

RENVILLE COUNTY LAND USE ORDINANCE

CHAPTER FIVE

MINNESOTA SCENIC RIVER REGULATIONS

SECTION 1. POLICY AND AUTHORIZATION

An ordinance for the controlling of bluffland and riverland development in order to protect and preserve the outstanding scenic, recreational, natural, historical, and scientific values of the Minnesota River in Renville County, Minnesota, in a manner consistent with Minnesota Statutes Sections 103F.301 – 103F.345 and Minnesota Rules Parts 6105.0010 – .0250 and Parts 6105.1200 – 6105.1370 for the Minnesota River, hereafter referred to as the Minnesota River rule.

SECTION 2. TITLE

This Ordinance shall be known, cited, and referred to as the Minnesota Scenic River Ordinance except as referred to herein where it shall be known as “this Ordinance.”

SECTION 3. PURPOSE

1. Conserve and protect the natural scenic values and resources of the Minnesota River and to maintain a high standard of environmental quality.
2. Regulate the area of a lot and the length of bluffland and water frontage suitable for building sites to reduce the effects of overcrowding and provide ample space on lots for sanitary facilities.
3. Regulate the setback of structures and sewage treatment systems from blufflines and shorelines.
4. Regulate alterations of the natural vegetation and topography.
5. Maintain property values and prevent poorly planned development.
6. Preserve natural beauty and quietude.
7. Prevent pollution.
8. Designate land use districts along the bluffland and shoreline of the Minnesota River.
9. Comply with Minnesota Rules Parts 6105.1200 – 6105.1370.

SECTION 4. GENERAL PROVISIONS

1. The jurisdiction of this Ordinance shall include all lands designated within the Minnesota River land use district boundaries within Renville County as defined in Minnesota Rules Part 6105.1290.
2. The use of any land within the Minnesota Scenic River Land Use District; the size and shape of lots; the use and location of structures on lots; the installation and maintenance of water supply and sewage treatment systems; the filling, grading, or dredging of any river area; the cutting of vegetation or alteration of the natural topography within the district; and the subdivision of land shall be in full compliance with the terms of this Ordinance and other applicable regulations. Permits from the zoning administrator are required by this Ordinance and/or the Renville County Ordinance for the construction of structures, public or private water supply and sewage treatment systems, the grading and filling of the natural topography, and erection of signs within the Minnesota Scenic River Land Use District.
3. Rules.
 - A. It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, deed restrictions, or land use controls. Where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. In case of conflict between a provision of the Minnesota Wild, Scenic, or Recreational Rivers Statewide Standards and Criteria and some other law of this state or provisions of existing ordinances, the more protective provision shall apply.
 - B. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any powers or rights granted by Minnesota Statutes.
 - C. The provisions of this Ordinance shall be severable, and the invalidity of any paragraph, subparagraph, or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision, or any other part. If any court of competent jurisdiction shall adjudge invalid any provision of this Ordinance or the application of this Ordinance to a particular property, building, or other structure, such judgment shall not affect any other provision of this Ordinance or any other property, building, or structure not specifically included in said judgment.
 - D. The word “shall” is mandatory not permissive. All distances unless otherwise specified shall be measured horizontally.

SECTION 5. DEFINITIONS

For the purpose of this Ordinance, certain terms and words are hereby defined as follows:

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

1. Field crops including: barley, soybeans, corn, hay, oats, sugar beets, rye, sorghum, and sunflowers.
2. Livestock including: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds, and other animals including dogs, ponies, deer, rabbits, and mink.
3. Horticulture or nursery stock, fruit, vegetables, and timber trees.
4. Livestock products, all dairy, poultry, and apiary products including milk, butter, cheese, eggs, meat, fur, and honey.
5. Wetlands, pasture, forest land, wildlife land, and other uses that depend on the inherent productivity of the land.

Bluff Line - A line along the top of a slope connecting the points at which the slope becomes less than 13 percent. This applies to those slopes within the land use district that are beyond the setback provisions from the ordinary high water level.

Building Line - A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

Campground - An area of property used on a daily, nightly, or weekly basis upon which a tent, pickup camper, motor home, pop-up camper, or trailer made for camping may be placed and where proper sanitation facilities and spacing of camp units are provided and maintained.

Clear-Cutting - The removal of an entire stand of vegetation.

Commissioner - The Commissioner of the Department of Natural Resources.

Conditional Use - A use that may be appropriate in a given zoning district but which requires special planning considerations in each instance and which will only be allowed in a specific location under conditions specified by this Ordinance and by the County Commissioners.

Dwelling Unit - A residential building or portion thereof intended for occupancy by a single family but not including hotels or motels. There are three principal types:

1. **Single Family Detached** - A dwelling structure designed for or occupied exclusively by one family, not attached to another dwelling, meeting all of the following standards:
 - A. A permanent foundation extending below frost level or professionally engineered design.
 - B. A minimum of 760 square feet of floor area on the ground floor.
 - C. Minimum width of 16 feet as measured across the narrowest width. The dimension of a building addition to a dwelling shall not be used to establish the 16 feet minimum dimension.
 - D. Open space on the same lot to surround dwelling.
2. **Single Family Attached** - A residential building containing two or more separate dwelling units with a common wall:
 - A. Twin Home: A residence designed for or occupied by two families only with separate housekeeping and cooking facilities for each.
 - B. Townhouse: A one-family dwelling attached to two or more one-family dwellings by a common vertical wall.
 - C. Quadplex: A residential building containing four dwelling units with one common wall, each unit so oriented as to have all exits open to the outside.
3. **Multiple Family** - A type of residential structure where building entrances, stairways, halls, and other common elements are shared among several units with separate housekeeping and cooking facilities for each.

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

1. **Minor Essential Service Facilities.** Any essential service line or structure located within any County easement or County right-of-way and providing single service distribution lines, i.e., single service electrical distribution lines (less than 35 KV) and other single service distribution lines (telephone and gas), shall not require a

Conditional Use Permit; however, such service facilities shall be governed by the procedures described herein.

2. **Major Essential Service Facilities.** Any essential service line or structure providing transmission services, i.e., utility service such as high voltage (greater than 35 KV) electrical power or bulk gas or fuel being transferred from station to station and not intended for end route consumption, shall require a Conditional Use Permit as regulated in this Ordinance in addition to being governed by the procedures described herein.

Forestry - The use and management including logging of a forest, woodland, or plantation and related research and educational activities including the construction, alteration, or maintenance of woodroads, skidways, landings, and fences.

Hardship - The property in question cannot be put to a reasonable use if used under conditions allowed by the official controls. Economic conditions alone will not constitute a hardship if reasonable use for the property exists under the terms of this Ordinance.

Land Use District - Those lands designated by the commissioner as the protected land corridor along the Minnesota River which the commissioner has designated as components of the Minnesota wild and scenic rivers system.

Lot - A parcel of land designated by plat, metes and bounds, registered land survey, auditor's plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof. For the purposes of these regulations, a lot shall be considered to be an individual building site which shall be occupied by no more than one principal structure equipped with sanitary facilities.

Mining - The excavation, removal, storage, or processing of sand, gravel, rock, soil, clay, or other deposits. For the purposes of this Ordinance, mining shall not include the excavation, removal, or storage of rock, sand, dirt, gravel, clay, or other material for the following purposes:

1. Excavation for the foundation, cellar, or basement of some pending structure for which a permit has been issued and which is to be erected immediately following the excavation, removal, or storage.
2. On-site construction of approved roads, sewer lines, storm sewers, water mains, surface water drainage approved by the local unit of government, agriculture or conservation purposes, sod removal, or other public utilities.
3. Landscaping purposes on a lot used or to be used as a building site.
4. Grading/excavation of less than one acre of land in conjunction with improvement of a site for lot development providing activities will be completed in one year.

5. The removal of excess materials in accordance with approved plats or highway construction.

Nonconforming Use - Any legal structure or legal use existing upon the effective date of the adoption of this chapter and which does not conform to the provisions of this chapter.

Open Space Recreational Uses - Recreation use particularly oriented to and utilizing the outdoor character of an area including hiking and riding trails, primitive campsites, campgrounds, waysides, parks, and recreation areas.

Ordinary High Water Level or Ordinary High Water Mark - The boundary of “public waters” and “wetlands” as defined by Minnesota Statutes Chapter 103G, an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel.

Planned Unit Development - A form of development characterized by unified site design that includes the clustering of units, mixing of housing types and the development of common elements and open space.

Primitive Campsites - An area that consists of individual remote campsites accessible only by foot or water.

Selective Cutting - The removal of single scattered trees.

Setback - The minimum horizontal distance between a structure or sewage treatment system and the ordinary high water level, bluff line, road or highway, or property line.

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

Structure - Anything constructed, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground.

Subdivision - The division or re-division of a lot, tract, or parcel of land into two or more lots for the purpose of transfer of ownership, building development, or tax assessment purposes either by plat, replat, registered land survey, conveyance, sale contract for deed or other means, or by metes and bounds description.

1. Minor Subdivision. Any subdivision three or less lots fronting on an existing street, not involving any new streets or road, or the extension of municipal

facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provisions or portion of the Comprehensive Plan, Official Map, Land Use Ordinance, or these regulations.

2. Major Subdivision. All subdivisions not classified as minor subdivisions including, but not limited to, subdivisions of four or more lots, or any size subdivision requiring any new street or extension of an existing street.

Substandard Use - Any use within the land use district existing prior to the date of enactment of this Ordinance which is permitted within the applicable land use district but does not meet the minimum lot area, length of water frontage, structure setbacks, or other dimensional standards of the Ordinance.

Variance - A modification or variation of the provisions of this Ordinance where it is determined that, by reason of special and unusual circumstances relating to a specific lot, the strict application of the Ordinance would cause an undue hardship.

Wetland - An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soils.

SECTION 6. LAND USE DISTRICT PROVISIONS

1. Districts.
 - A. In order to preserve and protect the Minnesota River and its adjacent lands which possess outstanding scenic, recreational, natural, historical, scientific, and similar values, the Minnesota River in Renville County has been given the Scenic River classification and the uses and classification of this river and its adjacent lands are hereby designated by this district, the boundaries of which are based on the Minnesota River rule, Part 6105.1290.
 - B. The boundaries of the Minnesota Scenic River Land Use District are shown on the map designated as the Renville County official zoning map, which is made a part of this Ordinance and is on file with the zoning administrator. In case of conflict between the map and the property descriptions in the Minnesota River rule, the latter shall prevail.
 - C. If land is annexed, incorporated, or in any other way transferred to another jurisdiction, a moratorium shall exist on all construction, grading and filling, and vegetative cutting until the newly responsible unit of government adopts zoning for that land. The zoning shall meet the provisions of this management plan which applied to the land before the

transfer. This provision does not apply to work for which lawful permits were previously issued.

2. The purpose of establishing standards and criteria for the management of the Minnesota River Land Use District shall be to preserve and protect existing natural, scenic, historical, scientific, and recreational values; to reduce the effects of overcrowding and poorly planned development of adjacent lands; to prevent pollution; to preserve natural beauty and quietude; to maintain property relationships between various land use types; and to prohibit new uses that are inconsistent with the statewide standards and criteria for Wild and Scenic River, Minnesota Rules Parts 6105.0010 – 6105.0250.
3. Permitted Uses.
 - A. Governmental campgrounds, subject to management plan specifications and rules.
 - B. Public accesses, road access type with boat launching facilities, subject to management plan specifications.
 - C. Public accesses, trail access type, subject to management plan specifications.
 - D. Other governmental open space recreational uses, subject to management plan specifications.
 - E. Agricultural uses.
 - F. Single family residential uses.
 - G. Forestry uses.
 - H. Essential services.
 - I. Sewage treatment systems.
 - J. Private roads and minor public streets.
 - K. Signs approved by federal, state, or local government which are necessary for public health and safety and signs indicating areas that are available or not available for public use.
 - L. Signs not visible from the river that are not specified in “K.”
 - M. Governmental resource management for improving fish and wildlife habitat, wildlife management areas, nature areas, accessory roads.

4. Conditional Uses.
 - A. Private campgrounds, subject to management plan specifications and rules.
 - B. Temporary docks.
 - C. Other private open space recreational uses, subject to management plan specifications.
 - D. Underground mining that does not involve surface excavation in the land use district.
 - E. Utility transmission power lines and pipelines, subject to the provisions of Section 9.
 - F. Public roads, subject to the provisions of Section 9.
 - G. Sand and gravel extraction.
 - H. Livestock facilities greater than 300 animal units.

All uses not listed as permitted or conditional uses shall not be allowed.

5. Uses which are prohibited by this Ordinance but which are in existence prior to the effective date of this Ordinance shall be nonconforming uses. Such uses shall not be intensified, enlarged, or expanded beyond the permitted or delineated boundaries of the use or activity as stipulated in the most current permit issued prior to the adoption of this Ordinance.
6. Certain uses are subject to the zoning dimension provisions and sanitary provisions of Section 7 and Section 8. All of the uses are subject to the vegetative cutting and grading and filling provisions of Section 9.

SECTION 7. ZONING DIMENSIONS

1. Minimum District Dimensional Requirements.
 - A. The following chart sets forth the minimum lot size and width, setbacks, and other requirements of the Scenic River District:

i.	Minimum lot size above ordinary high water level	5 acres
ii.	Lot width at building line	300 feet

iii.	Lot width at ordinary high water level	300 feet
iv.	Structure setback from ordinary high water level	150 feet
v.	Structure setback from bluffline	30 feet
vi.	On-site sewage treatment system setback from ordinary high water level	100 feet
vii.	Maximum structure height	35 feet
viii.	Controlled vegetative cutting area:	
	- from ordinary high water level	150 feet
	- from bluffline	30 feet

- B. The density of dwelling units shall not exceed one dwelling unit per lot.
- C. No structure shall be placed on any slope greater than 13 percent unless such structures can be screened and sewage treatment system facilities can be installed so as to comply with the sanitary provisions of Section 8.
- D. No structures shall be placed in any floodway. Structures proposed within a flood plain shall be consistent with the Renville County Flood Plain Ordinance and/or statewide Standards and Criteria for Management of Flood Plain Areas of Minnesota (Minnesota Rules Parts 6120.5100 – 6120.6200).

2. Substandard Lots.

- A. Lots of record in the office of the Renville County Recorder on the effective day of enactment of this Ordinance which do not meet the dimensional requirements of this Ordinance shall be allowed as building sites provided: the proposed use is permitted in the land use district, the lot was in separate ownership on the date of enactment of this Ordinance, all sanitary provisions are complied with, and zoning dimensions are complied with to the greatest extent practicable.
- B. If in a group of two or more contiguous lots under a single ownership any individual lot does not meet the minimum lot width requirements of this Ordinance, such individual lot cannot be considered as a separate parcel of land for purposes of sale or development but must be combined with adjacent lots under the same ownership so that the combination of lots will equal one or more parcels of land each meeting the lot width requirements of this Ordinance or to the greatest extent practicable.

3. Substandard Uses. All uses in existence prior to the effective date of enactment or amendment of this Ordinance that are permitted uses within the Minnesota River Land Use District but do not meet the minimum lot area, setbacks, or other dimensional requirements of this Ordinance are substandard uses. All substandard uses, except for substandard signs, shall be allowed to continue subject to the following conditions and exceptions:
 - A. Any structural alteration or addition to a substandard use which will increase the substandard dimensions shall not be allowed.
 - B. Substandard signs shall be gradually eliminated over a period of time not to exceed five years from the date of enactment or amendment of this Ordinance.

SECTION 8. SANITARY PROVISIONS

1. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency and administrative procedures of the Renville County Ordinance. Private wells must be located, constructed, maintained, and sealed in accordance with the Water Well Construction Code of the Minnesota Department of Health.
2. Sewage Treatment.
 - A. Any premises intended for human occupancy must be provided with an adequate method of sewage treatment. Publicly-owned sewer systems must be used where available. Where public systems are not available, all private sewage treatment systems must meet or exceed applicable rules of the Minnesota Department of Health, the Minnesota Pollution Control Agency (specifically Chapter 7080 for individual sewage treatment systems), Chapter Four of this Ordinance, and any other applicable local government standards.
 - B. A nonconforming sewage treatment system not meeting the requirements of this Ordinance must be upgraded, at a minimum, whenever a permit or variance of any type is required for any improvement on or use of the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.

All nonconforming sewage treatment systems shall be brought into conformity or discontinued within five years of the date of enactment of this Ordinance.

SECTION 9. LANDSCAPE ALTERATIONS

1. Vegetative Cutting.
 - A. The vegetative cutting provisions in this section shall comply with required setbacks specified in Section 7 of this Ordinance.
 - B. General provisions, within designated setback areas:
 - i. Clear cutting, except for any authorized public services such as roads and utilities, shall not be permitted.
 - ii. Selective cutting of trees in excess of four inches in diameter at breast height is permitted provided cutting is spaced in several cutting operations and a continuous tree cover is maintained uninterrupted by large openings.
 - iii. The cutting provisions of i. and ii. shall not be deemed to prevent:
 - a. The removal of diseased or insect-infested trees or of rotten or damaged trees that present safety hazards.
 - b. Pruning understory vegetation, shrubs, plants, bushes, grasses, or from harvesting crops or cutting suppressed trees or trees less than four inches in diameter at breast height.
 - C. Clear cutting anywhere in the designated land use district on the Minnesota River is subject to the following standards and criteria:
 - i. Clear cutting shall not be used as a cutting method where soil, slope, or other watershed conditions are determined by the zoning administrator to be fragile and subject to severe erosion and/or sedimentation.
 - ii. Clear cutting shall be conducted only where clear-cut blocks, patches, or strips are, in all cases, shaped and blended with the natural terrain.
 - iii. The size of clear-cut blocks, patches, or strips shall be kept at the minimum necessary.
 - iv. Where feasible, all clear cuts shall be conducted between September 15 and May 15. If natural regeneration will not result in adequate vegetative cover, areas in which clear cutting is conducted shall be replanted to prevent erosion and to maintain the

aesthetic quality of the area. Where feasible, replanting shall be performed in the same spring or the following spring.

2. Grading, Filling, Alterations of the Beds of Public Waters.

- A. Grading and filling of the natural topography that is not accessory to a permitted or conditional use shall not be permitted in the Scenic River District.
- B. Grading and filling of the natural topography that is accessory to a permitted or conditional use shall not be conducted without a grading and filling permit from the zoning administrator. A grading and filling permit may be issued only if the following conditions are properly satisfied:
 - i. Grading and filling shall be performed in a manner which minimizes earthmoving, erosion, tree clearing, and the destruction of natural amenities.
 - ii. The smallest amount of bare ground is exposed for as short a time as feasible.
 - iii. Temporary ground cover such as mulch is used, and permanent ground cover such as sod is planted.
 - iv. Methods to prevent erosion and trap sediment are employed.
 - v. Fill is stabilized to accepted engineering standards.
- C. Excavation of material from or filling in a Wild, Scenic, or Recreational River or construction of any permanent structures or navigational obstructions therein is prohibited unless authorized by a permit from the commissioner pursuant to Minnesota Statutes Section 103G.245. Section 103G.245 requires a permit from the commissioner before any change is made in the course, current, or cross-section of public waters.
- D. Drainage or filling in of wetlands is not allowed within the Scenic River District designated by this Ordinance.

3. Utility Transmission Crossings.

- A. All utility crossings of the Minnesota River or state lands within the Minnesota River Land Use District require a license from the commissioner pursuant to Minnesota Statutes Section 84.415.
- B. All utility transmission crossings constructed within the Minnesota River Land Use District shall require a conditional use permit. The construction

of such transmission services shall be subject to Minnesota Rules Parts 6105.0170 and 6105.0180. No conditional use permit shall be required for high voltage transmission lines under control of the Environmental Quality Board pursuant to Minnesota Statutes Section 116C.61.

4. Public Roads.
 - A. In addition to such permits as may be required by Minnesota Statutes Section 103G.245, a conditional use permit shall be required for any construction or reconstruction of public roads within the Minnesota River Land Use District. Such construction or reconstruction shall be subject to Minnesota Rules Parts 6105.0190 and 6105.0200.
 - B. Public roads include township, county, and municipal roads, streets, and highways which serve or are designed to serve flows of traffic between communities or other traffic generating areas and public streets and roads which serve as feeders or traffic-ways between minor public streets and major roads. A conditional use permit is not required for minor public streets that are streets intended to serve primarily as an access to abutting properties.

SECTION 10. SUBDIVISIONS

1. No land shall be subdivided which is determined by the local government or the commissioner to be unsuitable because of flooding, inadequate drainage, soil, and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage treatment capabilities, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or the community.
2. A planned unit development may be allowed only when the proposed clustering provides a better means of preserving agricultural land, open space, woods, scenic views, wetlands, and other features of the natural environment than traditional subdivision development. Smaller lot sizes may be allowed as exceptions to this Ordinance for planned unit developments provided:
 - A. Preliminary plans are approved by the commissioner prior to their enactment by Renville County.
 - B. Central sewage facilities are installed which meet the standards, criteria, rules, or regulations of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

- C. Open space is preserved. This may be accomplished through the use of restrictive deed covenants, public dedications, granting of scenic easements, or other equally effective and permanent methods.
- D. There is not more than one centralized boat launching facility for each unit.

SECTION 11. ADMINISTRATION

- 1. Certification.
 - A. Certain land use decisions which directly affect the use of land within the Scenic River District and involve any of the following actions must be certified by the commissioner as described in Section 11.1.C:
 - i. Adopting or amending an ordinance regulating the use of land including rezoning of particular tracts of land.
 - ii. Granting a variance from a provision of this Ordinance that relates to the zoning dimension provisions.
 - iii. Approving a plat that is inconsistent with this Ordinance.
 - B. No such action shall be effective until the commissioner has certified that the action complies with the Minnesota Wild and Scenic Rivers Act, the statewide standards and criteria, and the management plan.
 - C. Certification Procedure.
 - i. A copy of all notices of any public hearings or, where a public hearing is not required, a copy of the application to consider zoning amendments, variances, or inconsistent plats under this Ordinance shall be sent so as to be received by the commissioner at least 10 calendar days prior to such hearings or meetings to consider such actions. The notice or application shall include a copy of the proposed ordinance or amendment, or a copy of the proposed inconsistent plat, or a description of the requested variance.
 - ii. The County shall notify the commissioner of its final decision on the proposed action within 30 days of the decision.
 - iii. The commissioner shall, no later than 30 days from the time he receives notice of the final decision, communicate either certification of approval, with or without conditions, or notice of nonapproval.

- iv. The action becomes effective when and only when either:
 - a. The final decision taken by Renville County has previously received certification of approval from the commissioner.
 - b. The County receives certification of approval after its final decision.
 - c. Thirty days have elapsed from the day the commissioner received notice of the final decision, and the County has received from the commissioner neither certification of approval nor notice of nonapproval.
 - d. The commissioner certifies his approval after conducting a public hearing.
- v. In case the commissioner gives notice of nonapproval of an ordinance, amendment, variance, or inconsistent plat, either the applicant or the County may within 30 days of said notice file with the commissioner a demand for hearing. If the demand for hearing is not made within 30 days, the notice of nonapproval becomes final.
 - a. The hearing will be held in an appropriate local community within 60 days of the demand and after at least two weeks' published notice.
 - b. The hearing will be conducted in accordance with Minnesota Statutes Section 103G.311, subd. 2, 6, and 7.
 - c. The commissioner shall either certify his approval or deny the proposed action within 30 days of the hearing.

2. Variances.

- A. The granting of a variance requires the presence of the following:
 - i. The strict enforcement of the land use controls will result in unnecessary hardship.
 - ii. Granting of the variance is not contrary to the purpose and intent of this Ordinance and is consistent with Minnesota Rules, Parts 6105.0010 – 6105.0250 and 6105.1200 – 6105.1370.

- iii. There are exceptional circumstances unique to the subject property that were not created by the landowner.
 - iv. Granting of the variance will not allow any use which is neither a permitted or conditional use in the land use district in which the subject property is located.
 - v. Granting of the variance will not alter the essential character of the locality.
 - vi. Exception for lots which do not meet the minimum lot width requirements of this Ordinance: Where a setback pattern from the ordinary high water level has already been established on both sides of a proposed building site, the setback of the proposed structure may be allowed to conform to that pattern.
 - B. All granted variances to the requirements of this Ordinance must be certified in accordance with Section 11.1 of this Ordinance before they become effective.
3. Plats.
- A. Copies of all plats within the Minnesota River Land Use District shall be forwarded to the commissioner within 10 days of approval by the County.
 - B. Approval of a plat that is inconsistent with this Ordinance is permissible only if the detrimental impact of the inconsistency is more than overcome by other protective characteristics of the proposal.
 - C. All inconsistent plats approved by the County must be certified in accordance with Section 11.1 of this Ordinance.
4. A copy of all notices of any public hearing or, where a public hearing is not required, a copy of the application to consider issuance of a conditional use permit shall be sent so as to be received by the commissioner at least 10 calendar days prior to such a hearing or meeting to consider issuance of a conditional use permit. A copy of the decision shall be forwarded to the commissioner within 10 days of such action.
5. Enforcement.
- A. It is declared unlawful for any person to violate any of the terms and provisions of this Ordinance. Violation thereof shall be a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense.

- B. In the event of a violation or a threatened violation of this Ordinance, the County, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, or abate such violations or threatened violations.
 - C. Any taxpayer of Renville County may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.
6. Effectuation.
- A. This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.