Interim</u> use permit	Prohibited	Prohibited
Shoreland Overlay	Prohibited	Prohibited	Prohibited	Prohibited
WS – Wild and Scenic	Prohibited	Prohibited	Prohibited	Prohibited

**NOTES TO TABLE:**

\*Any WECS support tower or meteorological tower 130 feet or more in height shall require an ~~an conditional~~ interim use permit.

**Sec. 60**

**§ 155.107 WIND ENERGY CONVERSION SYSTEMS.**

**Amend § 155.107(G)(2)(a) as follows:**

(a) Any WECS support tower or meteorological tower 130 feet or more in height shall require an ~~an conditional~~ interim use permit.

**Sec. 61**

**§ 155.107 WIND ENERGY CONVERSION SYSTEMS.**

**Amend § 155.107(G)(2)(l) as follows:**

(l) Upon issuance of an ~~conditional~~ interim use permit, all commercial WECS shall notify the Environmental Quality Board Power Plant Siting Act program staff of the project location and details on the survey form specified by the Environmental Quality Board.

**Sec. 62**

**§ 155.108 SOLAR ENERGY FARMS AND SOLAR ENERGY SYSTEMS.**

**Amend § 155.108(A) as follows:**

(A) Purpose. The purpose of this section is to set forth standards for solar energy farms and solar energy systems for the county. It is the intent of the county in adopting this section that solar energy farms are a temporary use and interim in nature and the property be returned to its agricultural use at the conclusion of the ~~conditional~~ interim use permit for all solar energy farms.

**Sec. 63**

**§ 155.108 SOLAR ENERGY FARMS AND SOLAR ENERGY SYSTEMS.**

**Amend § 155.108(B) as follows:**

(B) Definitions.

**SOLAR ENERGY FARMS.** Solar energy farms are composed of multiple solar panels on multiple mounting systems (poles or racks), and have an alternating current (AC) rated capacity greater than 100 kilowatts AC. Solar energy farms require an ~~conditional~~ interim use permit. Solar energy farms are allowed up to eight megawatts AC. Solar energy farms are a temporary use and interim in nature and cannot exceed 30 years.

**SOLAR ENERGY SYSTEMS.** Solar energy systems are any combination of solar panels on a parcel of property with a combined energy rated capacity not to exceed 100 kilowatts AC. Solar energy systems ten kilowatts AC and under are permitted as accessory uses in all zoning districts. Solar energy systems over ten kilowatts AC and not exceeding 100 kilowatts AC in all zones except for General Agriculture (AG) require an ~~conditional~~ interim use permit.

**Sec. 64**



**§ 155.108 SOLAR ENERGY FARMS AND SOLAR ENERGY SYSTEMS.**

**Amend § 155.108(C)(4) as follows:**

(4) Land alterations. The Planning Commission shall review the associated land alteration for a solar energy farm and issue an an conditional-interim use permit for that land alteration as part of the request for the solar energy farms conditional-interim use permit. Excavation plans must include proposed vegetation removal such as trees or other prominent natural vegetation and alteration of soils. No more than three acres or 7% of the project area, whichever is greater, of trees may be removed from any site. Under no circumstances can tree removal be more than 50% of the project area. Limited excavation may be allowed only where a road, berm, or other solar infrastructure, excluding panel locations, are proposed as deemed necessary by the Planning Commission.

**Sec. 65**

**§ 155.108 SOLAR ENERGY FARMS AND SOLAR ENERGY SYSTEMS.**

**Amend § 155.108(C)(5) as follows:**

(5) Screening and vegetation. A screening barrier will be required and maintained between the solar project and adjacent residences. It may also be required along roadways if the Planning Commission deems it necessary. Screening is required to be planted on the outside of the solar farms perimeter fence where deemed necessary by the Planning Commission. The Planning Commission may require additional screening between solar energy farms and adjoining properties. Perennial vegetative cover shall be established within 60 days of the completion of the project. Once the conditional-interim use permit has been issued the solar company and property owner are responsible for proper vegetative maintenance. Noxious weeds are prohibited from growing on the property. The Planning Commission may create a condition specifying the type of vegetative cover to be used for the project, this requirement may include the requirements stated in M.S. § 216B.1642.

**Sec. 66**

**§ 155.108 SOLAR ENERGY FARMS AND SOLAR ENERGY SYSTEMS.**

**Amend § 155.108(C)(15) as follows:**

(15) Application requirements. The following information shall be provided to the County Planning and Zoning Department for application of an an conditional-interim use permit:

**Sec. 67**

**§ 155.108 SOLAR ENERGY FARMS AND SOLAR ENERGY SYSTEMS.**

**Amend § 155.108(C)(15)(f) as follows:**

(f) A copy of the submitted interconnection application with the local electric utility or a written explanation outlining why an interconnection application is not necessary. The proposed utility interconnection design plan must also accompany the application for the ~~conditional-interim~~ use permit.

## Sec. 68

### § 155.108 SOLAR ENERGY FARMS AND SOLAR ENERGY SYSTEMS.

**Amend § 155.108(C)(16) as follows:**

(16) Any ~~conditional-interim~~ use permit issued under this section for solar energy farms is temporary and interim in nature. The ~~conditional-interim~~ use permit for solar energy farms shall expire at the same time the solar energy farm lease expires, but in no case shall exceed 30 years. A new ~~conditional-interim~~ use permit can be applied for and the county may issue a new ~~conditional-interim~~ use permit for an existing solar energy farms under the terms of ~~§ 155.029~~ § 155.031 of this chapter. The Planning Commission may waive the expiration requirement for solar energy farms located on property owned by public utilities and other unique owner operated facilities.

## Sec. 69

### § 155.108 SOLAR ENERGY FARMS AND SOLAR ENERGY SYSTEMS.

**Amend § 155.108(D)(7) as follows:**

(7) ~~Conditional-Interim~~ use permit.

(a) The Planning Commission shall review the associated land alteration for a solar energy system and issue an ~~an conditional-interim~~ use permit for that land alteration as part of the request for the solar energy farms ~~conditional-interim~~ use permit. Excavation plans must include proposed vegetation removal such as trees or other prominent natural vegetation. No more than three acres or 7% of the project area, whichever is greater, of trees may be removed from any site. Under no circumstances can tree removal be more than 50% of the project area. Limited excavation may be allowed only where a road, berm, or other solar infrastructure, excluding panel locations, are proposed as deemed necessary by the Planning Commission.

(b) Screening barrier may be required.

(c) The Planning Commission may require standards similar to solar energy farms as deemed necessary.

(d) ~~Conditional-Interim~~ use permits for solar energy systems do not expire unless the solar energy system is removed or unless terms are violated.

## Sec. 70

**§ 155.109 COMMERCIAL AGRICULTURAL TOURISM.**

**Amend § 155.109(B)(4) as follows:**

(4) Commercial agricultural tourism shall require an ~~conditional-interim~~ use permit in accord with ~~§ 505~~ § 155.031 of the county Zoning Ordinance and must comply with the county land use plan.

**Sec. 71**

**§ 155.109 COMMERCIAL AGRICULTURAL TOURISM.**

**Amend § 155.109(C) as follows:**

(C) Conditions. As part of any ~~conditional-interim~~ use permit the Planning Commission shall adopt conditions which address the following criteria:

**Sec. 72**

**§ 155.110 PUBLIC SCHOOLS.**

**Amend § 155.110(B) as follows:**

(B) Conditions. As part of any ~~conditional-interim~~ use permit the Planning Commission shall adopt conditions which address the following criteria:

**Sec. 73**

**§ 155.111 TREATMENT AND RECOVERY FACILITIES.**

**Amend § 155.111(E) as follows:**

(E) Parking requirements shall be included in the terms of the ~~conditional-interim~~ use permit but shall not be less than four spaces for each building. All parking areas must comply with the performance standards for parking unless otherwise stated by the Planning Commission. Each residential building shall be accessible to emergency service vehicles by path or private road, but internal improved streets are not required.

**Sec. 74**

**§ 155.135 ADULT USE OVERLAY DISTRICT (AU).**

**Amend § 155.135(E) as follows:**

(E) Prohibited uses. Adult uses shall not be established or maintained as permitted, conditional, interim, or accessory uses in any area other than those described and designated in the Adult Uses Overlay District.

## Sec. 75

### § 155.199 PENALTY.

Amend § 155.199(A)(8) as follows:

(8) All permits, variances, interim use permits, and conditional use permits issued on the basis of approved plans and applications authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Any use, arrangement or construction at variance with that authorized shall be deemed a violation of this chapter.

## Article IV – Amendment to Chapter 155

### Sec. 1

### § 155.090 SEWAGE AND WASTEWATER TREATMENT AND DISPOSAL STANDARDS.

Amend § 155.090(B)(15) as follows:

(15) Dispute. If a documented discrepancy arises on the depth of the periodically saturated soil, ~~all parties involved with the discrepancy including the local unit of government, shall be contacted and the following procedures set forth in Minn. Rules part 7082.0700, subpart 5, shall be followed:~~

(A) All parties involved in the discrepancy will be contacted by the Planning and Zoning Department and informed of the discrepancy.

(B) The disputing parties may agree to meet at the site in an attempt to resolve differences.

(C) If one or both parties refuse to meet or the differences are not resolved, the Planning and Zoning Department will make a decision based on the information submitted as part of the discrepancy and any other information gathered.

(D) If a party disputes the decision of the Planning and Zoning Department, an opinion from a MN licensed professional soil scientist who is a certified SSTS designer or inspector and who is independent of all parties, may be obtained and submitted to the Planning and Zoning Department, at the party's expense.

(E) If opinions rendered as outlined above do not resolve the dispute, the Planning and Zoning Department shall take into consideration all information and opinions rendered and make a final decision. The Zoning Administrator shall issue written findings setting forth the reasons for any final decisions it renders.

**Effective Date:**

These ordinance amendments shall be effective upon passage and publication.

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Darek Vetsch  
Chair, Wright County Board of Commissioners

ATTEST:

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Lee Kelly  
Wright County Administrator