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# CORINNA TOWNSHIP

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## BOARD OF ADJUSTMENT/ PLANNING COMMISSION

MEETING PACKET FOR  
**April 9, 2013**



CORINNA TOWNSHIP  
AGENDA  
BOARD OF ADJUSTMENT / PLANNING AND ZONING COMMISSION  
April 9, 2013

7:00 PM

1. Call to Order
2. Roll Call
3. Additions or Deletions to the Agenda
4. Public Hearings
  - a. None
5. Approve Previous Meeting Minutes
  - a. March 14, 2013
6. Zoning Administrator's Report
  - a. Permits
  - b. Correspondence
    - i. Parcels 206023001070 and 206023001080 (expired 2002 lot line adjustment)
  - c. Enforcement Actions
7. Other Business
  - a. Discuss ordinance updates/clarifications
  - b. Discuss possible update to 2007 Comprehensive Plan
    - i. County assessor data - Seasonal/Recreational housing data
8. Adjournment

This agenda is not exclusive. Other business may be discussed as deemed necessary.

## STAFF REPORT

**Other Business:** Parcels 206023001070 and 206023001080 (expired 2002 lot line adjustment)

**Agenda Item:** 6(b)

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**Staff Comments:** The two properties listed above were the subject of a lot line adjustment request in 2002 before the Wright County Board of Adjustment. The applicant requested that the lines be adjusted so that each lot would have at least 20,000 sq ft and be considered buildable on their own. At the time, Wright County ordinance required that adjacent lots under common ownership could not be sold or developed separately unless each was at least 20,000 sq ft in size. Prior to the lot line adjustment, the lots were 21,771 sq ft and 19,919 sq ft in size. After the adjustment, the lots would have been 20,771 sq ft and 20,919 sq ft.

While the requested lot line adjustment was approved by Wright County, the landowner apparently didn't realize that they needed to take action to formalize the change in lot boundaries by drafting and recording new deeds. Since 1995, variance decisions have been considered valid for only three years. Given that the landowner didn't formally "act" on the variance approval by recording the new deeds, it could be argued that the variance is now expired.

Since the 2002 approval, the state statutes have changed regarding how adjacent, nonconforming lots are handled when they are owned by the same person(s). The statute now states that such lots can be developed or sold separately only if the width and size are within 66 percent of the sizes required under current DNR rules. In this case, the lots would need to be 99 feet wide and 26,400 sq ft in size (66% OF 150 ft and 40,000 sq ft, respectively). The lots do not meet either of these requirements.

The primary questions for the Board of Adjustment/Planning Commission are:

1. Would it matter if the Township and County honored the 2002 variance approval in that they are still under common ownership and subject to the new state statutes (which don't allow for them to be sold separately).
  - a. Result: The lots would not be able to be sold separately without a variance - even if the Township and County decided they would otherwise honor the 2002 approval.
2. If honoring the 2002 approval meant the landowner could record the new legal descriptions as approved in 2002 and sell the lots separately, would the Township honor that previous approval?
  - a. Result: The lots could be sold separately, despite the new state statutes.

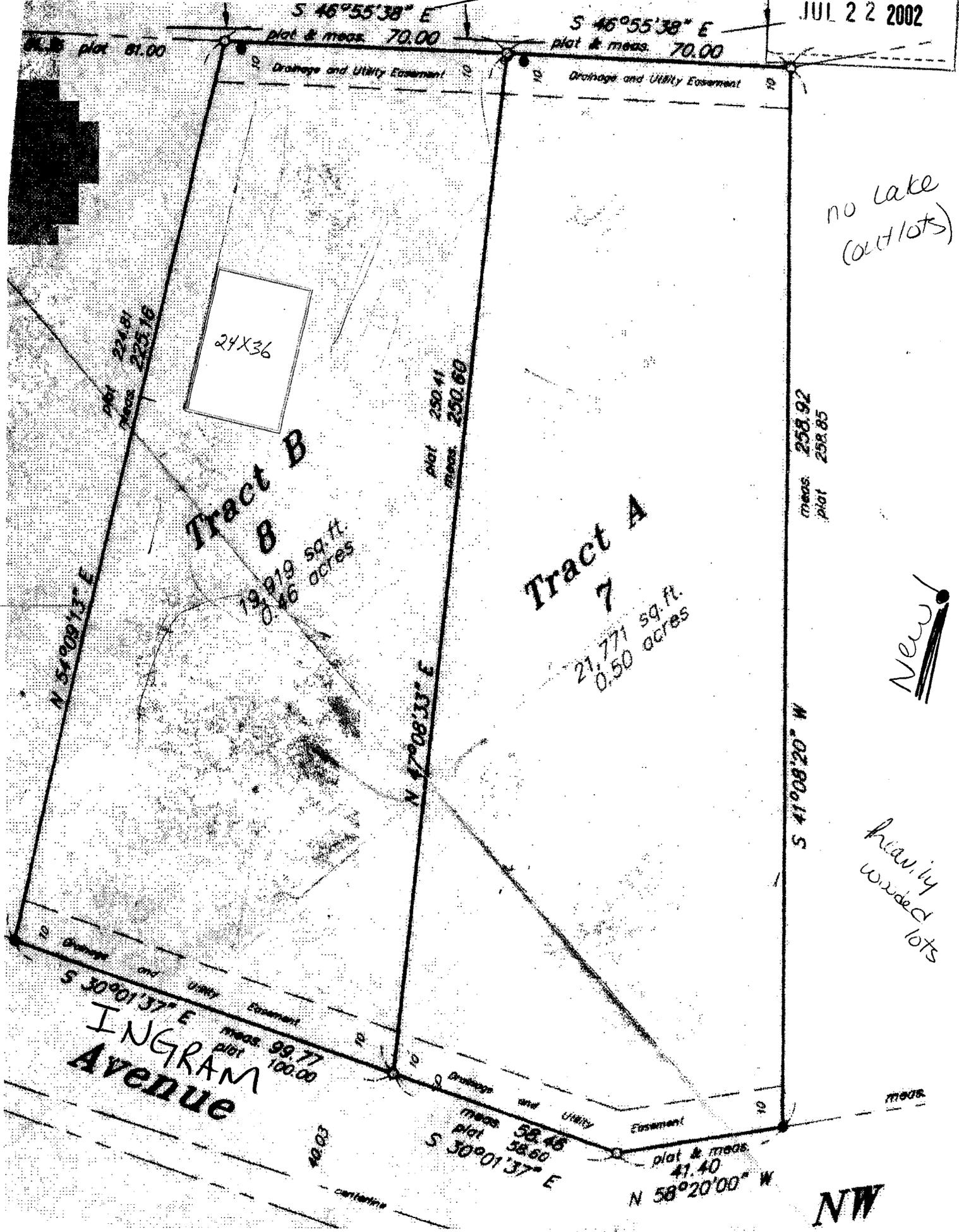
Staff is checking with the DNR regarding their thoughts on this issue and whether they would consider it necessary to obtain a new variance to sell the lots separately.

The applicant has listed the two lots for sale separately, which is what caused this issue to be raised.

LAND

RECEIVED

JUL 22 2002

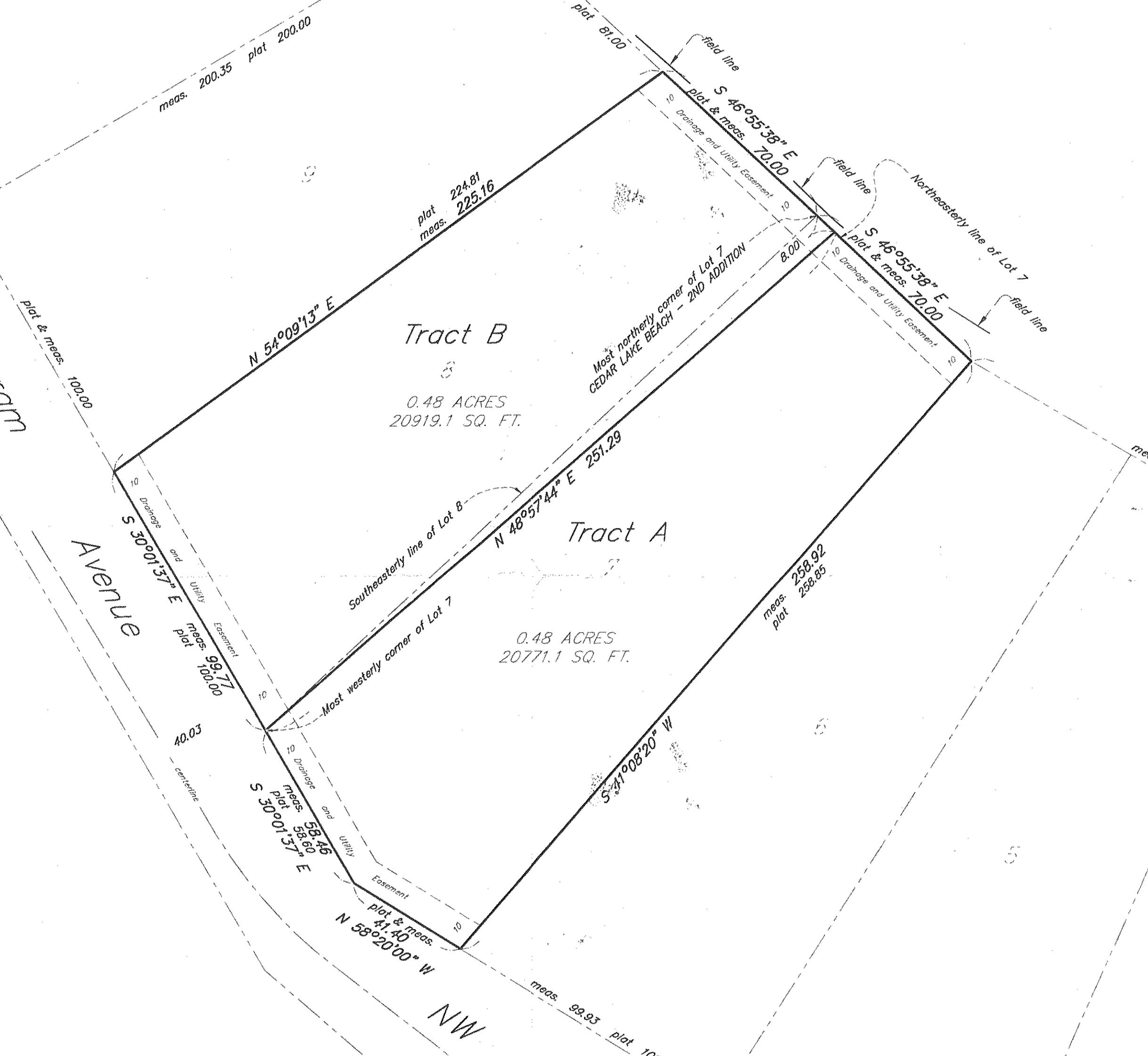


no lake (old lots)

New

heavy wooded lots

0.91 x 9.16



meas. 200.35 plat 200.00

plot meas. 224.81  
225.16

plat & meas. 100.00  
 $S 46^{\circ}55'38'' E$   
plat & meas. 70.00

field line  
 $S 46^{\circ}55'38'' E$   
plat & meas. 70.00  
field line

Tract B  
0.48 ACRES  
20919.1 SQ. FT.

Most northerly corner of Lot 7  
CEDAR LAKE BEACH - 2ND ADDITION

plat & meas. 100.00

$N 54^{\circ}09'13'' E$

Tract A

0.48 ACRES  
20771.1 SQ. FT.

meas. 258.92  
plat 258.85

Avenue

Drainage and Utility Easement  
 $S 30^{\circ}01'37'' E$   
plat meas. 99.77  
100.00

Southeasterly line of Lot 8

$N 48^{\circ}57'44'' E$   
251.29

Most westerly corner of Lot 7

40.03

Drainage and Utility Easement  
meas. 58.46  
plat 58.60  
 $S 30^{\circ}01'37'' E$

$S 41^{\circ}08'20'' W$

Easement  
plat & meas. 41.40  
 $N 58^{\circ}20'00'' W$

NW

meas. 99.93 plat 100.00

## STAFF REPORT

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**Other Business:** Discuss end-of-year ordinance updates/clarifications.

**Agenda Item:** 7(a)

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**Staff Comments:** Over the last few years, Staff has occasionally asked Wright County staff for their interpretations of certain “gray” areas within the ordinance. In the attached sections of the ordinance, we have noted the interpretations we have received from County staff (in the right sidebar of the page). In the text of the ordinance, we have sometimes noted where the language could be amended to clarify that interpretation so that there is less confusion in the future as to how it is to be interpreted. In some cases, we have just noted the County’s interpretation, but not made any language changes.

A significant number of the changes, particularly in Section 612 (pgs. 78-100) but also in other sections, are to ensure that the Township’s ordinance language regarding shoreland zoning matches with the minimum requirements of state law. While the current Wright County language is not necessarily inconsistent with the state requirements, there are areas where it could be confusing or where the County language does appear to be in conflict.

The Planning Commission has reviewed some of these draft amendments previously (February and April 2012, in particular), but due to busy agendas the Commission has not reviewed them for some time. The DNR-related changes noted above were not part of the review in 2012.

At the March meeting, the Commission directed Staff to focus primarily on the changes intended to meet minimum DNR requirements and to take other sections as able after that. In the enclosed draft, DNR-related changes are generally highlighted in grey. Staff has also made several other changes (highlighted in yellow) that are intended for discussion if time allows. Several other changes (which are not highlighted, but show up in blue lettering) are generally related to folding the Township’s existing ordinance (which references the Wright County ordinance language as an Appendix) into a complete ordinance that doesn’t rely on referencing.

Any changes to the text of the ordinance related to these interpretations would need to be presented at a public hearing and Wright County’s comments would be solicited. The Township, of course, is required by state statute to be at least as restrictive as Wright County.

Code 0078

WRIGHT COUNTY CORINNA TOWNSHIP ZONING ORDINANCE

AN ORDINANCE REGULATING THE USE OF LAND IN WRIGHT COUNTY CORINNA TOWNSHIP BY DISTRICTS, INCLUDING THE REGULATION OF THE LOCATION, SIZE, USE AND HEIGHT OF BUILDINGS, THE ARRANGEMENT OF BUILDINGS ON LOTS AND THE DENSITY OF POPULATION FOR THE PURPOSE OF PROMOTING THE PUBLIC HEALTH, SAFETY, ORDER, CONVENIENCE, AND GENERAL WELFARE OF WRIGHT COUNTY CORINNA TOWNSHIP.

THE WRIGHT COUNTY CORINNA TOWNSHIP BOARD DOES ORDAIN AS FOLLOWS:

SECTION 1. TITLE

101. This Ordinance ~~which is the 1978 Amendment to the Wright County Zoning Ordinance~~ shall be known, cited and referred to as the Wright County Corinna Township Zoning Ordinance.

SECTION 2. INTENT AND PURPOSE

201. This Ordinance is adopted for the purpose of:
- (1) protecting the public health, safety, morals, comfort, convenience and general welfare.
  - (2) promoting orderly development of the residential, commercial, industrial, recreational and public areas.
  - (3) conserving the natural and scenic beauty and attractiveness of the community.
  - (4) conserving and developing natural resources.
  - (5) providing for the compatibility of different land uses and the most appropriate use of land throughout the community.
  - (6) protect agricultural area.
  - (7) To preserve the rural character of Corinna Township.
  - (8) To effectuate the goals and strategies of the Corinna Township Comprehensive Plan.

SECTION 3. RULES AND DEFINITIONS

301. Rules

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- (1) The singular number includes the plural and the plural the singular.
- (2) The present tense includes the past and future tenses, and the future the present.
- (3) The word "shall" is mandatory, and the word "may" is permissive.
- (4) The masculine gender includes the feminine and neuter genders.
- (5) Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be constructed as set forth in such definition.
- (6) All measured distances expressed in feet shall be to the nearest tenth of a foot.
- (7) In the event of conflicting provisions within this ordinance, the more restrictive provision shall apply.

302. DEFINITIONS

The following words, and terms, whenever they occur in this Ordinance, are defined as follows: 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.

- (1) Accessory Use or Structure - A use or building, improvement, structure or portion of a structure subordinate to and serving the principal use structure on the same lot and customarily incidental thereto- and which, in shoreland areas, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks. Detached accessory structures and garages on lots less than one acre shall not have a second story, must have no more than six (6) feet of headroom in a rafter storage area, and have a maximum 6/12 roof pitch. Accessory buildings and structures, individually and combined (not to include attached garages nor decks), on isolated residential parcels (those that are not adjoining other residential parcels/lots) smaller than 10 acres in size shall not exceed the following maximum size limits:

<u>Parcel size</u>	<u>Max. Building area</u>	<u>Max. Sidewall</u>
Less than 20,000 sq. ft.	1000 square feet	14 feet
20,000 sq. ft.-.99 acres	1600 square feet	14 feet
1-2.49 acres	2400 square feet	14 feet
2.5-4.99 acres	3200 square feet	14 feet
5-9.99 acres	4000 square feet	16 feet

- (2) Access Drive (driveway) - An improved area of any lot or parcel which is used for vehicular access or parking. Drives improved solely with gravel or rock materials will not be used to calculate lot coverage areas; any paved (bituminous, concrete, etc.) area shall be counted as impervious surfaces.
- (3) Addition, Building - Any construction that expands the footprint, livable space, or volume of a building, such as a porch, basement, an additional level or floor, attached garage, carport, new room, or roof pitch or wall height change.

**Comment [BJO1]:**

ee 10/6/11 e-mail from B. Rhineberger: "Attached is our AG handout. Please note the accessory structure area near the bottom. If the parcel is isolated, they would be allowed 1,000 sq. ft. with 14 ft. sidewalks. If it adjoins other residential parcels/lots, the R-1 standards would apply (800 sq. ft. with 12 ft. sidewalks). The setback standards would be R-1 regardless of proximity.

>>> "Ben Oleson" <[oleson@communitygrowth.net](mailto:oleson@communitygrowth.net)>  
10/6/2011 2:43 PM  
>>>

Am I right that if a residential property is zoned AG, but is less than 20,000 sq ft in size, a structure would be required to meet the R-1 setback standards, but not the R-1 restrictions on max building area for a detached accessory structure (i.e. it would be allowed up to a 1,000 sq ft building with 14 ft sidewalks instead of a 800 sq ft/12 ft sidewall restriction? The same would apply to the other accessory building size categories (20,000 to 0.99 acres, etc...)?"

- (4) Administrator - The duly appointed person charged with enforcement of this Ordinance.
- (5) 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:
  - (a) field crops, including: barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers.
  - (b) livestock, including: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds and other animals including ponies, deer, rabbits and mink.
  - (c) livestock products, including: milk, butter, cheese, eggs, meat, fur and honey.
- (6) Airport or Heliport - Any land or structure which is used or intended for use for the landing and take-off of aircraft, and for appurtenant land or structure used or intended for use for port buildings or other port structures of rights-of-way.
- (7) Animal Unit - A unit of measure used to compare differences in the production of animal wastes which has as a standard the amount of waste produced on a regular basis by a slaughter steer or heifer. For purposes of this Ordinance, the definition and units of measure contained in Minnesota Rules Part 7020.0300, Subpart 5 shall apply.
- (8) Apartment - A room or suite of rooms with cooking facilities available which is occupied as a residence by a single family, or group of individuals living together as a single family unit. This includes any units in buildings with more than two dwelling units.
- (9) Auto or Motor Vehicle Reduction Yard - A lot or yard where one or more unlicensed motor vehicles, 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 Junk Yard).
- (10) Basement - A portion of a building located partly underground but having half or more of its **total wall area (measured from floor-to-ceiling) height** below the average grade of the adjoining ground. For flood plain regulatory purposes, basement shall include 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.
- (11) Bed and Breakfast - A single-family dwelling with furnished bedrooms provided to guests, at which meals may be served to guests by the permanent residents, which is kept, used or advertised as, or held out to the public to be, a place where sleeping accommodations are supplied for pay to guests for transient occupancy as defined in Minn. Stat. 327.70, Subd. 5, but in no case shall continuous occupancy exceed 30 days. There shall be offered for guests no more than four bedroom units per single family dwelling, accommodating not more than two adult persons per unit. One (1) guesthouse, as defined in Section 712, located on the same property, may be used as one of the permitted four (4) units for an approved Bed and Breakfast provided that the residence on the property does include at least one unit.
- (12) Bluff - "Bluff" means 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 for 50 feet or more shall not be considered part of a bluff):
  - (a) Part or all of the feature is located in a shoreland area;
  - (b) The slope rises at least 25 feet above the ordinary high water level of the water body;
  - (c) The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high

**Comment [BJO2]:**  
 ee 5/10/2011  
 e-mail from B.  
 Rhineberger to  
 B. Oleson: "For  
 the basement, I  
 view it as a  
 percentage of the  
 total wall area from  
 floor to ceiling. As  
 long as 50% of the  
 total wall area is  
 underground, it  
 would be a  
 basement (each  
 wall would not  
 have to be 50%,  
 but rather the  
 average would)."

water level averages 30 percent or greater;

- (d) The slope drains toward the water body.
- (13) Bluff impact zone - "Bluff impact zone" means a bluff and land located within 20 feet from the top of a bluff.
- (14) Bluffline - A line along the top of a slope connecting the points at which the slope becomes less than 13%. This applies to those slopes within the land use district(s) which are beyond the setback provisions from the ordinary high water mark.
- (15) Boardinghouse (Rooming or Lodging House) - A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodging are provided for three or more persons, but not to exceed twenty persons.
- (16) Boathouse - A one (1) story structure not to exceed ten feet in height exclusive of safety railing designed and used solely for the storage of boats or boating equipment, the top of which may be used as an open deck with safety railings. A boathouse shall not be allowed to serve as living quarters and shall not contain sanitary facilities.
- (17) Building - Any structure having a roof which may provide shelter or enclosure of persons, animals, chattel, or property of any kind and when said structures are divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.
- (18) Building Code - Minnesota State Building Code as adopted by [Wright County-Corinna Township](#). May also be referred to as the Uniform Building Code (U.B.C.)
- (19) Building line. "Building line" means a line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.
- (20) Building Setback - The minimum horizontal distance between the building and a lot line.
- (21) Business - Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.
- (22) Carport - an automobile shelter having one or more sides open.
- (23) Church - A building and uses, where persons regularly assemble for religious worship and which building, and uses, is maintained and controlled by a religious body organized to sustain public worship.
- (24) Clear-cutting - Shall mean "intensive vegetative clearing" including the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
- (25) Commercial use - The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.
- (25) Comprehensive Plan or Policies Plan - A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the county and its environs, as defined in the Minnesota County Planning Act M.S. 364, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
- (26) Commissioner - Commissioner of Department of Natural Resources.
- (27) Community Water and Sewer Systems - Utilities systems serving a group of buildings, lot, or any area of the community, with the design and construction of such utility systems as approved by the community and the State of Minnesota.

- ~~(28) Conditional Use - (28) Conditional Use - A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood. A use classified as conditional generally may be appropriate or desirable in a specified zone, but requires special approval because if not carefully located or designed it may create special problems such as excessive height or bulk or abnormal traffic congestion.~~
- (29) Contractors Yard, Non-Commercial - Buildings and structures, including limited outdoor storage, located on the homestead of a contractor in the building trades or other similar business, for the purpose of storing machinery and equipment related to the business which is primarily conducted off-site. All storage and screening requirements in Sections 702 through 705 of this ordinance must be met, all building size requirements must be met and the use must be clearly incidental to the primary use of the property as a homestead. One identification sign, not to exceed 12 square feet, is permitted. (Pre-existing yards will not be required to obtain a Conditional Use Permit provided all ordinance requirements are met.)
- (30) County Board - Wright County Board of Commissioners
- (31) Curb Level - The grade elevation established by the governing body of the curb in front of the center of the building. Where no curb level has been established, the engineering staff shall determine a curb level or its equivalent for the purpose of this Ordinance.
- (32) Deck - "Deck" means a horizontal, unenclosed platform - 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 ~~three feet~~ **thirty (30) inches** above ground.
- (33) Drive-In - Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where fast service to the automobile occupants is a service offered regardless of whether service is also provided within a building.
- (34) ~~Duplex, Triplex or Quad - a dwelling structure on a single lot, having two, three, and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities. A detached residential building containing two dwelling units.~~
- ~~(35) Dwelling Unit - site. "Dwelling site" means a designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.~~
- ~~(35) 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, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins. A residential building or portion thereof intended for occupancy by a single family but not including hotels, motels, boarding or rooming houses or tourist homes.~~
- (36) Dwelling Attached - A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.
- (37) Dwelling Detached - A dwelling which is entirely surrounded by open space on the same lot.
- (38) Easement - A grant by a property owner for the use of a strip of land by the public or for any person for any specific purpose or purposes but not for purposes of ingress and egress to residential areas.
- (39) Equal Degree 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 flow.
- (40) Essential Services - The erection, construction, alteration or maintenance by public utilities or municipal departments of underground or overhead telephone, gas, electrical, communication, water or sewer

transmission, distribution, collection, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith for the furnishing of adequate service by such private or public utilities or municipal departments. Antennas and support structures as defined in Section 760.1 shall not be considered an essential service.

- (41) Exterior Storage (Includes Open Storage) - The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.
- (42) Extraction Area - Any non-agricultural artificial excavation of earth exceeding fifty square feet of surface area or two feet in depth, excavated or made by the removal from the natural surface of the earth, or sod, soil, sand, gravel, stone or other natural matter, or made by turning, or breaking or undermining of the earth.
- (43) Extractive Use - The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, sections 93.44 to 93.51.
- (43) Family - An individual, or two or more persons related by blood, marriage or adoption, living together as a single house keeping unit in a dwelling unit.
- (44) Farm - A tract of land, ten (10) acres or more in size, which is principally used for agricultural activities such as the production of cash crops, livestock or poultry farming. Such farm may include agricultural dwelling and accessory buildings and structures necessary to the operation of the farm.
- (45) Farm Accessory Mobile Home - A mobile home placed on a farm which already has a primary residence on the same parcel or nearby land under the same homestead, said mobile home to be used as a temporary residence by a family member or farm employee. Farm employment must be the primary occupation of the resident of the mobile home, and the applicant for such a mobile home must demonstrate the need for such occupant to be located on the farm site in addition to the primary farm residence. No such mobile home shall be allowed as the primary or only residence on any parcel.
- (46) Feed lots, Livestock - The place of confined feeding of livestock or other animals for food, fur, pleasure or resale purposes in yards, lots, pens, buildings, or other areas not normally used for pasture or crops in which substantial amounts of manure or related other wastes may originate by reason of such feeding of animals.
- (47) Fence - A fence is defined for the purpose of this Ordinance as any partition, structure, wall or gate erected as a dividing marker, barrier or enclosure and located along the boundary, or along the required yard.
- (48) Flood - A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
- (49) Flood Frequency - The frequency for which it is expected that a specific flood stage or discharge may be equalled or exceeded.
- (50) Flood Fringe - That portion of the flood plain outside of the floodway.
- (51) 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.
- (52) Flood Proofing - A combination of structural provisions, changes or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages.
- (53) Floodway - The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.
- (54) Floor Area - The sum of the gross horizontal areas of the several floors of the building or portion thereof

devoted to a particular use, including accessory storage areas located within selling or working space and including any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, the floor area shall not include: basement floor area other than area devoted to retailing activities, the production of processing of goods, or to business or professional offices.

- (55) 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.
- (56) Floor Plan - A graphic representation of the anticipated utilization of the floor area within a building or structure but not necessarily as detailed as construction plans.
- (57) Forest land conversion - "Forest land conversion" means the clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand, not to include normal clearing for permitted or conditional uses.  
buildings. This definition does not include sanitary landfills.
- (58) 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.
- (59) Frontage - That boundary of a lot which abuts an existing or dedicated public street.
- (60) Garage, Private - An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises.
- (61) Governing Body - Wright County Corinna Township Board of Supervisors
- (62) 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.
- (62) Hardship - "Hardship" means the same as that term is defined in Minnesota Statutes, Chapter Chapters 394 and 462(for counties).
- (63) Height of Building – The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of any roof.
- (64) Highway - Any public thoroughfare or vehicular right-of-way with a Federal or State Numerical route designation; any public thoroughfare or vehicular right-of-way with a Wright County numerical route designation.
- (65) Home Occupation - Any occupation of a service character which is clearly secondary to the main use of the premises as a dwelling and does not change the character thereof or exhibit any exterior evidence of such secondary use. Such occupation shall be conducted or carried on only by the person residing on the premises.
- (66) Horticulture - Horticultural uses and structures designed for the storage of products and machinery pertaining and necessary thereto.
- (67) Hotel - A building which provides a common entrance, lobby, halls and stairway and in which twenty or more people are, for compensation, lodged with or without meals.
- (68) Impervious Surface - Any surface that is incapable of being penetrated by water and thereby restricts percolation of water into the ground or does not maintain a vegetative cover. Impervious surfaces include but are not limited to the footprint of all structures or buildings, decks, stairways, lifts and

**Comment [B03]:** See 4/12/11 e-mail from B. Rhineberger (in relation to landscape fabric being impervious or not): "Fabric is fine, plastic is not."

See 9/1/11 e-mail from S. Riley: "If the project is designed/engineered showing the stratification and that it is truly impermeable we allow half credit for anything that is not driven over."

>>> "Ben Oleson" <[oleson@communitygrowth.net](mailto:oleson@communitygrowth.net)>  
8/31/2011 2:00 PM  
>>>  
Sean-  
Related to our discussion below re: Onsrud permit... Does your office give any credit for pervious pavers – i.e. do you not count some or all of land covered with pervious pavers against impervious surface limits? Or does it all count as impervious?"

landings, patios, sidewalks, plastic landscaping material, and all driving and parking areas. Any overhangs or cantilevers that extend more than 24 inches from the foundation shall be included in this calculation. Patios, walkways and other such areas professionally designed/engineered to allow infiltration of water may be credited as up to fifty (50) percent pervious upon review and approval by the Zoning Administrator.

- (69) Industrial use - The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
- (69) Irrigation System - Any structure or equipment, mechanical or otherwise, used to supply water to cultivated fields or supplement normal rainfall including but not limited to wells, pumps, motors, pipes, culverts, gates, dams, ditches, tanks, ponds and reservoirs.
- (70) Junk Yard - An open area where waste, used, or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber, tires and bottles. A junk yard includes an auto wrecking yard but does not include uses established entirely within enclosed buildings. This definition does not include sanitary landfills.
- (71) Kennel - Any structure or premises on which four (4) or more dogs over four (4) months of age are kept for pets, sale, breeding, profit, etc.
- (72) Landscaping - Planting such as trees, grass, and shrubs.
- (73) Livestock Waste Lagoon - A diked enclosure for disposal of livestock wastes by natural process.
- (74) Lodging Room - A room rented as sleeping and living quarters, but without cooking facilities. In a suite of rooms, without cooking facilities, each room which provides sleeping accommodations shall be counted as one (1) lodging room.
- (75) Lot - A parcel or portion of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and in a subdivision or plat of land, separated from other parcels or portions by said description as on a subdivision or record of survey map, for the purpose of sale or lease or separate use thereof.
- (76) Lot Area - The area of a lot in a horizontal plane bounded by the lot lines. Only land above the Ordinary High Water Level can be used to meet lot area standards.
- (77) Lot of Record - Any lot which is one unit of a plat heretofore duly approved and filed, or one unit of any Auditor's Subdivision or a Registered Land survey that has been recorded in the office of the County Recorder for Wright County, Minnesota, prior to the effective date of this Ordinance. Lot of record shall also include parcels of land for which a deed or contract for deed has been recorded in the Office of the Wright County Recorder prior to August 2, 1978, provided that said parcel or parcels were legally created in accord with ordinances in effect at the time the deed or contract was recorded.
- (78) Lot, Corner - A lot situated at the junction of, and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred thirty-five degrees.
- (79) Lot Depth - The mean horizontal distance between the front lot line and the rear lot line of a lot.
- (80) Lot Line - The property line bounding a lot except that where any portion of a lot extends into the public right-of-way shall be the lot line for applying this Ordinance.
- (81) Lot Line Front - That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal,

the front lot line shall be designated by the owner and filed with the County Recorder.

- (82) Lot Line Rear - That boundary of a lot which is opposite the front lot line. If the rear line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet in length within the lot, parallel to, and at the maximum distance from the front lot line.
- (83) Lot Line Side - Any boundary of a lot which is not a front lot line or a rear lot line.
- (84) Lot Substandard - A lot or parcel of land for which a deed has been recorded in the office of the Wright 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.
- (85) Lot, Through - A lot which has a pair of opposite lot lines abutting two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lot lines for applying this Ordinance.
- (86) Lot Width - The minimum horizontal distance between the side lot lines of a lot measured within the first thirty feet of the lot depth, or for shoreland areas, the shortest distance between lot lines measured at the midpoint of the building line. The lot width shall determine the required road frontage and shoreline frontage for lots.
- (87) Maintenance - The normal upkeep of a structure including the replacement of windows, siding, external roof surfaces, or exterior finish, such as paint or stain.
- (88) Manufactured Home - A structure manufactured in accord with the Manufactured Home Building Code as defined in Minnesota Statutes 327.31 Subdivision 3 and meeting the definition in Minnesota Statutes 327.31 Subdivision 6. For the purpose of this Ordinance, Manufactured Homes which comply with the standards listed in Section 740 of this Ordinance shall be considered to be Single Family Dwellings.
- (89) Metes and Bounds - A method of property description by means of their direction and distance from an easily identifiable point.
- (90) Mining - The extraction of sand, gravel, rock, soil or other material from the land in the amount of one thousand cubic yards or more and the removing thereof from the site shall be mining. The only exclusion from this definition shall be removal of minerals associated with construction of a building provided such removal is an approved item in the building permit.
- (91) Mobile Home - For the purposes of this ordinance, a mobile home shall be any Manufactured Home, as defined above, which does not meet the standards in Section 740. Mobile Homes to be used for residential purposes must have a minimum floor area of 800 square feet on the main floor. Structures which do not meet these minimum standards shall not be permitted for residential purposes, except when located within legally established mobile home parks.
- (92) Mobile Home Park - Any site, lot, field, or tract of land under single ownership designed, maintained or intended for the placement of two (2) or more occupied mobile homes. "Mobile home park" shall include any buildings, structure, vehicle, or enclosure intended for use as part of the equipment of such mobile home park.
- (93) Mobile Home Stand - The part of an individual mobile home lot which has been reserved for placement of the mobile home, appurtenant structures, or additions.
- (94) Motel (Tourist Court) - A building or group of detached, semi-detached, or attached buildings containing guest rooms or dwellings, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of automobile transients.
- (95) Multiple Residence (Apartment Building) - Three or more dwelling units in one structure.

- (96) New Construction – Any Structural alteration to a building that exceeds 50% of the value of the structure or 50% of the footprint, whichever is more restrictive, shall be considered new construction. The value is to be determined by calculating the square footage value based on the construction value worksheet used by the County at the time.
- (97) Nonconformity - Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.
- (97) Nursery, Landscape - A business growing and selling trees, flowering and decorative plants, and shrubs and which may be conducted within a building or without, for the purpose of landscape construction.
- (98) Nursing Home - A building with facilities for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder. Said nursing home shall be licensed by the State Board of Health as provided for in Minnesota Statute, Sec. 144.50.
- (99) Obstruction (flood plain) - 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 such water.
- (100) Official Map - The map established by the governing body, in accordance with State Statutes, showing streets, highways, parks and drainage, both existing and proposed.
- (101) Off-Street Loading Space - A space accessible from a street, alley, or driveway for the use of trucks or other vehicles while loading or unloading merchandise or materials. Such space shall be of size as to accommodate one vehicle of the type used in the particular business.
- (102) Open Sales Lot (Exterior Storage) - Any land used or occupied for the purpose of buying and selling any goods, materials, or merchandise and for the storing of same under the open sky prior to sale.
- (103) Open Space Use - A use oriented to and utilizing the outdoor, unimproved, natural character of an area; including trails, primitive campsites, waysides, parks, and general recreation uses.
- (104) Ordinary High Water Level - The boundary of public waters and wetlands, 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."Ordinary high water level" means a mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. In areas where the ordinary high water mark is not evident, setbacks shall be measured from the top of the stream bank of the following water bodies that have permanent flow or open water: the main channel, adjoining side channels, backwaters and sloughs.
- (105) 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 a standard automobile.
- (106) Pedestrian Way - A public or private right-of-way across or within a block, to be used by pedestrians.
- (107) Planned Unit Development - An urban development having two or more principal uses or structures on a single lot and developed according to any approved plan. Where appropriate this development control

advocates: (1) a mixture of land uses, one or more of the non-residential uses being regional in nature, (2) the clustering of residential land uses providing common and public open space, the former to be maintained either by the residents of the development or the local community and, (3) increased administrative discretion to a local professional planning staff and the setting aside of present land use regulations and rigid plat approval processes.

Planned Unit Development (as it relates to Sections 611 and 612) - A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

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

Planned Unit Development, Residential - A use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

- (108) Planning Commission - The Planning Commission of ~~Wright County~~ Corinna Township except when otherwise designated.
- (109) Principal Structure or Use - One which determines the predominant use as contrasted to accessory use or structure. Only one (1) principal structure or use shall be permitted per lot, except as expressly permitted elsewhere in this ordinance.
- (110) Property Line - The more restrictive of either the legal boundaries of a parcel of property, or a right-of-way line of a road, cartway, and the like, including a zoning district boundary line. For zoning purposes, property line is unaffected by change in property ownership, including the common ownership of adjacent parcels of property, lots, lot lines or lots of record. Nonconforming lots of record in the same zoning district that are owned by the same entity may be combined for residential purposes by order of the zoning administrator.
- (111) Protective Covenant - A contract in readable form entered into between private parties which constitutes a restriction of the use of a particular parcel of property.
- (112) Public Land - Land owned or operated by municipal, school district, county, state or other governmental units.
- (113) Public Waters - "Public waters" means any waters as defined in Minnesota Statutes, section 105.37, subdivisions 14 and 15.
- (114) 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.

- (127) School - As defined within Minnesota Statutes 120.03 Subdivision 2, as amended, and Minnesota Statutes 123.932 Subdivisions 3 and 3a, as amended.
- (128) Selective Cutting - The removal of single scattered trees.
- (129) Semipublic Use - ~~"Semipublic use" means the~~The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
- (130) Sensitive Resource Management - ~~"Sensitive resource management" means the~~The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.
- (131) Setback - ~~"Setback" means the~~The minimum required horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other ~~regulated~~ facility.
- (132) Sewage Treatment System - ~~"Sewage treatment system" means a~~ septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Section 716 of this ordinance.
- (133) Sewage Treatment System, Public - means a system owned and operated by a City, Township, County, or other governmental entity recognized by Minnesota Statute, including the sewage treatment plant, and all pipelines or conduits, pumping stations, force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to the treatment plant. This definition does not include cluster systems nor any ISTS as defined by MPCA regulations, nor any privately owned and operated sewage treatment systems.
- (134) Sewer System - ~~"Sewer system" means pipelines~~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~~treatment.
- (135) Shore Impact Zone - ~~"Shore impact zone" means land~~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 structure setback.
- (136) Shoreland - Land located within the following distances from public waters. (1) 1,000 feet from the normal high water mark of a lake, pond, flowage; and (2) 300 feet from a river or stream or the landward extend of a flood plain designated by Ordinance on such river or stream, whichever is greater. The practical limits of shorelands may be less whenever the waters involved are bounded by natural topographic divides which extend landward from the water for less distances and when approved by the Commissioner.
- (137) Sidewall Height - The vertical distance between the lowest exposed floor and the point where the wall meets the roof truss. "Tuck-under" garages may be allowed provided only one wall is more than 25% exposed and the exposed wall is no more than twice the allowable sidewall height.
- (138) 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, institution, or business.
- (139) Sign Area - Sign area is calculated as the total area of signage and shall include all area bound by a rectangle that encompasses the markings that comprise the sign. For two-sided signs, each side shall be counted.
- (140) Sign, Billboard - A large freestanding signboard, on or off premise, which displays a message or advertising in a public place alongside a highway or freeway.

- ~~(141)~~ Sign, Canopy ~~(439)~~ A protective roof like covering, made of canvas or similar fabric, mounted on a frame over a walkway, door, or window of a building.
- (142) Sign, Digital - Digital signage is a form of advertising in which content and messages displayed on an electronic screen, or digital sign, can be changed without modification to the physical sign. Digital signs may be scrolling message boards, LCD or plasma display panels, electronic billboards, projection screens, or other emerging display types like Organic LED screens (OLEDs).
- ~~(140)~~(143) Signs, Directory. A sign erected at an intersection that lists the residences or businesses that reside along the intersecting roadway.
- (144) Sign, Flashing - Any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use.
- ~~(145)~~ Sign, Identification. A sign that identifies a place of business or occupant of the lot where sign is placed.
- (146) Sign, Illuminated - Any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign.
- ~~(147)~~ Sign, Monument. A ground sign having a solid appearance and a generally low profile. Must be attached to a proportionate enclosed base (fifty percent minimum). The sign may be constructed with stone, concrete, metal, routed wood planks or beams, or similar materials which harmonize with the establishment it serves. The sign base area shall not exceed the actual sign face area by ten percent.
- ~~(148)~~ Sign, Pole/Pylon. A freestanding sign that is suspended by no more than three (3) metal, wood or concrete poles.
- ~~(149)~~ Signs, Portable. A sign that is intrinsically designed to be moved or a sign that is not permanently affixed to the ground or a building.
- (150) Sign, Rotating - A sign which revolves or rotates on its axis by mechanical means.
- ~~(143)~~(151) Sign, Surface Area Of - The entire area within a single, continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits such sign and not forming an integral part of the display. Only one side of a double-faced or V-type sign structure shall be used in computing total surface area.
- ~~(152)~~ Sign, Wall. A painted or non-painted sign affixed on the side of a building
- ~~(153)~~ Sign, Window. A painted or freestanding sign placed in/on a window of a building.
- (154) Significant Historic Site - ~~"Significant historic site" means any~~ Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
- ~~(145)~~(155) Single Family Dwelling - A detached permanent structure, designed for use by one family only, which contains at least one story with a floor area of at least 800 square feet and is constructed in accord with all applicable codes and ordinances in ~~Wright County-Corinna Township~~. Mobile homes are not considered as permitted single dwellings except as expressly permitted elsewhere in this ordinance.
- ~~(146)~~(156) Special Protection - A zoned area, the purpose of which is to manage areas unsuitable for development.

(157) Speech, Commercial. Speech done on behalf of a company or individual for the intent of making a profit. It is economic in nature and usually has the intent of convincing the audience to partake in a particular action, often purchasing a specific product or service.

(158) Speech, Non-commercial. Any speech that is not commercial, as defined in this Code.

(159) Steep Slope - "Steep slope" means ~~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, that are not bluffs.

(148)160) Street - A public right-of-way which affords primary means of access to abutting property, and shall also include avenue, highway, road or way.

(149)161) Street, Collector - A street which serves or is designed to serve as a trafficway for a neighborhood or as a feeder to a major road.

(150)162) Street, Major or Thoroughfare - A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

(151)163) Street, Local - A street intended to serve primarily as access to abutting properties.

(152)164) Street Pavement - The wearing or exposed surface of the roadway used by vehicular traffic.

(153)165) Street Width - The width of the right-of-way, measured at right angles to the centerline of the street.

- (166) Story - That portion of a building included between the surface of any floor and the surface of the floor next above. For the purpose of height regulations a basement shall not be counted as a story.
- ~~(155)~~167) Structure - Anything constructed, the use of which requires more or less permanent location on the ground, including decks; or attached to something having a permanent location on the ground. Construction of a building or structure on skids or other non- permanent fixture shall not obviate the requirement for a building permit or compliance with setback standards in this ordinance. Aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles and other supporting facilities shall not be considered structures for the purposes of this ordinance.
- ~~(156)~~168) Structural Alteration - Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.
- ~~(157)~~169) Subdivision - A subdivision is the dividing of any parcel of land into two or more parcels for the purpose of sale, rent, or lease including planned unit developments.
- (a) ~~Platted Subdivision - If any resultant parcel is less than five (5) acres in area and less than three hundred (300) feet in width and the subdividing was done for the purpose of transfer of ownership to effectuate building development or if a new street or road is involved, regardless of the size of the parcel and/or its width, subsequent parcels must be platted in accordance with the terms and procedure of the Wright County Subdivision Regulations.~~
- (b) ~~Unplatted Subdivision - a division of any parcel of land into two or more parts where in all parts are at least five (5) acres and at least three hundred (300) feet in width and have frontage on an existing public road. Ingress and egress easements of any type shall not be construed as public roads. These do not require platting, but shall be zoned for the appropriate use.~~
- ~~(158)~~170) Subdivision Mobile Home - A subdivision containing a minimum of ten (10) lots, allowing both conventional homes and mobile homes. Existing subdivisions containing a minimum of thirty (30) percent mobile homes, shall be defined as mobile home subdivisions. The creation of new mobile home subdivisions is prohibited.
- ~~(159)~~171) Surface Water-Oriented Commercial Use - as defined by Minnesota Rules, part 6120.2500 Subp. 18a. 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.
- ~~(172)~~ Temporary. A use or structure that lasts longer than three days and is discontinued within 14 days. Any use or structure existing longer than 14 days, except where specifically provided for in this Ordinance, shall be considered permanent unless a specific date of discontinuation, agreeable to the Planning and Zoning Administrator to be reviewed by the Planning Commission, has been submitted, in writing, to the City or a specific date has been established by Conditional or Interim Use Permit.
- (173) Travel Trailer/Park Trailer- A travel trailer is a trailer mounted on wheels which is designed to provide temporary living quarters during recreation, camping or travel, does not require a special highway moving permit based on its size or weight when towed by a motor vehicle, and is less than 40 feet in length (including hitches) and less than 102 inches in width. A park trailer is a travel trailer which is 102 inches or more in width, and no larger than 400 square feet when any collapsible components or additions are fully extended. Any trailer larger than these dimensions shall be considered to be a mobile home. (See section 717 for trailer regulations.)
- ~~(161)~~174) Toe of the Bluff - ~~"Toe of the bluff" means that~~The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is

apparent, the toe of the bluff shall be the lower end of a 50-foot segment with an average slope exceeding 18 percent.

- (162175) Top of the Bluff - ~~"Top of the bluff" means the~~The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of the bluff shall be the upper end of a 50-foot segment with an average slope exceeding 18 percent.
- (163176) Townhouse - A single family building attached to party walls with other single family buildings, and oriented so that all exits open to the outside.
- (164177) 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.
- (165178) Use, Accessory - A use subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.
- (166179) Use, Non-Conforming - Use of land, buildings or structures legally existing at the time of adoption of this Ordinance which does not comply with the use restrictions governing the zoning district in which such use is located.
- (167180) Use, Substandard - A legal use or structure existing prior to the enactment of the County Zoning Ordinances which is a permitted or conditional use or structure within the applicable zoning district but does not meet the minimum lot area, water frontage, structure setbacks or other dimensional standards.
- (168181) Use, Permitted - A public or private use which of itself conforms with the purposes, objectives, requirements, regulations and performance standards of a particular district.
- (169182) Use, Principal - The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted or conditional.
- (170183) Variance - ~~The same as that term is defined or described in Minnesota Statutes, Chapter 394. A modification or variation of the strict terms of this Ordinance, as applied to a specific piece of property, in order to provide relief for a property owner because of undue hardship or peculiar difficulty imposed upon him by this Ordinance, except that modification in the allowable uses within a district shall not be considered a variance. Variances shall normally be limited to height, bulk, density, and yard requirements.~~
- (171184) Water-Oriented Accessory Structure or Facility - ~~"Water oriented accessory structure or facility" means a~~A small, above ground structure or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached ground level platforms or landings.
- (172185) Wetland - ~~"Wetland" means a~~A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition)
- (173186) Wind Energy Conversion System (WECS) – An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.
- (174187) Yard - Any space in the same lot with a building open and unobstructed from the ground to the sky.

**Comment [B04]:** See 2/14/2012 e-mail from B. Rhineberger: "Anything attached to the principal is required to meet the principal structure setback. Anything considered detached would be accessory and must meet the accessory setback. The only exception is guesthouses, which along with any attachments, must meet principal structure setbacks"

**Comment [B05]:** Is per building code, retaining walls OVER 4 ft in height require a building permit. Retaining walls 4 ft or under do not require a permit at all.

(~~175~~188) Yard, Front - The area extending across the front of the lot between the side yard lines and lying between the center line of the road or highway and the nearest line of the building, except on riparian lots the front yard will be taken to be that part of the lot that faces the water.

(~~176~~189) Yard, Rear - An open unoccupied space except for accessory buildings on the same lot with a building between the rear lines of the building and the rear line of the lot, for the full width of the lot.

(~~177~~190) Yard, Side - An open unoccupied space on a lot between the main building and the side line of the lot, extending from the front of the lot to the rear of the lot.

## SECTION 4. GENERAL PROVISIONS

### 401. APPLICATION OF THIS ORDINANCE

- (1) In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.
- (2) Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
- (3) Except as in this Ordinance specifically provided, no structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used, for any purpose nor in any manner which is not in conformity with this Ordinance.

### 402. SEPARABILITY

It is hereby declared to be the intention that several provisions of this Ordinance are separable in accordance with the following:

- (1) If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgement shall not affect any other provisions of this Ordinance not specifically included in said judgement.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property building, or structure, such judgment shall not affect other property, buildings or structures.

### 403. LOT COVERAGE

Not more than fifteen (15) percent of a lot may be covered by buildings (including covered porches or other roofed structures) and not more than twenty-five (25) percent of lot may be covered by impervious surfaces, including all structures, decks and pavement areas except as provided in Section 608, 609, and 610.

**Comment [B06]:** See 5/19/2011 e-mail from B. Rhineberger to B. Oleson: Covered porches count as "buildings" in this calculation.

### 404. LOTS OF RECORD

Lots of record in the office of the County Recorder prior to the effective date of this Ordinance may be allowed as residential building sites provided:

- (1) They have frontage on an existing public right-of-way or have frontage on an existing easement or other private roadway existing prior to January 1, 1977.

- (2) They have at least 20,000 square feet of area.

Lots smaller than 20,000 square feet may be used as dwelling sites if the owner can prove that adequate sanitary facilities can be provided. Said sanitary facilities must be located on the same lot of record as the dwelling, or on adjacent land which is legally available to the owner. Extraordinary alteration of the lot through land filling or excavation shall not constitute proof of an adequate site for sanitary facilities.

The Board of Adjustment shall decide if lots smaller than 20,000 square feet may be used for dwelling sites in accord with Section 502.2. The expansion of the floor area of substandard residential uses on lots smaller than 20,000 square feet shall also be reviewed by the Board of Adjustment. Such expansion may be denied or limited by the Board when there is limited space for sewage treatment and/or no alternative sewage treatment site on the lot. The Board of Adjustment may note in its review that a substandard residential use should be used for seasonal use only, if adequate sanitary facilities for year-round occupancy cannot be provided. Holding tanks need not be considered as adequate sanitary facilities for year-round use. In no case shall the expansion of a substandard residential use exceed 50% of the assessed value of the original structure if a holding tank is the only available method for sewage treatment.

In determining if adequate sanitary facilities can be provided, the Board of Adjustment shall require that all standards in Section 716. Sewage Treatment and Disposal Standards be shown to be met. Due to the small lot size, and in areas where community water and sewer systems are not planned to be installed, the Board of Adjustment may require that proposals include a second location for a sewage treatment system. Proposals which can provide for only one site, and require a mound system or other alternative sewage treatment system shall not be considered as adequate sanitary facilities on lots which are predominantly low (less than 6 feet) in elevation above the Ordinary High Water Mark or water table. The total square footage of any proposed residence shall be limited by the Board on any lot where there is no alternative sewage treatment site available.

- (3) In a group of two or more contiguous lots under the same ownership, if an individual lot has less than 20,000 square feet of area, no lot nor lots may be considered as a separate parcel of land for the purposes of sale or development unless each separated parcel and the remainder contains at least 20,000 square feet of lot area.
- (4) All other requirements of this ordinance are met, including, but not limited to, setback standards and sewage treatment standards.

**Comment [B07]:** See 1/28/11 email from B. Rhineberger: "What constitutes contiguous lots is a determination you will have to make. Since statute does not define "contiguous", the common meaning is what needs to be used. Regardless of what the County does or doesn't do, in the end it is your and the Town Board's interpretation to make. In general, the County has considered lots with platted roads in between to be non-contiguous. However, there are other factors that may come into play for each situation."

405. NON-CONFORMING USES

Except as otherwise provided by law, a nonconformity on homestead and nonhomestead residential real estate and seasonal residential real estate occupied for recreational purposes, including the lawful use or occupation of land or premises existing at the time of the adoption of an official control, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, with a land use permit.

The above paragraph shall not apply, and any subsequent use or occupancy of the land or premises must be a conforming use or occupancy if:

1. The nonconformity or occupancy is discontinued for a period of more than one year;
2. Any nonconforming use that is destroyed by fire 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, and no building permit has been applied for within 180 days of when the property is damaged. In this case, the Township may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body.

A lawful, non-conforming use may be changed to lessen the non-conformity of use. Once a non-conforming use has been changed, it shall not thereafter be altered to increase the non-conformity.

A feedlot that is non-conforming because of excessive animal unit numbers, existing prior to 1981 on a residential parcel or June 1995 on A/R or AG parcels, may be continued provided that the number of animal units does not increase. Whenever a non-conforming feedlot has reduced its animal unit numbers over a period of more than one year to a lesser number of animal units, such animal unit numbers shall not thereafter be increased.

#### 405.1 Non-conforming Building and Uses

(1) ~~A non conforming use existing at the time of adoption of this Ordinance may be continued except as provided herein.~~

(2) ~~A non conforming building or land existing at the effective date of this ordinance shall be discontinued within a reasonable period of amortization of a building; uses of buildings and land which becomes non conforming by reason of a change in this Ordinance shall also be discontinued within a reasonable period of amortization of the building. A reasonable period of amortization shall be construed to begin after the date of adoption of this Ordinance and shall be considered to be forty (40) years for buildings of ordinary wood construction; fifty (50) years for buildings of wood and masonry construction; sixty (60) years for buildings of fireproof construction; and twenty (20) years for mobile homes.~~

~~These amortization periods were established and became effective on January 1, 1973 by Ordinance, and have not been altered by changes or amendments in County Ordinances since that date, except for the creation of new non conforming uses. Special standards for specific uses may be found in other subsections of Section 405. Petitions for reviews of individual easements in regard to non conforming uses may be made to the Board of Adjustment when the amortization period expires. The Board of Adjustment shall consider the appearance, safety and general condition of structures when determining if a non conforming structure may remain beyond its amortization period.~~

(3) ~~In the FLOOD PLAIN DISTRICT, a non conforming use within the flood fringe may be continued provided that such use will not have an unduly adverse effect on flood flows, velocities or stages, associated with the regional flood. Any addition or modification to be a lawful non conforming use within the flood fringe shall be in conformance with the provisions of 611.~~

(4) ~~In the event that a non conforming use is discontinued or its normal operation stopped for a period of six (6) months, the use shall thereafter conform to the regulations of the district in which it is located.~~

#### 405.2 Expansion and Alteration

~~A non conforming use existing at the time of the adoption of this Ordinance may be continued provided that the exterior dimensions of such use shall not be extended or expanded. If no structural alterations are made, a non conforming use of the building may be changed to another non conforming use of the same or more restricted classification. The foregoing provisions shall also apply to non conforming uses in districts hereafter changed. Whenever a non conforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.~~

~~A feedlot that is non conforming because of excessive animal unit numbers, existing prior to 1981 on a residential parcel or June 1995 on A/R or AG parcels, may be continued provided that the number of animal units does not increase. Whenever a non conforming feedlot has reduced its animal unit numbers over a period of more than one year to a lesser number of animal units, such animal unit numbers shall not thereafter be increased.~~

~~In the Flood Plain Overlay District, no alterations shall be allowed which would result in increasing the flood damage potential of that structure and the total alterations allowed over the life of the structure shall not exceed 50% of the market value of the structure.~~

#### 405.3 Restoration

~~No building which has been damaged by fire, explosion, act of God, or the public enemy to the extent of more than~~

The Board of Adjustment shall have the exclusive power to order issuance of variances from the terms of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purpose and intent of the official control; and when the variances are consistent with the Comprehensive Plan. Variances may be granted when the applicant for the variance establishes the criteria under Section 502.4 are met and there are practical difficulties in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined by Minn. Stat. § 216C.06, subdivision 14, when in harmony with the official controls. 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. The Board of Adjustment 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.

#### 502.4 Findings

- (1) The Board of Adjustment must review variance petitions and consider the following factors prior to finding that a practical difficulty has been presented. The applicant must provide a statement of evidence addressing the following elements to the extent they are relevant to the applicant's situation.
  - (a) The granting of the variance will be in harmony with the County Land Use Plan.
  - (b) The property owner proposes to use the property in a reasonable manner not permitted by an official control.
  - (c) The plight of the owner is due to circumstances unique to the property not created by the owner.
  - (d) The proposal does not alter the essential character of the locality.
  - (e) The practical difficulty cannot be alleviated by a method other than a variance; and.
  - (f) The granting of the variance will not adversely affect the environmental quality of the area.

In shoreland areas, the Board of Adjustment must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.

The Board of Adjustment may grant a variance if it finds that all of the above factors have been established. The Board of Adjustment must not approve a variance request unless the applicant proves all of the above factors and established that there are practical difficulties in complying with official controls. The burden of proof of these matters rests completely on the applicant.

#### (2) Bad Faith

In addition to applying the factors above, in all situations where an applicant has applied for any variance "after-the-fact," the Board may factor into its decision any elements of "bad faith".

#### 502.5 Other Duties of the Board of Adjustment

- (1) Lots of Record that do not meet the standards of Section 404 or 612.5(6)

The Board of Adjustment must decide if lots of record that do not meet the standards of Section 404 or 612.5(6) may be used as dwelling sites. The Board shall consider the following in making that determination:

- (a) Extraordinary alteration of the lot through filling or excavation shall not constitute proof of an

Administrator a hearing application form and fee as determined by the ~~County Board~~Township Board. It shall be the responsibility of the applicant to provide all information necessary for the Board of Adjustment to reach a decision. All applications for variances must be accompanied by the following, unless the Zoning Administrator determines it is not needed for a proper review:

- (a) A certificate of survey no more than five (5) years old which shows all existing and proposed structures, well, septic systems, and other pertinent data;
  - (b) A topographic grading plan showing all grading, surface water flow, and erosion control; and,
  - (c) A Certificate of Compliance for the septic system. If the system is noncompliant, needs to be enlarged, or a new system is proposed, a full design for the system may be needed.
- (2) The Zoning Administrator shall refer the application to the Board of Adjustment for review. Notice shall be provided as required by Minnesota Statutes 394.26.
  - (3) The Board of Adjustment shall hold a public hearing on the proposal. The petitioner or his representative shall appear before the Board in order to answer questions concerning the proposal.
  - (4) The Board of Adjustment may approve, approve with modifications or conditions, or deny an application based on the information available and findings of the Board. All decisions by the Board of Adjustment shall be final, except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right to appeal within thirty (30) days, after receipt of notice of the decision, to the District Court in the County in which the land is located on questions of law and fact.
  - (5) A certified copy of any order issued by the Board of Adjustment acting upon an appeal from an order, requirement, or decision or determination by an administrative official, or a request for a variance, shall be filed with the County Recorder. The order issued by the Board of Adjustment shall include the legal description of the property involved. The Zoning Administrator shall be responsible for the document recording requirements of this section. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in Section 612.1 (7) shall also include the board of adjustment's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
  - (6) Any violation of a condition or ruling made by the Board of Adjustment shall be a violation of this ordinance. Failure to comply with any ruling of the Board of Adjustment shall void any variance or special permit granted by the Board of Adjustment.
  - (7) A variance granted on or after September 12, 1995 shall be valid for a period of three (3) years, and if not acted upon by the applicant or his assigns within that time, the variance shall be void. This restriction shall not apply to variances granted prior to September 12, 1995.

**Comment [BJ08]:**  
ee 12/21/2011  
e-mail from B.  
Rhineberger.  
He states that  
this 3 year  
restriction  
became  
effective 9-  
12-1995.  
Variances  
granted before  
then they  
haven't held  
to the 3 year  
time frame.

## 503. PLANNING COMMISSION

### PLANNING COMMISSION PURPOSE

The Planning Commission shall be designated as the board to review all plats, planned unit developments, zoning map amendments, and amendments to the zoning ordinance text and to make recommendations regarding such to the Town Board which shall have final approval authority. The Planning Commission shall be designated as the board to review and make final decisions regarding conditional use permits and interim use permits.

### MEMBERSHIP

In granting a conditional use permit, the Wright County Corinna Township Planning Commission shall consider the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands. Among other things, the County Planning Commission shall make the following findings where applicable.

- (1) That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity;
- (2) That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area;
- (3) That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;
- (4) That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use;
- (5) The use is not in conflict with the Policies Plan of the County; and,
- (6) That adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

In shoreland areas, the following additional standards shall be considered when reviewing conditional uses:

- (1) A thorough evaluation of the topographic, vegetation, and soils conditions on the site to ensure:
  - a. Prevention of soil erosion or other possible pollution of public waters, both during and after construction;
  - b. Limiting visibility of structures and other facilities as viewed from public waters; and
  - c. Adequacy of the site for water supply and on-site sewage treatment; and
- (2) An assessment of the types, uses, and numbers of watercraft that the project will generate in relation to the suitability of public waters to safely accommodate these watercraft.

#### 505.2 Additional Conditions

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

- (1) Increasing the required lot size or yard dimension.
- (2) Limiting the height, size or location of buildings.
- (3) Controlling the location and number of vehicle access points.
- (4) Increasing the street width.
- (5) Increasing the number of required off-street parking spaces.

- (6) Limiting the number, size, location or lighting of signs.
- (7) Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- (8) Designating sites for open space.
- (9) Allowing vegetation to be removed or requiring that vegetation be established.
- (10) Specifying the location, design, or use of sewage treatment systems, water craft launching or docking facilities, vehicular parking facilities, or other structures.
- (11) Specifying the phasing of construction.
- (12) Other conditions considered necessary by the Township

Any change involving structural alterations, enlargements, intensification of use, or similar change not specifically permitted by the Conditional Use Permit issued shall require an amended Conditional Use Permit and all procedures shall apply as if a new permit were being issued. The Wright County Corinna Township Zoning Administrator shall maintain a record of all conditional use permits issued including information on the use, location, and conditions imposed by the Planning Commission; time limits, review dates, and such other information as may be appropriate.

#### 505.3 Procedure

- (1) The person applying for a conditional use permit shall fill out and submit to the Zoning Administrator a Conditional Use application form.
- (2) The Zoning Administrator shall refer the application to the Planning Commission for review.
- (3) The Planning Commission shall hold a public hearing on the proposal. Notice of the public hearing shall be published in the official newspaper designated by the County Board Township Board at least ten days prior to the hearing. Notice of the hearing shall also be submitted to the governing bodies of all towns and municipalities within two miles of the property under consideration located within the county. In unincorporated areas of the county, property owners of record within one ~~quarter~~ halfquarter mile of the affected property or the ten properties nearest to the affected property, whichever is the greatest number of property owners shall be notified in writing of the public hearing on the request for conditional use permit.
- (4) The petitioner or his representative shall appear before the Planning Commission in order to answer questions concerning the proposed conditional use.
- (5) An amended conditional use permit application shall be administered in a matter similar to that required for a new special use permit. Amended special use permit shall include requests for changes in conditions.
- (6) No application for a Conditional Use Permit shall be resubmitted for a period of six months from the date of said order of denial. Conditional Use Permits shall be valid for six (6) months unless otherwise specified. All conditions in a Conditional Use Permit shall be commenced within six (6) months and shall be complied with within one (1) year unless otherwise specified.
- (7) If a time limit or periodic review is included as a condition by which a Conditional Use Permit is granted, the Conditional Use Permit may be reviewed at a public hearing with notice of said hearing published at least ten (10) days prior to the review.
- (8) In the event that the applicant violates any of the conditions set forth in this permit, the County Planning Commission shall have the authority to revoke the Conditional Use Permit.

- (9) A certified copy of any Conditional Use Permit shall be filed with the County Recorder. The Conditional Use Permit shall include the legal description of the property involved. The Zoning Administrator shall be responsible for the document recording requirements of this section.

506. PERMITS AND FEES

506.1 Building Permits

For the purpose of enforcing this Ordinance, a land use and building permit shall be required of all persons intending to erect, alter, wreck or move any building or structure. Buildings **or structures** less than 120 square feet in total ground coverage, **and which are not attached to a residence**, shall not require a permit, however, they shall meet all required setback distances. All additions to residences shall require a permit. Buildings and permits shall conform with all applicable codes and ordinances adopted by Wright County-Corinna Township. Permits shall not be required for the location of mobile homes or manufactured homes in mobile home parks which the County recognizes as legally established mobile home parks.

- (1) Persons requesting a building permit shall fill out a building permit form available from the Zoning Administrator.

- ~~(2) Where building permit application conforms in all respects to this Ordinance, a building permit shall be issued by the Zoning Administrator within 60 days.~~

~~Completed building permit forms and a fee as may be established by resolution of County Board of Commissioners shall be submitted to the Zoning Administrator. If the proposed development conforms in all respects to the Zoning Ordinance a building permit shall be issued by the Zoning Administrator within a period of 75 days.~~

- (3) If the proposed development involves a zoning amendment, variance, or conditional use permit the application, together with a building permit, shall be submitted either to the Planning Commission or Board of Adjustment or Appeals for review and appropriate action according to the procedures set forth in Sections 502, 503 and 504.

- (4) For all lots of ten (10) acres or less in size, a Certificate of Survey shall accompany each **residential building permit application** **involving a new dwelling** along with evidence that corner irons are established and visible. The certificate of survey shall include the location and size of the proposed residence sewer system, well, existing buildings and significant environmental features.

506.2 Signs and Billboard Permits

A permit shall be required in all cases where a sign or billboard is erected, altered, or relocated within the area of jurisdiction of this Ordinance. Specific requirements, exceptions and application procedures are set forth in 724.

506.3 Sewage and Water Systems: Licenses and Permits

- (1) A license shall be required of any person, firm or corporation engaging in the business of installing and constructing sewage disposal systems. Specific requirements and application procedures are set forth in Section 7.
- (2) A permit shall be required to install, alter, repair, or extend any individual sewage disposal system. Specific requirements, exceptions and application procedures are set forth in Section 7.
- (3) A license shall be required of any person, firm or corporation engaging in the business of servicing and cleaning septic tanks. Specific requirements and application procedures are set forth in Section 7.

506.4 Land Alteration Permits

**Comment [BJ09]:**

ee 5/4/11 e-mail from B. Rhineberger: "Regardless of size, anything connected to the dwelling and/or more than 30 inches above grade abutting the dwelling requires a permit. Structures less than 30 inches above grade do not require a permit (considered a patio), provided they are not attached to the house."

See 5/16/11 e-mail from B.

Rhineberger: "We do require permits for all guesthouses. Any thing that is for human habitation/occupancy requires a building permit. The code specifically mentions and exempts "tool and sto... [1]"

**Comment [BO10]:**

ee 6/2/2010 e-mail from B. Rhineberger: "We require surveys for all new dwelling construction on lots 10 acres or less in size. We also require surveys for any variance request on a lots less than 20,000 square feet and most variances involving side and lake setbacks. We may also require a survey in instances where we cannot determine the exact location of a property line and it is critical to the issuance of any permit... in any instance where a survey ... [2]"

In all cases where grading and/or filling of any land within the County would result in substantial alteration of existing ground contour, a permit shall be required. In cases where such activities require a conditional or interim use permit, no additional permit shall be required should the conditional or interim use be approved. Specific requirements, exceptions and application procedures are set forth in Section 7.

Substantial alteration shall be defined as movement of earth or materials in excess of fifty (50) cubic yards in the Shoreland Districts and in excess of five hundred (500) cubic yards in all other Districts. Materials excavated or moved for the purpose of constructing a basement or other foundation shall be exempt from this calculation. Any such material not immediately removed from the site shall be counted against the above limit.

**Comment [BO11]:**  
ee 9/19/11 e-mail from S. Riley: "We do not have an additional permit and fee after a CUP for a land alteration."

**Comment [BO12]:**  
ee 5/12/11 e-mail from B. Rhineberger: "As for land alterations, it is a bit of a judgement call. Excavation for the basement only, has been exempt, but fill to raise a building pad has not (although we generally give some leeway). Driveways and fill for accessory structure have counted. We have a recent example on Lake Sylvia where the total alteration of a site to build a new home was over 700 yards, with nearly all of it being for driveway, parking areas, and creating a building pad. There was some for landscaping around the site, but that was minimal. They went through a CUP. In general, fill is seldom exempt."

**Comment [BJO13]:**  
inking is that if it is hauled away immediately, it is not an erosion problem. If it is stockpiled on-site or spread around on-site, it is a potential problem that should require the hearing.

**506.5 Excavation Permits**

The use of land for the removal of topsoil, sand or gravel, or any other material is permitted only by the issuance of an excavation permit. Specific requirements, exceptions and application procedures are set forth in Section 7.

**506.6 Mobile Home Park Permits**

Before any mobile home park or travel trailer park shall be constructed, altered, or extended in any manner, a permit shall be required. Specific requirements and application procedures are set forth in Section 7.

**506.7 Essential Service Utility Permits**

Essential services as treated herein shall refer to trunk transmission, sewer and water system, collection or distribution lines, except electrical distribution lines, and excepting lateral or house lines. Specific requirements and procedures are set forth in Section 725.

**FEE SCHEDULE**

State Statutes require that fees shall be established and modified by ordinance, not by reference. As such, the following fees shall apply for applications within Corinna Township:

**BUILDING PERMITS**

**COMMERCIAL CONSTRUCTION**

Building Permit	Fee Schedule extracted from 1997 UBC and MN Rules 1300
Plan Review Fee	65% of Building Permit

**RESIDENTIAL CONSTRUCTION**

Building Permit	Fee Schedule extracted from 1997 UBC and MN Rules 1300
Plan Review Fee	65% of Building Permit

**FIXED PERMIT FEES**

Temporary Mobile Home	\$400.00
Fire Repair	\$400.00
Mechanical (new or replacement)	\$50.00

603. AGRICULTURAL/RESIDENTIAL A/R

603.1 Purpose

This district is created to serve as a buffer between commercial agricultural areas and more intensely developed residential areas, to provide for very low density residential development in areas especially unsuited to long term agricultural uses, and to allow limited residential development which will not be provided with an urban level of services.

603.2 Permitted Uses

Agricultural Uses subject to County feedlot regulations  
One single-family dwelling per lot of record  
Forestry and nurseries (not to include retail)  
Family operated seasonal produce stands  
Public recreation and historic sites  
Horticultural Uses

603.3 Accessory Uses

Non-commercial uses, structures or buildings customarily incidental to permitted uses  
Livestock subject to County feedlot regulations and all other standards in this ordinance  
Non-commercial wind chargers

603.4 Conditional Uses

Kennels  
Riding Stables  
~~Home Occupations~~  
~~Home Extended Business subject to provisions of Section 741~~  
Churches and Cemeteries  
Commercial Outdoor Recreation  
~~Bed and Breakfast units in Single-family dwellings~~  
Town Hall  
Mining and Extraction subject to Section 727  
Subdivisions - 10 acre minimum lot size  
Rural Planned Unit Development in accord with Section 614  
Retreat Center subject to the standards of Section 742  
Essential Services in accord with Section 725  
Large Animal Veterinary Clinics serving Agricultural Uses and Livestock

603.405 Interim Uses

Home Occupations  
Home Extended Business subject to provisions of Section 741  
Bed and Breakfast units in Single-family dwellings

603.41 Prohibited Uses

All other uses not listed as permitted, accessory or conditional shall be prohibited.

603.5 Performance Standards

(Parcels in the Agricultural/Residential District shall be limited to ½ animal unit per acre and less than 10 animal

units total, except as allowed under Section 405.2 of this Ordinance.

(1) Height Regulations

- (a) The maximum height of all building shall not exceed two and one-half (2 1/2) stories or thirty-five (35) feet.
- (b) This height limitation shall not apply to grain elevator legs, silos, cooling towers, water towers, chimneys and smokestacks, church spires, electric transmission lines or private radio or television towers.

(2) Front Yard Regulations:

(a)	Required Setback Distance From Road Centerline	Required Setback Distance From Road Centerline For Livestock Buildings	Road Class
	130	130	State Highway
	130	130	County Road State Aid
	65	100	Local Street(Twp. Rd.)
	25	100	From right of way of cul-de-sac or approved "T"

- (b) Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.

(3) Side Yard Regulations

There shall be a minimum side yard of thirty (30) feet for principal uses (including attached decks or garages) and fifteen (15) feet for accessory uses, unless the building is housing livestock, then the setback is 100 feet.

**Comment [BO14]:**  
 ee 2/14/2012 e-mail from B. Rhineberger: "Anything attached to the principal is required to meet the principal structure setback. Anything considered detached would be accessory and must meet the accessory setback. The only exception is guesthouses, which along with any attachments, must meet principal structure setbacks"

(4) Rear Yard Regulations

There shall be a rear yard having a depth of not less than fifty (50) feet for non-livestock buildings and a setback of 100 feet for livestock buildings.

(5) Lot Area Regulations

The minimum lot size shall be ten (10) acres, except in P.U.D. projects approved pursuant to Section 614.

(6) Lot Width and Depth Regulations:

The minimum lot width shall be three hundred (300) feet and the minimum lot depth shall be three hundred (300) feet, except in P.U.D. projects approved pursuant to Section 614.

(7) General Regulations:

Additional requirements for parking, signs, sewage systems, and other regulations set forth in Section 7.

## 604. GENERAL AGRICULTURE AG

### 604.1 Purpose

General Agricultural areas are established for the purpose of preserving, promoting, maintaining and enhancing the use of land for commercial agricultural purposes, to prevent scattered and leap-frog non-farm growth, to protect and preserve natural resource areas and to stabilize increases in public expenditures for such public services as roads and road maintenance, police and fire protection, and schools.

### 604.2 Permitted Uses

#### Agricultural Land Uses

Livestock feedlots less than 500 animal units subject to all County and State regulations

One single-family dwelling per lot of record

Forestry and Nurseries (not to include retail)

Small scale family operated seasonal produce stands

Public Recreation

Historic Sites and Areas

Horticultural Use

One division, per eligible quarter-quarter section or eligible lot of record, as defined and regulated in Section 604.6

Subdivisions and lot line alterations which are purely for agricultural purposes, and do not increase the density or number of residential building sites, provided that all lots created contain at least 40 acres and at least one complete quarter-quarter section, with public road frontage

### 604.3 Accessory Uses

Any incidental machinery, structure, or building customarily incidental to and necessary to the conduct of agricultural operations or other permitted uses.

### 604.4 Conditional Uses

Land Reclamation and Alteration

Farm Equipment Sales

Livestock Feedlots in excess of 500 animal units

Kennels

Riding Academies

~~Home Occupations~~

Cemeteries

Wholesale Nursery, Landscape and Garden Sales with seasonal retail sales (not to include retail - stores)

Churches, not to include a school, but may include a residence

~~Bed and Breakfast units in single family dwellings~~

Township Halls

~~One Farm Accessory Mobile Home per farm operation~~

~~Commercial Outdoor Recreation~~

~~Mining, Sand and Gravel Extraction~~

Sewage Treatment Plants

~~Non commercial Contractors Yards~~

Essential Services in accord with Section 725

~~Private Airstrip subject to the following conditions:~~

~~(1) All applicable regulations of the State and Federal Government are properly satisfied.~~

~~(2) There are no existing residential subdivisions, and no areas designated for future residential growth within the Land Use Plan of the Wright County Comprehensive Plan, within a radius of 1.5 miles of the proposed airport.~~

~~(3) The airport shall be limited to use exclusively by the property owner.~~

~~Home Extended Business subject to the provisions of Section 741~~

Retreat Center subject to the standards of Section 742  
 Large Animal Veterinary Clinics serving Agricultural Uses and Livestock

604.405 Interim Uses

Home Occupations

Home Extended Business subject to provisions of Section 741

Bed and Breakfast units in Single-family dwellings

Commercial Outdoor Recreation

One Farm Accessory Mobile Home per farm operation

Mining, Sand and Gravel Extraction

Non-commercial Contractors Yards

Private Airstrip - subject to the following conditions:

- (1) All applicable regulations of the State and Federal Government are properly satisfied.
- (2) There are no existing residential subdivisions, and no areas designated for future residential growth within the Land Use Plan of the Wright County or Corinna Township Comprehensive Plans, within a radius of 1.5 miles of the proposed airport.
- (3) The airport shall be limited to use exclusively by the property owner.

604.41 Prohibited Uses

All other uses not listed as permitted, accessory or conditional shall be prohibited.

604.5 Performance Standards

(Parcels in the Agricultural District which are ten acres or less in size shall be subject to residential standards for animals and setback standards which correspond with the zoning district which is closest in lot size to the parcel. R-1 standards apply for lots 2 acres or less, R-2 for lots 2 to 4 acres and R-2a for lots from 4 to 10 acres.)

(1) Height Regulations

- (a) The maximum height of all building shall not exceed two and one-half (2 1/2) stories or thirty-five (35) feet.
- (b) This height limitation shall not apply to grain elevators, silos, windmills, elevator legs, cooling towers, water towers, chimneys and smokestacks, church spires, electric transmission lines or radio or television towers.

(2) Front Yard Regulation:

(a)	Required Setback Distance From Road Centerline	Required Setback Distance From Road Centerline For Livestock Buildings	Road Class
	130	130	State Highway
	130	130	County Road State Aid
	65	100	Local Street(Twp. Rd.)
	25	100	From right of way of cul- de-sac or approved "T"

- (b) Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.

605. URBAN/RURAL TRANSITIONAL R-1

605.1 Purpose

This District is established in areas within the County for the purpose of allowing limited urban growth. The major purpose of this District is to provide areas within the county where urban development can take place and where urban services can be readily extended and provided. This District may be allowed adjacent to cities where sanitary sewer and other services are available and for riparian shoreline lots on suitable lakes.

605.2 Permitted Uses

Single family detached residences.  
Any agricultural land use already existing.  
Community center.  
Forestry.  
Nurseries, excluding greenhouses.  
Public Recreation.  
Livestock, poultry and animals subject to provision 714.2

605.3 Accessory Uses

Fences.  
Gardening and other horticultural uses where no sale of products is conducted on the site.  
Decorative landscape features such as statues, rocks, reflecting ponds and benches.  
Public Recreation equipment.  
Garages and Non-Commercial pole structures subject to the following size restrictions:

- (a) Lot area under 20,000 square feet - maximum 800 square feet structure with maximum side wall height of 12 feet.
- (b) Lot area over 20,000 square feet but less than 80,000 square feet - maximum 1400 square feet structure with maximum side wall height of 14 feet.
- (c) Lot area over 80,000 square feet - maximum 2000 square feet structure with maximum side wall height of 14 feet.

605.4 Conditional Uses

Essential Services -Telephone, telegraph, and power distribution poles and lines and necessary appurtenant equipment and structures such as transformers, unit substations, and equipment houses.  
Fire Station.  
Police Station.  
~~All home occupations.~~  
Cemeteries.  
Any change in agricultural practice that marks an intensification of present agricultural use.  
~~Commercial Outdoor Recreation.~~  
Seasonal produce stands.  
~~One mobile home per farmstead (necessary to farm operations and at least 800 square feet in area).~~  
Medical and Dental clinics.  
Other Essential Services -water supply buildings, reservoirs, wells, regional pipelines.  
Golf courses.  
Churches.  
Residential Subdivisions.  
Schools within one-half mile of incorporated cities.

Commercial Day Care Center

605.405 Interim Uses

- All home occupations.
- Commercial Outdoor Recreation.
- One mobile home per farmstead (necessary to farm operations and at least 800 square feet in area).

605.41 Prohibited Uses

All other uses not listed as permitted, accessory or conditional shall be prohibited.

605.5 Performance Standards

(Parcels in the R-1 District shall be limited to 1/2 animal unit per acre and less than 10 animal units total, except as allowed under Section 405.2 of this Ordinance.)

(1) Height Regulations:

No building hereafter erected shall exceed two and one-half (2 1/2) stories or thirty five (35) feet in height.

(2) Front Yard Regulations:

(a)	Required Setback Distance From Road Centerline	Required Setback Distance From Road Centerline For Livestock Buildings	Road Class
	130	130	State Highway
	130	130	County Road State Aid
	65	100	Local Street(Twp. Rd.)
	25	100	From right of way of cul-de-sac or approved "T"

(b) Where a lot is located at the intersection of two (2) or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.

(c) Within existing developed areas, the above front yard setback requirements may be adjusted to coincide with average setback occurring on either side of the proposed building within three hundred (300) feet except that no building shall be located less than twenty (20) feet from the right-of-way line. The calculation of the average setback shall not count lots without a permanent building on the lot. All measurements shall be to the building location even where such buildings exceed the required setback.

(3) Side Yard Regulations:

There shall be a minimum side yard of fifteen (15) feet for principal uses (including attached decks or garages) and ten (10) feet for accessory uses unless the building is housing livestock, then the setback is 100 feet for livestock buildings.

(4) Rear Yard Regulations:

For all non-livestock buildings there shall be a rear yard having a depth of not less than fifteen (15) feet with the setback at one hundred (100) feet for a livestock building.

**Comment [BO15]:**  
 ee 5/19/11 e-mail from B. Rhineberger:  
 "I calculate the distance to the building. If the building is 80 feet, I use 80 feet as the number, not 65 feet. Vacant lots would not have a value. I use only the closest structures on the neighboring lots and use the actual setback distance from the right of way (I use right-of-way because of the 20 foot provision)." That is a scenario that we have never had. In theory you would be right, a 35' right of way setback. However, I may argue that without enough properties to get an reliable average, the standard should be applied (this scenario would assume a r-o-w of less than 66 feet, otherwise 35 + 33 foot to centerline would be compliant).

**Comment [BO16]:**  
 ee 9/15/11 e-mail from B. Rhineberger:  
 "the setback for an attached garage has always been 15 feet."

**Comment [BO17]:**  
 ee 2/14/2012 e-mail from B. Rhineberger:  
 "Anything attached to the principal is required to meet the principal structure setback. Anything considered detached would be accessory and must meet the accessory setback. The only exception is guesthouses, which along with any attachments, must meet principal structure setbacks"

## 606. SUBURBAN RESIDENTIAL R-2

### 606.1 Purpose

The major purpose of this District is to allow for a "rural life-style" by permitting low-density residential development in areas that are marginal or non-feasible for agriculture.

### 606.2 Permitted Uses

Single family detached residences.  
Any agricultural land use already existing at the time of subdivision.  
Forestry.  
Nurseries, excluding greenhouses.  
Public Recreation.

### 606.3 Accessory Uses

Garages.  
Fences.  
Gardening and other horticultural uses where no sale of products is conducted on the site.  
Decorative landscape features such as statues, rocks, reflecting ponds and benches.  
Recreation Equipment.  
Livestock, poultry, and animals subject to provisions of 714.2.  
Pole sheds less than 2,000 square feet.  
Non-Commercial wind chargers.

### 606.4 Conditional Uses

Essential Services -Telephone, telegraph, sewer, water, gas, and power distribution poles and lines and necessary appurtenant equipment and structures such as transformers, unit substations, and equipment houses.  
Fire Station.  
Police Station.  
Subdivisions -a 2 1/2 acre minimum lot subdivision in areas designated as such in the land use plan.  
~~All home occupations.~~  
Cemeteries.  
Any change in agricultural practice that marks an intensification of present agricultural use.  
~~Commercial Outdoor Recreation.~~  
Seasonal produce stands.  
~~One mobile home per farmstead (necessary to the operation of the farm operation at a minimum floor area of 800 square feet).~~  
Churches.  
Community Centers.

### 606.405 Interim Uses

~~All home occupations.~~  
~~Commercial Outdoor Recreation.~~  
~~One mobile home per farmstead (necessary to the operation of the farm operation at a minimum floor area of 800 square feet).~~

### 606.41 Prohibited Uses

All other uses not listed as permitted, accessory or conditional shall be prohibited.

### 606.5 Performance Standards

(Parcels in the R-2 District shall be limited to ½ animal unit per acre and less than 10 animal units total, except as allowed under Section 405.2 of this Ordinance.)

(1) Height Regulations:

No building hereafter erected shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

Shall not apply to wind chargers which are at least fifty (50) feet from any property line.

(2) Front Yard Regulations:

(a)	Required Setback Distance From Road Centerline	Required Setback Distance From Road Centerline For Livestock Buildings	Road Class
	130	130	State Highway
	130	130	County Road State Aid
	65	100	Local Street(Twp. Rd.)
	25	100	From right of way of cul-de-sac or approved "T"

(b) Where a lot is located at the intersection of two (2) or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.

(c) Within existing developed areas, the above front yard setback requirements may be adjusted to coincide with average setback occurring on either side of the proposed building within three hundred (300) feet except that no building shall be located less than twenty (20) feet from right-of-way line. **The calculation of the average setback shall not count lots without a permanent building on the lot. All measurements shall be to the building location even where such buildings exceed the required setback.**

(3) Side Yard Regulations:

There shall be a minimum side yard of thirty (30) feet for principal uses (including attached decks or garages) and ten (10) feet for accessory uses unless the building is housing livestock, then the setback is 100 feet for livestock buildings.

(4) Rear Yard Regulations:

There shall be a rear yard having a depth of not less than fifty (50) feet for non-livestock buildings and a setback of 100 feet for livestock buildings..

(5) Lot Area Regulations:

The minimum lot size shall be two and one-half (2 1/2) acres.

(6) Lot Width and Depth Regulations:

The minimum lot width shall be two hundred (200) feet and the minimum lot depth shall be three hundred (300) feet.

**Comment [BO18]:**

ee 5/19/11 e-mail from B. Rhineberger: "I calculate the distance to the building. If the building is 80 feet, I use 80 feet as the number, not 65 feet. Vacant lots would not have a value. I use only the closest structures on the neighboring lots and use the actual setback distance from the right of way (I use right-of-way because of the 20 foot provision)." That is a scenario that we have never had. In theory you would be right, a 35' right of way setback. However, I may argue that without enough properties to get an reliable average, the standard should be applied (this scenario would assume a r-o-w of less than 66 feet, otherwise 35 + 33 foot to centerline would be compliant).

**Comment [BO19]:**

ee 2/14/2012 e-mail from B. Rhineberger: "Anything attached to the principal is required to meet the principal structure setback. Anything considered detached would be accessory and must meet the accessory setback. The only exception is guesthouses, which along with any attachments, must meet principal structure setbacks"

## 606.A Suburban Residential R-2(a)

### 606.a1 Purpose

The major purpose of this District is to allow for a "rural life-style" by permitting low-density residential development in areas that are marginal or non-feasible for agriculture.

### 606.a2 Permitted Uses

Single family detached residences.  
Any agricultural land use already existing at the time of subdivision.  
Forestry.  
Nurseries, excluding greenhouses.  
Public Recreation.

### 606.a3 Accessory Uses

Garages.  
Fences.  
Gardening and other horticultural uses where no sale of products is conducted on the site.  
Decorative landscape features such as statues, rocks, reflecting ponds and benches.  
Recreation Equipment.  
Livestock, poultry and animals subject to the provisions of 714.2.  
Pole Barns.  
Non-Commercial wind chargers.

### 606.a4 Conditional Uses

Essential Services -Telephone, telegraph, sewer, water, gas, and power distribution poles and lines and necessary appurtenant equipment and structures such as transformers, unit substations, and equipment houses.  
Fire Station.  
Police Station.  
Subdivisions - 5 acre minimum lot subdivision in areas designated as such in the land use plan.  
~~All home occupations.~~  
~~Bed and Breakfast Units in Single Family Dwellings~~  
Cemeteries.  
Any change in agricultural practice that marks an intensification of present agricultural use.  
~~Commercial Outdoor Recreation.~~  
Seasonal produce stands.  
~~One mobile home per farmstead (necessary to the operation of the farm operation at a minimum floor area of 800 square feet).~~  
Churches.  
Community Centers.

### 606.a405 Interim Uses

All home occupations.  
Bed and Breakfast Units in Single Family Dwellings  
Commercial Outdoor Recreation.  
One mobile home per farmstead (necessary to the operation of the farm operation at a minimum floor area of 800 square feet).

### 606.a41 Prohibited Uses

All other uses not listed as permitted, accessory, or conditional shall be prohibited.

606.a5 Performance Standards

(Parcels in the R-2(a) District shall be limited to ½ animal unit per acre and less than 10 animal units total, except as allowed under Section 405.2 of this Ordinance.)

(1) Height Regulations:

No buildings hereafter erected shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

Shall not apply to windchargers which are at least fifty (50) feet from any property line.

(2) Front Yard Regulations:

(a)	Required Setback Distance From Road Centerline	Required Setback Distance From Road Centerline For Livestock Buildings	Road Class
	130	130	State Highway
	130	130	County Road State Aid
	65	100	Local Street(Twp. Rd.)
	25	100	From right of way of cul-de-sac or approved "T"

(b) Where a lot is located at the intersection of two (2) or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.

(c) Within existing developed areas, the above front yard setback requirements may be adjusted to coincide with average setback occurring on either side of the proposed building within three hundred (300) feet except that no building shall be located less than twenty (20) feet from right-of-way line. The calculation of the average setback shall not count lots without a permanent building on the lot. All measurements shall be to the building location even where such buildings exceed the required setback.

(3) Side Yard Regulations

There shall be a minimum side yard of thirty (30) feet for principal uses (including attached decks or garages) and ten (10) feet for accessory uses unless the building is housing livestock, then the setback is 100 feet.

(4) Rear Yard Regulations

There shall be a rear yard having a depth of not less than fifty (50) feet for non-livestock buildings and a setback of 100 feet for livestock buildings.

(5) Lot Area Regulations:

The minimum lot size shall be five (5) acres.

(6) Lot Width and Depth Regulations:

The minimum lot width shall be three hundred (300) feet and the minimum lot depth shall be three hundred (300) feet.

**Comment [BO20]:**

ee 5/19/11 e-mail from B. Rhineberger: "I calculate the distance to the building. If the building is 80 feet, I use 80 feet as the number, not 65 feet. Vacant lots would not have a value. I use only the closest structures on the neighboring lots and use the actual setback distance from the right of way (I use right-of-way because of the 20 foot provision)." That is a scenario that we have never had. In theory you would be right, a 35' right of way setback. However, I may argue that without enough properties to get an reliable average, the standard should be applied (this scenario would assume a r-o-w of less than 66 feet, otherwise 35 + 33 foot to centerline would be compliant).

**Comment [BO21]:**

ee 2/14/2012 e-mail from B. Rhineberger: "Anything attached to the principal is required to meet the principal structure setback. Anything considered detached would be accessory and must meet the accessory setback. The only exception is guesthouses, which along with any attachments, must meet principal structure setbacks"

## 612. Shoreland Zoning Regulations

### 612.1 Administration

#### (1) Statutory Authorization and Purpose

This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 105, Minnesota Regulations, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapters 394 and 462.

The uncontrolled use of shorelands of Corinna Township, Wright County, Minnesota affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by Corinna Township.

The major purpose of the Shoreland Regulations is to control the density and location of developments in the shorelands of the public waters of the County in order to preserve the water quality and the natural characteristics of the Shorelands and public waters in the County. These regulations conform to the standards and requirements of the State Shoreland Management Act.

#### (2) Jurisdiction

The provisions of this ordinance shall apply to the shorelands of the public water bodies as classified in Section 4.0 of this ordinance. Pursuant to Minnesota Regulations, Parts 6120.2500 - 6120.3900, no lake, pond, or flowage less than 10 acres in size in municipalities or 25 acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this ordinance.

#### (3) Compliance

The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this ordinance and other applicable regulations.

#### (4) Enforcement

The Corinna Township Board of Supervisors, or their designee, is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to Section 3.1 of this ordinance.

#### (5) Permits

Permit requirements and application/approval procedures shall be as outlined in Section 506 of this Ordinance.

(6) Variances

Variances to the requirements of Section 612 shall be reviewed in accordance with the requirements of Section 502 of this Ordinance and Minnesota Statutes 394.27.

(7) Notifications to the Department of Natural Resources

Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and to the Wright County zoning official and postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and to the Wright County zoning official and postmarked within ten days of final action.

612.2 Classification System

Water bodies in ~~Wright County~~Corinna Township have been divided into Lake and River Classifications in accord with the MN DNR Shoreland Management Standards. The three categories of lakes are Natural Environment, Recreational Development, and General Development. General Development and Recreational Development Lakes are larger in size and potentially more suitable for development and recreation purposes and can thus support a higher density of residential development on the shoreland. Natural Environment Lakes are smaller, often marshy in character, and require stricter shoreland standards to protect the quality of the lake resource. The three categories of rivers used in the County are Transition, Agriculture, and Tributary. Transition River areas have a mixture of land uses and development densities. Agriculture Rivers are located in intensively cultivated areas and have potential for additional development, however water quality constraints and competing land uses, particularly agriculture, will inhibit expansions. Tributary Rivers also have a wide variety of existing land uses. There is potential for additional development and recreational use, particularly those located near roads and cities. For a more thorough review of the classification system, reference is made to the MN DNR Statewide Standards.

612.3 Lakes Classifications

The Shorelands Zoning Regulations of ~~Wright County~~Corinna Township will apply to all lakes classified as either Natural Environment (NE), Recreational Development (RD), or General Development (GD) by the Department of Natural Resources (DNR).

The following Lakes as mapped on the Protected Waters and Wetlands Map, 1984 by the Department of Natural Resources, incorporated herein by reference, are included under the Shoreland Zoning District:

PROTECTED WATERS					
LAKE ID #	LAKE NAME	SEC	TWP	RNG	CLASSIFICATION
86-222	Unnamed	5;32	121	27	NE
86-223	Indian Lake	1,12	121	27	RD
86-224	Sandy Lake	3,10	121	27	NE

86-227	Cedar Lake	15,21,22,27,34	121	27	GD
86-229	Mink Lake	23,24	121	27	RD
86-230	Somers Lake	24,25	121	27	RD
86-233	Sugar Lake	1,2,10,11;35,36	121, 122	27	GD
86-234	Bass Lake	4,5;32,33	121, 122	27	GD
86-246	Long Lake	3;34	121, 122	27	NE
86-251	Pleasant Lake	19,20;24	121	27, 28	GD
86-252	Clearwater Lake	various	121, 122	27, 28	GD
<u>86-370</u>	<u>Unnamed</u>	<u>3,4,9</u>	<u>121</u>	<u>27</u>	<u>NE</u>
<u>86-500</u>	<u>Unnamed</u>	<u>36</u>	<u>121</u>	<u>27</u>	<u>NE</u>

100128		SWAN		NE
430020		COON		NE
470001		MAPLE		NE
470002		FRANCIS		GD
730014		MARIE		RD
860001		FOSTER		NE
860002		RICE		NE
860008		UNNAMED		NE
860009		MARTHA		GD
860010		WAGNER		NE
86001186		CHARLOTTE		GD
0015		SCHOOL		NE
86001686		UNNAMED		NE
0017		UHL		NE
860018		UNNAMED		NE
860019		GONZ		NE
860020		WILHELM		RD
860021		MUD		NE
860022		STEELE		NE
860023		BEEBE		RD
860024		UNNAMED WETLAND		NE
860025		SCHOOL		NE
860026		MUD		NE
860027		UNNAMED		NE
860028		MOORE		NE
860029		SCHMIDTS		NE
860031		PELICAN		NE
860032		RICE		NE
860033		UNNAMED		NE
860034		CEDAR		NE
860035		UNNAMED		NE
860036		UNNAMED		NE
860038		MUD		NE
860039		UNNAMED		NE
860041		DEAN		RD
860042		UNNAMED		NE
860043		UNNAMED (AKA ROONEY)		NE
860044		MUD		NE

860271		MOSES		RD
860273		FRENCH		RD
860274		DANS		NE
860275		UNNAMED		NE
860277		UNNAMED		NE
860278		GOOSE		NE
860279		TWIN		GD
860280		PICKEREL		NE
860281		CAROLINE		RD
860282		LOUISA		GD
860284		AUGUSTA		RD
860285		UNNAMED		NE
860286		LITTLE JOHN		NE
860288		JOHN		RD
860289		SYLVIA		GD
860290		UNNAMED		NE
860292		UNNAMED		NE
860293		COLLINWOOD		RD
860295		SWAN		NE
860296		BEAVER DAM		NE
860297		SCOTT		NE
860298		UNION		RD
860301		UNNAMED		NE

LAKE ID # \_\_\_\_\_ LAKE NAME \_\_\_\_\_ CLASSIFICATION \_\_\_\_\_

612.4 River and Stream Classifications

PROTECTED RIVERS AND STREAMS							
TRIBUTARY STREAMS							
	From				To		
Name	SEC	TWP	RNG	SEC	TWP	RNG	
Unnamed to Clearwater	21 (Basin 227 – Cedar Lake)	121	27	21 (Basin 252 – Clearwater Lake)	121	27	
Unnamed to Unnamed	32 (Basin 222 – Unnamed)	121	27	21	121	27	
Unnamed to Clearwater	20 (Basin 251 – Pleasant Lake)	121	27	17 (Basin 252 – Clearwater Lake)	121	27	

The Shorelands Zoning Regulations of Wright County will apply to all Rivers as follows (except the Mississippi River which is zoned Wild and Scenic):

<u>River</u>	<u>Classification</u>
North Fork of the Crow River	Transition
South Fork of the Crow River	Agriculture
Crow River (main stem)	Agriculture
Clearwater River	Agriculture

All other water courses shown on the Protected Waters Inventory Map of Wright County which are not classified above are assigned a classification of Tributary.

612.5 Shoreland Performance Standards

612.5 (1) General Performance Standard for Lakes

Performance standards in shoreland areas are additional to standards of the primary zoning district. In case of a conflict, the stricter standard shall apply as well as any additional requirements if flood plain elevations have been established.

The minimum lot size of the underlying zoning district applies only where soil percolation tests indicate the lot is sufficiently large to provide for the drainfield and septic tank setbacks required by this Ordinance.

(a) General Development Minimum Standards:

Structure setback from NOHW	75 ft.
Structure setback from Bluff	30 ft.
<u>Structure setback from unplatted cemetery 50 ft.</u>	
Height	2 1/2 stories (35 ft.)
Elevation of lowest floor above highest known water level <u>(livable structures only)</u>	4 ft.
Water Oriented Accessory Structure setback from NOHW	10 ft.

The lot width may be reduced to 100 feet if public sewage treatment facilities are provided.

(b) Recreational Development Standards:

Structure setback from NOHW	100 ft.
Structure setback from Bluff	30 ft.
<u>Structure setback from unplatted cemetery 50 ft.</u>	
Height	2 1/2 stories (35 ft.)
Elevation of lowest floor above highest known water level <u>(livable structures only)</u>	4 ft.
Water Oriented Accessory Structure Setback from NOHW	10 ft.

The lot width may be reduced to 100 feet if public sewage treatment facilities are provided.

(c) Natural Environment Standards:

Structure setback from NOHW	200 ft.
Structure setback from Bluff	30 ft.
<u>Structure setback from unplatted cemetery 50 ft.</u>	
Lot Size	2 acres
Lot Width	200 ft.
Lot Depth	200 ft.
Side Yard Setback	20 ft.
Height	2 1/2 stories (35 ft.)
Elevation of lowest floor above highest known water level <u>(livable structures only)</u>	4 ft.

\*\*Water Oriented Accessory Structures are not permitted on Natural Environment Lakes.

**Comment [BO22]:**  
NR limits height to 25 feet, but has a less restrictive definition of height (average height of the highest gable instead of the highest point of a roof)

**Comment [BO23]:**  
see 11/3/11 e-mail from B. Rhineberger: "As far as I can recall, we have only been applying the 4 foot standard to livable structures. We do not permit many boathouses, so it has not come up very often (livable space is prohibited in boathouses)."

**Comment [BO24]:**  
see 11/3/11 e-mail from B. Rhineberger: "As far as I can recall, we have only been applying the 4 foot standard to livable structures. We do not permit many boathouses, so it has not come up very often (livable space is prohibited in boathouses)."

612.5 (2) General Performance Standards for Rivers

Performance standards in shoreland areas are additional to standards of the primary zoning district. In case of a conflict, the stricter standard shall apply as well as any additional requirements if flood plain elevations have been established.

~~(a) Transition Standards:~~

<del>Structure setback from NOHW</del>	<del>200 ft.</del>
<del>Structure setback from Bluff</del>	<del>30 ft.</del>
<del>Lot Size</del>	<del>2 acres</del>
<del>Lot Width</del>	<del>250 ft.</del>
<del>Lot Depth</del>	<del>200 ft.</del>
<del>Side Yard Setback</del>	<del>20 ft.</del>
<del>Height</del>	<del>2 1/2 stories (35 ft.)</del>
<del>Elevation of lowest floor</del>	
<del>above highest known water level</del>	<del>4 ft.</del>
<del>(livable structures only)</del>	<del>4 ft.</del>

~~\*\* Water Oriented Accessory Structures are not permitted on Transition Rivers.~~

~~(ba) Agriculture and Tributary Standards:~~

<del>Structure setback from NOHW</del>	<del>100 ft.</del>
<del>Structure setback from Bluff</del>	<del>30 ft.</del>
<del>Lot Width</del>	<del>150 ft.</del>
<del>Height</del>	<del>2 1/2 stories (35 ft.)</del>
<del>Elevation of lowest floor</del>	
<del>above highest known water level</del>	
<del>(livable structures only)</del>	<del>4 ft.</del>
<del>Water Oriented Accessory</del>	
<del>Structures setback from NOHW</del>	<del>10 ft.</del>

**Comment [BO25]:**  
 ee 11/3/11 e-mail from B. Rhineberger:  
 "As far as I can recall, we have only been applying the 4 foot standard to livable structures. We do not permit many boathouses, so it has not come up very often (livable space is prohibited in boathouses)."

612.5 (3) Design Criteria for Certain Structures

~~(a) Bluff Impact Zones~~

~~Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.~~

~~(a)(b) Stairways, Lifts, and Landings.~~

Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements.

- (1) Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;
- (2) Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open-space recreational properties, and planned unit developments;
- (3) Canopies or roofs are not allowed on stairways, lifts, or landings;

(de) Water-oriented Accessory Structures and facilities. All accessory structures and facilities, except those that are water-oriented, must meet or exceed structure setback standards. If allowed by water classification, each residential lot may have one water-oriented accessory structure or facility located closer to public waters than the structure setback if all of the following standards are met:

- (1) the structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight feet above grade at any point;
- (2) the setback of the structure or facility from the ordinary high water level must be at least ten feet;
- (3) the structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, or other means assuming summer, leaf-on conditions;
- (4) the roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area;
- (5) the structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities; and
- (6) for general development water bodies, water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the configuration of the shoreline.

#### 612.5 (4) Agriculture Use Standards.

- (a) The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.
- (b) General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are allowed if permitted uses, if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency.
- (c) Animal feedlots as defined by the Minnesota Pollution Control Agency, where allowed by zoning district designations, must be reviewed as conditional uses and must meet the following standards, in addition to those of the Wright County Feedlot Ordinance:
  - (1) New feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of 300 feet from the ordinary high water level of all public waters basins; and
  - (2) Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.
  - (3) A certificate of compliance, interim permit, or animal feedlot permit, when required by MN P.C.A. Rules 7020.0100-7020.1900 regulations or the Wright County Feedlot Ordinance must be obtained by the owner or operator from the applicable authority.
- (d) Use of fertilizer, pesticides, or animal wastes within shorelands must be done in such a way as to minimize impact on the shore impact zone or public water by proper application or use of earth or vegetation.

612.5 (5) Land Suitability

Each lot created through subdivision must be suitable for development in its natural state for the proposed use with minimal alteration. Suitability analysis shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health safety, or welfare of future residents of the proposed divisions or of the community.

612.5 (6) Shoreland Alterations

Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

Vegetation Alterations.

(a) Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by this ordinance are exempt from the vegetation alteration standards that follow.

(b) Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in this ordinance, is allowed subject to the following standards:

a. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.

b. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:

i. the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;

ii. along rivers, existing shading of water surfaces is preserved; and

i. the above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

Topographic Alterations/Grading and Filling.

(a) Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.

(b) Public roads and parking areas are regulated by Section 5.4 of this ordinance.

(c) All other topographic alterations are subject to the requirements of Section 728 of this Ordinance.

612.5 (7) Stormwater Management

The following general and specific standards shall apply:

(a) General Standards:

- a. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter and retain stormwater runoff before discharge to public waters.
- b. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
- c. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

(b) Specific standards:

- a. Impervious surface coverage of lots must not exceed 25 percent of the lot area.
- b. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
- c. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

612.5 (8) Water Supply and Sewage Treatment

(a) Water Supply: Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

(b) Sewage Treatment: Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:

- a. Publicly-owned sewer systems must be used where available.
- b. All private sewage treatment systems must meet or exceed the requirements of Section 716 of this Ordinance and those of the Minnesota Pollution Control Agency.
- c. On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in this ordinance.
- d. All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in subitems (1)-(4). If the determination of a site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.

Evaluation criteria:

- i. depth to the highest known or calculated ground water table or bedrock;
- ii. soil conditions, properties, and permeability;

iii. slope;

iv. the existence of lowlands, local surface depressions, and rock outcrops;

e. Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with section 716 of this ordinance.

#### 612.6 (9) Subdivision/Platting Provisions

(b) Land suitability. Each lot created through subdivision, including planned unit developments authorized under this ordinance, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

(c) Consistency with other controls. Subdivisions must conform to all official controls of Corinna Township. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with the requirements of this ordinance can be provided for every lot intended and approved for residential or commercial use. Each lot shall meet the minimum lot size and dimensional requirements of this ordinance, including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.

(d) Information requirements. Sufficient information must be submitted by the applicant for the Township to make a determination of land suitability. The information shall include at least the following:

a. topographic contours at ten-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;

b. the surface water features required in Minnesota Statutes, section 505.02, subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;

c. adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;

d. information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;

e. location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and

f. a line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.

(e) Dedications. When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

(f) Platting. All subdivisions that create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.

(g) Controlled Access or Recreational Lots. Lots intended as controlled accesses to public waters or for recreational use areas for use by nonriparian lots within a subdivision must be approved by conditional use permit and must meet or exceed the following criteria:

a. they must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.

b. If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

<u>Controlled Access Lot Frontage Requirements</u>	
<u>Ratio of lake size to shore length (acres/miles)</u>	<u>Required increase in frontage (percent)</u>
<u>Less than 100</u>	<u>25</u>
<u>100-200</u>	<u>20</u>
<u>201-300</u>	<u>15</u>
<u>301-400</u>	<u>10</u>
<u>Greater than 400</u>	<u>5</u>

c. they must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot; and

d. covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners.

e. Examples of the nonsignificant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

612.6 Special Protection Shorelands District S-1

(1) Purpose

The intent of the S-1 Special Protection Shoreland District is to guide the wise development and utilization of shorelands of public waters for the preservation of water quality and natural characteristics of all public waters in the ~~unincorporated areas of the County~~ Township and to manage areas unsuitable for development due to wet soils, steep slopes, or larger areas of exposed bedrock; and to manage areas of unique natural and biological characteristics in accordance with compatible uses.

The S-1 Special Protection Shoreland District shall be an overlay district. Standards in the S-1 district shall apply in addition to those in the underlying district. In the case of a conflict, the stricter standard shall apply. Only the AG zoning district will be allowed as underlying district with the S-1 district.

~~There are no areas within Corinna Township currently. On the following lakes all shoreland area surrounding the lake is~~ designated as S-1. ~~Should the Township or Wright The County will conduct further studies, as resources become available, to determine the need to refine and extend the S-1 District to other areas~~ identify areas within the Township as appropriate for S-1 designation, this section shall apply.

<u>LAKE</u>	<u>ID</u>
<del>Pelican</del>	<del>860031</del>
<del>Malardi</del>	<del>860112</del>
<del>Rice</del>	<del>860002</del>
<del>Beaver Dam</del>	<del>860296</del>

(2) Permitted Uses

Permitted uses shall be those listed as permitted in the underlying zoning district, except that no wetlands shall be drained to facilitate cultivation of shoreland areas within specified distances of lakes or streams depending upon topography.

(3) Accessory Uses

Accessory uses customarily incident to the permitted uses.

(4) Conditional Uses

Conditional Uses in the underlying zoning district shall not be allowed in the S-1 district. Only those conditional uses listed below may be allowed.

- (a) All approved aerial or underground utility line crossings such as electrical, telephone, telegraph, or gas lines which cannot be reasonably located in other than a special protection district.
- (b) Non-residential structures used solely in conjunction with raising wild animals or fish provided the structures are of a design approved by the Planning Commission as being compatible with other general allowable uses of the district.
- (c) New agricultural feedlots
- (d) Development of parks and historic sites
- (e) Mining, Sand, and Gravel Extraction
- (f) Other uses of the same general character as permitted uses provided they comply with the Statewide Standards for Management of Shoreland Areas.

## 612.8 Commercial-Recreational Shoreland District S-3

### (1) Purpose

The intent of the S-3 Commercial-Recreational Shorelands District is to provide suitable locations for, and to encourage the development of, commercial recreation facilities in those areas of the County which benefit the recreational needs of both residents and tourists and restrict incompatible commercial and industrial uses.

S-3 Commercial-Recreational Shoreland District shall not be an overlay district, but shall be an exclusive district when used. It shall be the only district where commercial uses are allowed in the shoreland areas. Such uses shall be limited to those listed below. Performance standards shall be those listed in Section 612.45 (1)-(3) and as otherwise applicable in this ordinance. If any standards contained with Minnesota Rules, parts 6120.2500 or 6120.3800 are more restrictive than this Ordinance the stricter standards shall apply.

### (2) Permitted Uses: - None

### (3) Conditional Uses

- (a) Resort facilities to include lodges, guest houses, and cabins.
- (b) Taverns where the main function is servicing a resort or recreational development.
- (c) Restaurants where the main function is servicing a resort or recreational development.
- (d) Golf courses and clubhouses.
- (e) Indoor theaters.
- (f) Sporting goods, establishments, outfitters and suppliers, bait shops, and rental goods establishments.
- (g) Ski areas and lodges.
- (h) Single family detached dwellings for personnel directly connected with the operating of resort or recreation facilities only, as regulated in S-2 Residential-Recreational Shorelands District.
- (i) Motels and auto courts.
- (j) Yacht slips, service and storage marinas, harbor and docking facilities subject also to all approved regulations and ordinances of governmental agencies for the same.
- (k) Recreational trailer parks and commercial camping facilities for short duration uses, subject to all requirements of this Subsection.
- (l) Nature trails, snowmobile trails, ski trails and similar facilities.
- (m) Other commercial and industrial uses included in the B-1, B-2, or I-1 districts, only if the use is to utilize an existing building located in the shoreland area which is not suited to being used as an otherwise permitted or conditional use. The Planning Commission must determine that the proposed use will not have an adverse impact on the lake or stream involved.

### (4) Accessory Uses to Allowed Conditional Uses

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

- (b) Boathouses, docks, and piers.
- (c) Storage garages.

(5) Front Yard Regulations:

(a) Required Setback Distance Road Class  
From Road Centerline

130	State Highway
130	County Road
65	Local Street (TWP Road)

(b) Where a lot is located at the intersection of two (2) or more roads or highway side of each corner lot. No building shall project beyond the front yard line of either road.

(6) Side Yard Regulations:

(a) Minimum side yard shall be ten (10) feet, except that on Natural Environment Lakes the setback shall be increased to twenty (20) feet.

(b) No building shall be located within fifty (50) feet of any side lot line abutting a lot in any Residential or Agricultural District.

(4) Rear Yard Regulations:

(a) There shall be a minimum rear yard of fifty (50) feet.

(5) Lot Width and Depth Regulations

There shall be a minimum lot width and depth of one hundred fifty (150) feet. Lot width may be reduced to one-hundred (100) feet if public sewer and water facilities are provided.

(5) Special District Provisions

(a) Any principal structure hereafter erected, constructed, altered, moved or substantially renovated in any manner which includes in its function the providing of services, entertainment or lodging for residents or tourists shall be equipped with indoor toilet and running water (hot and cold) facilities, and adequate heating system based on floor area and occupancy criteria, and the facilities for maintaining access routes where operated on a year-round basis. It shall be the responsibility of the Zoning Administrator to evaluate or have evaluated the adequacy of utilities using standards established by the Board of County Commissioners and the State Department of Public Health.

(b) Standards for Commercial, Industrial, Public, and Semipublic Uses.

(1) Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:

-in addition to meeting impervious coverage limits, setbacks, and other zoning standards in this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;

-uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and

-uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:

- (a) no advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff;
- (b) signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and
- (c) other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

- (2) Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

- (6) Recreational Campground Provisions. ~~Recreational Campgrounds must~~ Recreational Campgrounds may be allowed only under Section 614 of this Ordinance as a Standard Planned Unit Development upon rezoning to the Planned Unit Overlay District. Where approved, they must also meet the following requirements as well as any additional requirements set forth in the Statewide Standards for the Management of Shoreland Areas. Minnesota Rules 6120.3800 which may be more restrictive.

- (a) Definition - A Recreational Camp shall constitute any area used on a daily, nightly or weekly basis for the accommodation of three or more occupied tents or travel trailers whether privately or publicly owned; and whether use of such accommodation is granted free of charge or for compensation.
- (b) Licensing - Every person, organization or municipality establishing or having control of a Recreational Camping Area shall obtain all necessary licenses and permits required by the State of Minnesota and the State Health Department.
- (c) Caretaker - A responsible attendant or caretaker shall be in charge of every recreational camping area at all times and the duties of said attendant or caretaker shall be to maintain records of the park, keep the facilities and the equipment in a clean, orderly and sanitary condition. The caretaker or attendant shall be the owner or operator of the camping area, or his appointed representative.
- (d) Recreational Camping Area Location - No recreational camping area shall be located that the drainage from the park or camp area will endanger any water supply. No waste water from recreational camping vehicles shall be deposited on the surface of the ground.

- (e) Recreational Camping Area Spacing - A site size appropriate to meet all spacing requirements shall be provided for each recreational camping vehicle or tent in camping areas. The Planning Commission shall determine the location density, and spacing of recreational camping vehicles, tents, primary, and accessory structures whether permanent or temporary based upon any requirements of the Minnesota Department of Health, water supply and waste disposal facilities, topography, drainage, and other locational and natural characteristics of the site. Any accessory structure such as attached awnings, car ports or individual storage facilities shall, for the purposes of the setbacks and separation requirements, be considered to be part of the recreational camping vehicle, tent or other structure.
- (f) Density — The maximum number of dwelling sites allowed shall be calculated by dividing the total acreage of the site by the minimum lot size identified in Section 612.5 (1)-(3) and multiplying the result by 1.5 (150%). Where requirements of the Minnesota Department of Health or Department of Natural Resources are more restrictive, the more restrictive standard shall apply. At least 50 percent of the total project area must be preserved as open space as defined in the State Standards for Management Shoreland Areas.
- (g) Water Supply - Facilities for water supply and waste disposal must meet the minimum requirements of the State Health Department and any other State laws or regulations and the County standards for sewage treatment.
- (h) Garbage and Refuse Disposal - All garbage and refuse shall be stored and disposed of in a manner that will not create or tend to create a nuisance, or provide a breeding place for flies. Garbage and refuse containers shall be constructed of non-absorbent materials with tight fitting lids. All containers shall be washed at least once each week and sprayed with effective insecticides. Garbage or refuse containers shall be supplied for each four camp sites, and shall be not more than two hundred feet from the farthest site. Containers shall be emptied twice weekly or more often if required.
- (i) Picnic Areas - Picnic areas shall be provided with suitable toilets, or privies and refuse containers consistent with the usage demands. Such facilities shall be constructed in accordance with standards of the State Health Department.
- (j) Swimming Areas - Natural swimming areas shall be located only on lakes and streams which are relatively free from human, animal and industrial pollution, and where swimming will not endanger the quality of a domestic water supply. Swimming areas shall be located at least seventy-five (75) feet (preferably 150 feet) from boat docks or boat landing slips and shall be roped off by floats and cables to designate the safe limits of the swimming areas. Artificial swimming and wading pools shall be constructed in accordance with standards of the State Health Department.
- (k) Submission of Plans
- (1) No recreational vehicle camp shall be constructed nor shall any system of plumbing, sewage system, water supply or swimming pool for the vehicle camp be installed or altered until four (4) plans drawn to scale have been submitted to and approved by the County Planning Commission and the State Health Department.
  - (2) An applicant for a Recreational Vehicle Camping Area Conditional Use Permit shall submit a development plan for the proposed park including the following:
    - The proposed site and existing development.
    - Proposed size, location and arrangement of buildings.
    - Parking areas and stall arrangements.
    - Entrance and exit drives.

(2) Rural Planned Unit Development

For a Rural Planned Unit Development, the number of dwelling units shall be determined by multiplying the gross acreage of the project area by 6/40 (six-fortieths). Fractional results shall be rounded to the nearest whole number. Multi-family structures shall not be permitted in a Rural P.U.D.

(3) Resort Conversion Planned Unit Development

For a Resort Conversion Planned Unit Development the number of dwelling units shall not exceed the number of dwellings or rental units (excluding campsites), either at the time of conversion or in the future, which legally exist at the resort prior to the conversion. The conversion must also comply with the following standards: all Minnesota Department of Natural Resource standards, and provide proof of ability to meet all state and local sewage treatment standards.

(a) Proposed conversions must be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.

(b) Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.

(c) Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:

i. removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;

ii. remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water; and

iii. if existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.

(d) Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

614.4 Coordination with Subdivision Control Ordinance

- (1) It is the intent of this Ordinance that subdivision review under the subdivision control ordinance be carried out simultaneously with the review of a planned development under this chapter of the zoning ordinance. All P.U.D. proposals must be platted.
- (2) The plans required under this Section must be submitted in a form which will satisfy the requirements of the subdivision control ordinance for the preliminary and final plats required under those regulations.

614.5 Variances

It is the intent of this Section, Planned Unit Development, to provide a means to allow variances from the provisions of this Ordinance including lot sizes, setbacks, height, and similar regulations not including parking requirements,

off-street loading, necessary landscaping, and the like. Variances may be granted for the planned unit developments under the following conditions:

- (1) Certain regulations contained in this Ordinance may not realistically apply to the proposed development due to its unique nature.
- (2) The variances, if granted, would be fully consistent with the general intent and purpose of this Ordinance.
- (3) The planned unit development would produce development of equal or superior quality to that which would result from strict adherence to the provision of this Ordinance.
- (4) The variances will not constitute a threat to the property values, safety, health, and general welfare of the owners or occupants of adjacent or nearby land, nor be detrimental to the health, safety, morals and general welfare of the people of the County.
- (5) It shall be determined that the variances are required for a reasonable and practical physical development according to a comprehensive development plan and are not required solely on the basis of financial considerations.
- (6) Except in the case of a Resort Conversion, or when a community water and sewer system will be provided, lot sizes shall meet or exceed the minimum standards set forth for the Urban/Rural Transition (R-1) zone.

#### 614.6 Procedure - Establishment of P.U.D.

- (1) General procedures for the establishment of a P.U.D. district shall be the same as for rezoning, as outlined in Section 504. In addition, applications for the establishment of a P.U.D. district shall be accompanied by an outline development plan.
- (2) An outline development plan must include both maps and written statements, and must show enough of the area surrounding the proposed planned unit development to demonstrate the relationship of the planned unit development to adjoining uses.
- (3) The maps which are part of the outline development plan may be in general schematic form, and must contain the following information:
  - (a) The general topographic character of the land.
  - (b) Existing and proposed land uses and the approximate location of buildings, lots, utilities, and unique development features of the site.
  - (c) The location of existing and proposed roads.
  - (d) Public uses, including schools, parks, playgrounds, and other open spaces.
- (4) The written statement to accompany the outline development plan must contain the following information:
  - ~~(a)~~ (a) A site plan for the project showing property boundaries, surface water features, existing and proposed structures, sewage treatment systems, topographic contours at ten-foot intervals or less, and other facilities
  - ~~(b)~~ Documents explaining how the project is designed and will function. These include covenants that require membership in a property owners association, various easements, a concept statement describing the project, floor plans for structures, and various other drawings or plans.
  - ~~(c)~~ An explanation of the character of the planned development and the manner in which it has been planned to take advantage of the planned development regulations.

~~(b)~~(d) ~~(b)~~——A statement of the present ownership of all of the land included within the planned development.

~~(e)~~(e) ~~(e)~~——A general indication of the expected schedule of development including progressive phasing and time schedules.

~~(d)~~(f) ~~(d)~~——A statement of preliminary approval from the Township Board, which indicates that any proposed roads will be accepted as Township roads.

~~(e)~~(g) ~~(e)~~——Proposed uses and ownership of undeveloped land and common open space.

(8) ~~(5)~~——Shoreland P.U.D. Criteria: Planned Unit Developments in shoreland areas must meet the following design criteria:

a. All residential planned unit developments must contain at least five dwelling units or sites.

b. Residential planned unit developments must contain open space meeting all of the following criteria:

i. At least 50 percent of the total project area must be preserved as open space.

ii. Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and should not be included in the computation of minimum open space.

iii. Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.

iv. Open space may include outdoor recreational facilities for use by owners of the dwelling units or sites, or the public.

v. The shore impact zone, based on normal structure setbacks, must be included as open space. At least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the shore impact zone area of new developments must be preserved in their natural or existing state.

vi. Open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities.

vii. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.

viii. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.

c. Centralization and design of facilities and structures must be done according to the following standards:

i. Residential planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and the Minnesota Pollution Control Agency. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system.

- ii. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased for developments with density increases. Maximum density increases may only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25 percent greater than the minimum setback.
  - iii. Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.
  - iv. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions.
  - v. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in part 6120.3300, subpart 3, item H, and are centralized.
  - vi. Accessory structures and facilities may be allowed if they meet or exceed standards in part 6120.3300(5) —, subpart 3, item H, and are centralized.
- d. Erosion control and storm water management for residential planned unit developments must:
- i. Be designed, and their construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.
  - ii. Be designed and constructed to effectively manage reasonably expected quantities and qualities of storm water runoff.
- (9) Shoreland P.U.D. Administration and Maintenance: Before final approval of all residential planned unit developments, Corinna Township must ensure that adequate provisions have been made part of the maintenance and administration of the planned unit development as follows:
- a. Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.
  - b. Open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:
    - i. commercial uses prohibited (for residential PUD's);

ii. vegetation and topographic alterations other than routine maintenance prohibited;

iii. construction of additional buildings or storage of vehicles and other materials prohibited; and

iv. uncontrolled beaching of watercraft prohibited.

c. Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners association with the following features:

i. membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;

ii. each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;

iii. assessments must be adjustable to accommodate changing conditions; and

iv. the association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

(1) After review by the Planning Commission, the Outline Development Plan shall be submitted to the ~~Town Board~~ ~~County Board~~ for its final decision on establishment of the P.U.D. district, subject to approval by the Wright County Board of Commissioners.

#### 614.7 Procedure - Preliminary Development Plan Approval

- (1) General procedures for the approval of a preliminary development plan shall be the same as for the approval of a conditional use permit for a preliminary plat, as outlined in the County Subdivision Regulations and Section 505 of this Ordinance. If more than ninety (90) days elapses between the establishment of the P.U.D. district and approval of a preliminary development plan, the Planning Commission may order renotification of nearby property owners before final approval.
- (2) The preliminary development plan must include all of the following information, in addition to that required for a preliminary plat:
  - (a) Proposed uses and location of common open space and restricted lands.
  - (b) Areas proposed to be conveyed, dedicated, or reserved for parks, parkways, playgrounds, public buildings, and similar public and semi-public uses.
  - (c) A plot plan for each building site and common open area, showing the approximate location of all buildings, structures, and improvements.
  - (d) Elevation and perspective drawings for all proposed structures and improvements except single-family residences and their accessory buildings.
  - (e) A development schedule indicating:
    - The approximate date when construction of the project can be expected to begin.
    - The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.

(15) establishment square feet of gross floor space in building allocated to drive-in operation.

- (10) Bowling Alley At least five (5) parking spaces for each alley, plus additional spaces as may be required herein related uses such as restaurant, plus one (1) additional space for each employee.
- (11) Automobile Service At least two (2) off-street parking spaces plus four (4) off-street parking spaces for each service stall.
- (12) Retail Store At least one (1) off-street parking space for each one hundred fifty (150) square feet of gross floor area.
- (13) Restaurants, Cafes, Bars, Taverns, Nightclubs based on capacity designs. At least one (1) space for each three (3) seats
- (14) Uses not specifically As determined by the governing body noted specifically noted following review by the Planning Commission.

#### 708. TRAFFIC CONTROL

The traffic generated by any use shall be channelized and controlled in a manner that will avoid: (a) congestion on the public streets, (b) traffic hazards, and (c) excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be so regulated as to ensure its safe and orderly flow. Traffic into and out of business areas shall in all cases be forward moving with no backing into streets. On corner lots, (including rural areas) no structures shall be placed or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 1/2) and ten (10) feet above the centerline grades of the intersecting streets to a distance such that a clear line of vision is possible of the intersecting street from a distance of fifty (50) feet from the intersection of the right-of-way lines.

#### 709. TREE AND WOODLAND PRESERVATION

709.1 The following restrictions shall apply to all residential development occurring in wooded area.

- (1) Structures shall be located in such a manner that the maximum number of trees shall be preserved.
- (2) Prior to the granting of a building permit, it shall be the duty of the person seeking the permit to demonstrate that there are no feasible or prudent alternatives to the cutting of trees on the site and that if trees are cut, he will restore the density of trees to that which existed before development but in no case shall he be compelled to raise the density above in ten (10) trees per acre.
- (3) Forestation, reforestation or landscaping shall utilize a variety of tree species and shall not utilize any species presently under disease epidemic. Species planted shall be hardy under local conditions and compatible with the local landscape.
- (4) Development including grading and contouring shall take place in such a manner that the root zone aeration stability of existing trees shall not be affected and shall provide existing trees with a watering equal to one-half the crown area.

#### 709.2 Shoreland Areas

The alteration or removal of natural vegetation in shoreland areas shall be regulated as per Section 612.5 (6) of this Ordinance, shall be restricted to prevent erosion into public waters, to consume nutrients in the soil, and to preserve shoreland aesthetics. Clear cutting shall be prohibited in the shore and bluff impact zones.

#### 709.3 Forest Management Standards

711. EXPLOSIVES

No activities involving the storage, utilization or manufacture of materials or products such as TNT or dynamite which could decompose by detonation shall be permitted except as are specifically licensed by the County Board/Township Board.

712. GUEST HOUSES AND COTTAGES

(1) Non-Shoreland Areas

Guest houses, for purpose of this Ordinance in non-shoreland areas, shall be an accessory building detached from the principal building where accommodations for sleeping are provided but no kitchen facility provision is made. The use is for persons visiting the occupants of this principal building. Guest houses shall be permitted in all Residential Districts not located in a shoreland overlay zone and shall be located the required depth of the rear yard or more from the principal building and shall conform to the side yard requirement for the principal building. Guest houses shall be located on lots at least 20,000 square feet in area, and no guest house shall be used as rental property. On lots less than one acre in size, guest houses shall not be constructed as the second story of a detached accessory structure.

Only one guest house shall be permitted per parcel of land, providing that adequate sanitary facilities can be provided and that no guest house shall exceed 750 square feet in total floor area. The Board of Adjustment shall review requests for guest houses on lots with no principal dwelling.

(2) Shoreland Areas

In shoreland areas, one guest cottage may be allowed on lots meeting the minimum size requirements identified below and subject to the other requirements of this section.

	General Development	Recreational Development	Natural Environment	Tributary River/Stream
<u>Riparian Lots</u>				
<u>Min. Lot Size</u>	<u>40,000 sq ft</u>	<u>80,000 sq ft</u>	<u>120,000 sq ft</u>	<u>20,000 sq ft</u>
<u>Min. Lot Width</u>	<u>180 ft</u>	<u>225 ft</u>	<u>300 ft</u>	<u>150 ft</u>
<u>Non-Riparian Lots</u>				
<u>Min. Lot Size</u>	<u>80,000 sq ft</u>	<u>80,000 sq ft</u>	<u>160,000 sq ft</u>	<u>20,000 sq ft</u>
<u>Min. Lot Width</u>	<u>265 ft</u>	<u>225 ft</u>	<u>400 ft</u>	<u>150 ft</u>

(1) for lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within the smallest duplex-sized lot that could be created including the principal dwelling unit;

(2) a guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height; and

(3) 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.

713. DRIVE-IN BUSINESS DEVELOPMENT STANDARDS

The following standards shall apply to drive-in businesses in all districts.

713.1 The entire area of any drive-in business shall have a drainage system approved by the county engineer.

**Comment [BO26]:**  
 ee 8/25/11 e-mail from S. Riley: "We added the no second story to accessory buildings a while back and the guest house section is the same as it has been for years. But either way no matter the use or classification of an accessory building it can't exceed the second story definition on lots under one acre. The only way to have a guest house above a building is to have a lot that is an acre or more. The lots between 20,000 and one acre need it on the first level. We need to clean that up on our next ordinance revision and perhaps limit guest houses to one acre."

**Comment [BO27]:**  
 ee 6/2/11 e-mail from B. Rhineberger: "Generally, all space within the confines of the habitable space are considered part of the floor area (within the exterior walls or outside limits of the guesthouse area). If they want to use that space inefficiently, that is up to them. Storage/attic space on another level/floor are generally not considered as part of the square footage. However, if there is a stairway access, we generally require the headroom be no more than 6'6" (I would actually prefer 6', but that is not my call)."

- (e) Upon satisfactory completion of the system the Inspector shall perform a final inspection. If upon inspection the Inspector discovers that any part of the system is not constructed in accordance with the minimum standards provided in this Ordinance, the Inspector shall give the applicant written notification describing the defects. The applicant shall be responsible for the correction or elimination of all defects, and no system shall be placed or replaced in service until all defects have been corrected or eliminated.
- (5) Neither the issuance of a permit nor the inspection of a system shall constitute any warranty or guarantee of operation of the system.
- (6) Permit Requests. When either of the following occur EHO department will review records of the SSTS on the property to determine adequate conformance. Said review may require conformance to 7080.2450 Subp. 2 and/or require a certification of compliance of the SSTS.
- (a) Any time that a permit or variance is applied for in a Shoreland Management area (1000 feet of a lake, pond or flowage; or 300 feet of a river or stream or the landward extent of a floodplain).
- (b) With the addition of a bedroom on the property.
- Permit requests which occur during winter months when frozen ground conditions make compliance inspections unfeasible shall be reviewed by the EHO department. The EHO shall make a recommendation to the Zoning Administrator as to whether a compliance inspection should be required before issuance of the permit or if the permit could be issued with a condition that the inspection be completed when ground conditions allow for such an inspection.
- (7) Separation Allowances.
- (a) SSTS built after March 31, 1996 or in an SWF area as defined under part 7080.1100 subp. 84, shall have three (3) feet vertical separation or a vertical separation based on applicable requirements. Existing systems are allowed up to a fifteen (15) percent reduction from the three (3) foot required vertical separation distance to account for settling of sand or soil, normal variation of measurement, and interpretations of the limiting layer conditions.
- (b) SSTS built before April 1, 1996, in areas that are not SWF areas as defined under part 7080.1100 subp. 84, must have at least two (2) feet of vertical separation.
- (8) When conducting compliance inspections and/or designing a replacement SSTS that will use the existing septic/lift tank(s), the tanks(s) shall be pumped by a licensed maintainer and certified. Pumping is not mandatory if documentation exists that the tank has been pumped within the past three (3) years, however this alone does not fulfill the tank certification requirement. In all cases, the tank integrity documentation must be completed and is required at the time of applying for a SSTS permit.
- (9) With septic tank pumping, the maintenance hole(s) shall be brought to within one foot of finished grade and properly secured as needed. With the pumping, maintaining or certification of a lift tank, the pump riser must be brought to grade.
- (10) SSTS must be properly abandoned according to part 7080.2500.
- (a) If the individual abandoning a SSTS is not a licensed SSTS professional, the abandonment must be inspected by a licensed SSTS inspector.
- (b) A state abandonment document must be submitted to the local unit of government within 90 days of abandonment.

**Comment [BO29]:**  
 ee 1/27/2011  
 e-mail from B.  
 Rhineberger to  
 B. Oleson.

"Whether we would require a certification would depend on the situation. If we have no septic information and the lot is small, either a design or certification would probably be necessary. If we have information on the septic, it would depend on age of the system or other information on the permit/design. In the majority of cases, a certification is going to be needed for the sale, so I would recommend they have one done at the time they want the determination.

As for the system on 206-072-000130, since it is a multi-flo, ... [3]

**Comment [BO30]:**

ee 6/3/2011 e-mail from Rhonda to B. Oleson: "we don't require a cert for those types of permits, but we do still look at the "Alerts" in our system, to be sure there isn't something larger going on - which can INCLUDE a septic issue.

i'm not sure if that answers your question or just makes it more confusing???

Rhonda

Rhonda/Sean-

Might be a moot question now, but am I right that you have not required sewer compliance for re-roof, re-side and other such maintenance-related buildi ... [4]

- (11) Failing SSTS must be resolved on the following schedule:
- (a) A failing SSTS as described in 7080.1500 subp. 4b, shall be upgraded, replaced or its use discontinued within one (1) year of notice. The Environmental Health Office will give consideration to weather conditions as it establishes compliance dates.
  - (b) An SSTS posing an imminent threat to public health or safety as described in 7080.1500 subp. 4a, shall be abated within ten (10) days of notice. The system shall be upgraded, replaced, or repaired or its use discontinued, within 6 months of notice.
- (12) Holding Tanks
- (a) Holding tanks shall not be used as a sanitary system for a new residential dwelling. For conforming lots and structures, a holding tank may be used for expansions, alterations, additions, and improvements to existing dwellings so long as it does not exceed fifty (50) percent of the value of the existing structure as indicated in the records of the County Assessor, or fifty (50) percent of the footprint, whichever is more restrictive. Holding tanks may also be used for the exact replacement of an existing dwelling where no expansion in livable space occurs.
  - (b) Holding tanks shall only be used as a corrective action for sewage disposal for pre-existing uses where a full treatment system cannot be installed.
  - (c) Undeveloped lots of record on which a holding tank is the only practical means of sewage disposal are unsuitable for residential use.
  - (d) Holding tanks shall not be installed on undeveloped lots of record for recreational uses unless the lot has been found to be suitable for a dwelling and can support a full septic system.
  - (e) Holding tanks must have an alarm device for the prevention of overflow.
  - (f) An owner must have a current pumping contract signed by the owner and a licensed maintenance business. Records shall be kept to validate required pumping.
  - (g) A septic tank that is converted to a holding tank must be pumped and certified.
- (13) Scope. All sewage generated in unsewered areas of the County shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated, and maintained in accordance with the provisions of this Ordinance or by a system that has been permitted by the MPCA.
- (14) Prohibitive Discharge. It is unlawful for any person to construct, maintain, or use any SSTS regulated under this Ordinance that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface water. Any surface discharging system must be permitted under the National Pollution Discharge Elimination System program by the MPCA.
- (15) Dispute. If a documented discrepancy arises on the depth of the periodically saturated soil, all parties involved with the discrepancy including the local unit of government, shall be contacted and the procedures set forth in 7082.0700 Sub. 5 shall be followed.
- (16) Floodplain. SSTS shall not be located in a floodway and whenever possible, location in a floodplain should be avoided. If no option exists to locate a SSTS outside of a floodplain, location within the flood fringe is allowed if the requirements in Chapter 7080.2270 and all relevant local floodplain requirements are met.
- (17) Class V Injection Wells. All owners of new or replacement SSTS that are considered to be Class V injection wells, as defined in the Code of Federal Regulations, title 40, part 144, are required by the Federal Government to submit SSTS information to the Environmental Protection Agency as described in CFR40

**Comment [BO31]:**  
 ee 3/1/11  
 letter from B.  
 Rhineberger  
 re: Lease  
 variance:  
 "3/1/11. In  
 addition, the  
 Wright County  
 Board of  
 Adjustment has  
 consistently  
 ruled that  
 lots serviced  
 by holding  
 tanks be  
 limited to  
 replacement  
 only." (The  
 highlighted  
 language to  
 the left was  
 instituted in  
 April 2010)

part 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures.

- (18) Newly created lots. All lots created after January 23, 1996 must have a minimum of two (2) soil treatment and dispersal areas that can support trenches, seepage beds, mounds, and at-grade systems as described in Minnesota Rules, Chapters 7080.2200 through 7080.2230, 7080.2260, or site conditions described in 7081.0270, Subp. 3 through 7. For the creation and division of new lots, verification by soil borings located on a plan must be submitted establishing that this requirement can be met.
- (19) Management plans. Management plans are required for all new or replacement SSTS. The management plan shall be submitted by the designer to the local unit of government before issuance of a SSTS permit. Management plans shall include requirements as listed in Chapter 7082.0600, Subp. 1(B) and other requirements as determined by the permitting authority.
- (20) Operating permits. SSTS specified in parts 7080.2290, 7080.2350, 7080.2400, and Chapter 7081 require an operating permit and shall include 7082.0600, Subp. 2 and other requirements as determined by the permitting authority. The operating permit for new SSTS and MSTs will be issued in tandem with the construction permit for the new system. Operating permits when needed for existing systems and or system repair will be issued as separate permits. Any additional fees for operating permits will be listed in the fee schedule determined by the County Board of Commissioners/Township Board.
- (21) SSTS not operated under a management plan or operating permit must have treatment tanks inspected every three (3) years. Solids must be removed when their accumulations exceed the limits as described in Chapter 7080.2450.
- (22) No owner of a tract of land on which a dwelling is located, or tract of land on which a structure which is required to have an SSTS is located, shall sell or transfer to another party said tract of land unless requirements as stated in the Wright County Point of Sale Certification Ordinance for On-Site Septic Systems are met.
- (23) Septage Management. Septage shall be pumped, managed, land applied and disposed of in accordance with applicable state and federal laws.
- (24) Nonconforming Shoreland Septic Systems: Systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, sections 103F.201 to 103F.221, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by chapter 7080, shall be considered nonconforming.

Corinna Township shall implement programs to identify and upgrade sewage treatment systems in shoreland areas that are inconsistent with the sewage treatment system design criteria of this ordinance, exclusive of the appropriate setback from the ordinary high water level. This program shall require reconstruction within a timeframe not to exceed two years if such system is found noncompliant or ten months if such system is declared to be an imminent public health threat. The program may include one or more of the following options:

- (a) a systematic review of existing records to determine which systems in the jurisdiction are nonconforming and requiring reconstruction when practicable;
- (b) a systematic on-site inspection program including all properties where adequate record of conformances does not exist, identifying nonconforming or illegal systems and requiring reconstruction when appropriate;
- (c) a notification or education program that is oriented toward convincing substantial numbers of property owners to evaluate their sewage systems and voluntarily upgrade the sewage treatment system.

if nonconforming; or  
 (d) other programs found to be acceptable to the commissioner.

716.3 Site Evaluation and Design Requirements

- (1) When designing systems a minimum of three (3) soil observations are required for each site, unless sites are adjacent. For adjacent sites a minimum of three (3) soil observations are required with a minimum of two (2) observations in the primary site and one (1) observation in the secondary site.
- (2) Benchmarks, borings, percolation sites, and dispersal area must be staked and labeled in the field. The elevations of the above items must be on the design.
- (3) Septic tank. A minimum 1500 gallon split tank is required. Split tank capacity can be achieved with multiple tanks. For a new dwelling, burial of the top of tank greater than four (4) feet only allowed with LUG approval and statement from tank manufacturer as to maximum designed depth for tank.
- (4) Pump tank. At minimum a 1000 gallon pump tank is needed for lifting the effluent to the soil treatment area.

**Table 1**  
**Drainfield Sizing Treatment Level C Minimum Treatment Area\***

SLR Bedrooms	Sand Loamy Sand 1.20 gpd/ft <sup>2</sup>	Sandy loam 0.78 gpd/ft <sup>2</sup>	Loam Fine sand 0.60 gpd.ft <sup>2</sup>	Silt Silt Loam 0.50 gpd/ft <sup>2</sup>	Clay Loams 0.45 gpd/ft <sup>2</sup>
2	600	600	600	600	667
3	700	800	800	900	1000
4	800	900	1000	1200	1333
5	900	1000	1250	1500	1667

**Table 2**  
**Drainfield Sizing Treatment Level A/B Minimum Treatment Area\***

716.4 Setbacks and Placement of Building Sewer

- (1) The building sewer pipe extending from the house to the tank shall not be less than four (4) inches in diameter and must meet the strength requirements of Schedule 40 plastic pipe. The pipe shall be supported in such manner so that there is no deflection during backfilling and subsequent settling of the soil between the building foundation and the inlet to the septic tank. Construction of the line shall provide a grade of not less than 1/8 inch per foot for minimum grades. No 90 degree ells shall be permitted.
- (2) The sewer pipe extending from the tank to the distribution medium must meet the strength requirements of Schedule 40 plastic pipe. Sewer pipe lines, manholes and other appurtenances shall be constructed in accordance with the State Plumbing Code and Minnesota Pollution Control Agency requirements.

716.5 Enforcement

- (1) Any person who violates any of the provisions of this Ordinance or who makes any false statement on a Certificate of Compliance, shall be guilty of a misdemeanor, punishable by imprisonment or a fine or both as defined by law.
- (2) In the event of a violation of this Ordinance, in addition to the other remedies, the County Attorney may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations.

716.6 Subject to Change

The requirements of this Ordinance are intended to be comparable to the Environmental Protection Agency and Minnesota Pollution Control Agency standards. Should this Ordinance differ from other agency standards or should EPA or MPCA standards change, the more strict standards shall apply.

717 DWELLING UNITS PROHIBITED

No garage, tent, trailer, motor home, accessory building, nor any vehicle or building not specifically approved by the Building Inspector shall at anytime be used as a dwelling. The basement portion of finished home or apartment may be used for normal eating and sleeping purposes provided it is properly damp-proofed, has suitable fire protection and exits, and is otherwise approved by the Building Inspector.

One travel trailer or motor home (not to include mobile homes nor park trailers) is permitted for seasonal use on any lot provided that the following conditions are met:

- (1) Only one such unit is allowed per lot.
- (2) Sewage must be properly treated or hauled away. On lots which have been declared by the Board of Adjustment to be unacceptable as a building site, the unit shall have a self-contained holding tank and sewage shall be hauled away for treatment and disposal.
- (3) The travel trailer is for guests or recreational use only. It may not be occupied on any lot for more than 90 days in any one year.
- (4) The unit must have a current license attached in accord with state law.
- (5) Placement of the unit shall comply with all setback requirements for a principal structure, except when such units are not occupied and are being stored on the property they shall meet the requirements of Section 702.

718. RELOCATION OF STRUCTURES

A conditional use permit shall be required for all permanent relocation of residence and for the relocation of any building requiring a permit in residential areas. Relocated sheds, farm buildings, cribs and other farm structures onto farms do not require a conditional use permit.

**Comment [BO33]:**  
2/23/12 phone conversation with B. Rhineberger: County interprets this to mean the RV can sit on the site for more than 90 days (its just storage then) but it cannot have people occupying it for more than 90 days total throughout a year.

**Comment [BJO34]:**  
see 3/3/11 e-mail from B. Rhineberger: "if a travel trailer/RV is used for recreational purposes, County ordinance requires the unit meet principle setback standards as per 717. If being stored, it must comply with 702. Generally, if it comes for a weekend and then leaves, we would never know it was there. If it stays for an extended period, a variance would be needed." 2/23/2012 phone conversation with B. Rhineberger: Doesn't matter if an existing dwelling is closer than required setback – the RV still has to meet the lake setback.

Relocation of construction sheds to be located on a lot for less than eighteen (18) months requires no permit. For relocation of structures requiring a permit, the applicant shall submit photographs showing all sides of the structure to be moved and proposed site plan of the lot on which the structure is to be located. The Planning Commission shall also require a map indicating location of surrounding lots and structures. The Planning Commission shall consider the compatibility of the structure to be relocated with structures and uses on surrounding lots. If the Planning Commission decides that relocation of the structure would depreciate the value of structures or lots surrounding the lot upon which it is to be moved, then the permit shall be denied. The relocation of railroad cars and cabooses onto lots shall be prohibited in all districts.

A conditional use permit shall be required to locate a mobile home on any property for use as a storage shed or other non-residential use.

#### 719. VACATED STREETS

Whenever any street, alley, easement or public way is vacated by official action, the zoning district abutting the centerline of the said vacated area shall not be affected by such proceeding. If a street is vacated, within a zoning district, the provision of that district shall apply to the new parcels.

#### 720. PERMITTED ENCROACHMENTS

The following shall be considered as permitted encroachments on setback and height requirements except as herein provided:

- (1) In any yard: Posts, off-street open parking spaces, flues, leaders, sills, pilasters, lintels, cornices, eaves, gutters, awnings, open terraces, service station pump islands, open canopies, steps, chimneys, flag poles, ornamental features, and fences, and all other similar devices incidental and appurtenant to the principal structure except as restricted elsewhere herein.
- (2) In side and rear yards: Bays not to exceed a depth of three (3) feet or contain an area of more than thirty (30) square feet, fire escape not to exceed a width of three (3) feet. Breezeways, detached outdoor picnic shelters, open arbors and trellises may extend to within five (5) feet of a side or rear lot line except that no structure shall exceed five hundred (500) square feet. Covered porches may extend twenty (20) feet into the rear yard but not closer than ten (10) feet from the rear lot line, and must meet shoreland standards.
- (3) Height limitations shall not apply to barns, silos, and other non-residential farm structures; to church spires, belfries, cupolas and domes; monuments; chimneys and smokestacks; flag poles, public utility facilities; transmission towers of commercial and private radio broadcasting station; television antenna, private ham radio towers and parapet walls extending not more than four (4) feet above the limiting height of the building except as provided in municipal airport zoning provisions.
- (4) In no event shall off-street parking space, structures of any type, buildings, or other features cover more than fifty (50) percent of the lot area resulting in less than fifty (50) percent landscaped area in Residential Districts.

#### 721. ACCESS DRIVES AND ACCESS

721.1 Access drives may not be placed closer than five (5) feet to any side or rear lot line. No access drive shall be closer than three (3) feet to any single or two family residence, no closer than five (5) feet to any multiple family building or commercial building. The number and types of access drives onto major streets may be controlled and limited in the interests of public safety and efficient traffic flow.

721.2 Access drives onto county roads shall require a review by the County Engineer. The County Engineer shall determine the appropriate location, size, and design of such access drives and may limit the number of access

**Comment [B035]:**  
ee 6/2/11 e-mail from B. Rhineberger (in regard to whether driveway pillars require a permit):  
"Ornamental features and fences are listed as permitted encroachments. Would the pillars be considered an ornamental feature?"  
"There are two things to consider: 1: Is the feature a permitted encroachment & 2: Does it require a permit. I am apt to think that they area all permitted encroachments regardless of size, however, I would want to see what is being done before a final determination is made. A permit should be required based on the some size. If it is part of a fence, the fence is a permitted encroachment, but still requires a permit if taller than 6 ft. The same goes for retaining walls over 4 ft. As permitted encroachments, I would still want feedback from any township where the proposed fence is close to the traveled surface (in uplatted metes & bounds areas). The permitted encroachment does not go into platted right-of-ways, so everything must be within the confines of the property lines."

## 728. LAND ALTERATIONS

### 728.1 Permit Required

- (1) A Land Alteration Permit shall be required in all cases where excavation, grading and/or filling of any land within the county would result in a substantial erosion or sedimentation potential, substantial alteration of existing ground contour, or would be likely to cause flooding or erosion, or would deprive an adjoining property owner of lateral support, or ~~or would~~ remove or destroy the present ground cover resulting in less beneficial cover for present and proposed development, uses and enjoyment of any property in the County. The applicant, in their application, shall provide drawings, photos and/or project descriptions on forms and in a manner as required by the Zoning Administrator so as to sufficiently describe the project.
- (2) Substantial alteration shall be defined as the extraction, grading, or filling of land involving movement of earth and materials in excess of fifty (50) cubic yards in the Shorelands Districts and in excess of five hundred (500) cubic yards in all other districts except drain tiles and ditch cleaning in agricultural areas. Such substantial alteration shall require a conditional use permit. Materials excavated or moved for the purpose of constructing a basement or other foundation shall be exempt from this calculation. Any such material not immediately removed from the site shall be counted against the above limit.

Substantial erosion or sedimentation potential shall be defined as the exposure of 400 or greater square feet of soil within 200 feet of a lake or stream or a ditch or drainageway leading to a lake or stream, unless such areas are sodded or completely covered with a building, patio, landscaping fabric/mulch/rock or other material that serves as the final land cover within twenty-four (24) hours of the soil being exposed. Excavations for basements shall be exempt from this calculation if all stormwater in contact with the exposed soil would be contained within the excavation.

The creation of wildlife ponds, pollution control structures, and erosion control structures shall not require a conditional use permit, provided that said construction is approved by an official of the Soil and Water Conservation District and abides by all other applicable rules, regulations and ordinances.
- (3) The extraction, grading, or filling of land involving the movement of rock, earth and materials (including landscaping blocks, timbers or boulders) in excess of ten (10) cubic yards within shore, bluff impact zones, or steep slopes in shoreland areas shall require an Administrative Permit but not a conditional use permit.
- (4) Public road improvement projects, and grading and excavation directly related to such projects (not to include gravel pits), shall not require a Land Alteration Permit provided the work is directly supervised by the County Engineer or the Governing Body of a local unit of government.
- (5) A Land Alteration Permit is also required from the County and from the Commissioner of Natural Resources for any alteration in the Flood Plain District and the Shorelands Districts. Such alteration shall include any filling, dredging, channeling, or any other work in the beds of public waters which would change the course, current or cross section of a public water.
- (6) A Land Alteration Permit shall be valid for a period of six (6) months from the date of issue. A Land Alteration Permit shall be administered in the same manner as a Conditional Use Permit.

### 728.2 Requirements

Before the issuance of a Land Alteration Permit or an Administrative Land Alteration Permit, the Township must evaluate possible soil erosion impacts and development visibility from public waters and it must be established that all of the following conditions are met. These conditions must also be adhered to during the issuance of construction permits, permits, conditional use permits, variances and subdivision approvals:

- (1) Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland

**Comment [BO36]:**  
ee6/21/11 e-mail from B. Rhineberger:  
"As for land alteration permits, we require drawing and calculation be submitted by the applicant, just as with other permits. Most drawing must show before/after topo (can be hand drawn), calcs for cut/fill, and most include what type of materials are used (for retaining walls and landscaping)."

**Comment [BO37]:**  
ee 5/12/2011 e-mail from B. Rhineberger to B. Oleson: "for land alterations, it is a bit of a judgement call. Excavation for the basement only, has been exempt, but fill to raise a building pad has not (although we generally give some leeway). Driveways and fill for accessory structure have counted. We have a recent example on Lake Sylv... [5]

**Comment [BJO38]:**  
inking is that if it is hauled away immediately, it is not an erosion problem. If it is stockpiled on-site or spread around on-site, it is a potential problem that should require the hearing.

**Comment [BO39]:**  
ee 6/23/11 e-mail from B. Rhineberger:  
"Yes, rip rap projects would require an administrative permit if over 10 cubic yards. My understanding is the DNR standards are a requirement, regardless of amount of material. In that case, any such project would... [6]

**Page 33: [1] Comment [BJO9] Ben Oleson 4/2/2013 3:40:00 PM**

See 5/4/11 e-mail from B. Rhineberger: "Regardless of size, anything connected to the dwelling and/or more than 30 inches above grade abutting the dwelling requires a permit. Structures less than 30 inches above grade do not require a permit (considered a patio), provided they are not attached to the house."

See 5/16/11 e-mail from B. Rhineberger: "We do require permits for all guesthouses. Any thing that is for human habitation/occupancy requires a building permit. The code specifically mentions and exempts "tool and storage shed, playhouse, and similar uses"."

**Page 33: [2] Comment [BO10] Ben Oleson 4/2/2013 3:40:00 PM**

See 6/2/2010 e-mail from B. Rhineberger: "We require surveys for all new dwelling construction on lots 10 acres or less in size. We also require surveys for any variance request on a lots less than 20,000 square feet and most variances involving side and lake setbacks. We may also require a survey in instances where we cannot determine the exact location of a property line and it is critical to the issuance of any permit... in any instance where a survey is required, it must be prepared and submitted by a licensed surveyor. While accurate sewer designs are wonderful to receive, a licensed sewer designer is not a surveyor. If the septic designer is getting information directly from the surveyor, a paper copy of the certified survey might as well be submitted."

**Page 133: [3] Comment [BO29] Ben Oleson 4/2/2013 3:40:00 PM**

See 1/27/2011 e-mail from B. Rhineberger to B. Oleson. "Whether we would require a certification would depend on the situation. If we have no septic information and the lot is small, either a design or certification would probably be necessary. If we have information on the septic, it would depend on age of the system or other information on the permit/design. In the majority of cases, a certification is going to be needed for the sale, so I would recommend they have one done at the time they want the determination.

As for the system on 206-072-000130, since it is a multi-flo, monitoring is continuous with no set expiration. The system must be continually monitored for its life span and it is update for this system."

**Page 133: [4] Comment [BO30] Ben Oleson 4/2/2013 3:40:00 PM**

See 6/3/2011 e-mail from Rhonda to B. Oleson: "we don't require a cert for those types of permits, but we do still look at the "Alerts" in our system, to be sure there isn't something larger going on ~ which can INCLUDE a septic issue.

i'm not sure if that answers your question or just makes it more confusing???

Rhonda

Rhonda/Sean-

Might be a moot question now, but am I right that you have not required sewer compliance for re-roof, re-side and other such maintenance-related building permits in shoreland areas?

Ben

**Page 160: [5] Comment [BO37] Ben Oleson 4/2/2013 3:40:00 PM**

See 5/12/2011 e-mail from B. Rhineberger to B. Oleson: "for land alterations, it is a bit of a judgement call. Excavation for the basement only, has been exempt, but fill to raise a building pad has not (although we generally give some leeway). Driveways and fill for accessory structure have counted. We have a recent example on Lake Sylvia where the total alteration of a site to build a new

home was over 700 yards, with nearly all of it being for driveway, parking areas, and creating a building pad. There was some for landscaping around the site, but that was minimal. They went through a CUP. In general, fill is seldom exempt."

See 6/23/11 e-mail from B. Rhineberger: "Yes, rip rap projects would require an administrative permit if over 10 cubic yards. My understanding is the DNR standards are a requirement, regardless of amount of material. In that case, any such project would be required to meet DNR standards, but may or may not need a County/Township permit depending on the amount of material being moved."

See 8/8/11 e-mail from S. Riley: "Concerning the rip-rap, in most circumstances if it is installed per the DNR requirements and they don't require a permit, our office usually does not require a separate permit for rip-rap. "

See 8/30/11 e-mail from S. Riley: "Whether it is erodible or not we count it in the calculation. I guess I have never heard it broken down that way or thought about it in that manner before? When rip rap is being done and it is truly a rip rap application following DNR standards we usually don't count that. So if it is just rip rap we are usually notified and don't have a permit requirement, similar to the DNR. Barry indicated we have a permit, but he does not deal with too many of the land alterations and we always reserve the right for a permit if it is beyond just rip rap. The DNR allows LUGs to either require a permit or not for rip rap. If rip rap is part of a larger project we have a permit or a hearing and the rip rap is noted, but not counted. Over four feet requires a permit. If it is just for the height we do a building permit, if it is part of a land alteration permit or hearing we include the over 4 foot with that and don't charge an additional permit."

"No, the only time we don't count material is if it is rip rap. If it is blocks, timbers, boulders, that is counted towards the project. So in your example you have a project that in total is 65 cubic yards of additional material to the 25 yards of dirt. Since you are including rip rap and the steps (something that is allowed assuming they do not exceed 4 feet in width) I would subtract those out in an attempt to keep it under 50 cubic yards and require a plan and an administrative permit. If that is pushing it too much and it is clearly over 50 yards in total, even with the subtractions, a CUP would be required.

Overall, I would agree that our main concern is the alteration of the existing landscape, but the brought in materials have impacts also, such as on drainage, aesthetics,, and coverage. If someone has existing retaining walls and needs to tear them out and replace as is or similar some wiggle room would be given to that.

Land alteration is not a perfect science, especially without planning methods comparable to surveys, site evaluations, and house plans. Engineering and landscape architects could help to solve those unknowns, but nobody wants to hire these people until they absolutely have to. So we kind of have to go on a site by site basis and a feel for it.

I guess I visit a lot and if it is already altered, vegetation gone, trees removed, and so on I am less concerned that if it is at the bottom of a steep slope that is unaltered, and the shoreline is stabilized by trees and vegetation. The first will result in little additional impact if something is done and probably most people won't notice. The second will stand out like a sore thumb and both the neighbors and lake association will be calling wondering what is going on.

The township can of course require permits for rip rap, or interpret some of those more vague issues as they see fit. As you have a lot of lake shore and active lake associations it seems as if it is pushed towards the playing safe and tighter control end of the spectrum. Perhaps that is good? I can't personally visit the sites you have in Corinna, but I know most of the lakes and with our air photos, topography, and such have good tools to look at. Feel free to send descriptions of land alteration

proposals and preliminary sites plans and we can do our best to indicate the direction we would go with it."

## STAFF REPORT

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**Other Business:** Comprehensive Plan discussion – Assessor data

**Agenda Item:** 7(b)

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**Staff Comments:** At the March meeting of the PC/BOA, Staff was asked to check with the County Assessor regarding the availability of data showing the percentage of Corinna property owners that were seasonal residents vs. year-round residents.

Staff did receive some data on this question from the Assessor going back as far as 2003, although the data that year appears to be incomplete. The data does appear to be consistent for the years provided – 2006, 2008, 2011, 2012 and 2013.

Charts showing the data are attached. Essentially, the data shows that the percentage of homes (not including agricultural properties) that are residential (i.e. year-round) has been hovering around 55-56 percent for all of the years. Seasonal homes have thus been consistently at about 44-45 percent.

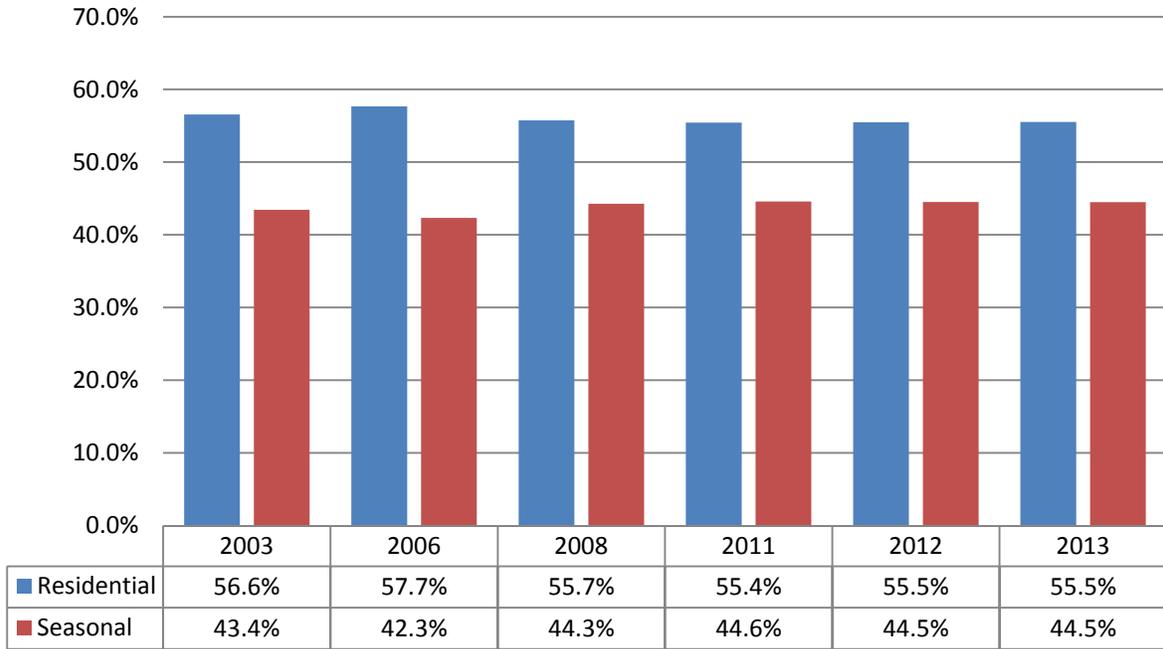
Staff talked with the Township’s assigned assessor – Ken Yager – who indicated that a home is classified as seasonal if it is not homesteaded or rented. He also makes a visual inspection at least once every five years that can play into the determination.

There are a few questions that could be raised from this data, in the context of our previous discussions about what this data might mean (whether an increase in year-round residents adds to the costs the Township might have in maintaining roads, for instance):

1. Does the relatively steady 55/45 split of year-round to seasonal residents mean that the Township is not likely to see a significant increase in year-round residents in the near future? What factors might cause this to change one way or the other?
2. Are there ways in which the Township might see increased demand for services from the conversion of small cabins to larger cabins – even if they are only used seasonally?
3. Data could be collected on the number of cabins that have been significantly increased in size or quality in the last 5-10 years. Besides an increase in value and property taxes collected as a result of these conversions, are there other issues that would affect the Township’s land use planning or zoning administration activities?
4. Other issues/questions?

## Residential/Seasonal Homes Corinna Township

Source: Wright Co. Assessor



## Residential/Seasonal Homes Corinna Township

Source: Wright Co Assessor

