

- C. On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in Section 14.6 of this Ordinance.
- D. All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in sub-items (I) through (IV). If the determination of a site's suitability cannot be made with publicly available 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; and
 - IV. The existence of low lands, local surface depressions, and rock outcrops.
- E. Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with Section 14.12 of this Chapter.

SECTION 14.12 NONCONFORMITIES IN THE SHORELAND OVERLAY DISTRICT

A structure or the use of a structure or premises which was lawful before the adoption of this Ordinance or amendments thereto that is not currently in conformity with the provisions of this Chapter may be continued subject to the provisions of this Section and of Chapter 6 and Section 15.9 of this Ordinance.

The Shoreland Overlay District shall be superimposed on all other Primary and Overlay Zoning Districts. The standards and processes imposed for nonconformities in the Shoreland Overlay District shall be in addition to the standards and administration process for nonconformities identified in Chapter 6 (Nonconformities) and Section 15.9 (Nonconformities in the Floodplain Overlay District) of this Ordinance. In the event the standards or processes of this Section conflict with the standards or processes of Chapter 6 or Section 15.9, the more restrictive shall apply.

14.12.1 NONCONFORMING USES

Existing Animal Feedlots located within the Shoreland Overlay District shall be managed in accordance with the primary zoning district, Minnesota Rules

Chapter 7020 and Minnesota Statutes, section 116.0711; or successor statutes.

All other nonconforming uses shall be administered in accordance with the provisions of Chapter 6 of this Ordinance.

14.12.2 NONCONFORMING STRUCTURES

- A. SUBSTANTIAL DAMAGE ON NONCONFORMING STRUCTURES WITH LESS THAN 50% REQUIRED SETBACK. When a nonconforming structure in the Shoreland Overlay District with less than fifty percent (50%) of the required setback from the water is destroyed by fire or other peril to greater than fifty percent (50%) of its estimated market value, as indicated in the records of the Dodge County Assessor's Office at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body

14.12.3 LOTS OF RECORD THE SHORELAND OVERLAY DISTRICT

- A. CRITERIA FOR LOT SIZE VARIANCE EXEMPTION. Lots of record in the office of the County Recorder on the date of enactment of local shoreland controls that do not meet the requirements of Section 14.6 this Chapter may be allowed as building sites without variances from lot size requirements provided:
- I. All structure and sewage treatment setback distance requirements can be met;
 - II. A Type 1 sewage treatment system consistent with the Dodge County Subsurface Sewage Treatment System Ordinance No. 4, or successor, can be met or the lot is connected to a public sewer; and
 - III. The impervious surface coverage does not exceed twenty-five percent (25%) of the lot.
- B. CONTIGUOUS LOTS OF RECORD UNDER COMMON OWNERSHIP. In a group of two or more contiguous Lots of Record under common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:
- I. The lot must be at least sixty-six percent (66%) of the dimensional standard for lot width and lot size for the

Shoreland classification consistent with MN Rules chapter 6120;

II. The lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent within the Dodge County Subsurface Sewage Treatment System Ordinance No. 4, or successor;

III. The impervious surface coverage must not exceed twenty-five percent (25%) of each lot; and

IV. Development of the lot must be consistent with the Dodge County Comprehensive Land Use Plan.

A lot subject to, but not meeting the requirements of Section 14.12.3.B must be combined with one or more contiguous lots so they equal one or more conforming lots to the extent possible.

C. Notwithstanding Section 14.12.3.B, contiguous nonconforming Lots of Record in the Shoreland Overlay District under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for , or served by, a sewage treatment system consistent with the requirement of the Dodge County Subsurface Sewage Treatment System Ordinance, No. 4, or successor, or connected to a public sewer.

D. In evaluating all land use approvals for nonconformities within the Shoreland Overlay District, the Department shall require the applicant to address when appropriate:

I. Storm water runoff management,

II. Reducing impervious surfaces,

III. Increasing setback,

IV. Restoration of wetlands,

V. Vegetative buffers,

VI. Sewage treatment capability

VII. Water supply capability, and

VIII. Other conservation-designed actions

E. A portion of a conforming lot may be separated from an existing parcel as long as:

I. The remainder of the existing parcel meets the lot size requirements of the zoning district for new lots;

II. Meets the sewage treatment system requirements for a new lot; and

III. The newly crated parcel is combined with an adjacent parcel

14.12.4 NONCONFORMING SEWAGE TREATMENT SYSTEMS

- A. A sewage treatment system not meeting the requirements of Section 14.11.2 of this Chapter must be upgraded, at a minimum, any time a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered non-conforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.
- B. The governing body of Dodge County has by formal resolution notified the Commissioner of its program to identify non-conforming sewage treatment systems, which are located in the shoreland area. The withholding of zoning permit, variance, or rezoning applications will be done until an evaluation is conducted on an applicant's existing sewage treatment system. If a determination is made that the treatment system is nonconforming, the property owner will be required to bring said system into compliance within one (1) year or, if the ground is frozen and no evaluation can be done and no records exist for the particular system, the applicant will be required to establish an escrow account at a financial institution of his choosing at a dollar amount determined by the administrator of the Dodge County Subsurface Sewage Treatment Ordinance No. 4, or successor. After the property owner brings the sewage treatment system into compliance or establishes the escrow account, the County will undertake review of and consider the application for a zoning permit, variance, or rezoning.
- C. Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, Section 105.485, in effect at the time of installation, may be considered as conforming unless they are determined to be failing, except that