

RENVILLE COUNTY LAND USE ORDINANCE

CHAPTER ONE

ADMINISTRATION

SECTION 1. PURPOSE, AUTHORITY, AND JURISDICTION

1. Title. This Ordinance shall be known, cited, and referred to as the “Renville County Land Use Ordinance.” When referred to herein, it shall be known as “this Ordinance.”
2. Purpose. This Ordinance is adopted for the following purposes:
 - A. To implement the policies established in the Renville County Comprehensive Plan.
 - B. To stage development and redevelopment to coincide with the availability of necessary public services.
 - C. To divide the unincorporated areas of the County into zoning districts.
 - D. To define the allowable uses in zoning districts within the unincorporated areas of the County.
 - E. To regulate the location, construction, reconstruction, alteration, and use of structures and land within the unincorporated areas of the County.
 - F. To provide for the compatibility of different land uses and the most appropriate use of land throughout the County.
 - G. To regulate uses or development in Shoreland, Scenic River, Project River Bend, and Flood Plain areas by creating overlay districts with additional regulations applicable to land and structures located within those districts.
 - H. To regulate the placement of sewage and waste treatment facilities on land.
 - I. To conserve and protect natural resources and maintain a high standard of environmental quality.
 - J. To regulate the placement of structures in flood-prone areas.
 - K. To regulate the alteration and grading of land and natural vegetation.
 - L. To preserve and protect the rural character, natural landscape, and natural and scenic beauty of the County.

- M. To limit congestion on public roads and to foster public safety and convenience in travel and transportation.
 - N. To prevent environmental hazards and pollution and to protect surface and groundwater from contamination.
 - O. To preserve the value of land and value of structures throughout the County.
 - P. To protect and preserve viable agricultural land.
 - Q. To provide for the wise use and conservation of energy resources.
 - R. To provide for the gradual and equitable elimination of those uses of land and structures that do not conform to the standards for the area in which they are located.
 - S. To provide for the orderly, economic, and safe removal and processing of sand, gravel, rock, soil, and other material.
 - T. To provide for the orderly development of land through subdivision regulation.
 - U. To protect area needed for future public use from further development through Official Maps.
 - V. To provide for the enforcement of this Ordinance and to define and limit the powers and duties of the administrative officers and bodies responsible therefor.
 - W. To prevent the creation or establishment of hazards adjacent to airports.
 - X. To provide for the creative and efficient development of essential services.
 - Y. To regulate the placement of animal feedlots and animal manure.
 - Z. To regulate the location of sexually oriented businesses in order to limit adverse effects on adjacent properties.
 - AA. To regulate the placement of renewable energy systems.
3. Statutory Authorization. This Ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 394, or successor statutes.

4. Jurisdiction. This Ordinance shall apply to all areas in Renville County, Minnesota:
 - A. Except areas within the incorporated limits of any city, however organized, except as provided by law.
 - B. Except as otherwise provided by law.

SECTION 2. DEFINITIONS

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

Abandon – To cease a specific use of a property for a period of 12 consecutive months or more.

Abut – To border upon a parcel of land; to share all or part of a common property line with another parcel of land.

Access Drive – A point on a public road allowing access to a private drive.

Access Lot – A parcel of land that provides access to public waters.

Accessory Apartment – A secondary dwelling unit within an existing owner-occupied, single-family dwelling unit for use as a complete independent living facility. A density unit is not attributed to this dwelling unit when calculating density.

Accessory Building – A detached single-story building greater than 120 square feet in size used or intended to be used for the storage of personal property or for agricultural purposes.

Accessory Use or Structure – A use or structure or portion of a structure subordinate to and serving the principal use structure on the same lot and customarily incidental thereto.

Addition – A structure added vertically and/or horizontally to an existing building and occupying ground outside the limits of the building to which it constitutes an addition. The addition of minor structural elements such as chimneys, steps, sidewalks, exposed handicap accessible ramps, bay windows, and roof overhangs shall not be considered as an addition. The enclosure or partial enclosure of an existing screened porch, deck, roofed deck, patio, or roofed patio shall be considered an addition.

Administrator – The Renville County Zoning Administrator.

Adult and Child Care Centers/Learning Centers – An establishment providing for the care, supervision, and protection of children or adults.

Adult Bookstore – A building or portion of a building used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audiotape, videotape, or motion picture film if a substantial or significant portion of such items is distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” or the barter, rental, or sale of instruments, devices, or paraphernalia that are designed for use in connection with “specified sexual activities.” “Substantial or significant portion of items,” for purposes of this Ordinance, shall mean more than 15 percent of usable floor area.

Adult Business – Adult businesses include the following:

1. Any business conducted for the entertainment of adults engaged in the selling, renting, or displaying of publications depicting the specified anatomical areas or specified sexual activities described herein or other material of sexually explicit nature. Included in the definition is any business that as substantial or significant course of conduct sells, offers for sale, rents, exhibits, shows, or displays publications depicting the anatomical areas or specified sexual activities described herein or other material of a sexually explicit nature. Also included in this definition is any business selling, renting, or displaying sexually oriented devices intended for use in the specified sexual activities.
2. A particular business at a particular location that sells, offers for sale, rents, exhibits, shows, or displays specified anatomical areas or specified sexual activities in the form of a book, magazine, newspaper, pamphlet, film video, CD-Rom, DVD, or any other form of medium or sexually oriented devices intended for use in the specified sexual activities, which receives 20 percent or more of the gross revenue from or devotes 20 percent or more of the stock on hand or 20 percent or more of the gross floor area to such activity or comprises such adult-type merchandise and/or activities in more than 2,000 square feet of floor area in total is presumed to be engaging in “substantial or significant” conduct with respect to such activity.
3. Any business wherein the selling of any food or beverage served by employees engaged in partial or total nudity or otherwise exposed specified anatomical areas.
4. Any business conducted for the entertainment of adults wherein an employee, patron, or any other person engages in or is shown specified sexual activities or exhibits or engages in partial or total nudity or otherwise exposed specified anatomical areas.
5. Any business that, as a substantial or significant portion of its business, provides live or filmed entertainment wherein specified anatomical areas or the human anatomy are exposed.

Adult Cabaret – A building or portion of a building used for providing dancing or other live entertainment if such building or portion of a building excludes minors by reason of age or if such dancing or other live entertainment is distinguished or characterized by an emphasis

on the presentation, display, depiction, or description of “specified sexual activities” or “specified anatomical areas.”

Adult Conversation/Rap Parlor – A conversation/rap parlor which excludes minors by reason of age or which provides the service of engaging in or listening to conversation, talk, or discussion if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

Adult Health/Sports Club – A health/sports club that excludes minors by reason of age or if such club is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

Adult Massage Parlor – A massage parlor which restricts minors by reason of age or which provides the service of “massage” if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

Adult Mini-Motion Picture Theater – A building or portion of a building with a capacity of less than 50 persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by reason of age or if such material is distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

Adult Motion Picture Theater – A building or portion of a building with a capacity of 50 or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by reason of age or if such material is distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

Adult Steam Room/Bathhouse Facility – A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing utilizing steam or hot air as a cleaning, relaxing, or reducing agent if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

Specified anatomical areas:

1. Less than completely and opaquely covered:
 - A. Human genitals;
 - B. Pubic region;
 - C. Buttocks; or
 - D. Female breast below a point immediately above the top of the areola.

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, or sodomy; or
3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

Adult Uses – Adult uses include adult bookstores, adult cabarets, adult conversation/rap parlors, adult health/sports clubs, adult massage parlors, adult mini-motion picture theaters, adult motion picture theaters, adult steam room/bathhouse facilities, adult enterprises or businesses or places open to some or all members of the public at or in which there is an emphasis on the presentation, display, depiction, or description of “specified sexual activities” or “specified anatomical areas” which are capable of being seen by members of the public.

Agency – The Minnesota Pollution Control Agency.

Aggregated Project – Aggregated projects are those which are developed and operated in a coordinated fashion but which have multiple entities separately owning one or more of the individual WECS within a larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.

Aggrieved Person – An applicant, permittee, or adjoining landowner.

Agricultural Building or Structure – Any buildings or structures existing or erected on agricultural land designed, constructed, and used principally for agricultural purposes, with the exception of dwelling units.

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

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, forage, oats, sugar beets, rye, sorghum, sunflowers, wheat, sweet corn, sweet peas, edible beans, and hemp.
2. Livestock including: dairy and beef cattle, sheep, swine, horses, mules, farmed Cervidae, llamas, ostriches, emus, rheas, bison, and goats.

3. Poultry and game birds.
4. Horticulture or nursery stock, fruit, vegetables, timber, trees, bees, and fur-bearing animals.
5. Lands enrolled in a government conservation program.
6. Incidental and accessory activities and uses including, but not limited to:
 - A. Pasture, woodland or wetlands, or wildlife land held and/or operated in conjunction with other agriculture uses described in this definition.
 - B. Preparing, packing, treating, storing, or disposing of the products or by-products raised on the premises described in this definition.
 - C. Retail selling by the producer of products raised on premises described in this definition.

Agriculture Service Business – A service that relies on an agricultural-related customer base.

Airport or Heliport – Any land or structure which is used or intended for use for the landing and take-off of aircraft and any appurtenant land or structure used or intended for use for port buildings or other port structures or right-of-way.

Airstrip, Private – An area of land designed and set aside for the landing and take-off of aircraft including all necessary facilities for the housing and maintenance of aircraft.

Alley – A public right-of-way less than 30 feet in width that normally affords a secondary means of vehicular access to abutting property.

Alteration – To change or make different; to remodel or modify.

Animal Clinic/Veterinarian – Use or facility for the care of animals.

Animal Manure – Poultry, livestock, or other animal excreta or a mixture of excreta with feed, bedding, precipitation, or other materials.

Animal Mortality Plan – The handling of dead animals in accordance with state requirements including Minnesota Statutes, Section 35.82, or successor statutes.

Animal Unit – A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a 1,000-pound slaughter steer or heifer.

The following figures shall be used in determining animal unit numbers for Renville County:

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| 1. | <u>Dairy:</u> | 1 calf | = 0.2 animal units |
| | | 1 heifer | = 0.7 animal units |
| | | 1 mature cow (under 1,000 lbs.) | = 1.0 animal units |
| | | 1 mature cow (over 1,000 lbs.) | = 1.4 animal units |
| 2. | <u>Beef:</u> | 1 calf | = 0.2 animal units |
| | | 1 feeder cattle or heifer | = 0.7 animal units |
| | | 1 slaughter steer or stock cow | = 1.0 animal units |
| | | 1 cow/calf pair | = 1.2 animal units |
| 3. | <u>Swine:</u> | Other swine under 55 lbs. | = 0.05 animal units |
| | | 55 - 300 lbs. | = 0.3 animal units |
| | | Over 300 lbs. | = 0.4 animal units |
| 4. | <u>Turkeys:</u> | 1 turkey under 5 lbs. | = 0.005 animal units |
| | | 1 turkey over 5 lbs. | = 0.018 animal units |
| 5. | <u>Chickens:</u> | Pullets | = 0.002 animal units |
| | | 1 chicken under 5 lbs. (dry manure system) | = 0.003 animal units |
| | | 1 chicken over 5 lbs. (dry manure system) | = 0.005 animal units |
| | | 1 laying hen or broiler (liquid manure system) | = 0.033 animal units |
| 6. | <u>Horse:</u> | 1 horse | = 1.0 animal units |
| 7. | <u>Sheep:</u> | 1 sheep or lamb | = 0.1 animal units |
| 8. | <u>Duck:</u> | 1 duck | = 0.01 animal units |

For animal categories not listed in 1 through 8, the number of animal units shall be defined as the average weight of the animal divided by 1,000 pounds.

Animals, Domestic Farm – Cattle, hogs, horses, sheep, goats, chickens, and other animals commonly kept for food production or other purposes.

Animals, Domestic Pets – Dogs, cats, birds, and similar household pet animals commonly kept by any member of a household for personal companionship and enjoyment. Any wild animal, reptile, or fowl considered wild, exotic, or non-domestic, such as lions, bears, wolves, and similar animals, shall not be considered domestic pets.

Antenna – That portion of any equipment and support structure used to radiate or receive radio frequency energy for transmitting or receiving radio or television waves. Antennas may consist of metal, carbon fiber, or other electromagnetically conductive rods or elements. Antennas are regulated to the extent the regulations are not preempted by the Federal Communications Commission.

Apartment – A room or suite of rooms with cooking facilities available which is occupied as a residence by a single family or a group of individuals living together as a single-family unit. This includes any unit in buildings with four or more dwelling units.

Apartment Building Use – Four or more apartments grouped in one building with common areas and facilities, e.g., entrances, lobby, elevator, stairs, mechanical space, walls, and grounds.

Applicant – A person, corporation, or other legal entity recognized by law who applies for a Variance, Zoning Permit, Conditional Use Permit, or other land use permit.

Application – The process by which the owner of land in Renville County submits a request to develop, construct, build, modify, or erect a structure upon such land. Application includes a properly filed application form provided to the applicant by Renville County Environmental Services, submittal of all required written documentation, surveys, plans, photographs, drawings, other permits and legal forms, payment of all required fees, and any verbal statements and representations made by an applicant to the County concerning such a request.

Appraised Valuation – The market value of a structure as determined by the current records of the County Assessor.

Aquaculture Use – Controlled discharge of nutrients to enhance growth or reproduction of harvestable freshwater or marine life species including the cultivation of aquatic life such as cold or warm water fish and shellfish.

Area, Developable/Buildable – Those lands within a development parcel remaining after the deletion of flood plains, wetlands, slopes greater than 25 percent, unbuildable easements or rights-of-way, and required building setbacks.

As-Built – Drawings and documentation specifying the final in-place location, elevation, size, and type of all system components. These records identify the results of materials testing and describe conditions during construction. Information provided must be verified by a certified statement. When a structure was approved or permitted in accordance with the Ordinance, the final location, elevation, size, and type of all system components shall substantially match the approved or permitted plan.

Attorney – The Renville County Attorney or designated legal representative.

Auto or Motor Vehicle Reduction/Salvage Yard – A lot or yard where one or more unlicensed motor vehicle(s), or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale as scrap, storage, or abandonment (see also Salvage/Junkyard/Recyclable Center).

Auto or Motor Vehicle Service Station – A building designed primarily for the supplying of motor fuel, oil, lubrication, sale of accessories, and the servicing of and minor repair of motor vehicles.

Automotive Dealership – An automotive dealership is any place where automobiles are sold to the general public. Business activities accessory to this retail use include motor vehicle and body repair, fuel dispensing, and the rental and leasing of vehicles.

Awning – A nonrigid hood or cover projecting from a building, which may be folded, collapsed, or retracted against the building.

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

Basin – An area specifically designed and engineered to be associated with an animal feedlot where animal manure or runoff containing animal manure is stored until it can be utilized as domestic fertilizer.

Bed and Breakfast Establishments – An owner-occupied, single-family dwelling structure where room(s), breakfast, and hospitality are provided and all costs are included in the nightly room price. Meals may or may not be served to residents or overnight guests.

Bedroom – Any room or unfinished area within a dwelling that:

1. Is designed or used for sleeping; or
2. Has a minimum floor area of 70 square feet with access gained from the living area or living area hallway. Architectural features that affect the use as a bedroom under this item may be considered in making the bedroom determination.

Berm – A raised, sloped landscape mound of earthen material designed to provide visual interest, screening of areas, or to reduce noise, dust, or emissions.

Biofuel – A type of renewable energy derived from organic materials including ethanol, biodiesel, green diesel, and biogas.

Biomass – Renewable organic materials such as wood, agricultural crops or wastes, and municipal wastes.

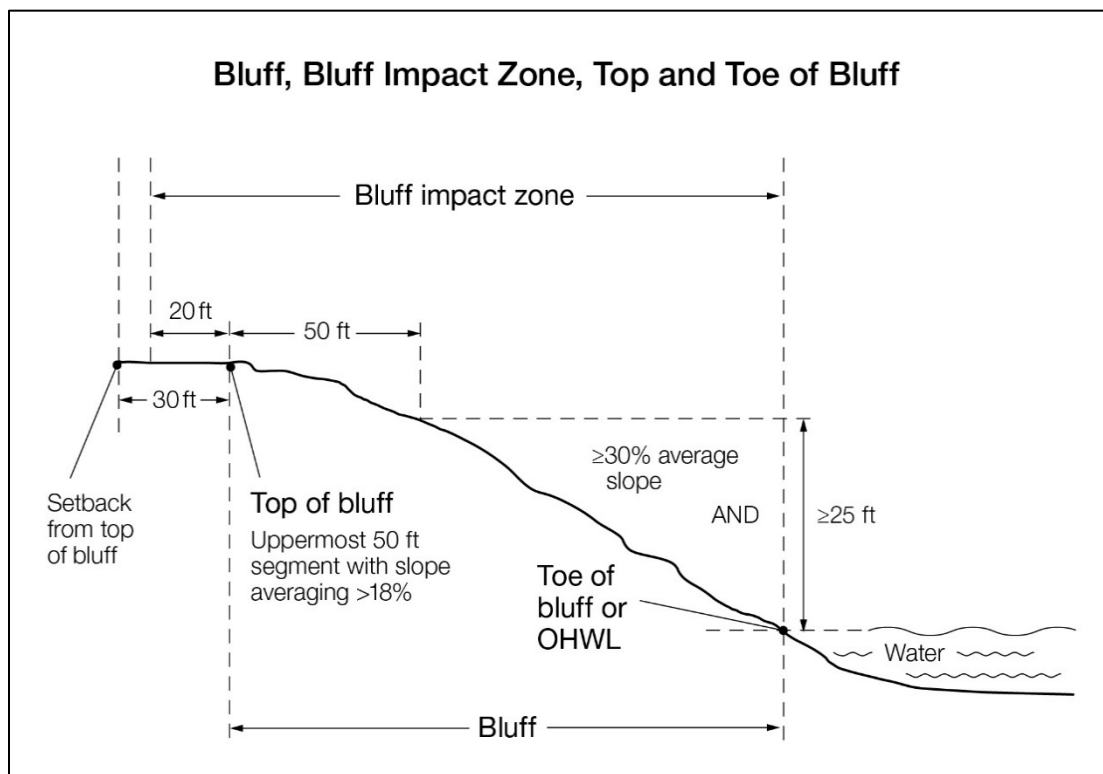
Biomass Conversion Facility – A facility that converts renewable biomass into heat, power, bio-based products, or advanced biofuels.

Block – A tract of land within a subdivision bounded by streets, or a combination of streets, and public or private open space, cemeteries, railroad rights-of-way, shorelines, waterways, or property lines or boundaries of a subdivision.

Bluff – A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance of 50 feet or more shall not be considered part of the bluff):

1. Part or the entire feature is located in a shoreland area.
2. The slope rises vertically at least 25 feet above the ordinary high water level of the water body.
3. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater.
4. The slope must drain toward the water body.

Bluff Impact Zone – A bluff and land located within 20 feet from the top of a bluff.



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 provision from the ordinary high water level.

Bluff, Toe of – The lower point of a 50-foot segment with an average slope exceeding 18 percent or the ordinary high water level, whichever is greater.

Bluff, Top of – The higher point of a 50-foot segment with an average slope exceeding 18 percent.

Board – The Renville County Board of County Commissioners.

Board of Adjustment and Appeals – An officially constituted body appointed by the Board whose principal duties are to hear appeals and, where appropriate, grant Variances from the strict application of the Zoning Ordinance.

Boat House – A structure for storage of a boat or lake sporting and recreational equipment.

Borrow Site – An area located within the construction easement from which material is extracted for use in conjunction with a federal, state, County, or township road construction project.

Buffer – A strip of land intended to create physical separation between potentially incompatible uses of land.

Buildable Land – Land with a slope less than 25 percent and outside of any required setbacks and above any floodway, drainageway, or drainage easement.

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

Building – Any structure either temporary or permanent having a roof which is used or intended to provide shelter or enclosure of person, animals, chattel, or property of any kind, and when said structures are divided by party walls without openings, each portion of such building so separate shall be deemed a separate building.

Building Code – The Minnesota State Building Code.

Building Face – The wall of a building fronting a street or avenue.

Building Face Area – The quantitative measure of the wall surface area calculated by multiplying the wall height by the wall width.

Building-Integrated Solar Systems – An active solar system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar systems that are contained within roofing materials, windows, skylights, and awnings.

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.

Building Official – The designated authority charged with the administration and enforcement of the State Building Code.

Building Permit – A permit required from the responsible governmental agency before any site work, construction, or alteration to structures can be started.

Building Setback – The minimum horizontal distance between the building and right-of-way line, property line, ordinary high water level, or bluff line.

Building Setback Line – A line within a lot parallel to a public right-of-way line, a side or rear lot line, a bluff line, or a high water level or line behind which buildings or structures must be placed.

Bulk Storage (Liquid) Use – Bulk storage of oil, gasoline, liquid fertilizer, chemicals, and similar liquids in excess of 10,000 gallons for sale or for personal use.

Business – Any occupation, employment, or enterprise wherein merchandise is exhibited or sold or services are offered for compensation.

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

Campground Use – A development that is used for the purpose of providing sites for non-permanent overnight use by campers using tents, trailers, recreation camping vehicles, or other temporary shelters.

Canopy or Marquee – A permanent roof-like shelter either freestanding or extending from part or all of building fascia over a public right-of-way or a portion of the premises and constructed of some durable material such as wood, metal, glass, or plastic.

Car Wash Use – A building or area that provides hand or machine-operated facilities for washing and cleaning motor vehicles.

Carport – An automobile shelter having one or more sides open.

Cellar – Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement.

Cemetery – Land governed by a cemetery association, local government, or congregation of worshipers and used or intended to be used for the burial of the dead and dedicated for cemetery purposes and including, but not limited to, columbariums, mausoleums, and chapels when operated in conjunction with and within the boundaries of such cemetery.

Centralized Wastewater Treatment System – A managed system consisting of collection sewers and a single treatment plant used to collect and treat wastewater from an entire service area. Traditionally, such a system has been called a publicly owned treatment works (POTW).

Certificate of Compliance – A document, written after a compliance inspection, certifying that a system is in compliance with applicable requirements at the time of inspection.

Certificate of Survey – A graphic representation of the boundary survey of a parcel of real property along with the description of the land and the signed certification of a Minnesota licensed land surveyor.

Certified – An individual that is included on the agency’s SSTS certification list and is qualified to design, install, maintain, repair, pump, operate, or inspect an SSTS as appropriate with the individual’s qualifications. A certified individual who is working under a license is subject to the obligations of the license. Certified individuals were previously known as registered professionals.

Certified Statement – A statement signed by a certified individual, apprentice, or qualified employee under Minnesota Rules, Chapter 7083, or successor rules, certifying that the licensed business or qualified employee completed work in accordance with applicable requirements.

Change in Operation – An increase beyond the permitted maximum number of animal units, or an increase in the number of animal units which are confined at an unpermitted animal feedlot requiring a construction investment, or a change in the construction or operation of an animal feedlot that would affect the storage, handling, utilization, or disposal of animal manure.

City – The cities of Renville County.

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

Club or Lodge – A non-profit association of persons who are members paying annual dues, use of premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises providing adequate dining room for the purpose of serving food and meals and providing further that such serving of alcoholic beverages in compliance with the applicable federal, state, County, and local laws.

Cluster Development – A subdivision development that places housing units into compact groupings while providing commonly owned or permanently dedicated open space and natural features of the landscape including wooded areas.

Clustering/Cluster Housing – A development pattern and technique whereby housing structures or building sites are arranged in closely related groups so as to make the most efficient and aesthetic use of the natural amenities of the landscape.

Columbarium – A structure, room, or other space in a building or structure containing niches for interment of cremated remains in a place used, or intended to be used, and dedicated for cemetery purposes.

Commercial Manure Pumper or Applicator – Any person or company that pumps or land applies manure from feedlot facilities not owned or operated by the person or company.

Commercial Planned Unit Development – Developments that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.

Commercial Recreation Facilities – All uses such as tennis, racquetball clubs, amusement centers, bowling alleys, golf driving ranges, miniature golf, and movie theaters that are privately owned and operated with the intention of earning a profit by providing entertainment to the public.

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

Commissioner – The Commissioner of the Department of Natural Resources and/or the Minnesota Pollution Control Agency.

Common Interest Community – Contiguous or noncontiguous real estate that is subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy to pay for real estate taxes levied against, insurance premiums payable with respect to, maintenance of, or construction, maintenance, repair, or replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies.

Common Open Space – A portion of a development site that is permanently set aside for public or private use, is held in common ownership by all individual owners within a development, and will not be developed. Common open space shall include wetlands, upland recreational areas, wildlife areas, historic sites, and areas unsuitable for development in their natural state. Common open space is not the space between buildings of a cluster in a conservation subdivision and planned unit development, and it does not include an area of 25 feet around each structure or any impervious surface.

Community Garden – Land which is cultivated by the residents of the development for the production of trees, vegetables, fruits, flowers, herbs, and grasses for the residents' use or to be sold directly to consumers through membership in the garden.

Community Residence – A facility licensed by the State of Minnesota that provides residential and habilitative services to persons with developmental disabilities. One density unit is attributed to this residence when calculating density.

Community Water and Sewer Systems – Utility systems serving a group of buildings, lots, or an area of the County with the design and construction of such utility systems as approved by the State of Minnesota and Renville County.

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

Comprehensive Plan – The policies, statements, goals, and interrelated plans for private and public land and water use, transportation, and community facilities, including recommendations for planned execution, documented in text, ordinance, and maps which constitute the guide for the future development of the unincorporated area of the County.

Concept/Sketch Plan – A generalized plan of a proposed subdivision indicating lot layouts, streets, park areas, and water and sewer systems presented as part of the pre-application meeting.

Conditional Use – A land use or development as defined by this Ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon findings that: certain conditions as detailed in the Zoning Ordinance exist; and the use or development conforms to the Comprehensive Plan of the County; and the use or development is compatible with the existing neighborhood.

Condominium – A common-interest community in which portions of the real estate are designated as units and the remainder of the real estate is designated for common ownership solely by the owners of the units. In addition, undivided interests in the common elements are vested in the unit owners.

Conservation Easement – An interest in real property created in a manner that imposes limitations or affirmative obligations in regard to the use of property including the retention, protection, and maintenance of natural resources, open space, and agriculture.

Conservation Subdivision – A method of subdivision characterized by common open space and clustered compact lots with the purpose of creating greater community value through open space amenities for homeowners and protection of natural resources while allowing for the residential densities consistent with prevailing densities. Site designs incorporate standards of low-impact development such as the use of some single-load roadways and narrower rights-of-way, looped roadways versus cul-de-sacs, maximum road setbacks for structures, and preservation of trees, shoreline, unique resources, and scenic vistas. These developments use stormwater designs that emphasize on-site retention and infiltration through the preservation of native vegetation within the shore impact zone, use of pervious surfaces, rain gardens, and swales.

Conservation Use – Environmentally sensitive and valuable lands protected from any activity that would significantly alter its ecological integrity, balance, or character. Conservation uses include lands containing wetlands, hydric soils, woodlands, flood plain, native prairie, wildlife corridors, shorelands, steep slopes, and its accessory uses such as interpretive centers and management facilities.

Construction – Includes significant site preparation work (including land clearing, excavation, and the installation of utilities) necessary for the placement, assembly, or installation of facilities or equipment, the installation of footings, slab, foundation, posts, walls, or other portions of a building.

Construction Short-Form Permit – A permit issued for an animal feedlot or manure storage area according to Minnesota Rules, Chapter 7020, or successor rules.

Contiguous – Parcels of land that share a common lot line or boundary. Parcels that are separated by a road right-of-way, easement, or railroad right-of-way are considered contiguous for the purposes of this Ordinance.

Contour Interval – The vertical height between contour lines.

Contour Map – A map on which irregularities of land surface are shown by lines connecting points of equal elevations.

Contractor's Use – Any use whose principal business is in connection with any structure built including general engineers/architects, concrete, swimming pool, plumbing, electrical, landscape, and building construction contractors.

Controlled Access Lot – A lot used to access public waters or as a recreation area for owners of nonriparian lots within the same subdivision containing the controlled access lot.

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

Conventional Subdivision – A pattern of subdivision development that permits the division of land in the standard form where lots are spread evenly throughout a parcel with little regard for natural features or common open space as compared to a conservation subdivision where lots are clustered and common open space is provided.

Conveyance – Conveyances shall have the meaning specified in Minnesota Statutes, Section 272.12, or successor statutes.

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

Copy – A print or reproduction.

Corrective Action – Any action required by the Department to ensure compliance or conformance with this Ordinance and state regulations.

Corrective or Protective Measure – A practice, structure, condition, or combination thereof which prevents or reduces the discharge of pollutants from an animal feedlot to a level in conformity with MPCA rules.

Cost of Renovation, Repair, or Replacement – The fair market value of the materials and services necessary to accomplish such renovation, repair, or replacement.

Country Club – A golf club equipped with a golf course and a clubhouse.

County – Renville County, Minnesota.

Court – An open unoccupied space bounded on two or more sides by the exterior walls of a building or buildings on the same lot.

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

Covered Basin – An earthen constructed manure holding structure either totally covered with a minimum of a six-inch thick layer of straw or other similar material, a synthetic or floating man-made cover which continually covers the entire earthen basin area, or concrete or glass-lined steel structure totally enclosing and covering the entire manure holding area.

Crawl Space – Any areas or rooms with less than seven-foot ceiling height measured to the finished floor or grade below.

Crematorium or Crematory – A place where bodies are consumed by incineration and the ashes of the deceased are collected for permanent burial or storage in urns.

Crop Demonstration Sign – A sign placed on agricultural land identifying the brand of product(s) being grown on the site.

Crop Equivalent Rating (CER) – A numerical means to reflect relative differences in productivity between soils. The differences are based on the net economic return obtained using a specific “level” of management. Productivity ratings are used to reflect physical and chemical properties of soils and the effect of those properties on productivity for the most commonly grown crops in this area. CERs are indexed on a scale of zero to 100.

Cultural Resource – The historic and archeological characteristics of the land, including buildings and landscapes, which provide information regarding the history of Renville County and its people.

Curb Level – The grade elevation established by the Engineer of the curb in front of the center of the building. Where no curb level has been established, the Engineer shall determine a curb level or its equivalent for the purpose of this Ordinance.

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

Deck – A horizontal, unenclosed structure with or without attached railings, seats, trellises, or other features attached or functionally related to a principal use or site and at any point extending more than one foot above ground.

Density – A measure of the intensity of residential use on the land, expressed in terms of lot area per dwelling unit or dwelling units per acre. For such calculations, the land area shall be exclusive of water area and flood plain but may include protected wetlands and hydric soils.

Department – Renville County Environmental Services.

Depth of Rear Yard – The horizontal distance between the rear building line and the rear lot line.

Developer – The owner of land proposed to be subdivided or their representative.

Development – The act of building structures and installing site improvements.

Development Agreement – An agreement between a developer and the County regarding the development of a parcel of land. The agreement may include, but is not limited to, construction and ordinance design standards, required improvements, financial obligations and guarantees, construction timelines, and project improvement warranties.

Dilapidated Dwelling/Structure – All dwellings or structures which, by inadequate maintenance, abandonment, unsanitary conditions, are vermin-infested and/or are lacking facilities or essential equipment, are unsafe and dangerous to human life, and are unfit for human habitation, occupation, or use. A dilapidated dwelling/residence/structure shall include:

1. Any dwelling/structure which because of physical condition constitutes a public nuisance.
2. Any dwelling/structure which has been officially declared a fire hazard or is otherwise dangerous to the safety of persons or property.
3. Any dwelling/structure from which utilities, plumbing, heating, sewage, or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that it is unfit for its intended use.
4. Any dwelling/structure which, by reasons of environmental contamination, poses a threat to public health or safety in its present condition.
5. Any nonconforming dwelling/structure that is damaged to an extent of more than 50 percent of its market value as determined by the County Assessor.

Disclosure – Any conclusions or statements regarding an ISTS or abandoned ISTS made by the owner of a property with or served by an ISTS to fulfill the requirements of Minnesota Statutes, Section 115.55, Subd. 6, or successor statutes. ISTS information provided by someone other than the property owner must meet the requirements of a compliance inspection as outlined in Minnesota Rules, Chapter 7080, or successor rules.

District – A section of the County for which the regulations governing the height, area, density, and use of buildings and premises are the same.

Ditch (Public or Private) – A term as defined under and with reference to the provisions of Minnesota Statutes, Chapter 103E, or successor statutes.

DNR – The Minnesota Department of Natural Resources.

Domestic Fertilizer – For the purposes of this Ordinance, domestic fertilizer means:

1. Animal manure that is put on or into the soil to improve the quality or quantity of plant growth.
2. Animal manure that is used as compost, soil conditioners, or specialized plant beds.

Domestic Septage (Pumping) – The liquid or solid material removed from a septic tank including waste from holding tanks, aerobic tanks, and pump tanks. This also includes septage from cesspools, portable toilets, type III marine sanitation devices, or similar systems that receive only household, non-commercial, and non-industrial sewage.

Drainage Course – A watercourse or indenture for the drainage of surface water.

Drainageway – A natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area. The term also includes all drainage structures that have been constructed or placed for the purpose of conducting water from one place to another.

Dredging – The process by which soils or other surface materials, normally transported by surface water erosion into a body of water, are removed for the purpose of deepening the body of water.

Drive-In Retail Use – An establishment that by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive service, obtain goods, or be entertained while remaining in their motor vehicles regardless of whether or not services and goods are also provided within a building.

Driveway – A private road or path that is located on the lot that it services and which affords vehicle access to a public road.

Driveway Access Permit – A permit required from the responsible governmental agency that allows access onto a public road. Such permit must be acquired prior to the issuance of a land use permit.

Duplex, Triplex, and Quad – A dwelling structure on a single lot, having two, three, and four units respectively, attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitary facilities.

Dwelling – Any building with provision for living, sanitary, and sleeping facilities.

Dwelling, Detached – A residential building that is entirely surrounded by open space on the same lot with no common party walls.

Dwelling, Farm – A dwelling located on a farm, or on a parcel of land contiguous to or surrounded by farmland, in which at least one resident of the dwelling is engaged in the farming operation as an owner, operator, and/or employee.

Dwelling, Seasonal – A residential building not capable of year-round occupancy due to non-winterized construction or inadequate nonconforming year-round on-site sewage treatment systems.

Dwelling Site – A designated location for residential use.

Dwelling Unit – Any structure or portion of a structure, or other shelter designed as short or long-term living quarters for one or more persons. There are three principal types:

1. **Single-Family Dwelling (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-foot minimum dimension.
 - D. Open space on the same lot to surround dwelling.
2. **Single-Family Dwelling (Attached)**: A residential building containing two or more separate dwelling units with a common wall and located on a single lot:
 - A. **Twin Home**: A residence designed for or intended for occupancy 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. **Triplex**: A residence designed for or intended for occupancy by three families only, with separate housekeeping and cooking facilities in each.

- D. **Quad:** 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 Dwelling:** 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.

Earth-Sheltered Building – A building constructed so that 50 percent or more of the completed structure is covered with earth. Earth covering is measured from the lowest level of livable space in residential units and of usable space in non-residential buildings. An earth-sheltered building is a complete structure that does not serve just as a foundation or substructure for above-ground construction. A partially completed building shall not be considered earth-sheltered.

Easement – Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Easement, Scenic – An interest in land, less than the fee title, that limits the use of the land to protect the scenic, recreational, or natural characteristics of a wild, scenic, or recreational river area. Unless otherwise expressly and specifically provided by the parties, the easement must be:

1. Perpetually held for the benefit of the people of the state.
2. Specifically enforceable by its holder or any beneficiary.
3. Binding upon the holder of the servient estate and the holder's heirs, successors, and assigns.
4. Restricted so as not to give the holder or any beneficiary the right to enter on the land except for enforcement of the easement.

Easement, Utility – A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities including, but not limited to, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainageways, and gas lines.

Engineer – The Renville County Engineer or designated representative.

Environmental Assessment Worksheet (EAW) – A brief document which is designed to set out the basic facts necessary to determine whether an EIS is required for a proposed project or to initiate the scoping process for an EIS.

Environmental Impact Statement (EIS) – A detached written statement as required under Minnesota Statutes, Chapters 116C and 116D, or successor statutes.

EPA – The United States Environmental Protection Agency.

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

Erosion Control/Wildlife Developments – Structures, water control developments, and ponds which are installed to control soil erosion or increase the habitat for wildlife.

Essential Service Line – Any primary or subsidiary conductor designed or utilized for the provision of maintenance of essential services including any pole, wire, drain, main, sewer, pipe, conduit, cable, fire hydrant, and right-of-way but not including any structure.

Essential Service Structure – Any pertinent structure required to be on line to accommodate the proper provision or maintenance of essential services including any electric or gas substation, water tower or well house, sewage lift station, or other similar facility.

Essential Services – Services and utilities needed for the health, safety, and general welfare of the community such as underground, surface, or overhead electrical, gas, telecommunication, water, sewer, and other utilities and the equipment and appurtenances necessary for such systems to furnish an adequate level of service for the area in which it is located. Essential services do not include utility scale power generation appurtenances or equipment.

1. Minor Essential Service Facilities. Any essential services or structures located within any County or township easement or County or township rights-of-way providing single service distribution.
2. Major Essential Service Facilities. Any essential services or structures providing transmission and distribution services from station to station and not intended for end route consumption.

Essential Services – Utility Substation – A utility use whose function is to reduce the strength, amount, volume, or configuration of utility flow from a bulk wholesale quantity to small retail quantities. These uses include electric or gas substations, telephone switching and relay facilities, water and sewage pumps, and lift stations. Business offices associated with these uses are not included as part of this definition.

Ethanol – Fermentation ethyl alcohol derived from agricultural products including potatoes, cereal grains, cheese whey, and sugar beets; forest products; or other renewable resources including residue and waste generated from the production, processing, and marketing of agricultural products, forest products, and other renewable resources that:

1. Meets all of the specifications in ASTM Specification D4806-04a; and
2. Is denatured as specified in 27 Code of Federal Regulations, Parts 20 and 21, or successor codes.

Ethanol Production Facility – A facility that ferments, distills, dewater, or otherwise produces ethanol as defined in Minnesota Statutes, Section 41A.09, Subd. 2a, paragraph (a), or successor statutes.

Existing Building Site – A non-cultivated area that has an existing access to a public right-of-way and at least one of the following is presently on the premises: a windbreak, water well, accessory structures, or a dwelling.

Existing Dwelling/Residence – A structure that is suitable for occupancy. Any dwelling or residential structure that can be considered dilapidated shall not qualify as an existing residence.

Expansion, Enlargement, or Intensification – Any increase in a dimension, size, area, volume, or height; any increase in the area of use; any placement of a structure or part thereof where none existed before; any addition of a site feature such as a deck, patio, fence, driveway, parking area, or swimming pool; any improvement that would allow the land to be more intensely developed; any move of operations to a new location on the property; or any increase in intensity of use based on a review of the original nature, function, or purpose of the nonconforming use, the hours of operation, traffic, parking, noise, exterior storage, signs, types of operations, types of goods or services offered, odors, area of operation, number of employees, and other factors deemed relevant by the County.

Extended Care, Intermittent Care, and Long-Term Care Facilities – A nursing home licensed under Minnesota Statutes, Sections 144A.02 – 144A.10, or successor statutes, or a boarding care home licensed under Minnesota Statutes, Sections 144.50 – 144.56, or successor statutes.

Exterior Storage (Includes Open/Exterior Storage) – The storage of goods, materials, equipment, manufactured products, and similar items not fully enclosed by a building.

Extraction Area – Any non-agricultural, artificial excavation of earth exceeding 50 square feet of surface area of two feet in depth, other than activity involved in preparing land for earth-sheltered or conventional construction of residential, commercial, and industrial buildings, excavated or made by the removal from the natural surface of the earth of sod, soil, sand, gravel, stone, or other natural matter, or made by turning, breaking, or undermining the surface of the earth, except that public improvement projects shall not be considered extraction areas.

Extraction/Processing of Minerals Use – The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 – 93.51, or successor statutes.

FAA – The Federal Aviation Administration.

Fall Zone – The area defined as the farthest distance from the tower base in which a tower will collapse in the event of a structural failure.

Family – Any number of individuals each related by blood, marriage, adoption, foster care, arrangement, or court order living together as a single housekeeping unit or not more than five persons not so related, maintaining a common household.

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

Farm Fence – A fence as defined by Minnesota Statutes, Section 344.02, Subd. 1(a) – (d), or successor statutes.

Farm, Hobby – An area used as a limited farm operation where the income from the farm is incidental to the property.

Farming – The cultivation of the soil and all activities incidental thereto; agriculture.

Farmland – Any land used in conjunction with a farming operation.

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

FCC – The Federal Communications Commission.

Feedlot, Commencement of Construction – To begin or cause to begin, as part of a continuous program, the placement, assembly, or installation of facilities or equipment; or to conduct significant site preparation work (including clearing, excavation, or removal of existing buildings, structures, or facilities) necessary for the placement, assembly, or installation of facilities or equipment at:

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

Feedlot, Discontinued – An animal feedlot nonconforming as to use that has not been stocked with a minimum of one animal unit within 12 consecutive months.

Feedlot, Existing – An animal feedlot that has been utilized for livestock production within the past five years.

Feedlot, Expansion of Existing – Construction or any activity or change in the Ordinance which may result in the increase in the number of animal units that a feedlot is capable of holding or an increase in manure storage capacity.

Feedlot, Livestock – A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate or where the concentration of animals

is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these rules, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these rules.

Feedlot and Manure Storage Area Registration – An official record required for all feedlot facilities as defined in Minnesota Rules, Chapter 7020, or successor rules. The document must include information completed by the feedlot producer including the location of the feedlot, type of facility including pastures, barns and open lots, distances from wells, number and types of animals, number of animal units, and type of manure storage area.

Feedlot – New – An animal feedlot constructed and operated at a site where an animal feedlot did not previously exist or where a pre-existing animal feedlot has been abandoned or unused for livestock production for five years or more.

Feedlot Operator/Owners – An individual, a corporation, a group of individuals, a partnership, joint venture, owner, or any other business entity having charge or control of one or more livestock feedlots, poultry lots, or other animal lots.

Feedlot Permit – A document issued by the MPCA or delegated County that contains requirements, conditions, and compliance schedules relating to the discharge and management of animal manure pollutants. Feedlots and manure storage areas subject to permit requirements as stated in Minnesota Rules, Part 7020.0405, or successor rules, shall be issued a NPDES/SDS Permit, Minnesota Construction Short-Form or Interim Permit, or Manure Storage Area Permit.

Feedlot, Potential Pollution Hazard – A condition which indicates a potential for pollution of the land or waters of the state including, but not limited to:

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

Fence – Any partition, structure, wall, gate, berm, or planting specifically placed to form a divider marker, barrier, or enclosure and located along the boundary or within the required yard.

Fill – Any sand, gravel, earth, rock, or other materials deposited, replaced, pushed, dumped, transported, moved, or placed on a parcel of land.

Filling – The placement of fill on a parcel of land.

Final Plat – The final map or drawing of a subdivision meeting all requirements of the County and in such form as required by the County for purposes of recording.

Flag Lots – A large lot or lots that are accessed to the public road by a narrow, private right-of-way or driveway. The private right-of-way is known as the “stem.”

Flashing Light – A light source that is not constant in intensity or color at all times while in use.

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

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

Flood Fringe – That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for the unincorporated areas of Renville County, Minnesota.

Flood Plain – The beds proper and the areas adjoining a wetland, lake, or watercourse which have been or hereafter may be covered by the regional flood.

Floodproofing – A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway – The bed of a wetland or lake, the channel of a watercourse, and those portions of the adjoining flood plain that are reasonably required to carry or store the regional flood discharge.

Floor Area, Gross – The sum of the gross horizontal areas of the various floors of a building measured from the exterior faces of the exterior walls or, for a structure without walls (e.g., a carport), the total ground area covered by a roof, not including area under a typical overhang dimension.

Floor Area, Livable – The floor area of a dwelling excluding all areas occupied by basements, garages, porches, attics, stairways, storage, utility, and heating rooms.

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

Floor Plan, General – A graphic representation of the anticipated or existing use of the floor area within a building or structure.

Foot Print – The length and width of the building’s foundation and the building’s height.

Forest Land Conversion – The clear-cutting of forested lands to prepare for a new land use other than re-establishment of a subsequent forest stand.

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.

Freight Transportation Terminals – Facilities for handling freight, with or without storage and maintenance facilities. This definition includes, but is not limited to, the following uses: trucking and courier services, trucking terminal facilities, railroad terminal facilities, courier services, letter delivery, package delivery, parcel delivery, and other similar uses.

Frequency – The oscillations per second in a sound wave.

Frontage – That boundary of a lot that abuts an existing or dedicated public or private road/street.

Funeral Home Use – A building or part thereof used for funeral services. Such buildings may contain space and facilities for: embalming and the performance of other services used in preparation of the dead for burial; the storage of caskets, urns, and other related funeral supplies; and the storage of funeral vehicles. Where a funeral home is permitted, a funeral chapel shall also be permitted. This definition shall NOT include facilities for cremation.

Fur Farm – An area used for keeping and/or raising fur-bearing animals.

Garage, Private – An accessory building or accessory portion of the principal building which is intended for and used to store private passenger vehicles, trailers, or farm trucks.

Garage Sale – Sale by property residents at residents’ address of personal property of a kind usually and customarily found in and about residential property. It shall not include personal property purchased for the purpose of resale.

Garage, Truck – A building used or intended to be used for the storage of motor trucks, truck trailers, tractors, and commercial vehicles exceeding one and one-half tons capacity.

General Development Lakes – Generally large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development. These lakes often are extensively used for recreation and, except for the very large lakes, are heavily developed around the shore. Second and third tiers of development are fairly common. The larger examples in this class can accommodate additional development and use. There are no General Development Lakes in Renville County.

Golf Course Use – An area of land laid out for golf with a minimum series of nine holes each including a tee, fairway, and putting green and often one or more natural or artificial

hazards. A pro shop, restaurant, club house, and driving range are accessory uses to the principal use of the property as a golf course.

Governing Body – The Renville County Board of County Commissioners.

Grade – The average of the finished level at the center of the exterior walls of the building or the slope of a road, street, or other public way specified in percentage terms.

Grade, Street – The established elevation of the street in front of the building measured at the center of such front. Where no street grade has been established, the County Engineer shall establish such street grade or its equivalent for the purpose of this Ordinance.

Grading, Temporary – Grading, excavating, or filling that meets the following criteria shall be considered temporary:

1. Grading, excavating, or filling of at least 500 and not more than 10,000 cubic yards of material.
2. Grading, excavating, or filling that is temporary in nature, with a one-year time limit.
3. Grading, excavating, or filling that is not located in a Flood Plain, Shoreland, Scenic River, or Project Riverbed District. Grading, excavating, or filling in these districts shall be regulated under the appropriate chapter of the Ordinance specific to each of these districts.

Greenhouse – An enclosure used for the cultivation or protection of plants.

Grid-Intertie Solar System – A photovoltaic solar system that is connected to an electric circuit served by an electric utility company.

Groundwater – Water contained below the surface of the earth in the saturated zone including, without limitation, all waters whether under confined, unconfined, or perched conditions, in near-surface, unconsolidated sediment or regolith, or in rock formations deeper underground.

Guest Cottage – A structure used wholly or partially as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

Hazardous Materials – Substances or materials that, because of their chemical, physical, or biological nature, pose a potential risk to life, health, or property if they are released. “Hazardous materials” include any substance or material in a particular form or quantity that may pose an unreasonable risk to health, safety, and property, or any substance or material in a quantity or form that may be harmful to humans, animals, crops, water systems, or other elements of the environment if accidentally or intentionally released. Hazardous substances so designated may include explosives, radioactive materials,

etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, chemical and biological substances, and toxic or flammable gases.

Hazardous Substance:

1. Any commercial chemical designated pursuant to the Federal Water Pollution Control Act, under United States Code, Title 33, Section 1321(b)(2)(A), or successor codes;
2. Any hazardous air pollutant listed pursuant to the Clean Air Act, under United States Code, Title 42, Section 7412, or successor codes; and
3. Any hazardous waste.

Hazardous substance does not include natural gas, natural gas liquids, liquefied natural gas, synthetic gas usable for fuel, or mixtures of such synthetic gas and natural gas, nor does it include petroleum, including crude oil or any fraction thereof, which is not otherwise a hazardous waste.

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

Health Recreation Facility – An indoor facility including uses such as game courts, exercise equipment, locker rooms, whirlpool, hot tub, and/or sauna, and pro shop.

Hedge – A row of bushes or small trees planted close together to form a fence or enclosure.

Height of Building – The vertical distance between the highest adjoining ground level at the building or 10 feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or the highest ridge of a gable, mansard, gambrel, or other pitched or hipped roofs.

High Voltage Transmission Line (HVTL) – A conductor of electric energy and associated facilities designated for and capable of operating at a nominal voltage of 100 KV or more either immediately or without significant modification. Associated facilities shall include, but not be limited to, insulators, towers, substations, and terminals.

Highway – Any public thoroughfare or vehicular right-of-way with a federal, state, County, or township numerical route designation.

Holding Pond – An impoundment made by excavation, earth fill, concrete, fabricated steel, or other suitable material for the safe, non-water polluting, temporary storage of stormwater runoff.

Holding Tank – A tank for storage of sewage until it can be transported to a point of treatment and dispersal. Holding tanks are considered a septic system tank under Minnesota Statutes, Section 115.55, or successor statutes.

Home Occupation – A non-residential use conducted on a dwelling site for gainful employment which: (1) is clearly incidental and subordinate to the use of the property as residential; (2) is carried on solely within the main dwelling or an accessory building; (3) does not alter or change the exterior character of appearance of the property; and (4) is created and operated by the occupant of the dwelling. Home occupations are divided into two levels:

1. **Level I:** A use or occupation located in a dwelling or accessory building less than 2,000 square feet that generates no customers to the premises.
2. **Level II:** A use or occupation located in an accessory building 2,000 square feet or more or a use or occupation that would generate traffic or customers visiting the dwelling site. Licensed daycare providers subject to state regulations are exempted.

Homeowners Association – A formally constituted, non-profit association or corporation made up of the property owners and/or residents of the development for the purpose of owning, operating, and maintaining the common open space and facilities.

Horse Training Facility, Commercial – An accessory building in which horses (10 or more) not owned by the property owner are kept for commercial use including boarding, breeding, hire, sale, show, and training.

Horse Training Facility, Private – An accessory building incidental to the existing residential, principal use in which horses owned by the property owner are kept for private use and training.

Horticulture – The use of land for the growing or production for income of fruits, vegetables, flowers, nursery stock, and trees, including forestry, ornamental plants and trees, and cultured sod.

Hospitals – An institution providing primary health services and medical or surgical care to persons, including inpatients, suffering from illness, disease, injury, and other abnormal physical or mental conditions and including, as a related part of the institution, facilities such as laboratories, outpatient facilities, training facilities, medical offices, staff residences, and support services such as pharmacy, cafeteria, gift shop, florist, dispensary of surgical supplies, and similar customary uses associated with hospitals.

Hotel/Motel – A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, entertainment, and recreational facilities.

HVTL Associated Facilities – Buildings, equipment, and other physical structures that are necessary to the operation of a high voltage transmission line.

Impervious Surface – A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. It includes surfaces such as compacted sand, clay, or gravel as well as concrete and asphalt driveways, roofs, sidewalks, patios, and parking and loading areas.

Improvement – To make the use or structure better, more efficient, or more aesthetically pleasing including any change that does not replicate what pre-existed but does not include an expansion, enlargement, or intensification.

Incorporation (Animal Manure) – The mixing of manure with the topsoil by means such as discing, plowing, rototilling, injection, or other mechanical means concurrent with the application or within 24 hours, providing the mixing occurs before a rainfall event.

Incorporation (Septage) – Domestic septage applied to the land surface and incorporated into the soil surface by means such as discing, plowing, rototilling, injection, or other mechanical means.

Individual Parcel – A parcel as a whole as charged on the tax lists, or two or more contiguous parcels under common ownership on the effective date of this Ordinance.

Individual Sewage Treatment System or ISTS (See Also Subsurface Sewage Treatment System or SSTS) – An individual sewage treatment system or part thereof, as set forth in Minnesota Statutes, Sections 115.03 and 115.55, or successor statutes, that employs sewage tanks or other treatment devices with final discharge into the soil below the natural soil elevation or elevated final grade that is designed to receive a sewage design flow of 5,000 gallons per day or less. ISTS includes the holding tanks and privies that serve these same facilities.

Industrial Use – The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

Inoperative – Incapable of movement under its own power.

Intensive Vegetation Clearing – The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Interim Permit – A permit issued by the agency or County Feedlot Officer that expires no longer than 24 months from the date of issue.

Interim Use – A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it as determined by the County.

ISTS – An individual sewage treatment system.

Kennel – Commercial, Boarding – A commercial activity where animals are brought to the facility by their owner and boarded away from their owner for limited periods of time excluding animal and veterinarian clinics. Animals in boarding kennels are kept separated and do not engage in breeding activities. Animals in boarding kennels are not held out for sale. Accessory uses may include grooming and training.

Kennel – Commercial, Breeding – A commercial activity where four or more dogs and/or domestic pets over six months of age are kept for breeding purposes, engage in breeding activities and birthing, and where resulting young are raised for sale and sold excluding animal and veterinarian clinics. Accessory uses may include boarding, grooming, and training.

Kennel, Confinement Area – A structure used or designed for use to restrict an animal to a limited amount of space such as a room, pen, cage, kennel, compartment, crate, or hutch.

Kennel, Housing Facility – A room, building, or area that contains a confinement area.

Kennel, Outdoor Area – An enclosed outdoor area designed to allow dogs and/or domestic pets to stay without a leash.

Kennel, Private – Any place where four to 10 dogs and/or domestic pets over six months of age are owned and kept, by any member of the household, primarily for personal companionship, recreational enjoyment, or for performance events and where breeding and selling of animals is an accessory use to the principal use of the property.

Kennel Run – Enclosed or fenced area, indoor or outdoor, to allow dogs and/or domestic pets to exercise.

Lagoon – An impoundment made by the excavating of earthen fill for biological treatment of animal manure.

Land Alteration and Grading – Excavating, filling, or changing of the natural topography in the amount of 500 cubic yards or more of material per project including, but not limited to, landscaping, excavation for wildlife habitat, excavation and preparation for building or similar activity, and land improvements.

Land Application – The application of domestic septage or manure on or into the soil surface.

Land Clearing – The removal of a contiguous group of trees and other woody plants in an area of 20,000 square feet or more within a 12-month period.

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

Land Spreading – The placement of manure or septage or human waste from septic or holding tanks on or into the soil surface.

Land Use Development Application – The term includes, but is not limited to, applications for the following: individual sewage treatment system permits, vegetative alteration permits, grading permits, or other types of land use permits, Conditional Use Permits, amendments to this Ordinance, Variances from the provisions of this Ordinance, and the subdivision of real estate. The application is not considered complete and will not be accepted by Renville County Environmental Services unless all fees are paid, preliminary reviews and approvals completed, submitted with associated supporting information and documents, and such other information as required by Department staff.

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

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

Landscaping – Plantings, including trees, grass, ground cover, shrubs, and other natural materials such as rock and wood chips, and decorative features including sculpture, patterned walks, and fountains.

Legal Nonconformity – Any land use, structure, physical form of land development, lot of record, or sign legally established before the effective date of this Ordinance or subsequent amendment to it that would not be permitted by, or is not in full compliance with, the regulations of this Ordinance. A legal nonconformity is one of two types: nonconforming use or nonconforming structure.

Light Fixture, Outdoor – Outdoor, electrically powered, illuminating devices; outdoor lighting or reflective surfaces; lamps; and similar devices, permanently installed or portable, used for illumination or advertisement. The fixture includes the hardware that houses the illumination source and to which the illumination source is attached including, but not limited to, the hardware casing. Such devices shall include, but are not limited to, search, spot, and flood lights for: (1) buildings and structures; (2) recreational areas; (3) parking lot lighting; (4) landscape lighting; (5) billboards and other signs; (6) street lighting; (7) product display area lighting; and (8) building overhangs and open canopies.

Light Manufacturing – A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products.

Livestock – Domestic farm animals including, but not limited to, cattle, hogs, horses, bees, sheep, goats, chickens, and other animals commonly kept for commercial food production purposes.

Livestock Operations – A lot or structure or combination of lots and structures intended for the breeding, raising, or holding of 10 or more animal units in the Shoreland District or 50 or more animal units in the non-Shoreland District.

Loading Space – A space accessible from a street, alley, or way, in or outside of a building, for the use of trucks while loading and unloading merchandise or materials.

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

Lot – A parcel of land designated by plat, metes and bounds, registered land survey, auditors 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.

Lot Area – The area of a lot contained within the lot lines.

Lot Area, Minimum Per Dwelling Unit – The minimum number of square feet or acres of lot area required per dwelling unit.

Lot, Buildable – A lot that meets or exceeds all requirements of the Renville County Land Use Ordinance without the necessity of Variances.

Lot, Corner – A lot bordered on at least two adjacent sides by intersecting roads or highways.

Lot Coverage – The area of the lot occupied by the principal buildings, accessory buildings, and impervious surfaces.

Lot Depth – The mean horizontal distance between the front right-of-way or lot line and the rear lot line.

Lot, Double Frontage – Lots which have a front line abutting on one street/road and a back or rear line abutting on another street/road.

Lot, Interior – A lot other than a corner lot including through lots.

Lot Line – The property line bounding a lot, except that where any portion of a lot extends into a public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the plot line.

Lot Line, Front – That boundary of a lot which abuts an existing or dedicated public street/road.

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

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

Lot, Parcel, or Tract – A parcel of land that was recorded by plat, metes and bounds, registered land survey, or other accepted means as a separate lot, parcel, or tract in the office of the Renville County Recorder on or before the effective date of the Land Use Ordinance.

Lot of Record – Any lot that was recorded by deed or filed as a separate parcel in the office of the County Recorder for Renville County, Minnesota, prior to the effective date of this Ordinance.

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

Lot Width – The horizontal distance between the side lot lines of a lot measured at right angles to the lot depth at the established front building setback line.

Lowest Floor – The lowermost floor of the lowest enclosed area including basement and crawl space. An unfinished or flood-resistant enclosure used solely for parking of vehicles, building access, or storage in an area other than a basement or crawl space area is not considered a building's lowest floor.

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

Manufactured Home – A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include “recreational vehicle.”

Manufactured Home Park – Any site, lot, field, or tract of land under single ownership designed, maintained, or intended for the placement of two or more occupied manufactured homes. “Manufactured Home Park” shall include any buildings, structures, vehicles, or enclosures intended for use as part of the equipment of such manufactured home park.

Manure – Any solid or liquid containing animal excreta.

Manure Stockpile Standards – Requirements as outlined in Minnesota Rules, Chapter 7020, or successor rules, for permitting, design, construction, location, operation, and maintenance of short-term and permanent stockpile sites.

Manure Storage Area or Structure – An area or structure associated with an animal feedlot where animal manure or runoff containing animal manure is stored until it can be utilized as domestic fertilizer or removed to a permitted animal manure disposal site. Animal manure packs or mounding within the animal feedlot shall not be considered to be manure storage for these regulations.

Mausoleum – A structure for the entombment of the dead in crypts or vaults in a place used, or intended to be used, for cemetery purposes.

Medical Clinics/Offices – A use involving establishments dispensing health services.

Medical Uses – Those uses concerned with the diagnosis, treatment, and care of human beings. These include hospitals, dental services, medical services or clinics, nursing or convalescent homes, and assisted living centers.

Meteorological Tower – Those towers and equipment which are erected primarily to measure wind speed and directions plus other data relevant to siting WECS. Meteorological towers do not include towers and equipment used by airports, the Minnesota Department of Transportation, or other similar applications to monitor weather conditions.

Metes and Bounds – A description of real property which is not described by reference to a lot or block shown on a map or a recorded plat but is described by starting at a known point and describing the direction and length of the lines forming the boundaries of the property.

Midsized Subsurface Sewage Treatment System or MSTs – A subsurface sewage treatment system, or part thereof, as set forth in Minnesota Statutes, Sections 115.03 and 115.55, or successor statutes, that employs sewage tanks or other treatment devices with final discharge into the soil below the natural soil elevation or elevated final grade and that is designed to receive sewage with a design flow greater than 5,000 gallons per day to 10,000 gallons per day. MSTs also includes sewage collection systems and associated tanks that discharge into MSTs treatment or dispersal components.

Minimum Subdivision Design Standards – The guides, principles, and specifications for the preparation of subdivision plats indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the plan.

Mining/Extraction Use – 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.
6. Temporary grading.

Modification of Existing Feedlot – Conversion or remodeling of an existing structure or manure handling facility, a change in livestock type or a change in the operation of a feedlot that does not result in an increase in the number of animal units of the facility.

Modular or Pre-Fabricated Home – A non-mobile housing unit that is entirely or mostly fabricated off site and transported to a building site where final installations are made, permanently affixing the module to the site. A modular home shall be considered the same as a single-family dwelling under the standards in this Ordinance provided it meets the standards for floor area and other minimum standards.

Motor Vehicle – Car, truck, motorcycle, bus, or recreational vehicle or similar equipment which is permitted by license to operate on public roads.

Motor Vehicle Repair – Major or general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers; collision service including body, frame, or fender straightening or repair; overall painting and upholstery; vehicle steam cleaning.

Motor Vehicle Sales – The sale or trade of new or used motor vehicles, whether cars, trucks, buses, campers, motorcycles, or other motorized vehicles, including the display of new or used vehicles for sale or trade on a motor vehicle sales lot.

Moving Permit – A permit required from the responsible unit of government prior to the moving of any partially or wholly erected structure on a public road.

MPCA – The Minnesota Pollution Control Agency.

MSTS – A mid-sized SSTS as defined in Minnesota Rules, Part 7081.0020, Subp. 4., or successor rules.

Municipality – A city or township, however organized.

Nameplate – A sign indicating the name and/or the address of a building or the name of an occupant thereof and/or the practice of a permitted occupation therein.

National Pollutant Discharge Elimination System (NPDES) – A National Pollutant Discharge Elimination System Permit issued by the MPCA.

Natural Drainageway/Waterway – A natural passageway or depression in the earth's surface, such as ravines, draws, and hollows, that has definable beds and banks capable of conducting surface water runoff from adjacent lands before reaching a final ponding area.

Natural Environment Lakes – Generally small, often shallow, lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables, exposed bedrock, and unsuitable soils. These lakes, particularly in rural areas, usually do not have much existing development or recreational use.

Natural Resources – The physical values of the land supplied by nature including, but not limited to, animal life, plant life, soil, rock, minerals, and water.

Neighborhood – An area containing a contiguous group of residential lots distinguishable by some identifiable feature or point of reference where people live in close proximity to one another.

New Construction (ISTS) – Installing or constructing a new ISTS; or altering, extending, or adding capacity to a system that has been issued an initial Certificate of Compliance.

Nonconforming Structure – Any structure lawfully or legally existing on the effective date of this Ordinance, or any amendment thereto, which does not conform to the regulations, including the dimensional standards, for the district in which it is located after the effective date of this Ordinance or amendments thereto.

Nonconformity – Any legal use, structure, or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments to those controls that would not have been permitted to become established under the terms of the official controls as now written.

Non-Residential Subdivision – A subdivision whose intended use is other than residential, such as commercial or industrial.

Notice of Noncompliance (ISTS) – A document written and signed by a certified inspector after a compliance inspection that gives notice that an ISTS is not in compliance as specified under Minnesota Rules, Part 7080.1500, or successor rules.

Nursery – An area where plants are grown for transplanting and for use as stocks for budding and grafting.

Nursery, Day – A use where care is provided for three or more children under kindergarten age for periods of four hours or more per day for pay.

Nursing Home/Care Center – A building facility for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder. Facilities shall be licensed by the State Board of Health as provided for in Minnesota Statutes.

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

Odor Reducing Technologies – Technologies that will reduce odor emissions from a feedlot. Examples include biofilters, synthetic covers, natural crusts, pit additives, non-thermal plasma reactors, feed additives, or total confinement.

Office Use – Those commercial activities that take place in business and professional office buildings where goods are not produced, sold, or repaired. Such activities include, but are not limited to, banks, professional offices, governmental offices, insurance offices, real estate offices, telephone exchanges, utility offices, radio broadcasting, and similar uses.

Official Controls – Legislatively defined and enacted policies, standards, precise detailed maps, and other criteria, all of which control the physical development of a municipality or a county, or any part thereof, or any detail thereof, and the means of translating into ordinances all or any part of the general objectives of the Comprehensive Plan. Such official controls may include, but are not limited to, ordinances establishing zoning, subdivision controls, and official maps and have been adopted by Renville County.

Official Map – A map established by the governing body in accordance with the provisions of Minnesota Statutes, Section 394.361, or successor statutes.

Open Basin, Open Concrete Tank, or Any Open Manure Storage Vessel – Any structure, or designed and approved manure storage vessel, which is not covered by a minimum of a six-inch thick layer of straw, a synthetic or floating cover, or a wooden, concrete, or glass-lined structure. All manure storage vessels not totally encompassed by one of the above-described methods shall be considered an open manure storage vessel.

Open Sales Lot – Any land used or occupied for the purpose of buying and selling goods and services, materials, merchandise, equipment, or real estate, excluding personal property auctions, estate sales, garage sales, or similar one-time, on-site events.

Open Space – Land used for agriculture, natural habitat, pedestrian corridors, trails, and/or recreational purposes that is undivided and permanently protected from future development.

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.

Open/Exterior Storage – Storage of any material outside of a building.

Operator, Mining – Any owner or lessee of mineral rights engaged in or preparing to engage in mining operations.

Ordinance – The Renville County Land Use Ordinance.

Ordinary High Water Level (OHWL) – The boundary of “public waters” and “wetlands” as defined by Minnesota Statutes, Chapter 103G, or successor statutes, and shall be 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. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

Original Soil – Naturally occurring soil that has not been cut, filled, moved, smeared, compacted, altered, or manipulated to the degree that the loading rate must be reduced from that associated with natural soil conditions.

Other Establishments – Any public or private structure other than a dwelling that generates sewage.

Outlot – A lot remnant or any parcel of land included in a plat which is not buildable at the time of platting. An outlot may be a large tract that could be subdivided in the future; or a lot which may be too small to comply with the minimum size requirements of zoning and subdivision ordinances; or a lot otherwise unsuitable for development and, therefore, not usable as a building site.

Outpatient Surgical, Diagnostic, Testing, and Rehabilitative Services – Specialized services including diagnostic and treatment services provided under the direction of a licensed physician to patients not requiring hospitalization.

Overlay District – A zoning district shown as an overlay on the zoning map.

Owner – An individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

Parking Space – A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one standard motor vehicle.

Parks and Playgrounds – Public lands and open spaces dedicated or reserved for and usable for recreational purposes.

Pasture – Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetation cover is maintained during the growing season except in the immediate vicinity of temporary supplemental feeding or water devices.

Patio – An open recreation area that is often paved and within one foot of pre-existing grade.

Percentage of Grade – “Percentage of grade” vertically (up or down) from the horizontal in feet and tenths of a foot for each 100 feet of horizontal distance.

Performance Standards – The minimum development standards as adopted by this Ordinance.

Periodically Saturated Soil – The highest elevation in the soil that is in a reduced chemical state due to soil pores filled or nearly filled with water causing anaerobic conditions. Periodically saturated soil is determined by the presence of redoximorphic features in conjunction with other established indicators as specified in Minnesota Rules, Part 7080.1720, Subp. 5, Items E and F, or successor rules, or determined by other scientifically established technical methods or empirical field measurements acceptable to the permitting authority in consultation with the Commissioner of the Minnesota Pollution Control Agency.

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

Person – Includes an individual, a firm, a partnership, a corporation, a company, an unincorporated association of persons such as a club, and an owner.

Photovoltaic System – An active solar energy system that converts solar energy directly into electricity.

Pitted Barn – A building with self-contained, concrete manure storage capabilities. The concrete manure storage vessel shall be covered by the building if directly below the building or may be located outside the building and covered with an impervious material.

Planned Unit Development – A method of land use or development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and that incorporates clustering of these units or sites to provide areas of common open space and a mix of structure types and land uses. These developments may be organized and operated as residential or commercial enterprises such as individual dwelling units, townhouses, condominiums, time-share condominiums, cooperatives, common-interest communities, shared-interest communities, apartment buildings, non-resort campgrounds and youth camps, recreational vehicle parks, manufactured home parks, hotels, motels, or any combination of these. Planned unit developments shall also

include any conversion of pre-existing structures and land uses in order to utilize this method of development.

Planning Commission – The Renville County Planning Commission.

Plant Nursery/Tree Farm – A building or premises used primarily for the growing, wholesale, and retail sales of trees, shrubs, flowers, other plants, and accessory products excluding power tools, tractors, decorative rock, tree bark, gravel, and compost. Accessory products are those products that are used in the culture, display, and decoration of lawns, gardens, and indoor plants.

Plat – A map or drawing of a subdivision containing all elements and requirements set forth in official controls adopted pursuant to Minnesota Statutes, Chapters 394 and 505, or successor statutes.

Platform – A horizontal, unenclosed structure with or without attached railings, seats, trellises, or other features attached or functionally related to a principal use or site and at any point extending less than three feet above ground.

Pollution Abatement Structure – Any of the defined animal manure storage systems listed within the Ordinance which are designed and constructed to collect runoff from existing open concrete feeding floors or open dirt lots which currently pose a pollution hazard to surface or groundwater of Renville County.

Power Purchase Agreement – A legally enforceable agreement between two or more persons where one or more of the signatories agrees to provide electrical power and one or more of the signatories agrees to purchase the power.

Preliminary Approval (Subdivision) – Official action taken by the County on an application to create a subdivision that establishes the rights and obligations set forth in Minnesota Statutes, Section 462.358, or successor statutes, and the applicable subdivision regulation. In accordance with Minnesota Statutes, Section 462.358, or successor statutes, and unless otherwise specified in the applicable subdivision regulation, preliminary approval may be granted only following the review and approval of a preliminary plat or other map or drawing establishing without limitation the number, layout, and location of lots, tracts, blocks, and parcels to be created, location of streets, roads, utilities and facilities, park and drainage facilities, and lands to be dedicated for public use.

Preliminary Plat – The preliminary map or drawing indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.

Prime Farmland – Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops. It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods.

Primitive Campsites – An area that consists of individual remote wooded campsites.

Principal Structure or Use – One that determines the predominant use as contrasted to accessory use or structure.

Private Recreational Area – A recreation use particularly oriented to utilizing the outdoor character of an area including hiking and riding trails, interpretative areas, and other passive forms of recreation and not open to the general public.

Private Road/Driveway – A street/road serving as vehicular access to one or more parcels of land which is not dedicated to the public but is owned by one or more private parties.

Private Stable or Paddock – A facility for the exclusive use of the owners or occupants of the premises on which it is located that is either: (1) a building having stalls or compartments for the shelter of horses; or (2) an enclosed area used for pasturing or exercising horses.

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

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

Protected Waters – Those waters of the state identified as public waters or wetlands under Minnesota Statutes, Section 103G.005, Subd. 15, or successor statutes, and inventoried under Minnesota Statutes, Section 103G.201, or successor statutes, and identified on a protected waters inventory map available in the County Auditor/Treasurer office and the Environmental Services office.

Public Access – An area owned and/or operated by a governmental entity for the launching and retrieval of watercraft from the public waters or other recreational activities adjacent to public waters.

Public Building and Facilities – A building and its grounds the cost and maintenance of which is paid for by a government or government agency.

Public Conservation Lands – Land owned in fee title by state or federal agencies and managed specifically for [grassland] conservation purposes including, but not limited to, state wildlife management areas, state parks, state scientific and natural areas, federal wildlife refuges, and waterfowl production areas. For the purposes of this Ordinance, public conservation lands will also include lands owned in fee title by non-profit conservation organizations. Public conservation lands do not include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.

Public Land – Land owned or operated by municipal, school district, county, state, or other governmental units.

Public Nuisances – A public nuisance is a thing, act, occupation, or use of property which:

1. Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, comfort, or peace of any considerable numbers of the public.
2. Interferes with, obstructs, or renders dangerous for passage any public highway or right-of-way or waters used by the public.
3. Is guilty of any other act or omission declared by law to be a public nuisance and for which no sentence is specifically provided (reference Minnesota Statutes, Section 609.74), or successor statutes.

Public Open Space – Any publicly owned open area including, but not limited to, the following: parks, trails, playgrounds, school sites, and parkways.

Public Utility – Any person, firm, corporation, municipal department, or board fully authorized by the County to furnish to the public electricity, gas, steam, communication services, telegraph services, transportation, water, or other essential public services.

Public Waters – Any public waters or wetlands defined in Minnesota Statutes, Section 103G.005, Subd. 15, or successor statutes, or identified as public waters or wetlands by the inventory prepared according to Minnesota Statutes, Section 103G.201, or successor statutes.

Qualified Employee – A state or local government employee who designs, installs, maintains, pumps, or inspects SSTS as part of the person's employment duties.

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

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

Recreation/Entertainment Facilities, Commercial – Includes all uses such as bowling alleys, roller and ice skating rinks, driving ranges, and movie theaters, but not limited to, those uses that are privately owned and operated with the intention of earning a profit by providing entertainment for the public.

Recreation Equipment – Play apparatus such as swing sets and slides, sandboxes, poles for nets, unoccupied boats and trailers not exceeding 25 feet in length, picnic tables, lawn chairs, barbecue stands, and similar equipment or structures but not including tree houses,

swimming pools, play houses exceeding 25 square feet in floor area, or sheds utilized for storage of equipment.

Recreation Facility, Public – Includes all uses such as tennis courts, ball fields, picnic areas, hiking and biking trails, and the like that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.

Recreation Use Area – The area allowed within the shore impact zone for residential lots, conservation subdivisions, planned unit developments, and new resorts.

Recreational Development Lakes – Generally medium-sized lakes of varying depths and shapes with a variety of landform, soil, and groundwater situations on the lands around them. They often are characterized by moderate levels of recreational use and existing development. Development consists mainly of seasonal and year-round residences and recreationally oriented commercial uses. Many of these lakes have capacities for accommodating additional development and use.

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

Recyclable Materials – Materials that are separated from mixed municipal solid waste for the purpose of recycling. For the purpose of this Ordinance, these materials are limited to paper, glass, plastics, and metals.

Recycling Center – A facility where recyclable materials are collected, stored, flattened, crushed, or bundled prior to shipment to others who will use those materials to manufacture new products.

Redoximorphic Features – A color pattern in soil, formed by oxidation and reduction of iron or manganese in saturated soil coupled with their removal, translocation, or accrual, which results in the loss (depletion) or gain (concentration) of mineral compounds compared to the matrix color or a soil matrix color controlled by the presence of ferrous iron. Redoximorphic features are described in Minnesota Rules, Part 7080.1720, Subp. 5, Item E, or successor rules.

Refuse – Putrescible and non-putrescible solid wastes including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and market and industrial solid wastes and including municipal treatment wastes that do not contain free moisture.

Regional Flood – A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on

an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term “base flood” used in the Flood Insurance Study.

Registered Land Survey – A survey map identifying registered (Torrens) land in accordance with Minnesota Statutes, Chapter 508, or successor statutes.

Regulatory Flood Protection Elevation – An elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway. It is the elevation to which uses regulated by this Ordinance are required to be elevated.

Religious Facility – A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Replacement (ISTS) – The removal or discontinued use of any major portion of an ISTS and reinstallation of that portion of the system, such as reinstallation of a new sewage tank, holding tank, dosing chamber, privy, or soil dispersal system.

Replacement, Reconstruction, or Restoration – Construction that exactly matches pre-existing conditions. By way of example, this would include, but is not limited to, exactly matching pre-existing conditions in terms of location, dimension, size, area, floor plan, useable space (both finished and unfinished), height, volume, and roof line.

Residential Care, Congregate Care, and Assisted Living Facilities – A building, complex, or distinct part thereof consisting of fully self-contained, individual living units with a service or package of services advertised, marketed, or otherwise described, offered, or promoted using the phrase “assisted living” either alone or in combination with other words, whether orally or in writing, and which is subject to the requirements of Minnesota Statutes, Sections 144G.01 – 144G.06, or successor statutes.

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

Resort – A commercial establishment that includes buildings, campgrounds, lodges, structures, dwelling units/sites, enclosures, or any part thereof kept, used, maintained, advertised as, or held out to the public to be a place where sleeping accommodations are furnished to the public and primarily to those seeking recreation for periods of one day, one week, or longer and having for rent three or more cabins, rooms, campsites, or enclosures. These establishments must be primarily service-oriented for transient lodging of guests. All cabins, rooms, dwelling units/sites, or enclosures must be included in the resort rental business. Resorts allow no residential use of a dwelling unit/site for more than 30 days within a calendar year except dwellings used as residences for the service providers or dwelling units/sites for renters. In order to qualify as a resort pursuant to this definition,

a resort shall also be fully licensed and permitted under appropriate state and local regulations. The entire parcel of land must be controlled and managed by the licensee.

Resource Inventory – A survey of the land’s features including its natural resources, cultural resources, scenic views and view sheds, and physical characteristics.

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

Right-of-Way – The publicly owned land along a road or highway corridor, a portion of which is covered by the road or highway pavement.

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

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

Road Authority – Governing body responsible for the management and maintenance of public roads and highways.

Roadside Sales Stand – Structure used only for the display and sale of agriculturally grown products, with no space for customers within the structure, on a seasonal basis.

Runway – A surface of any airport landing strip.

Runway Instrument – A runway equipped with air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.

Rural Event Venue – A business providing an indoor or outdoor space used for events such as weddings, business meetings, retreats, performances, competitions, or similar uses with a capacity of more than 100 people.

Salvage/Junkyard/Recyclable Center – Land or buildings where waste, discarded, salvaged, or recyclable materials are bought, sold, stored, exchanged, sorted, cleaned, packed, disassembled, or handled on a commercial basis including, but not limited to, scrap metal, aluminum, rags, paper, hides, rubber products, glass products, lumber products, and products resulting from the wrecking of automobiles or other vehicles.

Scenic River District – Those lands designated by the Commissioner of the Minnesota Department of Natural Resources as the protected land corridor along the Minnesota River that the Commissioner has designated as components of the Minnesota Wild and Scenic Rivers System.

Scenic View/Resources – That part of the landscape that provides a picturesque view and may contain outstanding recreational, natural, historic, scientific, and manmade values.

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

Screen – A barrier accomplished by a variety of means intended to prevent visibility through the barrier. If accomplished by landscape materials, the screen must be at least 80 percent opaque.

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

Security Lighting – Outdoor lighting fixtures installed exclusively as a measure to reduce the possible occurrence of a crime on the property.

Selective Cutting – The removal of single, scattered trees/vegetation.

Self-Service Storage Facility – A structure or structures containing separate storage spaces of varying sizes that are leased or rented individually.

Semi-Public Uses – Uses owned by private or private nonprofit organizations which are open to some but not all of the public such as: denominational cemeteries, private schools, clubs, lodges, recreation facilities, and religious facilities.

Senior Independent Living Facilities – A building, complex, or distinct part thereof consisting of fully self-contained, individual apartment units with full kitchen and restroom facilities in each unit which are specifically marketed to mature adults.

Sensitive Resource Management – The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of plants or animals in need of special protection.

Septage – Solids and liquids removed from an SSTS and includes solids and liquids from cesspools, seepage pits, other pits, or similar systems or devices that received sewage. Septage also includes solids and liquids that are removed from portable, incinerating, composting, holding, or other toilets. Waste from Type III marine sanitation devices, as defined in 33 Code of Federal Regulations, Part 159.3, or successor codes, and material that has come into contact with untreated sewage within the past 12 months is also considered septage.

Septic Permit – A permit required from the responsible governmental agency for the installation of any new or replacement on-site sewage disposal system.

Septic System – Existing – Septic systems that have been previously inspected and approved by the local unit of government during installation. In addition, all operating systems installed before the adoption of a local permitting and inspection program are considered existing systems.

Septic System – Failing – Any system that discharges sewage to a seepage pit, cesspool, drywell, leaching pit, other pit, a tank that obviously leaks below the designated operating depth, or any system with less than the required vertical separation as described in Minnesota Rules, Chapter 7080, or successor rules. In addition, any system posing an imminent threat to public health or safety as defined in Minnesota Rules, Chapter 7080, or successor rules, shall be considered failing.

Setback – The minimum horizontal distance between a structure or sewage treatment system or other facility and the ordinary high water level, top of bluff, natural resource feature, sewage treatment system, road or highway, property line, or other facility.

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

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

Sewage Treatment System – Sewage treatment system has the meaning given under Minnesota Rules, Part 7080.1100, Subp. 82, or successor rules.

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

Sewered – Property that is located in the Shoreland District that is served by a public sewage treatment system or sanitary district.

Shared-Interest Community – Real estate that is subject to an instrument which obligates persons owning a separately described parcel of the real estate and occupying a part of the real estate pursuant to a proprietary lease or covenant for residential use for more than 30 days within a year, by reason of their ownership or occupancy, to pay for real estate taxes levied against, insurance premiums payable with respect to, maintenance of, or construction, maintenance, repair, or replacement of improvements located on one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies.

Shielding – A technique or method of construction permanently covering the top and sides of a light source by a material which restricts the light emitted to be projected below an imaginary horizontal plane passing through the light fixture.

Shopping Center – Any group of four or more retail/service businesses with a single architectural plan.

Shore Impact Zone – Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the required structure setback but not less than 50 feet. This area serves as the primary shoreline buffer.

Shore Recreation Facilities – Swimming areas, docks, watercraft mooring areas and launching ramps, and other water recreation facilities.

Shoreland – The land located within the following distances from public waters: (1) 1,000 feet from the ordinary high water mark of a lake, pond, or flowage; (2) 300 feet from a river or stream or the landward extent of a flood plain designated by Ordinance on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits wherever the waters involved are bounded by natural topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner of the Minnesota Department of Natural Resources.

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

Sign, Abandoned – A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted, or product available on the premises where such sign is displayed.

Sign, Agricultural Product – Sign located on a farm residence property advertising farm products or merchandise or services sold, produced, manufactured, or furnished on such farm.

Sign, Apartment Development – Sign which identifies an apartment complex of eight or more units.

Sign Area – The area that is framed either physically or visually by the construction, design, or layout of a sign itself but not including supporting structures. Only one side of a double-face sign structure shall be used in computing the total sign area.

Sign, Awning, Canopy, or Marquee – A sign attached to or constructed on the fascia hung, painted, or attached to a canopy, awning, or marquee.

Sign, Banner – An attention-getting device intended to be hung either with or without a frame. Such signs are typically made of plastic, paper, or other fabric and are hung for a limited amount of time.

Sign, Billboard/Advertising – A sign erected along a County, state trunk, or federal highway for the purpose of advertising a business, service, activity, product, event, person, or subject not offered or sold on the premises on which said sign is located.

Sign, Business – A sign which directs attention to a business or profession conducted upon the premises at which the sign is located and which may refer to goods or services produced, offered for sale, or obtained at such premises.

Sign, Changing (Automatic) – Any sign such as electronically or electrically controlled public service information signs, message centers, or reader boards where different automatic changing messages of an informative or commercial nature of interest to the traveling public are shown.

1. **Message Center:** A sign which contains a changing message within the copy area which remains on for a specified minimum period of time and blacks out for a specified minimum of time between messages.
2. **Electronic Reader Board:** A sign which contains a traveling message, or a message which appears to be traveling, and usually in a horizontal manner. The characters incorporated into any message remain constant, and do not change in hue or intensity, as they travel or appear to travel across or through the automatic changing copy of the sign.
3. **Public Service Information Sign:** Any sign intended primarily to promote messages of general interest to the community such as time, temperature, date, atmospheric conditions, news, or traffic control, etc.

Sign, Construction – A sign placed at a construction site identifying the project or the name of the architect, engineer, contractor, financier, or other involved parties.

Sign, Directional – A sign that contains no advertising of any kind and provides direction or instruction to guide persons or vehicles to facilities intended to serve the public.

Sign, Flashing – An illuminated sign upon which the artificial light is not kept constant in terms of intensity or color at all times when the sign is illuminated.

Sign, Freestanding – Any stationary, self-supporting sign standing on the ground not affixed to any other structure. Includes monument, ground, or pedestal sign.

Sign, Garage Sale – Signs advertising a garage sale.

Sign, Height – The vertical distance measured from the adjacent street grade or upper surface of the nearest street curb to the highest point of said sign.

Sign, Historical – Any sign that is of historical significance or that is a historical resource.

Sign, Home Occupation – A sign identifying a residential professional office or home occupation, which has received a Conditional Use Permit, conducted in a portion of the home or accessory building.

Sign, Housing Development – Sign which identifies the name of a housing development subdivision of eight or more units.

Sign, Identification – A sign that identified the inhabitant of the dwelling.

Sign, Illuminated – Any sign that is lighted by an artificial light source either directed upon it or illuminated from an interior source.

Sign, Institutional – A sign identifying a religious or public institution or public recreational facility including airport, library, community center, park, religious facility, hospital, armory, school, nature center, or cemetery.

Sign, Manufactured Park – Sign identifying a manufactured home park of eight or more units.

Sign, Memorial – Names on buildings, date of construction, commemorative tablet, and the like, which are constructed of bronze or other non-combustible material and which are an integral part of the building or structure.

Sign, Mobile or Portable – Signs on wheels or otherwise capable of being moved from place to place.

Sign, Motion – Any sign that revolves, rotates, has any moving parts, or gives the illusion of motion.

Sign, Nameplate – A sign that states the name and/or address of the business, industry, or occupant.

Sign, Nonconforming (Legal) – Any advertising structure or sign which was lawfully erected and maintained prior to the adoption of this Ordinance, and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this Ordinance.

Sign, Pedestal – A ground sign usually erected on one central shaft or two posts which is solidly affixed to the ground.

Sign, Political – A sign on behalf of a candidate for office or measures on election ballots.

Sign, Projecting – A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.

Sign, Public – Signs of public, noncommercial nature including safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historic points of interest, memorial plaques, and the like when signs are erected by or on order of a public officer or employee in the performance of official duty.

Sign, Real Estate – A business sign placed upon a property advertising that particular property (land and/or buildings) for sale, rent, or for lease.

Sign, Real Estate Development – A temporary sign for the purpose of selling or promoting a subdivision plat or development project.

Sign, Roof – Any sign that is erected, constructed, or attached wholly or in part upon or over the roof of a building.

Sign, Shopping Center or Industrial Park – A business sign designating a group of shops or offices.

Sign Structure – The supports, uprights, braces, and framework of the sign.

Sign, Unlawful – A sign which violates the Ordinance or which the Zoning Administrator may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or abandonment.

Sign, Wall – A sign attached to or painted on or erected against the wall of a building with the exposed face of the sign plane parallel to the plane of the said wall.

Sign, Window – Signs placed inside a building for the purpose of viewing from the exterior through a window.

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

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

Soil Dispersal Area – The area required for the soil dispersal system including spacing between individual units or zones.

Soil Dispersal System – A system where sewage effluent is dispersed into the soil for treatment by absorption and filtration and includes, but is not limited to, trenches, seepage beds, at-grade systems, mound systems, and drip dispersal systems.

Solar Array – Any number of solar photovoltaic modules or panels connected together to provide a single electrical output.

Solar Energy – Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy Conversion System – A set of devices whose primary purpose is to collect solar energy and convert and store it for useful purposes including heating and cooling buildings or other energy-using processes or to produce generated power by means of any combination of collecting, transferring, or converting solar-generated energy.

Solar Energy Conversion System, Accessory – A solar panel or array mounted on a building, pole, or rack that is secondary to the primary use of the parcel on which it is located and which is directly connected to or designed to serve the energy needs of the primary use.

Solar Energy Conversion System, Active – A solar energy system that transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, or chemical means.

Solar Energy Conversion System, Solar Farms/Gardens – A solar array composed of multiple solar panels on ground-mounted racks or poles which is the primary land use for the parcel on which it is located. Solar farms generally have a Direct Current (DC) rated capacity greater than 100 kilowatts.

Solar, Panel – A solar photovoltaic device composed of groups of individual solar cells connected in series, in parallel, or in series-parallel combinations to produce a standard output.

Solid Waste – Garbage, refuse, and other discarded solid materials, except animal waste used as fertilizer, including solid waste materials resulting from industrial, commercial, and agricultural operations and from community activities. Solid waste does not include earthen fill, boulders, rock, and other materials normally handled in construction operations, solids or dissolved material in domestic sewage, and other significant pollutants in water resources such as salt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows, or other common water pollutants.

Solid Waste Management Facility – A facility for the collection, transportation, processing or reuse, conversion, or disposal of solid waste. As it pertains to this definition, facility means the land, structures, monitoring devices, and other improvements on the land used for monitoring, treating, processing, storing, or disposing of solid waste, leachate, or residuals from solid waste processing.

Solid Waste Transfer – A process or facility in which solid waste from collection vehicles is compacted or rearranged for subsequent transport to another location.

Specified Anatomical Areas – Specified anatomical areas include any of the following, whether actual or simulated: (1) less than completely and opaquely covered: (A) human genitals or pubic region, (B) buttocks, and (C) female breast below a point immediately above the top of the areola; or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities – Specified sexual activities means and includes any of the following: (1) the fondling or sexual touching of human genitals, pubic regions, buttocks, anus, or female breasts; or (2) sex acts, normal or deviant, actual or simulated, including intercourse, oral copulation, or sodomy; or (3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities set forth above.

Spillage Lighting – Any reflection, glare, or other artificial light emission onto any adjoining property or right-of-way above a defined maximum illumination.

SSTS – A subsurface sewage treatment system.

Standard Plat – The subdivision of land into standard plats as outlined in Minnesota Statutes, Chapter 505, or successor statutes.

State Disposal System (SDS) Permit – A State Disposal System Permit issued by the MPCA.

State Licensed Residential Facility or Housing with Services Establishments – A group home, family foster home, or other publicly supported out-of-home residential facility, including any out-of-home residential facility licensed by the state, County, or other political subdivision, or any agency thereof, to provide foster care.

Steep Slope – Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available County soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, which are not bluffs.

Story – That portion of a building included between the surface of any floor and the surface of the floor next above including below ground portions of earth-sheltered buildings.

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

Street, Collector or Minor Arterial – A street that serves or is designed to serve as a traffic way for a neighborhood or to move traffic from local roads to major or arterial roads.

Street, Cul-de-sac – A street turn-around with only one outlet.

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

Street, Major or Arterial – A street that serves, or is designed to serve, heavy flows of traffic between communities and/or other heavy traffic generating areas.

Street Pavement – The wearing or exposed surface of the roadway used by vehicular traffic.

Street, Rural Design – A street without curb and gutter having either paved or gravel shoulders.

Street, Service – Marginal access street or otherwise designated as a minor street, which is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.

Street, Urban Design – A street that incorporates either concrete or bituminous curb and gutter.

Street Width – The shortest distance between the lines delineating the roadway including shoulders or parking lanes of a street. On urban designed streets, it is face-to-face of curbs.

Structural Alteration – Any change in the supporting members of a building, such as bearing walls, columns, beams, foundation, or girders, or any substantial changes in the roof and/or exterior wall construction that would alter the dimensions of the structure.

Structure – Any building or accessory structure including decks, platforms, carports, sheds, and pools/tubs, except aerial or underground utility lines such as sewer, electric, telephone, telegraph, gas lines, towers, poles, or other supporting facilities.

Structure (Flood Plain) – Anything constructed or erected on the ground or attached to the ground or on-site utilities including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Chapter Nine (Flood Plain Regulations), Section 9.3.A, of this Ordinance, and other similar items.

Subdivider – Any person commencing proceedings under the Ordinance to effect a subdivision or re-subdivision of land hereunder for himself or for another.

Subdivision – The division or re-subdivision of land into two or more lots, tracts, parcels, sites, units, or interests for the purpose of offer, sale, or lease.

1. **Minor Subdivision.** Any subdivision three or less lots fronting on an existing street, not involving any new street 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 Shoreland Use – Any use of shorelands existing prior to the date of enactment of any County Ordinance which is permitted within the applicable zoning district but does not meet the minimum lot area and length of water frontage, structure setbacks, or other dimensional standards of the Ordinance.

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.

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

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

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
2. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this Ordinance, “historic structure” shall be defined in 44 Code of Federal Regulations, Part 59.1, or successor codes.

Subsurface Sewage Treatment System Business or SSTS Business – A business that designs, installs, maintains, repairs, pumps, operates, or inspects an SSTS as appropriate with the organization’s license and qualifications.

Subsurface Sewage Treatment System or SSTS (See Also Individual Sewage Treatment System or ISTS) – An individual subsurface sewage treatment system as defined in Minnesota Rules, Part 7080.1100, or successor rules, or a midsized sewage treatment system as defined in Minnesota Rules, Part 7081.0020, or successor rules.

Suitability Analysis – An evaluation of land to determine if it is appropriate for the proposed use. The analysis considers factors relevant to the proposed use and may include the

following features: susceptibility to flooding; existence of wetlands; soils, erosion potential; slope steepness; water supply, sewage treatment capabilities; water depth, depth to groundwater and bedrock, vegetation, near-shore aquatic conditions unsuitable for water-based recreation; fish and wildlife habitat; presence of significant historic sites; or any other relevant feature of the natural land.

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

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

Survey, Land – The process of determining boundaries and areas of tracts of land. Also called property survey or boundary survey.

Surveyor – A land surveyor licensed under Minnesota state laws.

SWCD – The Renville County Soil and Water Conservation District.

Systems in Shoreland Areas, Wellhead Protection Areas, or Food, Beverage, or Lodging Establishments (SWF) – Any SSTS designed and constructed:

1. In a shoreland area where land adjacent to public waters has been designated and delineated as shoreland by local ordinances as approved by the Department of Natural Resources.
2. In a wellhead protection area regulated under Minnesota Statutes, Chapter 103I, or successor statutes.
3. For a food, beverage, and lodging establishment that is required to obtain a license under Minnesota Statutes, Section 157.16, Subd. 1, or successor statutes, including manufactured home parks and recreational camping areas licensed according to Minnesota Statutes, Chapter 327, or successor statutes.

Tangent – A straight line that is perpendicular to the radius of a curve where a tangent meets a curve.

Tavern/Bar/Liquor Establishment – A building with facilities for the sale/serving of beer, liquor, wine, set-ups, and short order foods.

Temporary Asphalt or Concrete Batch Plant – A temporary mixing plant brought in and assembled by a contractor to produce concrete or asphalt for paving projects.

Temporary Dwelling, Agricultural Use – A dwelling located in an Agricultural District which is an accessory dwelling unit occupied by an employee or a family member who is engaged in the farming operation and meeting other criteria specified in the Land Use Ordinance.

Temporary Dwelling, Care Facility – A dwelling which temporarily serves as a residence for a caregiver of the occupants residing in the primary single-family residence on the property.

Temporary Dwelling, During Construction – A dwelling which temporarily serves as a residence for the present or potential occupant that the primary single-family residence is being constructed, reconstructed, or altered.

Tower – Any pile, spire, structure, or combination thereof including supporting lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna or to serve as an antenna, supporting electrical generators, rotor blades, or meteorological equipment.

Tower Accessory Structure – A structure located at the base of the tower housing base receiving/transmitting equipment.

Tower Height – The height as determined by measuring the vertical distance from the point of contact with the ground to the highest point of the tower including all antennae, rotor blades, or other attachments.

Townhouse – A single structure consisting of three or more dwelling units having a private entrance on the first story at or near the ground level with no other dwelling unit connected to the other dwelling unit except by a party wall with no openings.

Toxic and Hazardous Wastes – A waste or combination of wastes which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety, welfare, or the environment when improperly treated, stored, transported, used, or disposed of. Waste materials include, but are not limited to, poisons, pesticides, herbicides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials, and similar harmful chemicals and wastes which require special handling and must be disposed of in a disposal.

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

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

Travel Trailer – A vehicle without motor power used or adaptable for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, jacks, houses, or skirting, which does not meet building code requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. The term “trailer” shall include camp car, camp bus, camper, and house car.

Travel Trailer/RV Campground – An area or premises operated as commercial accommodations for transient occupancy or use by transients occupying camping trailers, self-propelled campers, and tents.

Truck Stop Use – A motor fuel station devoted principally to the needs of tractor-trailer units and trucks and which may include eating and/or sleeping facilities.

Unincorporated Area – The area outside a city.

Unsewered – Property that is located in the Shoreland District that is not served by a public sewage treatment system or sanitary district, but instead is served by approved individual wastewater treatment systems.

Urgent Care Centers – Healthcare services provided on a walk-in, no-appointment basis for acute illness or injury that is not life threatening.

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

Use, Accessory – A use subordinate to and serving the principal use or structure on the same lot and customarily incidental to such principal use.

Use, Open Space – The use of land without a structure or including a structure incidental to the open space use.

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

Use, Principal – The main use of land or buildings as distinguished from subordinate or accessory use. A “principal use” may be either permitted or conditional.

Variance – Any modification or variation of the provisions of this Ordinance where it is determined that, by reason of special circumstances relating to a specific lot, the strict application of the Ordinance would cause a practical difficulty. A “Variance” means the same thing as that defined in Minnesota Statutes, Section 394.27, Subd. 7, or successor statutes.

Vegetation, Natural – Plant life which is native to the location and which would normally grow if the ground were left undisturbed.

Vertical Separation – The vertical measurement of unsaturated soil or sand between the bottom of the distribution medium and the periodically saturated soil level of bedrock.

Veterinary – Those uses concerned with the diagnosis, treatment, and medical care of animals including animal or pet hospitals.

Vicinity Map – A map drawn to comparatively small scale that shows the area proposed to be platted in relation to known geographical features, e.g., town centers, lakes, roads.

Warehousing – The storage, packing, and crating of materials or equipment within an enclosed building or structure.

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

Water Management/Flood Control Structure – A ditch, dam, floodwall, wing dam, dike, diversion channel, or an artificially deepened or widened stream channel following the same or approximately the same course as the natural channel, or any other structure for altering or regulating the natural flow condition of a river or stream. The term “watershed management or flood control structure” does not include pilings, retaining walls, gabion baskets, rock riprap, or other facilities intended primarily to prevent erosion and which must be authorized by permit by the DNR.

Water-Oriented Accessory Structure or Facility – A small building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include gazebos, screen houses, fish houses, pump houses, and detached decks and platforms. Boat houses and boat storage structures given the meaning under Minnesota Statutes, Section 103G.245, or successor statutes, are not water-oriented accessory structures.

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

WECS, Associated Facilities – Facilities, equipment, machinery, and other devices necessary to the operation and maintenance of a wind energy conversion system including access roads, collector and feeder lines, and substations.

WECS, Commercial – A WECS that is 200 feet or greater in overall tower height.

WECS, Feeder Line – Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid. In the case of interconnection with the high

voltage transmission systems, the point of interconnection shall be the substation serving the WECS.

WECS, Internal Turbine Spacing Setback – The distance between individual wind turbines in a WECS project required by the Minnesota Public Utilities Commission to ensure that WECS projects are sited to make the best use of wind resources, prevent unnecessary production losses, and promote reliability.

WECS, Non-Commercial – A WECS that is less than 200 feet in overall tower height.

WECS, Property Line – The boundary line of the area over which the entity applying for a WECS permit has legal control for the purposes of installation of a WECS. This control may be attained through fee title ownership, easement, or other appropriate contractual relationship between the project developer and landowner.

WECS, Rotor Diameter – The diameter of the circle described by the moving motor blades.

WECS, Substations – Any electrical facility designed to convert electricity produced by wind turbines to voltage for interconnection with high voltage transmission lines shall be located outside of the road right-of-way.

WECS, Wind Access Buffer Setback – The distance between WECS projects required by the Minnesota Public Utilities Commission to protect the wind and property rights of persons outside the permitted project boundary and persons within the project boundary who are not participating in the project.

WECS – Wind Energy Conversion System – A device such as a wind charger, windmill, or wind turbine and associated facilities that converts wind energy to electric energy including, but not limited to, power lines, transformers, substations, and meteorological towers. The energy may be used on-site or distributed into the electrical grid.

Well Contamination Source – All contamination sources as listed in Minnesota Rules, Chapter 4725.4450, or successor rules.

Wellhead Protection Plan – A plan developed for the protection of a public water supply.

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.

Wholesale Business Use – The selling of goods, equipment, and materials by bulk to another person who in turn sells the same to customers.

Wildlife Management Area – A lot or lots where the main land use is for promotion of wildlife through raising of feed or provision of environmental conditions.

Wind Easement – A right, whether or not stated in the form of a restriction, easement, covenant, or condition, in any deed, will, or other instrument executed by or on behalf of any owner of land or air space for the purpose of ensuring adequate exposure of a wind power system to the winds.

Wind Turbine – Any piece of electrical-generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

Windbreak – Strips, rows, or groups of trees and/or shrubs planted and maintained to alter wind flow and microclimate, thereby protecting a specific area.

Yard – The open space on an occupied lot that is not covered by any structure.

Yard, Front – A yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way line to depth required in the setback regulations for the zoning district in which such lot is located.

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

Yard, Required – A yard area that may not be built on or covered by structures because of the dimensional setbacks for said structures within the zoning district.

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

Yard Waste – Garden waste, leaves, lawn cuttings, weeds, and tree or shrub prunings generated at residential or commercial properties.

Yard Waste Facility – Any site used for the composting of garden waste, leaves, lawn cuttings, weeds, shrub and tree waste, and prunings generated off site. Yard wastes generated on site and used on the same site are not included in this definition.

Youth Camp – An establishment organized, developed, managed, and operated under supervision for the primary purpose of education, recreation, health, or similar purpose for young persons less than 21 years of age. These establishments must be primarily service-oriented for transient lodging of youth.

Zoning Administrator – The duly appointed person charged with enforcement of this Ordinance.

Zoning District – An area or areas within the County for which the regulations and requirements of this Ordinance are applied.

Zoning/Land Use Ordinance – An ordinance adopted by Renville County regulating the use of land.

Zoning/Land Use Permit – A document issued to permit construction or the establishment of, but not limited to, all buildings, building additions, structures, towers, temporary grading, shoreland repairs, vegetation alterations, sewer systems, modular/pre-fabricated homes, all farm buildings, grain bins, silos, etc.

Zoning Map – The official Renville County map or maps incorporated into this Ordinance as a part thereof delineating the boundaries of the zoning districts.

SECTION 3. GENERAL PROVISIONS

1. Rules of Interpretation.
 - A. In the event of conflicting provisions within the chapters of the Renville County Land Use Ordinance, statute, resolution, or regulation of any kind, the more restrictive provision shall apply.
 - B. In the application of this Ordinance, the provisions shall be interpreted to be the minimum requirements necessary to accomplish the general and specific purposes of the Ordinance.
 - C. Properties that lie in an overlay district are subject to regulations for that overlay district as well as the regulations in the other chapters of this Ordinance.
 - D. The words and phrases used in this Ordinance shall be construed in their plain, ordinary, and usual sense except that technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical definition.
 - E. Nothing contained in this Ordinance shall be deemed to be a consent, license, or permit to use any property or to locate, construct, or maintain any structure or to carry on any trade, industry, occupation, or activity.
 - F. Except as provided herein, the provisions of this Ordinance are cumulative and in addition to the provisions of other laws and ordinances, heretofore passed or which may be passed hereafter, governing the same subject matter as this Ordinance.
2. Separability. It is hereby declared to be the intent that provisions of this regulation are separable in accordance with the following:
 - A. If any court of competent jurisdiction shall adjudge any provision of this regulation to be invalid, such judgment shall not affect any other provisions of this regulation not specifically included in said judgment.

- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this regulation to a particular property, building, or structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.
3. Compliance. Except as this chapter specifically provides:
- A. No structure shall be erected, expanded, enlarged, intensified, or moved unless in conformity with the regulations specified in this Ordinance.
 - B. No structure or land shall be used or occupied for any purpose or in any manner that is not in conformity with all the regulations contained in this Ordinance.

SECTION 4. ADMINISTRATION

- 1. Land Use Ordinance Administration. Renville County Environmental Services (“Department”) shall administer the provisions of this Ordinance.
- 2. Powers and Duties. The Department shall have the following powers and duties:
 - A. Review all matters pertaining to applications and enforcement of this Ordinance.
 - B. Review all applications for permits and issue permits for applications that are in compliance with the regulations contained in this Ordinance.
 - C. Conduct compliance and other inspections to determine compliance with the terms of this Ordinance and all permits issued under this Ordinance. If violations are discovered, the Department shall notify in writing persons responsible for violations and take such other steps as are necessary to ensure compliance with this Ordinance.
 - D. Review and approve all minor subdivisions created in the unincorporated areas of the County.
 - E. Maintain permanent and current records of all action taken pursuant to the Ordinance including, but not limited to, all maps, amendments, Zoning Permits, Conditional Use and Interim Use Permits, Variances, appeals, and applications.
 - F. Receive, file, and forward all applications for appeals, Variances, plats, conditional uses, interim uses, or other matters to the Planning Commission and/or Board of Adjustment and Appeals and provide additional information and recommendations as may be necessary for action to be taken.

- G. Initiate, with the advice and consent of the Attorney, in the name of the County, any appropriate legal actions or proceedings against a violator as provided for in this Ordinance.
- H. Collect fees, as set by the Board, for all applications, permits, or other matters covered under the provisions of this Ordinance.
- I. Assist the public in complying with and understanding their responsibilities and rights under this Ordinance.
- J. Take all other actions not heretofore enumerated that the Department deems reasonable or necessary to administer and enforce the terms and conditions of this Ordinance and all permits and approvals issued thereunder.

3. Enforcement Actions.

- A. Abatement Order. An abatement order may be issued by the Department to correct or abate any violation of the provisions of this Ordinance following an investigation and determination whether or not a violation exists. The abatement order shall be delivered personally or by mail to the owner of record of the property on which the violation exists and shall specify the following:
 - i. A date by which the property owner shall complete abatement and obtain a letter of satisfaction from the Department.
 - ii. The action on the part of the property owner to eliminate or resolve the violation.
 - iii. Advise the property owner that failure to comply with the abatement order is a violation of this Ordinance.
 - iv. Advise the property owner of their right to appeal the abatement order to the Board of Adjustment and Appeals within 10 business days of receipt of the abatement order.
- B. Stop Work Order. The Department may issue a written stop work order upon the determination that construction, excavation, or any other activity regulated by this Ordinance is taking place without authorization by the County. This order shall detail the violations, the remedies necessary to correct the violations, and the time frame allowed in which the property owner is to correct the violations. The order shall also indicate that the property owner has 10 business days from the receipt of the stop work order to appeal the order to the Board of Adjustment and Appeals. Upon receipt of a stop work order, the person conducting the construction, excavation, or other activity regulated by this Ordinance shall immediately cease the activity until

authorization for such activity is granted by the Department. Each day that a violation continues shall constitute a separate offense.

SECTION 5. BOARD OF ADJUSTMENT AND APPEALS

1. Duties and Responsibilities. There is hereby established the Renville County Board of Adjustment and Appeals (“BOAA”) which shall have the following powers with respect to the Renville County Land Use Ordinance:
 - A. Administrative Appeals. The BOAA shall have the exclusive authority to hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator with respect to the administration of the Renville County Land Use Ordinance.
 - B. Variances. The BOAA shall have the exclusive power to order the issuance or denial of Variances from the terms of any official control including restrictions placed upon nonconformities.
 - C. Official Map Appeals. The BOAA shall hear and decide an appeal by the owner of land who has been denied a permit to build within the limits of land delineated on an official map.

2. BOAA Membership and Meetings.
 - A. The BOAA shall consist of five members. One member shall be appointed from each of the five commissioner districts. At least one member shall also be a member of the Planning Commission. No elected official of the County or any employee of the County shall serve as a member of the BOAA.
 - B. Member Terms. Each member shall serve for a period of three years, and the terms of the members shall be staggered so that no more than two terms expire in any one year. The term of each member shall begin on January 1 and continue through December 31 of the last year of the term; provided, however, that any member shall continue to serve after the expiration of their term until a successor is appointed. No member shall serve more than four consecutive terms of appointment. Any member who misses three consecutive meetings without a reasonable excuse may be replaced by the Board.
 - C. Election of Officers and Rules for Proceedings. At its first meeting of the calendar year, the BOAA shall elect a chair and vice-chair from its members and shall appoint a recording secretary who need not be a member of the BOAA. Subject to such limitations as may be imposed by the Board, the BOAA may adopt rules for the conduct of proceedings before it. The BOAA shall provide for a record of its proceedings that shall include minutes of its meetings, its findings of fact, and the action taken on each matter heard by it including the final order.

- D. Meetings and Quorum. The meeting of the BOAA shall be held at the call of the Department or the BOAA Chair. A majority of the BOAA shall constitute a quorum, and a majority vote of that quorum is sufficient to conduct business and take action. The BOAA Chair has full voting privileges at all times, may vote on any issue, and need not confine his/her voting to break ties. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a BOAA member from voting shall be decided by a majority vote of all members except the member being challenged following legal review by the Attorney. In the event that the disqualification of a member due to conflict of interest results in less than a quorum (three members) of the BOAA for a meeting, no further action can be taken on that matter before the BOAA.
 - E. Compensation. The members of the BOAA may be compensated in an amount determined by the Board for their necessary expenses to attend meetings and conduct business of the BOAA including mileage and trainings.
3. Appeals Process.
- A. Notice and Hearing Procedures.
 - i. Upon receipt of an application that contains all required information, the Zoning Administrator shall refer the matter to the BOAA and establish a date and time for a public hearing on the application.
 - ii. The BOAA shall hold a public hearing for all Variances and appeals. Notice of time, place, and purpose of the public hearing shall be given by publication in a newspaper of general circulation serving the township, municipality, or other area concerned and in the official newspaper designated by the Board and on the County website at least 10 calendar days prior to the date of the hearing. Notice of the public hearing shall also be given to the affected Board of Township Supervisors and the City Council of any municipality within two miles of the affected property. In unincorporated areas of the County, property owners of record within 500 feet of the affected property shall be notified in writing of the public hearing for any application for a Variance except that in the case of an official map appeal, written notice must be sent to property owners of record within one-half mile of the affected property.
 - iii. All written notice shall be mailed no less than 10 calendar days prior to the hearing. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate any proceedings provided a bona fide attempt to comply with this section has been made.

- iv. The applicant or his/her representative shall appear before the BOAA in order to address questions regarding the proposed application.
- v. The BOAA and Department shall have the authority to request additional information from the applicant in the case of an appeal or application for a Variance that is declared necessary to verify information or establish performance conditions in relation to all pertinent sections of this Ordinance. Failure of the applicant to supply all necessary supportive information may be grounds for the denial of the request or appeal.

B. BOAA Findings of Fact and Certification of Final Action.

- i. In conducting a public hearing in any case of an appeal or application for a Variance, the BOAA shall prepare written findings of fact setting forth its findings and reasons for its decision.
- ii. The BOAA shall forward to the Zoning Administrator the written findings of fact and its order regarding the appeal or Variance application. The Zoning Administrator shall then file a certified copy of the BOAA's order with the County Recorder. After recording, a copy of the BOAA's order shall be sent to the affected Township Board of Supervisors and to the applicant.

4. Administrative Appeals.

- A. A decision by the Zoning Administrator may be appealed by any aggrieved party within 10 calendar days from the date of the decision by filing with the Department a written notice of appeal. The notice of appeal shall state:
 - i. The particular order, requirement, decision, or determination from which the appeal is taken.
 - ii. The name and address of the appellant.
 - iii. The grounds for appeal.
 - iv. The relief requested by the appellant.
- B. The BOAA shall follow the appeals process as outlined in Section 5.3 of this chapter in making a decision on an administrative appeal. The BOAA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and to that extent shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit.

5. Variances.

A. Application Process.

- i. An application for a Variance shall be filed with the Zoning Administrator on forms provided by the Department. The application shall be accompanied by a copy of the deed or certified survey of the property, a site plan, and any other information the Zoning Administrator may require for purposes of administering this Ordinance.
- ii. An applicant must have an ownership interest in the property for which the application is made.
- iii. If the application does not contain all required information, the Zoning Administrator, upon receipt of the application, shall notify the applicant, in writing, within 15 business days or as amended by Minnesota Statutes, Chapter 15.99, or successor statutes, noting what information is missing.

B. Re-application. No application for the same Variance as ruled upon by the BOAA shall be resubmitted for a period of 12 months from the date of denial of the previous application unless there has been a substantial change in circumstances as it relates to the request.

C. Criteria for Considering Variances.

- i. Variances may be granted when it is determined that there are practical difficulties in complying with the official controls. Variances shall only be permitted when they are in harmony with the general purposes and intent of the Land Use Ordinance and when they are consistent with the Comprehensive Plan.
- ii. A Variance may be granted only where the strict enforcement of County zoning controls will result in “practical difficulties.” A determination that a “practical difficulty” exists is based upon the consideration of the following criteria:
 - a. Is the property owner proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance?
 - b. Is the need for a Variance due to circumstances unique to the property and not created by the property owner?
 - c. Will the Variance maintain the essential character of the locality?

- d. Does the need for a Variance involve more than economic considerations?
 - iii. The BOAA will evaluate the facts according to the criteria set forth in this chapter in deciding whether to approve or deny a Variance application.
 - iv. Where, in the opinion of the BOAA, a Variance may result in an adverse effect on the environment, the applicant may be requested by the BOAA to demonstrate the nature and extent of that effect.
 - v. It is the responsibility of the applicant to present facts to the BOAA sufficient to prove that the criteria for the approval of a Variance have been satisfied.
 - D. Variance Conditions. The BOAA may impose conditions in the granting of Variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the Variance.
 - E. Township Consideration. In exercising its power under this chapter, the BOAA shall take into consideration the affected town board's recommendations when making its decision.
 - F. Expiration of Variance. A Variance shall expire and be considered null and void one year after the BOAA's final decision to grant the Variance if the use or construction for which the Variance was granted has not begun. For the purposes of this section, construction shall include significant site preparation work including land clearing, excavation, and the installation of utilities necessary for the placement, assembly, or installation of facilities or equipment, the installation of footings, slab, foundation, posts, walls, or other portions of a building. A one-time extension of up to one year may be granted by the Zoning Administrator upon written request of the property owner and/or the applicant, prior to expiration of the Variance, provided there is reasonable cause found for granting the extension.
 - G. Use Variance. No Variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.
6. Official Map Appeals.
- A. Any denial of a land use permit by the Zoning Administrator pursuant to an official mapping regulation may be appealed by any aggrieved party within 30 calendar days from the date of such decision by filing with the Zoning Administrator a written notice of appeal. The notice of appeal shall state:
 - i. The name and address of the appellant.

- ii. The particular order, requirement, decision, or determination from which the appeal is taken.
 - iii. The grounds for appeal.
 - iv. The relief requested by the appellant.
 - B. The BOAA shall follow the appeals process as outlined in Section 5.3 of this chapter in making a decision on an administrative appeal. The BOAA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and to that extent shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit.
 - C. The BOAA shall consider the following criteria in making its determination of an appeal on the issuance of a land use permit:
 - i. Will the property owner suffer a substantial loss in yield of a reasonable return on the entire property unless a land use permit is granted?
 - ii. Will the granting of a land use permit best serve the interest of justice and fairness by balancing the interest of the County in preserving the integrity of the official map and the Comprehensive Plan and the interest of the property owner in the use of the property?
 - D. If the BOAA authorizes issuance of a permit, it shall specify the exact location, ground area, height, and other details as to the extent and character of the building for which the permit is granted.
7. Record of BOAA Orders. A certified copy of any order issued by the BOAA for an appeal or a request for a Variance shall be filed with the Office of the County Recorder. The order issued by the BOAA shall include the legal description of the property involved. The Department shall maintain a record of all orders issued by the BOAA. A copy of the filed order shall be mailed to the applicant and affected Board of Township Supervisors.
8. Judicial Appeals. All decisions by the BOAA in approving or denying Variances or hearing appeals from any administrative order, requirement, decision, or determination shall be final. The findings of fact and decision shall be posted on the County's official notice board for three days and shall serve as notice of the decision to the public. A copy of the findings of fact and decision shall also be made available for public inspection in the office of Renville County Environmental Services. Any aggrieved person may appeal the decision of the BOAA as set forth by Minnesota law.

SECTION 6. PLANNING COMMISSION

1. Duties and Responsibilities. There is hereby created a Renville County Planning Commission whose duties and responsibilities shall consist of the following:
 - A. To study, report, and make recommendations on amendments to the official controls including the Ordinance and official maps and the Comprehensive Plan prior to adoption of the amendment by the Board.
 - B. To conduct public hearings, review all applications, and prepare a report and recommendation to the Board on the following:
 - i. Conditional Use and Interim Use Permits.
 - ii. Major plats for subdivisions of land.
 - iii. Planned unit developments.
 - iv. Plans for public land acquisition and development.
 - C. To conduct hearings and make recommendations to the Board on alleged violations of condition(s) contained in Conditional Use and Interim Use Permits.
 - D. Such other duties as the Renville County Board of County Commissioners may prescribe.
2. Commission Membership and Meetings.
 - A. The Commission shall be composed of seven members. One member shall be appointed from each of the five commissioner districts with two members appointed at-large that shall not be from the same district. No voting member of the Planning Commission shall have received, during the two years prior to appointment, any substantial portion of income from business operations involving the development of land within the County.
 - B. Member Terms. Each member serves for a period of three years with the terms being staggered such that no more than three members' terms expire in any one year. The term of each member shall begin on January 1 and continue through December 31 of the last year of the term; provided, however, that any member shall continue to serve until a successor is appointed. No member shall serve more than four consecutive terms of appointment. Any member who misses three consecutive meetings without a reasonable excuse may be replaced by the Board.
 - C. Election of Officers and Rules for Proceedings. At the first meeting of the calendar year, the Planning Commission shall elect a chair and vice-chair from

its members and shall appoint a recording secretary who need not be a member of the Planning Commission. Subject to such limitations as may be imposed by the Board, the Planning Commission may adopt rules for the conduct of proceedings before it. The Planning Commission shall provide for a record of its proceedings that shall include minutes of its meetings, its findings of fact, and the action taken on each matter heard by it including the final recommendation.

- D. Meetings and Quorum. The meetings of the Planning Commission shall be held at the call of the Department or the Planning Commission Chair. A majority of the members shall constitute a quorum, and a majority of the quorum is sufficient to conduct business and take action. The Planning Commission Chair has full voting privileges at all times, may vote on any issue, and need not confine his/her voting to break ties. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a Planning Commission member from voting shall be decided by a majority vote of all members except the member being challenged following legal review by the Attorney. In the event that the disqualification of a member due to conflict of interest results in less than a quorum (four members) of the Planning Commission for a meeting, no further action can be taken on that matter before the Planning Commission.
- E. Compensation. The members of the Planning Commission may be compensated in an amount determined by the Board for their necessary expenses to attend meetings and conduct business of the Planning Commission including mileage and trainings.

SECTION 7. CONDITIONAL USES

Certain conditions protecting the public interest may be applied to the issuance of a Conditional Use Permit, and a periodic review of the permit may be required. A Conditional Use Permit shall be required in the following instances:

- Proposed Uses. Only those uses listed as conditional uses within the applicable primary district or overlay district may be allowed through issuance of a Conditional Use Permit.
- Existing Uses. All uses existing at the time of adoption of this Ordinance that now require a Conditional Use Permit may continue subject to the performance standards contained in this Ordinance. Any expansion, enlargement, structural alteration, modification or addition, or intensification of the use shall require a Conditional Use Permit, and the use shall be subject to the criteria and procedures for issuance of a Conditional Use Permit set forth in this Ordinance.

1. Application Process.

- A. An application for a Conditional Use Permit shall be filed with the Zoning Administrator on forms provided by the Department.
- B. The application shall include the following information as deemed necessary by the Zoning Administrator or by the Planning Commission:
 - i. A completed application form signed and dated by the applicant and property owner(s) and all applicable fees paid.
 - ii. Written description of the intended type of business, use, or activity to be conducted on the property.
 - iii. Written description of the type and number of vehicles (motorized and non-motorized, such as trailers), heavy machinery, and equipment to be used on the property.
 - iv. Days and hours of operation.
 - v. Number of employees including subcontractors (full-time and part-time).
 - vi. Site plan drawn to scale including the following information:
 - a. Date of preparation, scale north arrow, property lines, and property dimensions.
 - b. Existing and proposed buildings, well, septic system (or other restroom facilities), driveway access(s), and public or private easements, wooded areas, wetlands, drainageways, watercourses, location of roads, railroads, utilities, exterior lighting, parking areas, site stormwater drainage patterns, wells, fences, and outside storage areas.
 - c. Existing vegetation and proposed plantings.
 - d. Existing and proposed signage including a dimensional diagram of all proposed signage.
 - vii. Septic System Certificate of Compliance and well information (areas not served by public sewer and water).
 - viii. Written description of any hazardous materials that will be generated or stored and method of disposal.
 - ix. A certificate of liability insurance.

- x. Property deed or certificate of survey.
- xi. Construction plans and building elevations (if new construction).
- xii. Grading and drainage plan.
- xiii. Estimate of the life expectancy of the use.
- xiv. Soil erosion control plan (if required).
- xv. Wetland impact approval (if applicable).
- xvi. Building floor plan including dimensions.
- xvii. Reclamation plan (if required).
- xviii. Handicap accessibility plan (if required).
- xix. All required state or federal permits or licenses.
- xx. Waste management plan.
- xxi. Proof of ownership or legal interest in the property.
- xxii. Any additional information required by this Ordinance or requested by the Zoning Administrator or the Planning Commission specific to the request.

C. The Zoning Administrator, upon receipt of the application, shall notify the applicant in writing, within 15 business days or as amended by Minnesota Statutes, Chapter 15.99, or successor statutes, if the application is found to be incomplete, noting what information is missing.

2. Notice and Hearing Procedure.

- A. Upon receipt of an application that contains all required information, the Zoning Administrator shall refer the matter to the Planning Commission and establish a date and time for a public hearing on the application.
- B. The Planning Commission shall hold a public hearing on the proposal. Notice of time, place, and purpose of the public hearing shall be given by publication in a newspaper of general circulation serving the township, municipality, or other area concerned and in the official newspaper designated by the Board and on the County website at least 10 calendar days prior to the date of the hearing. Notice of the public hearing shall also be given to the affected Board of Township Supervisors and to the City Council of any municipality located

within two miles of the affected property. In unincorporated areas of the County, property owners of record within one-quarter mile of the affected property or the 10 properties nearest to the affected property, whichever provides the greatest number of property owners, shall be notified in writing of the public hearing for any application for a Conditional Use Permit. Where the subject site adjoins an incorporated area, the County shall mail written notification of the proposed public hearing to property owners within the incorporated area located within 500 feet of the subject site.

- C. All written notifications shall be mailed 10 calendar days prior to the hearing. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply has been made.
- D. The applicant or his/her representative shall appear before the Planning Commission in order to answer questions concerning the proposed Conditional Use Permit application.
- E. The Planning Commission and Department shall have the authority to request additional information from the applicant concerning a Conditional Use Permit application that is declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure of the applicant to supply all necessary supportive information may be grounds for denial of the request.

3. Criteria for Considering Conditional Use Permits.

- A. In reviewing an application for a Conditional Use Permit, the Planning Commission shall determine if the proposed use is in harmony with the general purpose and intent of the Land Use Ordinance and Comprehensive Plan. In making a determination, the Planning Commission shall consider and make findings on the following criteria:
 - i. The impact of the proposed use on the health, safety, and general welfare of the residents in the surrounding neighborhood.
 - ii. The effect of the proposed use on existing public utilities, public services, parks, roads (including traffic and parking), and schools.
 - iii. The effect of the proposed use on property values and future development of land in the surrounding neighborhood.
 - iv. The ability of the proposed use to meet goals and policies adopted in the Comprehensive Plan.
 - v. The ability of the proposed use to meet the standards of the Zoning Ordinance or any applicable Minnesota rule or statute or federal law

including a determination that the use is allowed with a Conditional Use Permit in the designated zoning district in which it is proposed.

- vi. The effects of the proposed use on the environment including its impact on groundwater, surface water, and air quality.
 - vii. The effect of the proposed use on existing natural, historic, or scenic views or features in the surrounding neighborhood.
- B. It is the responsibility of the applicant to present facts sufficient to prove that the criteria for approval of a Conditional Use Permit have been satisfied.
4. Planning Commission Findings of Fact and Recommendation. In conducting a public hearing, the Planning Commission shall make written findings of fact stating the reason for its recommendation to approve or deny the Conditional Use Permit application. The Planning Commission shall forward its written findings of fact and a recommendation to the Board which shall be considered by the Board along with other relevant evidence presented in making its decision.
5. Notice and Certification of Final Action.
- A. The Board shall make a decision to approve or deny the application based on the evidence presented and shall make written findings of fact in support of its decision within the time permitted by Minnesota Statutes, Chapter 15.99, or successor statutes. If it grants the Conditional Use Permit, the Board may impose conditions it considers necessary to protect the public health, safety, and welfare. Such conditions will be administratively reviewed and, if violated, the Board may take action to order the revocation of the permit.
 - B. The Board shall forward to the Zoning Administrator the written findings of fact and its order regarding the Conditional Use Permit application. The Zoning Administrator shall then file a certified copy of the Board's order with the County Recorder. After recording, a copy of the Board's order shall be sent to the applicant and to the affected Board of Township Supervisors.
6. Judicial Appeals. All decisions by the Board shall be final. The findings of fact and decision shall also be posted on the County's official notice board for three days and shall serve as notice of the decision to the public. A copy of the findings of fact and decision shall also be made available for public inspection in the office of Renville County Environmental Services. Any aggrieved person may appeal the decision of the Board as set forth by Minnesota law.
7. Monitoring Costs. The Board may impose and the applicant shall pay costs incurred by the Zoning Administrator for monitoring compliance with the conditions of the Conditional Use Permit.

8. Nonconformities. In connection with the issuance of Conditional Use Permits to nonconforming situations, the Planning Commission may require nonconformities to conform to the regulations contained in the zoning regulations and may impose such additional restrictions or conditions as it deems necessary to protect the public interest. When appropriate, restrictive covenants may be entered into regarding such matters.
9. Compliance. The use shall conform to the applicable sections of this Ordinance.
10. Terms and Conditions. Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms and any conditions designated in the permit. Conditional Use Permits shall remain in effect for so long as the conditions agreed upon are adhered to, provided that nothing in this section shall prevent the Board or the Planning Commission from acting or amending official controls to change the status of conditional uses.
11. Permit Re-application. No application for a Conditional Use Permit shall be resubmitted for a period of 12 months from the date of an order of denial of the previous application, except the Planning Commission may permit a new application if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.
12. Permit Recording. A certified copy of a Conditional Use Permit shall be filed with the office of the County Recorder. The Conditional Use Permit shall include the legal description of the property involved. The Department shall be responsible for the document recording requirements of this section and shall maintain a record of all Conditional Use Permits issued. A copy of the filed Conditional Use Permit shall be mailed to the applicant and affected Board of Township Supervisors.
13. Conditional Use Permit Amendments. Amendments to a Conditional Use Permit shall be limited to requests for changes in specific conditions of the existing permit. A request to amend an existing Conditional Use Permit shall be administered in the same manner that is required for a new Conditional Use Permit application.
14. Conditional Use Permit Expiration. A Conditional Use Permit shall expire one year after the Board's final decision to grant the permit if no construction has begun or if the use for which the Conditional Use Permit was granted has not been established. For the purposes of this section, construction shall include significant site preparation work including land clearing, excavation, and the installation of utilities necessary for the placement, assembly, or installation of facilities or equipment, the installation of footings, slab, foundation, posts, walls, or other portions of a building. A one-time extension of up to one year may be granted by the Zoning Administrator upon written request of the property owner and/or the applicant, prior to expiration of the Conditional Use Permit, provided there is reasonable cause found for granting the extension.

15. Revocation of Conditional Use.

- A. A violation of this Ordinance or any condition set forth in a Conditional Use Permit shall be a violation of both the permit and this Ordinance.
- B. Failure to correct a violation within 30 days of written notice from the Zoning Administrator shall be grounds to revoke a Conditional Use Permit through the following procedure:
 - i. The Zoning Administrator shall provide written notice to the permit holder advising that the Conditional Use Permit may be revoked upon conclusion of a public hearing by the Planning Commission and upon review of the findings of fact by the Board. The written notice shall also contain the nature of the violation and the facts that support the conclusions that a violation exists.
 - ii. The Planning Commission shall hold a public hearing following the notice and hearing procedures set forth in Section 7.2 of this chapter.
 - iii. The Planning Commission shall prepare written findings of fact setting forth its findings and recommendations to the Board. The Planning Commission may recommend that there be a determination that there is no violation, that the permit be revoked, that the permit holder be allowed to seek an amendment of the permit to cure the violation, or such other course of action that the Planning Commission deems appropriate.
 - iv. The Board shall accept, reject, or modify the recommendation of the Planning Commission. In the event the Board rejects or modifies the recommendation of the Planning Commission, it shall prepare written findings of fact giving its reasons for such rejection or modification.
 - v. Following the Board's action, the Board shall forward to the Zoning Administrator its findings of fact and order supporting its decision regarding the revocation of the Conditional Use Permit. The Zoning Administrator shall then file a certified copy of the Board's order with the County Recorder. After recording, a copy of the Board's order shall be sent to the applicant and to the affected Board of Township Supervisors.
 - vi. Revocation of the permit shall be effective upon delivery of the Board's order to the permit holder.

SECTION 8. INTERIM USES

Certain land development uses are designated as interim uses under this Ordinance. Conditions, in order to protect the public interest, may be applied to the issuance of an Interim Use Permit; and a periodic review of the permit may be required. Under Minnesota Statutes, Section 394.303, or successor statutes, an Interim Use Permit may be granted if:

- The use conforms to the zoning regulations;
- The date or event that will terminate the use can be identified with certainty;
- 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; and
- The user agrees to any conditions that Renville County deems appropriate for permission of the use.

1. Application Process.

- A. An application for an Interim Use Permit shall be filed with the Zoning Administrator on forms provided by the Department.
- B. The application shall include the following information as deemed necessary by the Zoning Administrator or by the Planning Commission:
 - i. A completed application form signed and dated by the applicant and property owner(s) and all applicable fees paid.
 - ii. Written description of the intended type of business, use, or activity to be conducted on the property.
 - iii. Written description of the type and number of vehicles (motorized and non-motorized, such as trailers), heavy machinery, and equipment to be used on the property.
 - iv. Days and hours of operation.
 - v. Number of employees including subcontractors (full-time and part-time).
 - vi. Site plan drawn to scale including the following information:
 - a. Date of preparation, scale north arrow, property lines, and property dimensions.
 - b. Existing and proposed buildings, well, septic system (or other restroom facilities), driveway access(s), and public or private

easements, wooded areas, wetlands, drainageways, watercourses, location of roads, railroads, utilities, exterior lighting, parking areas, site stormwater drainage patterns, wells, fences, and outside storage areas.

- c. Existing vegetation and proposed plantings.
 - d. Existing and proposed signage including a dimensional diagram of all proposed signage.
- vii. Septic System Certificate of Compliance and well information (areas not served by public sewer and water).
 - viii. Written description of any hazardous materials that will be generated or stored and method of disposal.
 - ix. A certificate of liability insurance.
 - x. Property deed or certificate of survey.
 - xi. Construction plans and building elevations (if new construction).
 - xii. Grading and drainage plan.
 - xiii. Estimate of the life expectancy of the use.
 - xiv. Soil erosion control plan (if required).
 - xv. Wetland impact approval (if applicable).
 - xvi. Building floor plan including dimensions.
 - xvii. Reclamation plan (if required).
 - xviii. Handicap accessibility plan (if required).
 - xix. All required state or federal permits or licenses.
 - xx. Waste management plan.
 - xxi. Proof of ownership or legal interest in the property.
 - xxii. Any additional information required by this Ordinance or requested by the Zoning Administrator or the Planning Commission specific to the request.

- C. The Zoning Administrator, upon receipt of the application, shall notify the applicant in writing, within 15 business days or as amended by Minnesota Statutes, Chapter 15.99, or successor statutes, if the application is found to be incomplete noting what information is missing.
2. Notice and Hearing Procedure.
- A. Upon receipt of an application that contains all required information, the Zoning Administrator shall refer the matter to the Planning Commission and establish a date and time for a public hearing on the application.
 - B. The Planning Commission shall hold a public hearing on the proposal. Notice of time, place, and purpose of the public hearing shall be given by publication in a newspaper of general circulation serving the township, municipality, or other area concerned and in the official newspaper designated by the Board and on the County website at least 10 calendar days prior to the date of the hearing. Notice of the public hearing shall also be given to the affected Board of Township Supervisors and to the City Council of any municipality located within two miles of the affected property. In unincorporated areas of the County, property owners of record within one-quarter mile of the affected property or the 10 properties nearest to the affected property, whichever provides the greatest number of property owners, shall be notified in writing of the public hearing for any application for an Interim Use Permit. Where the subject site adjoins an incorporated area, the County shall mail written notification of the proposed public hearing to property owners within the incorporated area located within 500 feet of the subject site.
 - C. All written notifications shall be mailed 10 calendar days prior to the hearing. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply has been made.
 - D. The applicant or his/her representative shall appear before the Planning Commission in order to answer questions concerning the proposed Interim Use Permit application.
 - E. The Planning Commission and Department shall have the authority to request additional information from the applicant concerning an Interim Use Permit application that is declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure of the applicant to supply all necessary supportive information may be grounds for denial of the request.
3. Criteria for Considering Interim Use Permits.
- A. In reviewing an application for an Interim Use Permit, the Planning Commission shall determine if the proposed use is in harmony with the

general purpose and intent of the Land Use Ordinance and Comprehensive Plan. In making a determination, the Planning Commission shall consider and make findings on the following criteria:

- i. The impact of the proposed use on the health, safety, and general welfare of the residents in the surrounding neighborhood.
 - ii. The effect of the proposed use on existing public utilities, public services, parks, roads (including traffic and parking), and schools.
 - iii. The effect of the proposed use on property values and future development of land in the surrounding neighborhood.
 - iv. The ability of the proposed use to meet goals and policies adopted in the Comprehensive Plan.
 - v. The ability of the proposed use to meet the standards of the Zoning Ordinance or any applicable Minnesota rule or statute or federal law including a determination that the use is allowed with an Interim Use Permit in the designated zoning district in which it is proposed.
 - vi. The effects of the proposed use on the environment including its impact on groundwater, surface water, and air quality.
 - vii. The effect of the proposed use on existing natural, historic, or scenic views or features in the surrounding neighborhood.
- B. It is the responsibility of the applicant to present facts sufficient to prove that the criteria for approval of an Interim Use Permit have been satisfied.
4. Planning Commission Findings of Fact and Recommendation. In conducting a public hearing, the Planning Commission shall make written findings of fact stating the reason for its recommendation to approve or deny the Interim Use Permit application. The Planning Commission shall forward its written findings of fact and a recommendation to the Board which shall be considered by the Board along with other relevant evidence presented in making its decision.
5. Notice and Certification of Final Action.
- A. The Board shall make a decision to approve or deny the application based on the evidence presented and shall make written findings of fact in support of its decision within the time permitted by Minnesota Statutes, Chapter 15.99, or successor statutes. If it grants the Interim Use Permit, the Board may impose conditions it considers necessary to protect the public health, safety, and welfare. Such conditions will be administratively reviewed and, if violated, the Board may take action to order the revocation of the permit.

- B. The Board shall forward to the Zoning Administrator the written findings of fact and its order regarding the Interim Use Permit application. The Zoning Administrator shall then file a certified copy of the Board's order with the County Recorder. After recording, a copy of the Board's order shall be sent to the applicant and to the affected Board of Township Supervisors.
6. Judicial Appeals. All decisions by the Board shall be final. The findings of fact and decision shall also be posted on the County's official notice board for three days and shall serve as notice of the decision to the public. A copy of the findings of fact and decision shall also be made available for public inspection in the office of Renville County Environmental Services. Any aggrieved person may appeal the decision of the Board as set forth by Minnesota law.
 7. Monitoring Costs. The Board may impose and the applicant shall pay costs incurred by the Zoning Administrator for monitoring compliance with the conditions of the Interim Use Permit.
 8. Existing Uses. All uses existing at the time of adoption of this chapter that now require an Interim Use Permit may continue in the same manner of operation as the use did upon the effective date of this chapter as amended. Any enlargement, structural alteration, or intensification of use shall require an Interim Use Permit as provided for in this chapter.
 9. Permit Re-application. No application for an Interim Use Permit shall be resubmitted for a period of 12 months from the date of an order of denial of the previous application, except the Planning Commission may permit a new application if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.
 10. Permit Recording. A certified copy of an Interim Use Permit shall be filed with the office of the County Recorder. The Interim Use Permit shall include the legal description of the property involved. The Department shall be responsible for the document recording requirements of this section and shall maintain a record of all Interim Use Permits issued. A copy of the filed Interim Use Permit shall be mailed to the applicant and affected Board of Township Supervisors.
 11. Interim Use Permit Amendments. Amendments to an Interim Use Permit shall be limited to requests for changes in specific conditions of the existing permit. A request to amend an existing Interim Use Permit shall be administered in the same manner that is required for a new Interim Use Permit application.
 12. Interim Use Permit and Ownership Transfer. The Interim Use Permit shall be issued to a specific applicant/owner for a specific use. If the applicant/owner or the use changes, the Interim Use Permit shall become void.
 13. Interim Use Permit Expiration. An Interim Use Permit shall expire one year after the Board's final decision to grant the permit if no construction has begun or if the use

for which the Interim Use Permit was granted has not been established. For the purposes of this section, construction shall include significant site preparation work including land clearing, excavation, and the installation of utilities necessary for the placement, assembly, or installation of facilities or equipment, the installation of footings, slab, foundation, posts, walls, or other portions of a building. A one-time extension of up to one year may be granted by the Zoning Administrator upon written request of the property owner and/or the applicant, prior to expiration of the Interim Use Permit, provided there is reasonable cause found for granting the extension.

14. Revocation of Interim Use.

- A. A violation of this Ordinance or any condition set forth in an Interim Use Permit shall be a violation of both the permit and this Ordinance.
- B. Failure to correct a violation within 30 days of written notice from the Zoning Administrator shall be grounds to revoke an Interim Use Permit through the following procedure:
 - i. The Zoning Administrator shall provide written notice to the permit holder advising that the Interim Use Permit may be revoked upon conclusion of a public hearing by the Planning Commission and upon review of the findings of fact by the Board. The written notice shall also contain the nature of the violation and the facts that support the conclusions that a violation exists.
 - ii. The Planning Commission shall hold a public hearing following the notice and hearing procedures set forth in Section 7.2 of this chapter.
 - iii. The Planning Commission shall prepare written findings of fact setting forth its findings and recommendations to the Board. The Planning Commission may recommend that there be a determination that there is no violation, that the permit be revoked, that the permit holder be allowed to seek an amendment of the permit to cure the violation, or such other course of action that the Planning Commission deems appropriate.
 - iv. The Board shall accept, reject, or modify the recommendation of the Planning Commission. In the event the Board rejects or modifies the recommendation of the Planning Commission, it shall prepare written findings of fact giving its reasons for such rejection or modification.
 - v. Following the Board's action, the Board shall forward to the Zoning Administrator its findings of fact and order supporting its decision regarding the revocation of the Interim Use Permit. The Zoning Administrator shall then file a certified copy of the Board's order with the County Recorder. After recording, a copy of the Board's order shall

be sent to the applicant and to the affected Board of Township Supervisors.

- vi. Revocation of the permit shall be effective upon delivery of the Board's order to the permit holder.

15. Interim Use Permit Termination. An Interim Use Permit shall terminate upon the occurrence of any of the following events, whichever occurs first:

- A. The date or event stated in the permit; or
- B. A violation of conditions under which the permit was issued; or
- C. A change in the Land Use Ordinance rendering the use nonconforming; or
- D. The use is discontinued for a minimum of one year measured from the last day the use was in normal operation.

Following verification of any one of the termination events, the Zoning Administrator shall, following issuance of a 30-day notice of permit termination to the permit holder or property owner, file a notice of termination in the office of the County Recorder.

SECTION 9. OTHER REQUIRED PERMITS

1. Land Use Permit.

- A. No structure shall be erected, expanded, enlarged, intensified, or moved in without the issuance of a land use permit by the Department. Portable structures of 150 square feet or less that comply with all Ordinance performance standards and setbacks are exempt from obtaining a land use permit.
- B. No site preparation work including rough grading, driveway construction, footing excavation, tree removal, or other physical changes to the site shall occur prior to the issuance of a land use permit and other required permits unless prior approval has been granted by the Department.
- C. A one-time extension of up to one year may be granted by the Zoning Administrator upon written request of the property owner and/or applicant, prior to the expiration of the land use permit, provided there is reasonable cause found for granting the extension.

2. Subsurface Sewage Treatment System (SSTS) Construction Permit. An SSTS construction permit is required prior to the installation, replacement, or repair of an SSTS. Approval and issuance of an SSTS construction permit must be obtained in conjunction with the issuance of a land use permit by the Department for any use requiring on-site sewage treatment and disposal.

3. Driveway Access Permits. Access drives onto County roads shall require an access permit from the County Public Works Department. The County Engineer shall determine the appropriate location, size, and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow. All other driveway access permits shall be approved by the governing road authority. All access drive permits shall be issued in conjunction with the issuance of a land use permit.
4. Animal Feedlot Permit. A Construction Short-Form, a National Pollutant Discharge Elimination System Permit (NPDES), a State Disposal System Permit (SDS), or an Interim Permit may be required to construct or operate a new or expanded feedlot capable of holding 300 animal units or more or a new or expanded or modification of an existing liquid or solid manure storage area. For the purpose of this section, a manure storage facility shall be considered a part of any animal feedlot.
5. Land Alteration and Grading Permit.
 - A. A land alteration and grading permit is required for:
 - i. The movement of more than 10 cubic yards of material on steep slopes or within shore or bluff impact zones.
 - ii. The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.
 - iii. Grading and excavating of 500 cubic yards or more of material per project.
 - iv. Removal or alteration of vegetation in shoreland and bluff impact zones.
 - B. Projects for which a permit has been issued including agricultural activities, road construction projects, excavations necessary for the construction of structures, sewage treatment systems, driveways, and subdivisions that have received final plat approval do not require the issuance of a separate land alteration grading permit.
 - C. A one-time extension of up to one year may be granted by the Zoning Administrator upon written request of the property owner and/or applicant, prior to the expiration of the land alteration and grading permit, provided there is reasonable cause found for granting the extension.
6. All permits shall expire and be considered null and void one year after they have been issued if no construction has begun or if the use has not been established unless an extension is approved by the Zoning Administrator.

SECTION 10. ENVIRONMENTAL REVIEWS

The provisions of the rules for the Environmental Review Program, Minnesota Rules, Chapter 4410, or successor rules, are hereby adopted, together with the other provisions of this Ordinance, as the environmental review operating procedures Renville County will follow in implementing the provisions of Minnesota Statutes, Chapter 116D, or successor statutes, relating to the Environmental Review Program and any rules adopted thereunder by the Minnesota Environmental Quality Board.

The applicant of a use or project for which an environmental review is required, either by state law or by the Board, shall pay all costs of preparation and review and shall supply all information reasonably requested by Renville County Environmental Services to complete the document.

No use or project for an action for which an environmental review is required shall be issued any County permits until all costs for preparation and review are paid by the applicant, all information required is supplied, and until the environmental review process has been completed as provided in this Ordinance and Minnesota Rules, Chapter 4410, or successor rules.

SECTION 11. NONCONFORMITIES

Within the districts established by this Ordinance or amendments that may later be adopted, situations may occur where as a result of the regulations contained in this Ordinance an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations contained in this Ordinance. It is the intent of this Ordinance to regulate such nonconforming situations in such a way that they can continue but will ultimately be phased out by limiting their enlargement, expansion, intensification, re-establishment after discontinuance or abandonment, or restoration after damage or destruction in order to bring uses and structures into conformity with goals, objectives, and policies of the Renville County Comprehensive Plan. A nonconformity that is determined by the Renville County Board of County Commissioners to be detrimental to the achievement of the goals and objectives of the Comprehensive Plan may be acquired by the Board by purchase. An unlawful or illegal use of a property or structure as of the effective date of this Ordinance shall not be interpreted to be a nonconforming situation. A nonconforming situation located in a Shoreland, Flood Plain, Scenic River District, or Project River Bend District may be continued subject to additional regulations specified in the following chapters of the Land Use Ordinance:

Shoreland Management Regulations – Chapter Six

Flood Plain Regulations – Chapter Nine

Minnesota Scenic River Regulations – Chapter Five

Project River Bend Management Regulations – Chapter Fourteen

1. Nonconforming Use.

- A. Any use existing on the effective date of this Ordinance which is not in conformity with the regulations contained in this Ordinance shall be considered a nonconforming use. A nonconforming use may be allowed to continue subject to the following conditions:
- i. No nonconforming use shall be expanded, enlarged, or intensified except to make it a permitted use.
 - ii. A change from one nonconforming use to another nonconforming use is prohibited.
 - iii. A nonconforming use of a parcel of open land may not be extended to cover more land than was occupied by that use when it became nonconforming except uses involving the removal of natural materials such as granite, sand, or gravel. Legal nonconforming mining operations operating without a valid Interim Use Permit may be expanded within the boundaries of the parcel in which the mining use was approved and established prior to the time it became nonconforming subject to the standards contained in Chapter Seven (Mining Regulations) of this Ordinance.
 - iv. If a nonconforming use is replaced by a permitted use, the nonconforming status and any rights that arise under the provisions of this section of the Ordinance are terminated.
 - v. A nonconforming use or use of a structure that has been discontinued for a period of 12 consecutive months shall not be re-established, and any further use or occupancy of the structure shall be in conformity with the regulations of this Ordinance. Time will be calculated as beginning on the day following the last day in which the use was in normal operation and will run continuously thereafter.
 - vi. If a structure used for a nonconforming use is damaged to the extent that the cost of replacement, reconstruction, or restoration would exceed 50 percent of its estimated market value, as indicated in the records of the County Assessor at the time of damage, then the damaged structure shall not be replaced, reconstructed, or restored except in conformity with this Ordinance.
- B. The Planning Commission or Zoning Administrator may require that a Conditional Use Permit or an Interim Use Permit be issued for any nonconforming use.

2. Nonconforming Structure.

- A. Any structure existing on the effective date of this Ordinance which is not in conformity with the regulations contained in this Ordinance is a nonconforming structure and may be allowed to continue including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, except in conformity with the following conditions:
- i. No nonconforming structure shall be expanded, enlarged, or intensified without first obtaining a Variance unless each of the following conditions can be met for the district in which the structure is located:
 - a. The expansion, enlargement, or intensification does not violate any other standards of this Ordinance other than regulation(s) that made the structure nonconforming in the first place.
 - b. An on-site sewage treatment system can be installed in accordance with Chapter Four (Sewage and Wastewater Treatment Regulations) of this Ordinance or it is connected to a public sewer.
 - c. The expansion, enlargement, or intensification does not occur within a bluff or shore impact zone or floodway area.
 - ii. The replacement, reconstruction, restoration, expansion, enlargement, or intensification of an existing residential dwelling, which does not meet the residential dwelling setback from an existing livestock feedlot or manure storage structure, may be allowed provided that any construction does not further encroach into the nonconforming setback.
 - iii. A nonconforming structure that has been damaged by fire, explosion, natural disaster, or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the County Assessor at the time of damage, shall not be replaced, reconstructed, restored, expanded, enlarged, or intensified except in conformity with this Ordinance with the exception that the structure may be continued including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, if a Zoning Permit has been applied for within 180 days of when the property is damaged. The Board may impose reasonable conditions upon the Zoning Permit in order to mitigate any newly created impact on adjacent property or water body.
 - iv. If a nonconforming structure in the Shoreland District, which is located less than 50 percent of the required setback from the ordinary high

water level, has been damaged by fire, explosion, natural disaster, or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the County Assessor at the time of damage, the Department may require an increased setback from the ordinary high water level, if practicable and reasonable conditions are placed upon the Zoning Permit, to mitigate created impacts on the adjacent property or water body.

- v. Normal maintenance of a nonconforming structure including nonstructural maintenance and repair is permitted.
- vi. All construction projects for which a valid Zoning Permit was granted before the effective date of this Ordinance may be completed although the structure would not meet newly established standards of this Ordinance.

3. Nonconforming Lots.

A. Any separate lot or parcel created in accordance with the Renville County Subdivision Regulations and of record in the Renville County Recorder's Office on or before the effective date of this Ordinance may be used for the legal use for which it is zoned subject to the following conditions:

- i. It can be accessed by a public or a private road.
- ii. There is a "buildable area" on the site.
- iii. An on-site sewage treatment system can be installed in accordance with Chapter Four (Sewage and Wastewater Treatment Regulations) of this Ordinance or it is connected to a public sewer.
- iv. All other requirements of this Ordinance can be met.

B. A nonconforming single lot of record located within a shoreland area may be allowed as a building site without Variances from lot size requirements provided that:

- i. All structure and septic system setback distance requirements can be met.
- ii. A Type 1 sewage treatment system consistent with Minnesota Rules, Chapter 7080, or successor rules, can be installed or the lot is connected to a public sewer.
- iii. The impervious surface coverage does not exceed 25 percent of the lot.

- C. In a group of two or more contiguous lots of record under a common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development if it meets the following requirements:
- i. The lot must be at least 66 percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, Chapter 6120, or successor rules.
 - ii. The lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, Chapter 7080, or successor rules, and local government controls.
 - iii. Impervious surface coverage must not exceed 25 percent of each lot.
 - iv. Development of the lot must be consistent with an adopted Comprehensive Plan.

A lot not meeting these requirements must be combined with one or more contiguous lots so they equal one or more conforming lots as much as possible.

- D. Contiguous nonconforming lots of record in shoreland areas under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of Minnesota Statutes, Section 115.55, or successor statutes, and Minnesota Rules, Chapter 7080, or successor rules, or connected to a public sewer.
- E. A conforming lot or parcel shall not be reduced in size so that it would become nonconforming in any aspect of this Ordinance. A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot area and width standards and the sewage system requirements of the zoning district in which it is located and the newly created parcel is legally combined with an adjacent parcel.
- F. A nonconforming lot or parcel shall not be reduced in size.
- G. Where a nonconforming lot or parcel of record contains a conforming principal structure, the principal structure may be expanded, enlarged, or intensified without a Variance provided:
- i. The expansion, enlargement, or intensification meets all other standards of this Ordinance.

- ii. An on-site sewage treatment system can be installed in accordance with Chapter Four (Sewage and Wastewater Treatment Regulations) of this Ordinance or it is connected to a public sewer.
 - iii. The expansion, enlargement, or intensification does not occur within a bluff or shore impact zone or floodway area.
- 4. Nonconforming Signs.
 - A. Signs existing on the effective date of this Ordinance which do not conform to the regulations set forth in this Ordinance shall become a nonconforming use.
 - B. Business signs on the premises of a nonconforming building or use may be maintained and continued, but such signs shall not be increased in number, area, height, or illumination.
 - C. No signs erected before the passage of this Ordinance shall be rebuilt, altered, expanded, or moved to a new location without being brought into compliance with the requirements of this Ordinance.
 - D. Repainting, cleaning, and other normal maintenance or repair of the sign or sign structure is permitted.
 - E. In the event that the use of a nonconforming advertising sign structure is discontinued or its normal operation stopped for a period of 12 months, the structure shall be removed by the owner or lessor at the request of the Zoning Administrator.
- 5. Variance Evaluation. In evaluating all Variances, zoning and other permit applications, or Conditional Use and Interim Use Permit requests, the Department shall require the property owner to address, when appropriate, stormwater runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.

**SECTION 12. AMENDMENTS TO THE LAND USE ORDINANCE
AND COMPREHENSIVE PLAN**

The Board may adopt amendments to this Ordinance or the Renville County Comprehensive Plan. Amendments to the text or the zoning district maps may be adopted to reflect changes in the goals and policies of the Comprehensive Plan. Any amendment of the Ordinance shall be in compliance with the Comprehensive Plan.

- 1. Amendment Process.
 - A. An amendment to this Ordinance or the Comprehensive Plan may be initiated by the Board, the Planning Commission, or by application of property owner(s).

An application by a property owner(s) shall be presented to the Renville County Board of County Commissioners. An amendment not initiated by the Planning Commission shall be referred to the Planning Commission for its study, report, and recommendation and may not be acted upon by the Board until it has received the recommendation of the Planning Commission.

- B. Before the adoption of any Ordinance amending the Comprehensive Plan or the adoption or amendment of any text or zoning maps of the Ordinance, a public hearing shall be held as outlined in Section 7.2 of this chapter.
 - C. Planning Commission Recommendation. In conducting the public hearing, the Planning Commission shall state the reason for its recommendation to amend the Ordinance or Comprehensive Plan. The recommendation shall be forwarded to the Board which shall be considered by the Board in making its decision.
 - D. Notice and Certification of Final Action.
 - i. The Board shall take action on an amendment of the Ordinance or Comprehensive Plan and shall make findings in support of its decision.
 - ii. The Board shall forward its decision to the Zoning Administrator. The Zoning Administrator shall then file a certified copy of the Board's order with the County Recorder. After recording, a copy of the Board's order shall be sent to the applicant and any affected state agency if applicable.
2. Application Process. The following information shall be provided by a property owner seeking an Ordinance text or map amendment.
- A. Application for Change of Text. An application to change the wording of this Ordinance shall include:
 - i. Reason for the request change;
 - ii. Statement regarding compatibility with the Comprehensive Plan;
 - iii. Text portion of the existing language to be amended; and
 - iv. Proposed amended text.
 - B. Application for Change in District Boundary (Rezoning). An application to change district boundaries shall include the following:
 - i. The name and address of owner/owners;
 - ii. A specific description of the area proposed to be rezoned;

- iii. A map indicating the present zoning district and the proposed zoning district;
 - iv. Proposed use of the land to be rezoned;
 - v. A statement describing how the proposed change in district boundary will be compatible with the Comprehensive Plan; and
 - vi. No application for a change in zoning district boundary on the same parcel of land and for the same zoning district shall be resubmitted for a period of 12 months from the date of the decision on the previous application unless growth boundaries for the applicable township have been established or modified to include said parcel of land; or unless an adjoining parcel of land has been rezoned during the 12 months since the initial application; or unless, in the opinion of the Department, the request is substantially changed from the original request.
3. Criteria for Considering a Change in District Boundary (Rezoning). In determining whether a proposed amendment of the official Renville County land use maps is in harmony with the general purpose and intent of the Ordinance and the Comprehensive Plan, the Planning Commission shall consider:
- A. Is the change consistent with the Renville County Comprehensive Plan?
 - B. Are the existing surrounding land uses consistent with the permitted uses of the proposed zoning classification?
 - C. Will a zoning change alter the characteristics of the neighborhood?
 - D. Will a zoning change have a negative effect on property values in the neighborhood?

SECTION 13. FEES

To defray the administrative costs of processing requests of this Ordinance, a fee not exceeding administrative costs shall be paid by the applicant. The fee shall be determined by the Renville County Board of County Commissioners.

1. Non-Payment of Fees. If any fee required to be paid to the County to defray the cost of services related to administer this Ordinance is not paid by the applicant, the Board may certify to the County Auditor/Treasurer by November 30 all unpaid, outstanding fees and a description of the lands against which the costs arose. It shall be the duty of the County Auditor/Treasurer, upon order of the Board, to extend the assessments with interest, upon the tax rolls of the County for the taxes of the year in which the assessment is filed. For each year ending November 30, the

assessment with interest shall be carried into the tax becoming due and payable in January of the following year and shall be enforced and collected in the manner provided for the enforcement and collection of real and/or personal property taxes in accordance with the provisions of the laws of the State of Minnesota. The assessment, if not paid, shall become delinquent and be subject to the same penalties and the same rate of interest as the taxes under the general laws of the State of Minnesota.

2. Appeals. Appeals of the imposition of fees associated with administering this Ordinance shall be heard by the Renville County Board of County Commissioners according to the following steps:
 - A. The appellant shall submit a written letter to the Renville County Administrator containing supporting facts and documentation in sufficient detail to allow a determination as to whether the facts warrant relief of the imposed fees.
 - B. The Board shall consider and decide all appeals of imposed fees, which shall be final. The Board may uphold the imposition of fees, modify, or forgive fees based upon whether or not there were administrative or clerical errors on the part of the County, whether or not the applicant actually applied for and/or received a County service, or if there are exceptional circumstances under which the strict enforcement of this section would cause undue hardship and would be unreasonable, impractical, or not feasible.
 - C. The Renville County Administrator shall notify the appellant of the decision by the Board.

SECTION 14. ENFORCEMENT

1. Circumstances Constituting a Violation. Any person, firm, or corporation who violates any of the provisions of this Ordinance, or who fails, neglects, or refuses to comply with the provisions of this Ordinance including violations of conditions and safeguards established in connection with the granting of Variances, land use permits, land alteration and grading permits, Conditional Use and Interim Use Permits, or failures to comply with restoration orders, or who knowingly makes any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$1,000 or by imprisonment not to exceed 90 days, or both. Each day that a violation continues shall constitute a separate offense.
2. Administrative Enforcement Process.
 - A. Purpose. The purpose of this section is to provide an administrative process for enforcing the provisions of the Renville County Land Use Ordinance and for determining and resolving ordinance violations. This administrative process is established pursuant to authority granted by Minnesota law including Minnesota Statutes, Chapter 394, or its successor statutes.

- B. Investigation and Administrative Order. Alleged Ordinance violations shall be referred to the Department. The Department shall conduct an investigation and determine whether or not a violation exists. If it is determined that a violation exists, a violation report shall be prepared establishing the facts supporting the determination that an Ordinance violation exists. The Zoning Administrator may also prepare an administrative order setting forth, at a minimum, the following:
- i. The action required on the part of the property owner to eliminate or resolve the violation;
 - ii. A reasonable time in which the violation must be remedied; and
 - iii. Inform the property owner and/or permit holder of their right to appeal the order and determination to the Board of Adjustment and Appeals within 10 days of their receipt of the administrative order.
- C. Service of Order and Report. If an administrative order is drafted, the Zoning Administrator shall serve the order and report upon the record owner and/or permit holder of the property upon which the violation exists. Service of the order and subsequent documents shall be made by first class mail and shall be deemed effective upon depositing such documents in the United States Mail with proper postage affixed and prepaid and addressed to the record owner of the property at the address on file with the County Auditor/Treasurer for sending property tax statements or such other address as may be provided by the record owner in writing. The violation report shall constitute the administrative record supporting determination of the violation and issuance of the administrative order.
- D. Appeal of Determination and Administrative Order. Upon service of the violation report and administrative order, the record owner of the property shall have 10 business days to appeal the order and determination of violation by the Zoning Administrator to the Board of Adjustment and Appeals by filing with the Zoning Administrator a written notice of intent to appeal, specifying the name and address of the appellant, and the grounds for the appeal. If no action is taken, then both the facts established in the report and the administrative order shall be deemed a final decision.
- E. Public Hearing, Findings of Fact, and Decision. If written notice of appeal is received as provided in Section 5.4.A of this chapter, then the Zoning Administrator shall schedule a hearing on the appeal before the Board of Adjustment and Appeals at the earliest practical time and consistent with the provisions of the Renville County Land Use Ordinance and applicable state law. Public notice of the hearing shall be given as provided by Minnesota Statutes, Section 394.26, or successor statutes. The Board of Adjustment and Appeals shall conduct the hearing as outlined in Chapter One

(Administration), Section 5.3.A, of the Land Use Ordinance. The Zoning Administrator shall present a report establishing the violation and any additional facts, testimony, or information as may be available to support the Zoning Administrator's determination. The record owner of the property may present facts, testimony, or information supporting the appeal. The public shall also be given a chance to present facts, testimony, and information. The Board of Adjustment and Appeals may take and consider all testimony and information that it deems relevant in making its decision. The Board of Adjustment and Appeals shall make a record capable of being transcribed of the proceedings and shall preserve all written and pictorial information presented and received at the hearing. Upon conclusion of the hearing, the Board of Adjustment and Appeals may, in whole or in part, uphold the order, reverse the order, or amend the order. The Board of Adjustment and Appeals shall make written findings of fact and state the reasons for its decision in writing. The findings of fact and decision shall constitute the final decision of the Board of Adjustment and Appeals. A certified copy of the order shall be recorded with the County Recorder.

- F. Notice of Decision. The findings and decision of the Board of Adjustment and Appeals shall be mailed to the record owner at the address on file with the County Auditor/Treasurer for sending property tax statements or such other address as may be provided by the record owner in writing. Once mailed, the findings and decision shall serve as the appellant's notice of the decision. The mailed notice shall be deemed effective, with respect to the appellant record owner, three days after the findings and decision are deposited in the United States Mail. The findings and decision shall also be posted on the County's official notice board for three days and shall serve as notice of the decision to the public. A copy of the findings and decision shall also be made available for public inspection in the office of Renville County Environmental Services.
 - G. Judicial Appeals. Any aggrieved person may appeal the decision of the Board of Adjustment and Appeals as set forth by Minnesota law.
 - H. Enforcement of Final Decisions. The Attorney may institute such actions as may be necessary to enforce final decisions issued hereunder.
3. Other Enforcement Options. The administrative enforcement process set forth in Section 14 is not the mandatory, sole, or exclusive means of enforcement that the County may follow. The administrative enforcement process is in addition to any other right, remedy, or cause of action the County may have under Minnesota law to take actions, either civilly or criminally, to eliminate or resolve violations of this Ordinance. All such rights, remedies, and causes of action may, in the County's sole discretion, be exercised separately or in conjunction with one another and with such frequency as the County deems appropriate. In the event of a violation or a threatened violation of this Ordinance or any regulation or other official controls adopted by the Board, the Zoning Administrator, in addition to other remedies, may

institute appropriate civil actions or proceedings to prevent, prosecute, restore, restrain, correct, or abate such violations or threatened violations, and it shall be the duty of the Attorney to institute such action.

SECTION 15. EFFECTIVE DATE

The regulations contained in this chapter shall become effective from and after its publication according to law.