

### STAFF REPORT

#### Ordinance Amendment

**Initiator:** Pope County Land and Resource Management Department

**Ordinance Title and History:** Pope County Land Use Controls Ordinance

With the adoption of the Pope County Land Use Controls Ordinance (LUCO) by the Board of County Commissioners in December of 1999, county wide zoning and performance standards were instituted. The primary objectives of county wide zoning and land use planning is for the protection of public health, safety and welfare through limiting the degradation of sensitive environmental features, preserving valuable soil resources for agriculture purposes, providing for the housing needs of the community and ensuring the long-term sustainability of commercial and industrial development. These functions and uses work in tandem to limit disorderly development and to provide for a more stable population and tax base in Pope County.

**Sections:** The following sections of the LUCO are under consideration for amendment:

##### Section 2 Rules of Interpretation & Definitions

- Section 2.2 Definitions

##### Section 4 Shoreland Districts

- Section 4.2 Shoreland-General Development District (S-GD)
  - Section 4.2.1 Permitted Uses
  - Section 4.2.2 Conditional Uses
- Section 4.3 Shoreland-Recreational Development District (S-RD)
  - Section 4.3.1 Permitted Uses
  - Section 4.3.2 Conditional Uses
- Section 4.4 Shoreland-Natural Environment District (S-NE)
  - Section 4.4.1 Permitted Uses
  - Section 4.4.2 Conditional Uses



- Section 4.5 Shoreland-Rivers and Streams District (S-RS)
  - Section 4.5.2 Permitted Uses
  - Section 4.5.3 Conditional Uses
- Section 4.6.2 Access Lots and Easements
- Section 4.6.13 Steel Buildings, Pole Structures, and Other Dwellings

#### Section 5 Residential District (R)

- Section 5.3 Permitted Uses
- Section 5.6.1 Steel Buildings, Pole Structures, and Other Dwellings

#### Section 6 Non-Intensive Agriculture District (A-1)

- Section 6.2 Permitted Uses
- Section 6.3 Conditional Uses

#### Section 7 Agriculture Protection District (A-2)

- Section 7.2 Permitted Uses
- Section 7.3 Conditional Uses

#### Section 8 Commercial (C) & Industrial (I)

- Section 8.1.2 Permitted Uses
- Section 8.2.2 Permitted Uses



**Discussion:** Staff has initiated the proposed amendments in compliance with the following goal as established in the 2018 Pope County Comprehensive Land Use Plan.

*Land Use Compatibility*

4. *Ensure that land use regulations are clear, promote greater certainty in the land development process, and are consistent with the goals of the Comprehensive Plan and the well-being of the County's residents and landowners.*
  - a. *Conduct a thorough review of the County's zoning and subdivision ordinances to identify those parts which are unclear or inconsistent with the Comprehensive Plan or other county policies and make the appropriate amendments.*

Throughout the years there have been amendments to the official zoning map as well as the text of the ordinance. These proposed amendments are an effort to provide clarification in the ordinance language and associated performance standards.

## **Applicable Statutes**

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### Local Ordinance

- Land Use Controls Ordinance (LUCO)
  - Section 11.7 Petition for Rezoning and Amendment

### State Statute/Rule

- Minnesota Statute Chapter 394. Planning, Development, Zoning; including:
  - Section 394.24 Official Controls
  - Section 394.25 Forms of Control
  - Section 394.26 Public Hearings

## Supplemental Information

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**Supplemental Information Attachment 1:**  
***DRAFT – Land Use Controls Ordinance Amendments***  
***(Land & Resource Management, September 2023)***

## SECTION 2.2: DEFINITIONS

- ~~(2) **Access Lot:** a parcel of land that provides access to public waters.~~
- (6) **Administrator:** The Administrator is the Director of the Pope County Land & Resource Management department **or the Zoning Administrator** and unless otherwise indicated, the word “Administrator” as it appears in this ordinance means the Director of the Pope County Land & Resource Management department **or the Zoning Administrator**.
- (37) **Controlled Access Lots:** a parcel of lakeshore that is used by more than one party of ~~back~~ **riparian or nonriparian** lot owners ~~or other persons~~ for access to **the** lake.
- (46) **Dwelling Unit:** Any structure or portion of a structure, or other shelter **which is located on a lot/parcel, that provides complete independent living facilities,** ~~designed as short or long term living quarters~~ for one or more persons **which includes permanent provisions for living, sleeping, eating, cooking, and sanitation. Recreational camping vehicles (RVs) are not considered dwelling units.**
- a. **Primary Dwelling Unit:** the main dwelling unit or residence on a lot, with the primary use of the structure being residential, to which accessory structures may be subordinate, or secondary, i.e., a garage or accessory structure with a small living space (i.e., ≤ 700 square feet) would not qualify as the primary dwelling unit.
  - b. **Accessory Dwelling Unit (ADU):** A smaller, independent residential dwelling unit located on the same parcel as a primary single-family dwelling unit where the parcel meets minimum lot size standards designated in the respective zoning district. The ADU may take various forms:
    - i. **Detached ADU:** A type of ADU that is placed permanently on the same parcel as a single-family dwelling unit.
      1. **Guest cottage:** A structure used as an **ADU 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.
    - ii. **Accessory Structure ADU:** A type of ADU that is part of an accessory structure.
      1. **Guest quarter:** An area of an accessory structure that **is used as a dwelling. However, the dwelling space cannot be the primary use of the structure. contains sleeping space, and is not the primary use of the structure.**
    - iii. **Attached ADU:** A type of ADU that is part of an expanded or remodeled primary dwelling, not a duplex.
- (4) **Accessory structure:** ~~a structure that is physically detached from, secondary and incidental to, and commonly associated with a primary structure on the same site. (AS AMENDED 19 April 2022)~~ **any structure which is not the primary dwelling unit, is used for storage of personal belongings or personal use, i.e. garages, storage structures and ADUs.**
- a. **Agricultural Structure:** A structure whose use is for agricultural purposes, including farm machinery storage, crop storage or housing livestock which is associated with an agriculture operation.
  - b. **Garage:** A residential, private building or portion of a building, typically associated with a primary dwelling unit, used mainly for the storage of motor vehicles.
  - c. **Storage Structure/Unit:** A structure used for storage purposes of personal property.
  - d. **Yard Shed:** A structure meeting the definition of an accessory structure which is less than 144 square feet.
- (63) **Industrial Use:** Any activity engaged in the manufacturing, processing, and production, cleaning treatment, servicing, testing, repair or storage of goods or products.

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- (X) **Residential Use:** the use of property or structures, or portions thereof used, designed, or intended to be used for human habitation as a private home or residence and includes appurtenant structures such as:
- a. ~~Residential accessory use or structure:~~ any use and/or structure that is customarily a part of, and clearly incidental and secondary to a residence, and does not change the character of the residential use. This definition includes the following detached accessory structures, and other similar structures normally associated with a residential use of property. See also agricultural accessory structure.
  - b. Garages
  - c. Gazebos
  - d. Greenhouses (noncommercial)
  - e. Spas and hot tubs
  - f. Storage Yard sheds
  - g. Studios
  - h. Swimming pools
  - i. Tennis and other on-site sport courts
  - j. Workshops
  - k. ADUs.
- (93) **Protected Public Waters Inventory (PWI) map:** the official Minnesota Department of Natural Resources map setting forth the inventoried waters and wetlands.
- (54) **Guest cottage:** A structure used 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.
- (55) **Guest quarter:** An area of an accessory structure that contains sleeping space and is not the primary use of the structure.



#### 4.6.2 **Controlled Access Lots and Easements** *(AS AMENDED 3 July 2007)*

- A. **Purpose.** To ~~manage~~ **regulate private access to public waters so as to prevent** water surface crowding, to reduce fish and wildlife disturbance, to prevent pollution of surface water by suspension of sediment, to maintain property values, and to maintain natural characteristics of shorelands, ~~shoreland controls must regulate access to public waters.~~
- B. ~~Access lots.~~ **Controlled Access** lots, or parcels of land that provide access to ~~the lake public waters~~ for owners of riparian or nonriparian lots ~~within subdivisions~~, may be allowed ~~with where the local government~~ **approval, either through the subdivision process or a conditional use permit.** ~~determines that direct riparian access is not feasible due to the presence of protected vegetation, wetlands, or other critical fish or wildlife habitat. Access lots that provide riparian access for owners of nonriparian lots or parcels shall be prohibited. Where allowed by local governments,~~ **Controlled** access lots shall meet or exceed the following standards:
1. ~~These access lots shall also~~ comply with all of the dimensional standards under the ordinance.
  2. Where more than six subdivision lots are served, the width of the **controlled** access lot shall be increased by 25 percent for each additional subdivision lot in excess of six served.
  3. **The** lots shall be suitable in their natural state for the intended activities. All facilities shall be centralized and located in areas suitable for them. Evaluation of suitability shall include, but is not limited to, consideration of land slope, water depth, aquatic and shoreland vegetation, the presence of important fish and wildlife habitat, soils, depth to groundwater and other relevant factors.
  4. **Controlled Access** lots shall meet or exceed the shoreland vegetation buffer standards and have a vegetation management plan approved by the local government.
  5. The impervious surface coverage for **controlled** access lots must not exceed 12 percent of lot area, and stormwater management shall meet all relative standards.
  6. **The riparian controlled access** lots must be jointly owned by all ~~of those~~ purchasers of ~~the riparian lot~~ **lots having rights of usage of the access lot and be** governed by an owner's association.
  7. **Recreational vehicles and overnight camping are prohibited on controlled access lots.**
  8. ~~Access lots shall be governed by a covenant recorded on the title of every lot or parcel of land allowed to use the access lot.~~ **Controlled access lots are governed by the following standards:**
    - a) Permitted activities may include watercraft launching, loading, beaching, mooring, or docking, but shall not include residential or commercial uses.
    - b) A single dock and boat launching ramp may be permitted and no owner shall own an individual dock.

- c) Boating facilities must be located adjacent to the deepest water available.
- d) Continuous boat mooring shall be limited to one watercraft per lot served.
- e) ~~The covenants shall also specify which activities~~ **Allowable activities shall be specified**, such as swimming, sunbathing, ~~and or picnicking, shall be allowed on the access lot.~~
- f) These activities shall not conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners.
- g) ~~Covenants governing access lots shall limit~~ **The total number of vehicles allowed to be parked on the lot shall be limited**, and ~~must require centralization of all common facilities and activities~~ **must be centralized** in the most suitable locations on the lot to minimize topographic and vegetation alterations.
- h) All parking areas, ~~storage buildings~~, and other facilities should be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.
- i) **One (1) storage structure shall be allowed per controlled access lot, subject to Section 4.6.13. The following storage structure uses are prohibited: commercial uses and residential uses including, any structure with a dwelling unit.**

9. The owner's association shall enforce covenants.

~~C. **Controlled access lots.** Controlled access lots, or any lot, tract or parcel of land, however designated or described, intended to be used to provide accesses to public waters for owners of nonriparian lots, shall be restricted to having a single dock, no permanent watercraft, no loading or unloading of watercraft from lot and no structures on the access lot.~~



**4.6.13 Steel Buildings, Pole ~~Accessory~~ Structures, and Other Dwellings:**

- A. **Lots smaller than five acres:** The following uses, by their nature, are not necessarily typical on smaller lot developments and thus pose a potential for conflict with more traditional lot uses and development which may exist or which may develop in the immediate neighborhood. Typical arguments against such uses are devaluation of adjacent property values, cluttered or unsightly development and incompatibility of uses. The purpose of this section is to allow for public review of the following uses that may be proposed on parcels of less than five acres in size to minimize the potential conflicts of incompatible development, and to determine if they can or cannot be allowed.
1. Locating of accessory structures larger than 1100 square feet or with side wall height exceeding twelve (12) feet shall be by Conditional Use.
  2. Placement of residential structures less than 20 ft. wide over more than 25% of the residential structure area shall be by Conditional Use.
  3. Placement of any used accessory structure of greater than 200 square feet in area which is to be moved onto a lot shall be by Conditional Use.
  4. In allowing the types of structures regulated by this section, the Planning Commission findings shall determine that the proposed structure will not look out-of-place in comparison with other structures of the same neighborhood (within 500 feet), will not tend to cause devaluation of adjacent properties, will not create a use that is incompatible with existing uses of the neighborhood. ~~A temporary permit for a period of up to a three year duration may be allowed even if the findings do not meet those described above.~~

**4.6.14 Reserved for Future Use**

## 5.6 RESIDENTIAL DISTRICT REGULATIONS:

### 5.6.1 ~~Steel Buildings, Pole Buildings~~ **Accessory Structures, and Other Dwellings:**

- A. **Lots smaller than five acres:** The following uses, by nature, are not necessarily typical on smaller lot developments and thus pose a potential for conflict with more traditional lot uses and development which may exist or which may develop in the immediate neighborhood. Typical arguments against such uses are devaluation of adjacent property values, cluttered or unsightly development and incompatibility of uses. The purpose of this section is to allow for public review of the following uses that may be proposed on parcels of less than five acres in size to minimize the potential conflicts of incompatible development, and to determine if they can or cannot be allowed.
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  4. In allowing the types of structures regulated by this section, the Planning Commission findings shall determine that the proposed structure will not look out of place in comparison with other structures of the same neighborhood (within 500 feet), will not tend to cause devaluation of adjacent properties, will not create a use that is incompatible with existing uses of the neighborhood. ~~A temporary permit for a period of up to a five year duration may be allowed even if the findings do not meet the described above.~~

**4.2 SHORELAND - GENERAL DEVELOPMENT DISTRICT (S-GD):****4.2.1 Permitted Uses:**

- A. Single family seasonal and year-round residential uses.
  - 1. Single Family Dwelling. Only one primary single family dwelling unit is permitted per lot.
  - 2. Accessory Dwelling Units, i.e., guest cottages or guest quarters, subject to performance standards in Section 10.8.
  - 3. Accessory structures, storage structures, garages, agricultural structures, or yard shed subject to Section 4.6.13.
- B. Agricultural uses, subject to Section 10.3.
- C. Parks and playgrounds.
- D. Public accesses, publicly owned.
- E. Home occupations meeting Section 10.9 requirements.
- F. Existing golf courses and other similar commercial recreational facilities characterized by significant open or green space.
- G. Antennae when mounted on a rooftop or along a building or other structure.
- H. Water-oriented accessory structure or Facility. *(AS AMENDED 19 June 2018)*
- I. One vacation rental unit per parcel which meet 10.30.3.2.a. requirements. *(AS AMENDED 7 July 2020)*
- J. Accessory Solar Energy Systems: Residential/Personal, subject to the performance standards in Section 10.12. *(AS AMENDED 7 July 2020)*
- K. Controlled Access Lots processed under the Minor Subdivision process provided in Section 10.25 and subject to the standards in Section 4.6.2.

**4.2.2 Conditional Uses:**

- A. Planned Unit Developments
- B. Campgrounds, resorts, motels and vacation rental properties (subject to Section 10.30.3.2.b). *(AS AMENDED 7 July 2020)*
- C. Commercial.
- D. Duplexes, triplex and quad dwellings.
- E. Industrial uses for which it is necessary to locate within shoreland, provided that all storage within 500 feet of a public right-of-way or public water shall be completely enclosed in buildings or effectively screened by appropriate landscaping and a solid wall or fence that is no less than eight (8) feet in height.
- F. Manufactured Home Park provided the criteria found in Section 10.13 are met.
- G. Churches, chapels, temples, synagogues and public meeting places.
- H. Golf courses and other similar commercial recreational facilities characterized by significant open or green space.
- I. Towers, subject to the standards at Section 10.5.

- J. Controlled Access Lots, processed as a Conditional Use Permit or as a Standard Subdivision provided in Section 10.25 and subject to the standards in Section 4.6.2.
- K. Extractive Use. *(AS AMENDED 19 June 2018)*
- L. Solar Energy Systems: Solar Garden or Farm, subject to the performance standards in Section 10.12. *(AS AMENDED 7 July 2020)*

#### 4.3 SHORELAND - RECREATIONAL DEVELOPMENT DISTRICT (S-RD):

##### 4.3.1 Permitted Uses:

- A. Single family seasonal and year-round residential uses.
  - 1. Single Family Dwelling. Only one primary single family dwelling unit is permitted per lot.
  - 2. Accessory Dwelling Units, i.e., guest cottages or guest quarters, subject to performance standards in Section 10.8.
  - 3. Accessory structures, storage structures, garages, agricultural structures, or yard shed subject to Section 4.6.13.
- B. Agricultural uses, subject to Section 10.3.
- C. Parks and playgrounds.
- D. Home occupations, subject to Section 10.9.
- E. Antennae when mounted on a rooftop or along a building or other structure
- F. Water-oriented accessory structure or Facility. *(AS AMENDED 19 June 2018)*
- G. One vacation rental unit per parcel which meet 10.30.3.2.a. requirements. *(AS AMENDED 7 July 2020)*
- H. Accessory Solar Energy Systems: Residential/Personal, subject to the performance standards in Section 10.12. *(AS AMENDED 7 July 2020)*
- I. Controlled Access Lots processed under the Minor Subdivision process provided in Section 10.25 and subject to the standards in Section 4.6.2.

##### 4.3.2 Conditional Uses:

- A. Planned Unit Developments.
- B. Commercial.
- C. Campgrounds, resorts, motels, and vacation rental properties (subject to Section 10.30.3.2.b). *(AS AMENDED 7 July 2020)*
- D. Duplexes, triplex and quad dwellings.
- E. Public accesses ~~and controlled accesses~~.
- F. Churches, chapels, temples, synagogues and public meeting places.
- G. Golf courses and other similar commercial recreational facilities characterized by significant open or green space.
- H. Towers, subject to the standards at Section 10.5.
- I. Extractive Use. *(AS AMENDED 19 June 2018)*

- J. Solar Energy Systems: Solar Garden or Farm, subject to the performance standards in Section 10.12. *(AS AMENDED 7 July 2020)*
- K. **Controlled Access Lots, processed as a Conditional Use Permit or as a Standard Subdivision provided in Section 10.25 and subject to the standards in Section 4.6.2.**

#### 4.4 SHORELAND - NATURAL ENVIRONMENT DISTRICT (S-NE):

##### 4.4.1 Permitted Uses:

- A. Single family seasonal and year-round residential uses.
  - 1. **Single Family Dwelling. Only one primary single family dwelling unit is permitted per lot.**
  - 2. **Accessory Dwelling Units, i.e., guest cottages or guest quarters, subject to performance standards in Section 10.8.**
  - 3. **Accessory structures, storage structures, garages, agricultural structures, or yard shed subject to Section 4.6.13.**
- B. Agricultural uses, subject to Section 10.3.
- C. Home occupations, subject to Section 10.9.
- D. Antennae when mounted on a rooftop or along a building or other structure.
- E. Water-oriented accessory structure or Facility. *(AS AMENDED 19 June 2018)*
- F. Accessory Solar Energy Systems: Residential/Personal, subject to the performance standards in Section 10.12. *(AS AMENDED 7 July 2020)*
- G. **Controlled Access Lots processed under the Minor Subdivision process provided in Section 10.25 and subject to the standards in Section 4.6.2.**

##### 4.4.2 Conditional Uses:

- A. Parks and playgrounds.
- B. Planned Unit Development.
- C. Public accesses ~~and controlled accesses.~~
- D. Duplex, triplex and quad dwellings.
- E. Towers, subject to the standards at Section 10.5.
- F. Commercial (limited to small scale manufacturing, processing and servicing businesses). *(AS AMENDED 18 July 2017)*
- G. Public/Semipublic/Private recreational facilities characterized by significant open or green space (examples: golf courses, shooting ranges, hunting preserves). *(AS AMENDED 19 June 2018)*
- H. Extractive Use. *(AS AMENDED 19 June 2018)*
- I. Solar Energy Systems: Solar Garden or Farm, subject to the performance standards in Section 10.12. *(AS AMENDED 7 July 2020)*
- J. **Controlled Access Lots, processed as a Conditional Use Permit or as a Standard Subdivision provided in Section 10.25 and subject to the standards in Section 4.6.2.**

## 4.5 SHORELAND - RIVERS AND STREAMS DISTRICT (S-RS):

### 4.5.1 Purpose:

This district includes river classifications of transition, agricultural and tributary: lands surrounding all rivers and streams classified as shoreland shall fall in this district.

### 4.5.2 Permitted Uses:

- A. Single family seasonal and year-round residential uses.
  - 1. Single Family Dwelling. Only one primary single family dwelling unit is permitted per lot.
  - 2. Accessory Dwelling Units, i.e., guest cottages or guest quarters, subject to performance standards in Section 10.8.
  - 3. Accessory structures, storage structures, garages, agricultural structures, or yard shed subject to Section 4.6.13.
- B. Agricultural uses, subject to Section 10.3.
- C. Home occupations, subject to Section 10.9.
- D. Antennae when mounted on a rooftop or along a building or other structure.
- E. Water-oriented accessory structure or Facility.
- F. Accessory Solar Energy Systems: Residential/Personal, subject to the performance standards in Section 10.12.
- G. Controlled Access Lots processed under the Minor Subdivision process provided in Section 10.25 and subject to the standards in Section 4.6.2.

### 4.5.3 Conditional Uses:

- A. Parks and playgrounds.
- B. Planned Unit Development.
- C. Public accesses.
- D. Duplex, triplex and quad dwellings.
- E. Towers, subject to the standards at Section 10.5.
- F. Commercial (limited to small scale manufacturing, processing and servicing businesses).
- G. Public/Semipublic/Private recreational facilities characterized by significant open or green space (examples: golf courses, shooting ranges, hunting preserves).
- H. Extractive Use.
- I. Solar Energy Systems: Solar Garden or Farm, subject to the performance standards in Section 10.12.
- J. Controlled Access Lots, processed as a Conditional Use Permit or as a Standard Subdivision provided in Section 10.25 and subject to the standards in Section 4.6.2.



## **5 RESIDENTIAL DISTRICT (R)**

### **5.2 PURPOSE:**

The purpose of this district is to allow residential development in areas where substantial residential development has already taken place and where additional residential development is both anticipated and encouraged.

### **5.3 PERMITTED USES:**

- A. Single Family Dwelling. Only one **primary** single family dwelling unit is permitted per lot.
- B. Two-Family Dwellings. Only one two-family dwelling unit is permitted per lot.
- C. Agricultural uses, subject to Section 10.3.
- D. Parks and playgrounds.
- E. Home occupations meeting Section 10.9 requirements.
- F. Antennae when mounted on a rooftop or along a building or other structure.
- G. One vacation rental unit per parcel which meet 10.30.3.2.a. requirements. *(AS AMENDED 7 July 2020)*
- H. Accessory Solar Energy Systems: Residential/Personal, subject to the performance standards in Section 10.12. *(AS AMENDED 7 July 2020)*
- I. **Accessory Dwelling Unit, limited to one per lot or parcel.**
- J. **Accessory structures, storage structures, garages, agricultural structures, or yard shed subject to Section 4.6.13.**

### **5.4 CONDITIONAL USES:**

- A. Churches, chapels, temples and synagogues.
- B. The offices of members of recognized professions.
- C. Planned Unit Developments.
- D. Those commercial uses which serve local permanent residents and the resort industry, such as grocery stores, marine supplies, equipment and service; recreational equipment sales and privately owned and licensed recreational activity.
- E. Multiple family dwellings allowed at a density of one unit per 7,500 square feet. Lots intended for multiple family dwellings must identify two (2) sewage treatment sites.
- F. Bed and Breakfast facilities.
- G. Manufactured Home Parks provided the criteria found in Section 10.13 are met.
- H. Other uses of the same general character as those listed above, provided they are uses that are not more concentrated or intensive than the uses listed above, produce no greater impact on the neighborhood than those listed above, and are not incompatible with existing adjacent uses.
- I. Towers, subject to the standards at Section 10.5.
- J. Golf courses and other similar commercial recreational facilities characterized by

significant open or green space.

- K. Vacation rental properties, subject to the performance standards in Section 10.30. *(AS AMENDED 7 July 2020)*
- L. Solar Energy Systems: Solar Garden or Farm, subject to the performance standards in Section 10.12. *(AS AMENDED 7 July 2020)*

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## **6 NON - INTENSIVE AGRICULTURE (A-1)**

### **6.1 PURPOSE:**

The purpose of this district is to provide a buffer to separate more intensive agricultural production practices from incompatible recreational and residential uses. Residential development within this area is discouraged.

### **6.2 PERMITTED USES:**

- A. Accessory On-Farm Enterprise (AOFE), subject to performance standards in Section 10.XX.
- B. Accessory Solar Energy Systems: Agricultural/Farm Use, subject to performance standards in Section 10.12. *(AS AMENDED 7 July 2020)*
- C. Accessory structures, storage structures, garages, or yard sheds.
- D. Single family dwelling. Maximum of two (2) single family dwelling units, provided a six (6) acre minimum lot size, located on an agricultural farm as defined in Section 2.2.
- E. Agricultural, horticultural, aquacultural and silvicultural activities including the pasturing of domestic livestock and exotic animals and birds, and existing animal feedlots.
- F. Agricultural structures.
- G. Antennae when mounted on a rooftop or along a building or other structure.
- H. Existing golf courses and other similar commercial recreational facilities.
- I. Farm drainage systems, flood control and watershed/erosion control devices meeting all County, State and Federal minimum regulations.
- J. ~~Accessory Dwelling Units. Guest cottage or guest quarter, subject to performance standards in Section 10.8.~~
- K. Home occupations meeting Section 10.9 requirements.
- L. Vacation rental use, subject to performance standards in Section 10.30.3.2.a.
- M. Parks and playgrounds.
- N. Recreational camping vehicles used for seasonal, intermittent recreational or guest use, subject to performance standards in Section 10.15.
- O. Special events with a capacity of less than two hundred (200) people, subject to performance standards in Section 10.29.4.D.4.
- P. Non-commercial storage of uninhabited recreational camping vehicles, which are owned by the property owner or immediate family members of the property owner, subject to performance standards in Section 10.15.

### **6.3 CONDITIONAL USES:**

- A. Accessory On-Farm Enterprise (AOFE), subject to performance standards in Section 10.XX.

- B. Single family dwelling. More than two (2) single family dwelling units, provided a six (6) acre minimum lot size, located on an agricultural farm as defined in Section 2.2.
- C. Manufacturing/Processing-light.
- D. Cemeteries.
- E. Educational institutions and incidental uses when situated on the same site or unit of property.
- F. Game farms, shooting ranges and commercial hunting establishments.
- G. Home occupations.
- H. Motor vehicle salvage facility, subject to performance standards in Section 10.14.
- I. Municipal wastewater treatment facilities.
- J. New or expanded golf courses and other similar commercial recreational facilities characterized by significant open or green space provided that they are partially within or adjacent to a shoreland or residential district and are so laid out as to keep the depth of extension from the boundary of that district into the A-1 district to a minimum.
- K. Non-farm single family residential dwelling units to be placed or constructed on land which is woodland, is fallow, or is otherwise untilled or unsuitable for raising crops and which is located as near as practical to existing non-farm residential development, provided, however, that the construction of non-farm single family residential structures is prohibited if the proposed structure will result in more than two residential structures (farm or non-farm) being located within any division, subdivision, or other “split” of any quarter quarter section (40 acres plus or minus fractional amounts to account for survey anomalies, loss to public roadway use, etc.) Prior to the issuance of a conditional use permit for a non farm dwelling, the owner of the property shall be required to sign a statement of acknowledgement containing an “Acknowledgement of Agriculture Protection Zone Designation” disclosure. The acknowledgement shall be on a form provided by the ~~Zoning~~ Administrator and made available to the public. The disclosure forms shall be on file in the office of the ~~Pope County Zoning~~ Administrator.
- L. Residential Planned Unit Developments provided that they are partially within or adjacent to a shoreland or residential district and are so laid out as to keep the depth of extension from the boundary of that district into the A-1 district to a minimum. A person who applies for a residential planned unit development shall, not later than ten business days after the application is submitted, provide notice to each owner of agricultural real property within 5,000 feet of the perimeter of the proposed development. The notice may be delivered by first class mail, in person, or by publication in a newspaper of general circulation within the affected area and must include information on the number of residential units. This notice shall not be required if Minnesota Statutes 1998 Section 394.305 is repealed subsequent to the effective date hereof.
- M. Restaurants, convenience stores, gas stations, on/off sale liquor sales.
- N. Solid waste processing facilities and sanitary landfills provided they meet all applicable County and State laws.
- O. New or expanded feedlots ~~requiring a permit or agreement under Minnesota Pollution~~

~~Control Agency rules or a Verification of Compliance from Pope County~~ with a capacity of up to 200 animal units, subject to performance standards in Section 10.3.

- P. Commercial storage units, subject to performance standards in Section 10.6.
- Q. Towers, subject to performance standards in Section 10.5.
- R. Other uses of the same general character as those identified, provided they are uses that are not more concentrated or intensive than the uses identified, produce no greater impact on the neighborhood than those identified, and are not incompatible with existing adjacent uses.

#### 6.4 INTERIM USES:

- A. A temporary single family dwelling unit that is to be located within 300 feet of the existing residence for the purpose of home healthcare of immediate family member. An annual inspection is required to validate applicable status.
- B. Accessory On-Farm Enterprise (AOFE), subject to performance standards in Section 10.XX.
- C. Mining and extraction, subject to performance standards in Section 10.2.
- D. Non-confinement feeding areas, subject to performance standards in Section 10.3.
- E. Seasonal worker housing.
- F. Recreational camping vehicles used either as temporary living quarters or for seasonal, intermittent recreational use greater than ninety (90) days, subject to performance standards in Section 10.15.
- G. Solar Energy Systems: Solar Garden or Farm, subject to performance standards in Section 10.12. *(AS AMENDED 7 July 2020)*
- H. Special events with a capacity of more than two hundred (200) people, subject to performance standards in Section 10.29.
- I. Vacation rental properties, subject to performance standards in Section 10.30.
- J. Other uses of the same general character as those identified, provided they are uses that are not more concentrated or intensive than the uses identified, produce no greater impact on the neighborhood than those identified, and are not incompatible with existing adjacent uses.

## **7 AGRICULTURE PROTECTION (A-2)**

### **7.1 PURPOSE:**

The purpose of this district is to maintain and enhance agricultural land in the County which is and has historically been farmed, and to protect the agricultural and natural resource land from scattered residential development and land use conflicts resulting from such development. Residential development in this zone is strongly discouraged.

### **7.2 PERMITTED USES:**

- A. Accessory On-Farm Enterprise (AOFE), subject to performance standards in Section 10.XX.
- B. Accessory Solar Energy Systems: Agricultural/Farm Use, subject to performance standards in Section 10.12. *(AS AMENDED 7 JULY 2020)*
- C. Accessory structures, **storage structures, garages, or yard sheds.**
- D. Single family dwelling. Maximum of two (2) single family dwelling units, provided a six (6) acre minimum lot size, located on an agricultural farm as defined in Section 2.2.
- E. Agricultural, horticultural, aquacultural and silvicultural activities including the pasturing of domestic livestock and exotic animals and birds and including existing animal feedlots and new or expanded feedlots ~~requiring a permit or agreement under Minnesota Pollution Control Agency rules or a Verification of Compliance from Pope County,~~ having a capacity of fewer than 500 animal units, except swine facilities, which are limited to having a capacity of fewer than 300 animal units. *(AS AMENDED 17 JULY 2018)*
- F. Agricultural structures.
- G. Antennae when mounted on a rooftop or along a building or other structure.
- H. Existing golf courses and other similar commercial recreational facilities.
- I. Farm drainage systems, flood control and watershed/erosion control devices meeting all County, State, and Federal minimum regulations.
- J. **Accessory Dwelling Units.** ~~Guest cottage or guest quarter, subject to performance standards in Section 10.8.~~
- K. Home occupations meeting Section 10.9 requirements.
- L. Vacation rental use, subject to performance standards in Section 10.30.3.2.a.
- M. Parks and playgrounds.
- N. Recreational camping vehicles used for seasonal, intermittent recreational or guest use, subject to performance standards in Section 10.15.
- O. Special events with a capacity of less than two hundred (200) people, subject to performance standards in Section 10.29.4.D.4.
- P. Non-commercial storage of uninhabited recreational camping vehicles, which are owned by the property owner or immediate family members of the property owner, subject to performance standards in Section 10.15.



### 7.3 CONDITIONAL USES:

- A. Accessory On-Farm Enterprise (AOFE), subject to performance standards in Section 10.XX.
- B. Single family dwelling. More than two (2) single family dwelling units, provided a six (6) acre minimum lot size, located on an agricultural farm as defined in Section 2.2.
- C. Manufacturing/Processing-light.
- D. Cemeteries.
- E. Expansion of existing golf courses.
- F. Game farms, shooting ranges, and commercial hunting establishments.
- G. Home occupations.
- H. Motor vehicle salvage facilities, subject to performance standards in Section 10.14.
- I. Municipal wastewater treatment facilities.
- J. New and expanded feedlots having a permitted capacity of up to 2000 animal units.
- K. Non-farm single family residential dwelling units to be placed or constructed on land which is woodland, is fallow, or is otherwise untilled or unsuitable for raising crops and which is located as near as practical to existing non-farm residential development provided, however, that the construction of non-farm single family residential structures is prohibited if the proposed structure will result in more than one non-farm residential structure being located within any quarter section (160 acres plus or minus fractional amounts to account for survey anomalies, loss to public roadway use, etc.). Prior to the issuance of a conditional use permit for a non farm dwelling, the owner of the property shall be required to sign a statement of acknowledgement containing an “Acknowledgement of Agriculture Protection Zone Designation” disclosure. The acknowledgment shall be on a form provided by the ~~Zoning~~ Administrator and made available to the public. The disclosure forms shall be on file in the office of the ~~Pope County Zoning~~ Administrator.
- L. Solid waste processing facilities and sanitary landfills provided they meet all applicable County and State laws.
- M. Commercial storage units, subject to performance standards in Section 10.6.
- N. Towers, subject to performance standards in Section 10.5.
- O. Other uses of the same general character as those identified, provided they are uses that are not more concentrated or intensive than the uses identified, produce no greater impact on the neighborhood than those identified, and are not incompatible with existing adjacent uses.

### 7.4 INTERIM USES

- A. A temporary single family dwelling unit that is to be located within 300 feet of the existing residence for the purpose of home healthcare of immediate family member. An annual inspection is required to validate applicable status.
- B. Accessory On-Farm Enterprise (AOFE), subject to performance standards in Section 10.XX.

- C. Adult oriented use, subject to performance standards in Section 10.1.
- D. Mining and extraction, subject to performance standards in Section 10.2.
- E. Non-confinement feeding areas, subject to performance standards in Section 10.3.
- F. Seasonal worker housing.
- G. Recreational camping vehicles used either as temporary living quarters or for seasonal, intermittent recreational use greater than ninety (90) days, subject to performance standards in Section 10.15.
- H. Solar Energy Systems: Solar Garden or Farm, subject to performance standards in Section 10.12. *(AS AMENDED 7 JULY 2020)*
- I. Special events with a capacity of more than two hundred (200) people, subject to performance standards in Section 10.29.
- J. Vacation rental properties, subject to performance standards in Section 10.30.
- K. Other uses of the same general character as those identified, provided they are uses that are not more concentrated or intensive than the uses identified, produce no greater impact on the neighborhood than those identified, and are not incompatible with existing adjacent uses.

## **SECTION 8. COMMERCIAL (C) & INDUSTRIAL (I)**

### **8.1 COMMERCIAL (C)**

#### **8.1.1 Purpose:**

The purpose of this district is to provide a location for commercial uses along a federal, state, county or local road or in locations consistent with those indicated in the Pope County Comprehensive Land Use Plan which may be incompatible with other land uses elsewhere in the county.

All uses are subject to the submittal of a site Stormwater Management Plan, see section 8.3.4. and 10.24 for required performance standards.

#### **8.1.2 Permitted Uses:**

##### **A. Commercial, Group I-Retail and Service Establishments:**

1. Agricultural related equipment sales and service.
2. Automotive sales and sales lots.
3. Auction Facilities, vehicle and equipment.
4. Building materials sales.
5. Equipment rental, sales and service.
6. Convenience stores.
7. Florist shops, plant nurseries and garden supplies sales.
8. Manufactured homes and travel trailer sales.
9. Motor or appliance repair shops and showrooms.
10. Seed, fertilizer, feed and petroleum products sales.
11. Retail sales.
12. Wholesale businesses with no outdoor storage.
13. Any similar commercial use not specifically stated, implied or regulated elsewhere in this section, deemed by the ~~Planning Advisory Commission~~ **Administrator** to be of the same general character, as those permitted uses listed in this section.

##### **B. Commercial, Group II-Professional Facilities and Services:**

1. Athletic clubs, fitness centers, martial arts studios.
2. Contractor's offices, shop and showroom.
3. Daycare, commercial.
4. Hotels, motels, motor lodges and resorts.
5. Mini or seasonal storage facility, subject to performance standards in Section 10.6.
6. Office buildings.
7. Veterinary clinics or offices with no outside kennels.

8. Any similar commercial use not specifically stated, implied or regulated elsewhere in this section, deemed by the ~~Planning Advisory Commission~~ Administrator to be of the same general character, as those permitted uses listed in this section.
- C. **Commercial, Group III-Recreational Facilities:**
1. Indoor- Ballrooms, Billiard halls, Ice/Roller Skating facilities, etc.
  2. Outdoor-Miniature golf courses, driving ranges, go-cart tracks, water slides, etc.
  3. Any similar commercial use not specifically stated, implied or regulated elsewhere in this section, deemed by the ~~Planning Advisory Commission~~ Administrator to be of the same general character, as those permitted uses listed in this section.
- D. **Commercial, Group IV-Other Uses:**
1. Agriculture, including farm dwellings and agricultural structures, but not including agricultural or commercial feedlots.
  2. Essential services, subject to performance standards in Section 10.7.
  3. Hobbyist Wind Energy Conversion Systems, subject to performance standards in Section 10.12.
  4. Signage structures, subject to performance standards in Section 8.3.7.
  5. Any similar commercial use not specifically stated, implied or regulated elsewhere in this section, deemed by the ~~Planning Advisory Commission~~ Administrator to be of the same general character, as those permitted uses listed in this section.
- E. Expansion, alteration or replacement of existing residential dwellings.
- F. **Accessory structures, storage structures, garages, or yard sheds.**

### 8.1.3 Conditional Uses:

- A. Restaurants, Bars, lounges, clubs, lodges, and dance halls (public or private).
- B. Car washes (when separate from Auto Service).
- C. Gas stations, vehicle service garages and facilities.
- D. Kennels.
- E. New residential dwellings.
- F. Recycling Center in accordance with the Pope County Solid Waste Disposal Ordinance No. 4.
- G. Shopping and entertainment malls.
- H. Towers, subject to performance standards in Section 10.5.
- I. Any similar commercial use not specifically stated, implied or regulated elsewhere in this section, deemed by the Planning Advisory Commission to be of the same general character, as those permitted and conditional uses listed in this section.

**8.1.4 Interim Uses:**

- A. Contractor’s storage yards (not to be confused with scrap/dismantling yards).
- B. Mining and extraction, subject to performance standards in Section 10.2.
- C. Solar Energy Systems: Solar Garden or Farm, subject to performance standards in Section 10.12.
- D. Wind Energy Conversion Systems, subject to performance standards in Section 10.12.
- E. Any similar commercial use not specifically stated, implied or regulated elsewhere in this section, deemed by the Planning Advisory Commission to be of the same general character, as those permitted uses listed in this section.

## 8.2 INDUSTRIAL (I)

### 8.2.1 Purpose:

The purpose of this district is to provide a location for commercial/industrial uses along a federal, state, county or local road or in locations consistent with those indicated in the Pope County Comprehensive Land Use Plan which may be incompatible with other land uses elsewhere in the county.

All uses are subject to the submittal of a site Stormwater Management Plan, see section 8.3.4. and 10.24 for required performance standards.

### 8.2.2 Permitted Uses:

#### A. Industrial, Group I-Retail and Service Establishments:

1. Agricultural related equipment sales and service.
2. Automotive sales and sales lots.
3. Auction Facilities, vehicle and equipment.
4. Building materials sales.
5. Equipment rental, sales and service.
6. Convenience stores.
7. Florist shops, plant nurseries and garden supplies sales.
8. Manufactured homes and travel trailer sales.
9. Motor or appliance repair shops and showrooms.
10. Seed, fertilizer, feed and petroleum products sales.
11. Retail sales.
12. Wholesale businesses with no outdoor storage.
13. Any similar industrial use not specifically stated, implied or regulated elsewhere in this section, deemed by the ~~Planning Advisory Commission~~ Administrator to be of the same general character, as those permitted uses listed in this section.

#### B. Industrial, Group II-Professional Facilities and Services:

1. Athletic clubs, fitness centers, martial arts studios.
2. Contractor's offices, shop, showroom and storage yards less than 50,000 square feet per storage yard.
3. Daycare, commercial.
4. Hotels, motels, motor lodges and resorts.
5. Office.
6. Veterinary clinics or offices with no outside kennels.
7. Any similar industrial use not specifically stated, implied or regulated elsewhere in this section, deemed by the ~~Planning Advisory Commission~~ Administrator to be of the same general character, as those permitted uses listed in this section.



- C. **Industrial, Group III-Manufacturing, Processing and Storage Facilities:**
1. Manufacturing/Processing-light.
  2. Mini or seasonal storage facility, subject to performance standards in Section 10.6.
  3. Warehouse.
  4. Feed storage/Grain elevators.
  5. Transportation or freight terminal.
  6. Any similar industrial use not specifically stated, implied or regulated elsewhere in this section, deemed by the ~~Planning Advisory Commission~~ **Administrator** to be of the same general character, as those permitted uses listed in this section.
- D. **Industrial, Group IV-Other:**
1. Accessory Solar Energy Systems: Industrial facility/on-site use, subject to performance standards in Section 10.12. *(AS AMENDED 7 July 2020)*
  2. Agriculture, including farm dwellings and agricultural structures, but not including agricultural or commercial feedlots.
  3. Antennae when mounted on a rooftop or along a building or other structure.
  4. Experimental Wind Energy Conversion Systems, subject to performance standards in Section 10.12.
  5. Signage structures, subject to performance standards in Section 10.XX.
  6. Essential services, subject to performance standards in Section 10.7.
  7. Recycling Center in accordance with the Pope County Solid Waste Disposal Ordinance No. 4.
  8. Any similar industrial use not specifically stated, implied or regulated elsewhere in this section, deemed by the ~~Planning Advisory Commission~~ **Administrator** to be of the same general character, as those permitted uses listed in this section.
- E. **Accessory structures, storage structures, garages, or yard sheds.**

### 8.2.3 Conditional Uses:

- A. Agricultural products processing.
- B. Alcohol fuel plants.
- C. Animal hospitals.
- D. Bulk liquid storage.
- E. Car washes (when separate from Auto Service).
- F. Contractor's offices and storage yards greater than 50,000 square feet per storage yard.
- G. Kennels.
- H. Manufacturing/Processing:
  1. Heavy.
  2. Intensive.

- I. Motor vehicle salvage facilities, subject to performance standards in Section 10.14.
- J. Pawn broker.
- K. Restaurants, cafes, bars and taverns.
- L. Sewage treatment plants.
- M. Single-family housing.
- N. Solid waste management facilities in accordance with the Pope County Solid Waste Disposal Ordinance No. 4.
- O. Towers, subject to performance standards in Section 10.5.
- P. Transfer station.
- Q. Truck stops, gas stations, vehicle service garages and facilities.
- R. Any similar industrial use not specifically stated, implied or regulated elsewhere in this section, deemed by the Planning Advisory Commission to be of the same general character, as those permitted uses listed in this section, provided they are not incompatible with existing adjacent uses.

#### **8.2.4 Interim Uses:**

- A. Asphalt and concrete mixing plants, portable.
- B. Dwelling units for security persons and their families located on the premises where they are employed.
- C. Mining and extraction, subject to performance standards in Section 10.2.
- D. Solar Energy Systems: Solar Garden or Farm, subject to performance standards in Section 10.12.
- E. Wind Energy Conversion Systems, subject to performance standards in Section 10.12.
- F. Any similar industrial use not specifically stated, implied or regulated elsewhere in this section, deemed by the Planning Advisory Commission to be of the same general character, as those permitted uses listed in this section, provided they are not incompatible with existing adjacent uses.

## 10.8 GUEST COTTAGE & GUEST QUARTERS

### 10.8.1 Guest Cottage

One guest cottage may be permitted on lots meeting or exceeding the duplex lot area and width dimensions according to this Ordinance, provided the following standards are met:

- A. The guest cottage shall meet all requirements, including impervious surface standards, setbacks, adequate septic system capacity or ability to connect to the city sewer system.
- B. For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within an area equal to the smallest duplex-sized lot that could be created including the principal dwelling unit;
- C. A guest cottage, including any attached covered structures, must not cover more than 700 square feet of land surface, **must be one story** and must not exceed 15 feet in height. Basements are prohibited.
- D. A guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.
- E. Existing boathouses and other detached accessory structures which do not comply with the minimum structure setback standards shall not be converted to a guest cottage.

### 10.8.2 Guest Quarters

One guest quarter per lot shall be permitted provided the following standards are met:

- A. Guest quarters shall meet all requirements, including but not limited to adequate septic system capacity or ability to connect to the city sewer system.
- B. Guest quarters shall not exceed 700 square feet in size, regardless of the size of the accessory structure wherein they are located.
- C. Existing boathouses and other detached accessory structures which do not comply with the minimum structure setback standards shall not be converted to a guest quarters.

## **SECTION 11 ADMINISTRATION**

### **11.1 LAND-USE PERMITS-REQUIREMENTS:**

*(AS AMENDED 1 March 2022)*

#### **11.1.1 A permit is required prior to:**

- A. ~~to~~ Erecting or installing a new structure. ~~or~~
- B. **Altering** any structure or part thereof if the outside dimensions are changed. ~~or~~
- C. **The use of a structure thereof is being** converted to another use.
- D. ~~A Land Use Permit shall be obtained~~ **A Land Use Permit shall also be obtained to the moving of a any structure on to a parcel, subject to Section 4.6.13 and 5.6.1 where applicable.**
- E. The installation, replacement and/or alteration of a sewage treatment system as required in Section 10.20.
- F. The commencement of grading and filling activities in shoreland, subject to Section 4.6.10.
- G. The commencement of mining activities, subject to Section 10.2.
- H. Any land use activity listed as a permissible, conditional or interim use in this ordinance subject to applicable performance standards.

#### **11.1.12 ~~Permits:~~ Application Requirements:**

- A. An application for ~~Land Use Permit~~ **a permit** shall be made on forms supplied by the County.
- B. Each application shall include a sketch plan drawn to scale showing the exact size and location of the buildings and accessory buildings to be erected, and the size and location of any existing buildings, wells or sewers located on the lot. **The location of stormwater best management practices shall also be indicated on the sketch plan.**
- C. **Construction floor plans shall be provided for all construction projects, including the existing and proposed floor plans.**
- D. An application is deemed complete when all required fees, plans and data are submitted.
- E. Fees for ~~Land Use Permit~~ **permits** shall be according to the fee schedule resolution of the County Board of Commissioners.
- A. ~~Before a permit can be issued for any building, the requirements of Section 10.20 pertaining to sanitary facilities shall be met.~~
- B. ~~Before any permit is issued under this section, the construction erosion standards found in Section 10.4 shall be met.~~

**11.1.3 Sanitary, Erosion, and Stormwater Control Requirements:**

- A. Before a permit can be issued for any building, the requirements of Section 10.20 pertaining to sanitary facilities shall be met.
- B. Before any permit is issued under this section, the construction erosion standards found in Section 10.4 shall be met.
- C. Before any permit is issued under this section, two (2) site appropriate stormwater best management practices shall be proposed with the application, approved by the department, installed by the contractor or landowner and inspected by the department prior to any construction activities taking place, to be in conformance with Section 10.24.

**11.1.4 Contractor Responsibilities:**

- A. It shall be the duty of the contractor to inspect the ~~Land Use Permit~~ permit application as approved and to perform the construction in compliance with the permit and this ordinance.
- B. It shall also be the duty of the contractor to make certain that the permit is secured before the construction begins.
- C. Contractors performing construction activities without the benefit of an issued permit shall be subject to monetary penalty as specified in the fee schedule resolution of the County Board of Commissioners.

**11.1.25 Construction period:**

~~A Land Use Permit~~ A permit issued by the department is valid for a period of one year. If construction is not completed at one year, a one-year permit extension may be granted by the Administrator with cause, upon full payment of a fee equivalent to the original permit fee. If construction is not completed upon permit expiration after the first extension, future permit extensions may be granted for a one-year period upon full payment of a fee equivalent to two times the original permit fee.

- A. Construction is considered completed when the exterior of the structure is fully completed to the extent that there appears to be no additional construction necessary.
- B. All yard landscape work shall be fully completed during the first one-year permit period.
- C. Construction may not commence until such time as stormwater best management practices and erosion control measures have been installed and inspected by the department.

## 11.2 Zoning Administrator:

~~The Board of County Commissioners hereby delegates to the Zoning Administrator the duties of administering and enforcing the Minnesota Pollution Control Agency's feedlot permitting program within Pope County to the extent authorized pursuant to Minnesota Statutes Section 116.07, and all rules promulgated thereunder, and administering and enforcing the requirements of this ordinance.~~

### 11.2.1 The duties of the Administrator shall include the following:

- A. Administer and enforce this ordinance.
- B. Assist the public in complying with and understanding their responsibilities and rights under this ordinance and provide any information about the ordinance upon request.
- C. Issue permits required by this ordinance, subject to the provisions stated within this ordinance. ~~Application for all permits required by this ordinance shall be made to the Zoning Administrator and he shall issue such permits subject to the provisions stated within this ordinance.~~
- D. Receive and forward all applications for Conditional Use Permits, Interim Use Permits, Standard Subdivisions, Rezoning, or amendments to this ordinance to the Board of County Commissioners and the County Planning Advisory Commission.
- E. Receive and forward all Variance applications, appeals or petitions to the County Board of Adjustment.
- F. ~~The Zoning Administrator shall~~ **Keep** the necessary records pertaining to this ordinance.
- G. The ~~Zoning~~ Administrator, subject to County Board approval, shall have the authority to revoke any permit issued under this ordinance whereupon it is found that the holder of the permit has violated any of the terms of this ordinance or any stated conditions of the permit.
- H. The ~~Zoning~~ Administrator and/or his ~~a~~ duly appointed representative, shall have the authority to enter, at reasonable times, upon the premises of property located in any of the zoning districts described herein to determine compliance with this ordinance.
- I. The ~~Zoning~~ Administrator shall have authority to issue administrative orders directing owners and users of land to discontinue uses or activities which violate the provisions of this ordinance.

~~The Pope County Director of Public health shall have independent authority under this ordinance to issue administrative orders directing owners and users of land to discontinue and to abate uses, activities or conditions which are deemed by the Pope County Director of Public Health to constitute a public health nuisance.~~



**11.3 FEES:****11.3.1 Description:**

- A. All fees collected as required by this ordinance shall be credited to the County General Revenue Fund.
- B. All fees collected pursuant to this ordinance shall be according to a fee schedule resolution of the County Board of Commissioners.
- C. Prior to adoption of the fee schedule resolution, the County Board shall hold a public hearing thereon.
- D. In any event that an applicant for Conditional Use, Variance or Preliminary Plat requests a special meeting of Planning Commission or Board of Adjustments for the purpose of expedient action on said permit, said applicant shall pay the full cost of the special meeting.

**11.3.2 Fee Exceptions:**

- A. Losses due to fire or natural disasters. Replacement structure to be in original location, with substantially similar dimensions.
- B. Portable, unattached accessory structures or yard sheds, provided they are:
  - a. Less than 144 square feet.
  - b. Uninhabitable (no residential sleeping or living quarters, i.e., cannot be considered a dwelling unit or guest quarters).
- C. Applicants who secure a Conditional Use Permit (CUP) for purposes as defined below, shall not incur an additional permitting fee for the activity or structure provided that the aforesaid activity or structure commences within one (1) year of the issuance of said CUP and the requirements of Section 11.1.1 of this ordinance are complied with. If, however, the project has not started after one (1) year from the date of issuance of said CUP, a fee shall be collected.
  - a. Shoreland Alterations requiring a CUP, as defined in Section 4.6.10.
  - b. Storage Structures greater than 1100 square feet or with sidewalls exceeding twelve (12) feet, as defined in Section 4.6.13 and 5.6.1. If guest quarters are proposed within the storage structure a separate Land Use Permit will be required.
  - c. Used Accessory Structures requiring a CUP, as defined in Section 4.6.13 and 5.6.1.
  - d. Non-farm residences requiring a CUP, as defined in Sections 6 and 7, provided the requirements of Section 11.1.1 are complied with.