

CHAPTER 17: GENERAL DEVELOPMENT STANDARDS

SECTION 17.1 PURPOSE AND APPLICATION

The purpose of this section is to provide standards for land disturbing or other development activities within Dodge County. The standards are established to minimize conflict between land uses, to preserve the use and enjoyment of property, to encourage a high standard of development, protect natural features and to protect the public health, safety and welfare. The regulations contained in this Chapter apply to all land disturbing or other development activity and are in addition to any specific Performance Standards listed in Chapter 16 and/or any Primary or Overlay Zoning District requirements of this Ordinance.

SECTION 17.2 ACCESS AND DRIVEWAYS

17.2.1 NEW, REVISED OR CHANGE OF USE ACCESSES ONTO COUNTY ROADS OR COUNTY STATE AID HIGHWAYS

All new, revised or change of use accesses onto County Roads (CR) or County State Aid Highways (CSAH) shall be subject to approval and any required permit(s) of the Dodge County Highway Department and the Dodge County Comprehensive Plan. In addition to the requirements of this Ordinance, the Dodge County Highway Engineer shall determine the appropriate location, size and design of such accesses and may limit the number of accesses in the interest of public safety and efficient traffic flow. Accesses on any county highway shall require a permit from the Dodge County Highway Department.

17.2.2 ACCESS TO STATE HIGHWAYS

All new, revised or change of use accesses on any State Highways shall require the approval of the Minnesota Department of Transportation (MNDOT).

17.2.3 ACCESS TO TOWNSHIP ROADS

All new, revised or change of use accesses on any township road shall, if required, require the approval of the appropriate Township Board of Supervisors.

17.2.4 DESIGN STANDARDS

RESOURCE/USE	EASEMENT	DRIVING SURFACE*	SURFACE	DISTANCE FROM PROPERTY LINE
RESIDENTIAL USES				
Single Lot not fronting public road	33'	16'	Gravel or better	5'

1 dwelling	NA	Min 16' Max 24'	Gravel or better	5'
2 dwellings	66'	24	Gravel or better	5'
NON-RESIDENTIAL USES				
Single use fronting public road	NA	30'	Gravel or better	5'
Single Use not fronting public road	33'	30'	Gravel or better	5'

* Driving Surface may be decreased if it is adequate for emergency services access and approved by appropriate road authority.

17.2.5 ACCESS DRIVES- UP TO TWO DWELLINGS

Drives which provide access for up to two (2) dwellings shall be considered a private access drive and shall meet the following standards:

- A. Private access drives shall provide an adequate turnaround area for emergency and public service vehicles, as determined by the emergency services that serve the area in which the private road is located/proposed.
- B. Private access drives shall be maintained by the landowners it serves.

17.2.6 ACCESS DRIVES – THREE OR MORE DWELLINGS

Drives which provide access for three (3) or more dwellings shall meet the requirements for public roads in the Chapter 20 (Subdivision Regulations) of this Ordinance.

SECTION 17.3 BUILDABLE AREA

17.3.1 DEFINED

The "Buildable Area" is the land area of any lot, parcel or tract on which structures can be located. "Buildable Area" does not include:

- A. Land located within the Road Right of Way;
- B. Land located within any public or private easement;
- C. Wetlands, ditches, watercourses, waterways, natural drainageways and/or frequently flooded soils or other areas of open water;

- D. Regulatory Floodplain as defined in Chapter 7 and regulated under Chapter 15 of this Ordinance;
- E. Areas with eighteen percent (18%) or greater slope;
- F. Land located within any applicable setback of the Primary or Overlay Zoning District;
- G. Areas the Sewage Treatment/Septic Designer has identified for the location of the primary and secondary sewage treatment system or tanks;
- H. Land located on a lot where impervious surface coverage limits have already been met or are currently exceeded;
- I. Land where other legal or ordinance restrictions exist, which would prevent or prohibit the placement of a structure.

SECTION 17.4 BUILDABLE LOTS/PARCELS

Lots/parcels for the purpose of the placement, installation or erection of structures are not considered to be "buildable" unless the following conditions are met:

17.4.1 NEW LOTS/PARCELS INCLUDING SPLITS OF EXISTING PARCELS CONTAINING STRUCTURES

- A. The lot, parcel or tract must contain no less than the minimum lot dimensions, including area, depth and width at structure setback line, for the Primary or Overlay Zoning District in which it is located.
- B. The lot, parcel or tract must be no less than that required to support the intended use of the property, as identified in the Performance Standards of Chapter 16.
- C. The "buildable area" of the new lot, parcel or tract, as defined by Section 17.3 of this Chapter, must be of sufficient size to support the proposed use, primary structure(s) and any accessory structures and meet all applicable setbacks of the Primary or Overlay Zoning District in which it is located.
- D. When a new lot is proposed for or contains an existing use or structure that requires sewage treatment, the new lot, parcel or tract must be of sufficient size to support two (2) Type 1 (or standard) sewage treatment systems. The locations of the system shall be identified on the survey of the lot, parcel or tract and protected from all land disturbing activities, development and compaction.

- E. The lot, parcel or tract must have frontage on, or legal recorded access easements to, a public road.
- F. The lot, parcel or tract must not have other legal or ordinance restrictions upon it which would prevent the placement of a structure
- G. When density standards exist for the proposed use, the lot, parcel or tract must be located where density standards for the use have not already been met and all other criteria of this Ordinance have been met.
- H. New buildable lots created through subdivision (splits) of existing building sites containing existing buildings and other structures, shall be approved by the appropriate subdivision processes of this Ordinance.

17.4.2 LOTS OF RECORD

To be a “buildable” Lot of Record, the following must be met:

- A. The lot must have been compliant with the ordinance requirements for lot area, width and depth in effect at the time the lot was created. Any new lot/parcel created through the combination or split of existing Lots of Record which does not meet the minimum standards for new buildable lots in effect at the time of the creation of the new lot/parcel shall be designated as non-buildable.
- B. When proposed for a use that would require sewage treatment, the Lot of Record must be of sufficient size to support one (1) Type 1 (or standards) sewage treatment systems. The locations of the system shall be identified on the survey of the lot/parcel and protected from all land disturbing activities, development and compaction.
- C. The Lot of Record must be of sufficient size to support the proposed use, primary structure(s) and any accessory structures and all applicable setbacks of the primary or overlay district in which it is located.
- D. The Lot of Record must have frontage on, or legal recorded access easements to, a public road.
- E. When density standards exist for the proposed use, the Lot of Record must be located where density standards for the use have not already been met and all other provisions of this Ordinance

have been met.

SECTION 17.5 BULK STORAGE (CHEMICALS AND HAZARDOUS LIQUIDS)

17.5.1 PERFORMANCE STANDARDS

All uses with the bulk storage of oil, gasoline, liquid fertilizer, chemicals and similar bulk solids or liquids shall comply with all federal, state, and local requirement, including but not limited to, the requirements of the:

- A. Minnesota State Fire Marshall, and
- B. Minnesota Department of Agriculture, and
- C. Minnesota Pollution Control Agency

17.5.2 SITE INFORMATION AND PLANS

Information regarding the bulk products stored on site, as a well as a copy of the emergency management or spill prevention plan shall be provided to the Dodge County Emergency Management Director. Documentation shall also be provided which proves that the site is in compliance with the applicable standards of the above referenced agencies.

17.5.3 EXPLOSIVES AND FLAMMABLE MATERIALS

All uses involving the manufacture, storage or use of potentially explosive or flammable materials shall comply with all applicable regulations, including the Minnesota Building Code and the Minnesota Uniform Fire Code, and shall meet the following requirements:

- A. All uses involving the manufacture, storage or use of potentially explosive or flammable materials shall register with the Dodge County Emergency Management Director.
- B. All uses involving the manufacture, storage or use of explosive or flammable materials shall employ best management practices and the provision of adequate safety devices to guard against the hazards of fire and explosion and adequate fire fighting and fire-suppression devices standard in the industry.
- C. The storage of any flammable liquid shall be subject to the requirements established under the Uniform Fire Code and review by the State Fire Marshal.

- D. Any use requiring the storage use or manufacture of products which could decompose by detonation shall be located not less than four hundred (400) feet from any residence. This section shall not apply to the storage or usage of liquefied petroleum or natural gas for normal residential or business purposes.

17.5.4 CONTAINMENT

Bulk storage sites shall provide secondary containment for all storage tanks/bins on site.

SECTION 17.6 BURNING AND BURN BARRELS

17.6.1 BURNING

Open burning is regulated under Minnesota Statutes Chapter 88.171, as amended.

- A. The burning or operations by burning of any of the following is prohibited:
 - I. Hazardous waste;
 - II. Industrial solid waste;
 - III. Demolition debris;
 - IV. Salvage materials;
 - V. Motor vehicles;
 - VI. Oils;
 - VII. Rubber;
 - VIII. Plastics;
 - IX. Chemically-treated lumber or other materials;
 - X. Garbage, as defined as discarded materials resulting from handling, processing, storage, preparation, serving or consumption.
 - XI. Other materials which produce excessive, or noxious smoke, such as, but not limited to: tires, railroad ties, chemically-treated lumber, composite shingles, tar paper, insulation,

composition board, sheet rock, wiring, paint, or paint filters;

B. PERMIT REQUIRED

The burning of non prohibited materials, including, but not limited to, non-treated or painted wood, branches, trees, grass and leaves, requires a permit from the Minnesota Department of Natural Resources.

17.6.2 BURN BARRELS

Burn barrels are considered an “incinerator” regulated by the Minnesota Pollution Control Agency (MPCA). Burn barrels are subject to permitting and air quality standards under MPCA administrative rules.

The use of burn barrels to burn materials listed in 17.6.1.B, for the purpose of waste disposal or salvage by fire operations is prohibited.

SECTION 17.7 DENSITY- DWELLINGS

(RESERVED FOR FUTURE USE) Please refer to Primary and/or Overlay District for density provisions.

SECTION 17.8 DRINKING WATER SUPPLY MANAGEMENT AREAS (DWSMAS)

17.8.1 PURPOSE

Drinking Water Supply Management Areas (DWSMAs) are defined by the Minnesota Department of Health as are areas that should be managed for the protection of public drinking water supplies. These standards limit or control land uses within DWSMAs for the protection of public drinking water supplies

17.8.2 DEVELOPMENT STANDARDS

Any proposed use or structure within a DWSMA shall comply with the DWSMA Plan adopted by the relevant public water supplies and shall comply with the following standard:

- A. The Department shall review all land use permit and subdivision applications with DWSMAs for potential impacts on drinking water supplies.
- B. The Department shall review the DWSMA Plan for the relevant public water supplier and upon review may impose conditions on any land use permit or subdivision within a DWSMA to prevent negative impacts on drinking water supplies. Conditions, may include, but are not limited to:

- I. Prohibiting or limiting allowed uses
 - II. Limiting location or technology of subsurface sewage treatment systems
 - III. Limiting the land application or storage of manure
 - IV. Limiting the storage or use of chemicals and other materials
 - V. Requiring specific stormwater management practices to prevent drinking water contamination
 - VI. Limiting location or technology of individual drinking water wells
 - VII. Limiting the movement, excavation and removal of soil and underground material
 - VIII. Limiting excavation
- C. The county shall forward a copy the completed application for all proposed uses, excluding single family dwelling units, residential accessory structure and agricultural accessory structures, to the drinking water supplier in whose DWSMA the applicant's parcel lies. The supplier shall review the application for compliance with DWSMA protection policies and provide comments to the Environmental Services Department. If no comments are received within the timeframe described above, the County shall assume the supplier has no objections to the application based on DWSMA protection.

SECTION 17.9 ENCROACHMENTS

17.9.1 ALLOWED ENCROACHMENTS

The following shall be permitted encroachments into setback requirements:

- A. Flues, roof overhangs, awnings, bay windows and chimneys up to three (3) feet in width;
- B. Replacement of steps, sidewalks, stoops and exposed wheelchair ramps up to four (4) feet in width; New steps, stoops and exposed wheelchair ramps shall meet all setbacks for new structures.

- C. Recreational playground equipment for private use.

SECTION 17.10 ENVIRONMENTAL HAZARDS

17.10.1 DEFINED

Environmental hazards are a threat to the general health, safety, and welfare of the citizens of the public. Environmental Hazards include the following:

- A. Unused or improperly sealed wells, cisterns, pits, tanks and similar hazards;
- B. Unapproved sites where man made articles are stored, abandoned or discarded;
- C. Discarded appliances;
- D. Inoperative or unlicensed motor vehicles, combustion engines and parts;
- E. Any manmade product that is hazardous to life forms, or that has a hazardous byproduct;
- F. Abandoned, dilapidated or burned out structures;
- G. Derelict manufactured homes.

17.10.2 ABATEMENT OF ENVIRONMENTAL HAZARDS

Land Use Permits and Final Plats shall not be approved until all known environmental hazards situated on the subject property have been abated in a manner prescribed by law.

SECTION 17.11 EROSION, SEDIMENT CONTROL & STORMWATER MANAGEMENT STANDARDS

17.11.1 PURPOSE

The purpose of this section is to protect natural resources resulting from land disturbing and/or development activities in Dodge County by establishing standards and specifications for conservation practices and planning activities designed to minimize point and nonpoint source pollution, soil erosion and sedimentation.

17.11.2 MPCA REGULATIONS AND PERMITS

Dodge County supports compliance with the Minnesota Pollution Control Agency's stormwater program. At a minimum, project proposers, landowners and land users shall comply with the Stormwater Rules, Minnesota Rules Chapter 7090, as amended and the provisions of any permit or approval issued there under. Dodge County Zoning Permits, subdivision approval, and/or other permits authorizing the disturbance of land shall not be issued until state permit coverage is obtained and the Stormwater Pollution Prevention Plan (SWPPP) is implemented.

For all projects subject to MPCA Stormwater permits, the following information shall be provided to the Department prior to authorization of any land disturbing and/or development activities:

- A. Proof of coverage under the appropriate MPCA Stormwater Permit;
- B. A copy of the SWPPP

17.11.3 OTHER LOCAL REGULATIONS

Projects may also be subject to the filing or approval requirements of relevant Watershed Districts, the Dodge County Ditch Authority, Dodge Soil and Water Conservation Districts, Township Zoning or other regulatory bodies.

17.11.4 SCOPE

The following activities are subject to state permits:

A. CONSTRUCTION STORMWATER

Activity that disturbs land equal to or greater than one (1) acre, and includes the disturbance of less than one (1) acre if the larger plan will ultimately disturb equal to or greater than one (1) acre.

For purposes of implementation of the *MPCA's General Permit Authorization to Discharge Stormwater Associated with Construction Activity under the National Pollutant Discharge Elimination (MN R100001)*, found in *Appendix L* of this Ordinance, all waters in Dodge County are considered IMPAIRED. As a result, Item C (Additional BMPs) for Special Waters and Impaired Waters, or successor impaired water standards, shall be implemented for all projects subject to this permit in Dodge County. Project proposers are put on notice that all treatment, designs and/or volume control shall be for one (1) inch, which is the design standards for Impaired Waters, rather than one-half (1/2) inch, which is required for unimpaired waters.

B. INDUSTRIAL STORMWATER

Land uses and activities that directly relate to manufacturing, processing, or raw materials storage areas.

17.11.5 EXCLUDED ACTIVITIES

A. AGRICULTURAL USES

- I. An agricultural use will be in compliance with this section if the following conditions exist.
 - a. The land does not have rills, gullies or other significant erosion/sediment deposits
 - b. Farming methods do not create erosion or sediment problems on adjoining properties or to water resources; and
 - c. Land in the Shoreland Overlay District meets the standards for Agricultural Use

B. WOODLAND USE & HARVEST

- I. Timber use will be in compliance with this section if the following conditions exist:
 - a. The land occupier is using an approved soil conservation plan by the Soil and Water Conservation District or USDA NRCS.
 - b. Timber harvesting methods do not create erosion or sediment problems on adjoining properties or adjacent water resources.
 - c. The removal of trees on land located within the Shoreland Overlay District is meeting the standards outlined in Chapter 14.
- II. Each person or land occupier engaged in timber harvesting shall follow the BMPs found in Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest Management Guidelines for Landowners, Loggers and Resource Manager and be required to follow the General Development standards for Access of this Chapter.

- III. All timber harvesting activities must not cause excessive soil erosion and shall conform to temporary and permanent soil and erosion control standards set forth in this Chapter.

C. ROUTINE MAINTENANCE

Land disturbing and/or development activity resulting from routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility, provided appropriate erosion control measures are in place.

D. OTHER REGULATED STORMWATER ACTIVITIES

Land disturbing and development activities or other uses, including, but not limited to feedlots, mining and other businesses, where initial construction or on-going operations are regulated under other state issued general or individual stormwater permits.

17.11.6 OTHER LAND DISTURBING ACTIVITY SUBJECT TO SWPPP

In addition to the requirements for a SWPPP under the MPCA's permit, a SWPPP shall also be required to be submitted to the Department for the following land disturbing activities:

- A. Any development proposed on slopes exceeding twelve percent (12%)
- B. When otherwise deemed necessary by the County to adequately protect the public health and welfare

17.11.7 SEQUENCE PLANNING FOR STORMWATER DESIGN

The applicant shall reduce the need for storm water management facilities by incorporating the use of natural topography and land cover as they exist before development to the degree that additional flow of water can be accommodated without compromising the integrity or quality of the land, wetlands and watercourses.

Limiting impervious surface of the developed site or subdivision by incorporating Low Impact Design considerations, consistent with zoning, subdivision, and PUD requirements and/or other approvals shall be the first priority.

Following reductions in impervious surface area, the following stormwater management practices shall be followed in descending order of preference,

- A. Utilizing natural infiltration areas

- B. Utilized constructed infiltration
- C. Flow attenuation by use of open vegetated swales and natural depressions
- D. Stormwater retention/detention facilities

17.11.8 DESIGN STANDARDS

At a minimum, design standards for permanent facilities shall conform to the current version of the MPCA's publication "Protecting Water Quality in Urban Areas" and the current requirements found in the appropriate MPCA stormwater permit which regulates the disturbance or use.

A. HYDROLOGIC CALCULATIONS

Runoff calculations shall be according to the methodology described in the Natural Resources Conservation Service's Technical Release 55, "Urban Hydrology for Small Watersheds" (commonly known as TR-55), or other methodology approved by Dodge County. Heavily disturbed sites will be lowered one permeability class for hydrologic calculations. Lightly disturbed areas require no modification. Where practices have been implemented to restore soil structure to pre-developed conditions, no permeability class modification is required.

B. RUNOFF RATE CONTROL

In addition to the requirements for permanent stormwater facilities in the MPCA's stormwater permit, all stormwater facilities shall be designed, installed and maintained to effectively accomplish the following:

- I. Maintain predevelopment peak runoff rates in each subwatershed for the 2-year, 24-hour storm event.
- II. Maintain predevelopment peak runoff rates in each subwatershed for the 10-year, 24-hour storm event. At a minimum the storm sewer conveyance system shall be designed for this storm event. Low areas must have an acceptable overland drainage route with the proper transfer capacity without scouring/erosion when the storm event is exceeded.
- III. Maintain predevelopment peak runoff rates and safely pass the 100-year, 24-hour storm event.
- IV. To provide proper flood protection for dwellings proposed to be constructed adjacent to a stormwater pond or other , the design storm interval for the ponding area is a 100-year,

24-hour storm with correctly sized conveyances for 100-yr, 24-hour storm flows. As an additional safety factor, the lowest floor and low opening elevation of a structure in a development should be at least three (3) feet above the 100-year 24-hour elevation of the pond.

- V. Water may not be discharged in a manner that causes erosion, scour or flooding of the site or receiving channels, waters or wetlands.

C. PRE-TREATMENT

All storm water detention facilities must have adequate pre-treatment or a forebay to remove coarse-grained particles prior to discharge.

D. WETLANDS

Runoff shall not be discharged directly into a wetland without appropriate quality and quantity runoff control and pre-treatment. Discharge into wetlands may be prohibited if it is determined that the quantity or quality of water would be detrimental to the wetland or violates wetland regulations.

A minimum thirty (30) foot buffer strip of natural vegetation is required to be left around existing wetlands.

E. DEWATERING

Any dewatering activity that exceeds 10,000 gallons per day or 1 million gallons per year requires and appropriation permit from the Minnesota Department of Natural Resources.

Discharge from dewatering should be directed into a temporary or permanent sediment basin when possible. When not possible, other treatment measure are required to be utilized to that the discharged water does not create excess sediment into receiving water. Treated water should not cause a nuisance in the receiving water. Unless a TMDL is established for the specific receiving water, a reduction in turbidity to no more than 50 NTUs above the background NTU level of the receiving water is required.

Water may not be discharged in a manner that causes erosion, scour or flooding of the site or receiving channels, waters or wetlands.

F. VEGETATIVE FILTERS (BUFFERS)

A minimum thirty (30) foot buffer strip around wetlands and permanent

stormwater ponds, and a fifty (50) foot buffer along each side of any stream, river, lake, impaired waters and special waters identified in the NPDES construction permit shall be maintained at all times using native vegetation. In the case of impaired and special waters, or areas where slopes are steep buffer width may be required to be increased by the County Board if determined to be necessary to adequately protect the resource. The applicant shall maintain the buffer for the first year after completion of the project. Drain tiles on the project site which short circuit the benefits of buffers shall be identified and rendered inoperable.

17.11.9 EASEMENTS

If the proposed management of storm water directs some or all runoff off of the site, the applicant shall be required to secure permanent drainage or stormwater easements or other interests from all affected property owners. The easement shall be clearly defined and be of sufficient width to meet the required design standards.

The applicant shall also obtain any necessary easement or other property interest to allow access to the storm water management facilities for inspection and maintenance purposes.

17.11.10 INSPECTIONS

The applicant shall submit copies of all inspections and records required for the SWPPP and permit to the Department.

17.11.11 OPERATION AND MAINTENANCE

All storm water management facilities shall have a plan of operation, inspections and maintenance that assures continued effective removal and proper disposal of sediments and pollutants.

- A. Private Stormwater Facilities - All private stormwater facilities shall be maintained in proper condition consistent with the performance standards for which they were originally designed.
- B. Maintenance plan required - No private stormwater facilities may be approved unless a maintenance plan is provided that defines who will conduct the maintenance, the type of maintenance, the maintenance intervals, and how the maintenance and/or any repair work will be financed.
- C. Maintenance-friendly design - All stormwater facilities must be designed to minimize the need for maintenance, to provide easy vehicle and personnel access for maintenance purposes, and be structurally sound. It shall be the responsibility of the applicant to

obtain any necessary easements or other property interests to allow access to the facilities for inspection or maintenance.

- D. Maintenance of Publicly Owned Stormwater Facilities - The Dodge County Highway Engineer or other designated staff shall perform the maintenance of the in place stormwater facilities within Dodge County as provided for in the management plan.

17.11.12 FINANCIAL SECURITIES

The Board may require the applicant to provide security for the performance of the work described and delineated on the approved SWPPP and related remedial work.

A. ACTION AGAINST THE FINANCIAL SECURITY

Dodge County may access financial security for remediation actions if any of the conditions listed below exist. The county shall use the security to finance remedial work undertaken by the county, or a private contractor under contract with Dodge County, and to reimburse the county for all direct cost incurred in the process of remedial work including, but not limited to, staff time and attorney's fees.

- I. The developer ceases land disturbing activities and/or filling and abandons the work site prior to completion of the grading plan.
- II. The developer fails to conform to the grading plan and/or the SWPPP as approved by the county.
- III. The techniques utilized under the SWPPP fail within one year of installation.
- IV. The developer fails to reimburse the county for corrective action taken.

B. EMERGENCY ACTION

If circumstances exist such that noncompliance with this section poses an immediate danger to the public health, safety and welfare, as determined by Dodge County, the county may take emergency preventative action. Dodge County staff shall also take every reasonable action possible to contact and direct the applicant to take any necessary action. Any cost to the county may be recovered from the applicant's financial security.

C. RETURNING THE FINANCIAL SECURITY

The security deposited with Dodge County for faithful performance of the SWPPP and any related remedial work shall be released one (1) full year after the completion of the installation of all stormwater pollution control measures as shown on the grading and/or the SWPPP and removal of all temporary measures, provided that final stabilization has been achieved.

D. FAILURE TO DO CORRECTIVE WORK

In addition to the enforcement process of Chapter 19 of this Ordinance, when an applicant fails to conform to any provision of this section within the time stipulated, the county may take the following actions.

- I. Issue a Cease and Desist Order and/or withhold the scheduling of inspections
- II. Revoke any permit or other approval issued by the county to the applicant for the site in question.
- III. Correct the deficiency or hire a contractor to correct the deficiency. The issuance of a permit or approval of the SWPPP constitutes a right-of-entry for the county or its contractor to enter upon the construction site for the purpose of correcting deficiencies in erosion control.
- IV. Require reimbursement to the county for all costs incurred in correcting stormwater pollution control deficiencies. If payment is not made within thirty (30) days after costs are incurred by the county, payment will be made from the applicant's financial securities, when required by the County Board.
- V. If there is an insufficient financial amount in the applicant's financial securities, then Dodge County may assess the remaining amount against the property. As a condition of the permit or approval, the owner shall waive notice of any assessment hearing to be conducted by the county, concur that the benefit to the property exceeds the amount of the proposed assessment, and waive all rights to challenge the amount or validity of assessment.

SECTION 17.12 EXTERIOR STORAGE

17.12.1 MATERIALS AND EQUIPMENT

All materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining property, except for the following:

- A. Laundry drying
- B. Recreational equipment
- C. Construction and landscaping materials and equipment currently being used for construction on the premises
- D. Agricultural equipment and materials, if these are used or intended for use on the premises or if located in the "A" or "X" Zoning Districts, and
- E. Off street parking, except as otherwise regulated herein.

17.12.2 BOATS AND RECREATIONAL TRAILERS

Boats and recreational trailers may be stored in the rear yard, but must be setback ten (10) feet from all property lines.

SECTION 17.13 FENCES

Fences may be installed and maintained in any yard along or adjacent to a property line, in accordance with the requirements contained in this section.

17.13.1 FENCE CONSTRUCTION

- A. Fences, either permanent or temporary, shall not be constructed or erected in any public right-of-way.
- B. Fences shall not impede the vision of the roadway from a driveway providing access to the road.
- C. Fences in the Rural Residential, Urban Expansion District or other residentially zoned district shall not exceed six (6) feet in height.
- D. Fences within the required front yard shall not exceed four (4) feet in height.
- E. Fences in the Shoreland Overlay District shall also comply with the requirements contained in Chapter 14 of this Ordinance.

17.13.2 ENCLOSURE OF OUTDOOR STORAGE AREAS.

A fence used to enclose an outdoor storage area shall meet the setback requirements for accessory buildings in the zoning district in which it is located.

17.13.3 **REQUIREMENTS FOR COMMERCIAL OR INDUSTRIAL USES**

Where a listed permitted, conditional or interim commercial or industrial use does not list a specific fencing requirement, screening shall consist of a fence at least eighty percent (80%) opaque that is six (6) feet in height, unless otherwise directed by the Planning Commission or County Board.

SECTION 17.14 ACCESSIBILITY CODE (ADA)

When applicable, structures shall meet the State Building Code, Minnesota Rules, Chapter 1341; or successor rules.

SECTION 17.15 KEEPING OF ANIMALS

The keeping of animals may be considered an accessory use to the uses listed within any Primary or Overlay Zoning District, provided the use does not meet the definition of a “kennel” or “feedlot” or is otherwise subject to this Ordinance due to the proposed use. Kennels and feedlots and other similar animal production operations are not allowed in all zoning districts and are subject to the specific permitting process and performance standards for the use listed in this Ordinance.

17.15.1 **PERFORMANCE STANDARDS**

- A. The keeping of domestic animals over three (3) months of age shall be limited to four (4) unless the site obtains a permit for operation of a “kennel”.
- B. The keeping of Regulated Animals as defined in Minnesota Statutes 346.155; or successor statutes is prohibited.
- C. Owners of Petting Zoos shall be licensed and registered by the USDA Animal and Plant Health Inspection Service as required by the Federal Animal Welfare Act Title 7 Chapter 54 §2133. Owners of Petting Zoos shall submit a feedlot registration to Dodge County Environmental Services and shall meet the requirements of Minnesota Rules Chapter 7020, as amended.
- D. Owners of livestock or other farm animals shall submit a feedlot registration to the Dodge County Environmental Services Department. The registration shall be updated annually to reflect current conditions on the site. Sites that are determined to be “feedlots” shall comply with the performance standards of this Chapter and Minnesota Rules Chapter 7020.
- E. In areas zoned Rural Residential, only one (1) animal unit per acre up to a maximum of ten (10) animals is permitted as determined by the size of the pasture and/or confinement area, not the total acreage of the property. However, the site must be managed so that feedlot conditions do not develop. All food and waste products shall be properly managed and disposed of. For Urban Expansion

Residential Zones, the keeping of animals will be regulated in accordance with the adjacent city provisions.

- F. Any animals determined to be dangerous or a threat to the general health, safety and welfare of the citizens of Dodge County shall be prohibited.
- G. Excluding feedlot odor which is addressed by Chapter 16 and permit conditions, the keeping of any animals which are determined to be a “public nuisance” based upon documented complaints may be prohibited. Odor from feedlots shall be governed under the Performance Standards for Feedlots of Chapter 16 of this Ordinance and/or any county issued land use permit.
- H. Adequate housing, food, water, medical care and waste disposal shall be provided.
- I. All animals on site shall be current on vaccinations, where exposure to the public may constitute a health, safety and welfare issue.

SECTION 17.16 LIGHTING/GLARE

In all districts, any lighting used to illuminate an off-street parking area, sign or other structure shall be installed so as to deflect light away from any adjacent property and/or from public streets, when applicable. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property.

SECTION 17.17 LOADING SPACES

17.17.1 GENERAL PROVISIONS

- A. If a fractional number is obtained, one (1) loading space shall be provided for the fraction;
- B. All required loading berths shall be off-street and shall be located on the same lot as the building or use it serves;
- C. A loading berth shall not be located less than one hundred feet (100') from the intersection of two (2) road right-of-ways;
- D. Loading berths are prohibited from occupying any portion of the front yard setback area;
- E. All loading berths and accesses shall be improved with a durable material to control the dust and drainage;

- F. Any space allocated as a loading berth or maneuvering area shall not be used for the storage of goods, inoperable vehicles or be included as a part of the space requirements necessary to meet the off-street parking area.

17.17.2 DESIGN REQUIREMENT

Loading areas shall be separate from required parking areas. All loading areas shall be sufficient to meet the requirements of the use and shall provide adequate area for parking and maneuvering on the site without impact on adjacent properties or the public right of way. Loading areas shall be reviewed by the Planning Commission and approved by the County Board.

SECTION 17.18 LOT SIZE REDUCTION

No lot area shall be reduced such that the newly created parcel or remainder parcel creates a nonconformity or other violation of this or any other county land use ordinance. Lot size reduction shall require a Certificate of Survey and may be subject to the Land Subdivision Regulations of Chapter 20 of this Ordinance.

SECTION 17.19 NUISANCES AND GENERAL HEALTH, SAFETY AND WELFARE STANDARDS

No use or structure shall be operated or occupied in any way which would constitute a hazardous condition, safety issue, or as to unreasonably interfere with the use and enjoyment of the property by any person of normal sensitivities, or otherwise to create a “public nuisance”, as defined in Chapter 4 of this Ordinance.

17.19.1 AIR EMISSIONS

All uses shall comply with the standards governing air emissions and meet ambient air quality standards of Minnesota Rules, Chapter 7009, or successor as administered by the Minnesota Pollution Control Agency (MPCA).

17.19.2 WASTE

All uses shall comply with the standards governing waste as regulated by the Minnesota Pollution Control Agency (MPCA) and the *Dodge County Solid Waste Ordinance No. 1*, or successor.

17.19.3 EXPLOSIVES AND FLAMMABLE MATERIALS

All uses involving the manufacture, storage or use of explosive or flammable materials shall comply with all applicable regulations, including the

Minnesota Building Code and the Minnesota Uniform Fire Code, and shall meet the following requirements:

- A. All uses involving the manufacture, storage or use of explosive or flammable materials shall register with the Dodge County Emergency Management Director.
- B. All uses involving the manufacture, storage or use of explosive or flammable materials shall employ best management practices and the provision of adequate safety devices to guard against the hazards of fire and explosion and adequate fire fighting and fire-suppression devices standard in the industry.
- C. The manufacture, storage or use of any explosive or blasting agent, as defined by the Uniform Fire Code, or any other product which can decompose by detonation, shall be prohibited in any non-industrial zoning district.
- D. The storage of any flammable liquid shall be subject to the requirements established under the Uniform Fire Code and review by the State Fire Marshal.
- E. Any use requiring the storage use or manufacture of products which could decompose by detonation shall be located not less than four hundred (400) feet from any residence. This section shall not apply to the storage or usage of liquefied petroleum or natural gas for normal residential or business purposes.

17.19.4 GLARE AND HEAT

Uses producing glare or heat shall be performed within a completely enclosed building and/or performed in such a manner as to make such glare and heat completely imperceptible from any point along the property line.

17.19.5 HAZARDOUS MATERIALS

All uses shall comply with standard governing hazardous materials as regulated by the Minnesota Pollution Control Agency (MPCA).

17.19.6 NOISE

All uses shall comply with the standards governing noise as regulated by the Minnesota Pollution Control Agency (MPCA), Minnesota Rules Chapter 7030, as amended. Nuisance noise may be mitigated by the county through permit conditions. Uses for which noise is determined to be a “public nuisance” as

defined in Chapter 4 of this Ordinance shall be subject to termination of the use.

17.19.7 ODOR EMISSIONS

All uses shall comply with the standards governing odor emissions as regulated by the Minnesota Pollution Control Agency (MPCA). Excluding uses associated with common agricultural practices and feedlots, uses which produce odors that are determined to be a “public nuisance” as defined in Chapter 4 of the Ordinance may be subject to termination of the use if suitable mitigation cannot be obtained. Odor from feedlots shall be governed under the Performance Standards for Feedlots of Chapter 16 of this Ordinance and/or any county issued land use permit.

17.19.8 MOTOR VEHICLE STORAGE

For the purposes of this section, *Motor Vehicles* include all forms of transportation, work vehicles or other equipment which (when functional) has (or should have) an engine/motor and is operated for any purpose. The storage of unlicensed and/or inoperative motor vehicles shall be subject to the following requirements:

- A. Residential Districts. In areas zoned Urban Expansion (X), Urban Expansion Residential (XR), Hamlet (H), and Rural Residential (RR), one (1) unlicensed and/or inoperable motor vehicles may be stored in the open. No more than four (4) vehicles, whether licensed or unlicensed shall be stored in the open.
- B. Agricultural District. In areas zoned “A”, the storage of more than four (4) unlicensed and/or inoperable motor vehicles shall be prohibited. No more than six (6) vehicles, whether licensed or unlicensed shall be stored in the open. Vehicles that are both licensed and operable may be stored within a building or rear yard and adequately screened from view.
- C. Commercial Storage. No storage of motor vehicles for commercial purposes, such as sale, repair or salvage shall be allowed, unless the property is zoned for such use and obtains any required Dodge County Land Use permit.

17.19.9 VIBRATION

Uses producing vibration shall be conducted in such a manner as to make the vibration completely imperceptible from any point along the property line. This standard shall not apply to vibrations created during the process of construction or to permitted quarrying operations, subject to conditions placed upon such businesses.

17.19.10 WATER POLLUTION

All uses shall comply with the standards governing water pollution and/or water quality as regulated by the Minnesota Pollution Control Agency.

17.19.11 TOXIC OR NOXIOUS MATTER

Any use which involves the use of or the manufacture of toxic or noxious substances shall not discharge such substances into the atmosphere, water, or subsoil.

SECTION 17.20 OUTDOOR WOOD-FIRED FURNACE & APPLIANCES

17.20.1 An outdoor wood-fired furnace/appliance may be installed and used in the Agricultural Zoning District.

17.20.2 PERFORMANCE STANDARDS

- A. The outdoor wood-fired furnace/appliance shall be used to burn clean, unpainted and/or untreated wood. The burning of materials listed in Section 17.6.1.A of this Chapter are prohibited.
- B. The outdoor wood-fired furnace/appliance shall be located at least three hundred (300) feet from the nearest building which is not on the same property as the outdoor-wood fired furnace/appliance.
- C. The outdoor wood-fired furnace/appliance shall meet the setback for accessory structures of Chapter 16.
- D. The outdoor wood-fired furnace/appliance shall have a chimney that extends at least fifteen (15) feet above the ground surface. If there are any residences within five hundred (500) feet, the chimney shall also extend at least as high above the ground surface as the height of the roofs of all such residences. The fire Chief may approve a lesser height on a case by case basis if necessary to comply with manufacture's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.
- E. The outdoor wood-fired furnace/appliance shall comply with the standards governing air emissions and meet ambient air quality standards of Minnesota Rules, Chapter 7009, or successor as administered by the Minnesota Pollution Control Agency (MPCA) and/or any other applicable state or federal law.

SECTION 17.21 PARKING

Parking areas for six (6) or fewer vehicles shall be exempt from the provisions of this Section.

17.21.1 GENERAL PROVISIONS

- A. Existing off street parking spaces upon the effective date of this ordinance shall not be reduced in number unless the number exceeds the requirements set forth herein for a similar use;
- B. Off-street parking areas in any district shall not be utilized for open storage of goods or for the storage of vehicles that are inoperable, for sale or for rent.
- C. Parking facilities accessory to residential structures shall not be used for the storage of commercial vehicles unless specifically authorized as part of a Home Occupation Agreement or IUP for a Limited Rural Business.
- D. Loading spaces shall not be construed as supplying off-street parking space.

17.21.2 DESIGN AND MAINTENANCE OF OFF-STREET PARKING AREAS

- A. Off-street parking areas may be improved with a durable and dustless surface, when required. Durable and dustless surface may include crushed rock, permeable pavement and similar treatment.
- B. Off-street parking areas shall be graded to direct and treat all surface water accumulation within the parking area in accordance with an approved stormwater management plan. Grading and edge treatments of parking areas shall allow storm water inflow where areas are designed as Low Impact Development storm water management features. In such cases, where adequate screening is provided from plantings, fences or walls, berming and curbs shall not be required.
- C. A parking space shall be a minimum of nine (9) feet wide and eighteen (18) feet long.
- D. In the design of parking lots, a standard of three hundred (300) square feet per parking space shall be used to compute parking total requirements.

- E. Each parking space and/or lot shall be adequately served by access drive(s). Parking lots shall provide access to public roads by an access drive that is no less than twenty-four (24) feet and no greater than thirty (30) feet in width. Access width may be reduced when approved by the appropriate road authority and local emergency services.
- F. Off street parking areas shall be screened when any of the following circumstances exist:
 - I. When a Commercial or Industrial Use off-street parking area contains more than four (4) parking spaces and is within thirty (30) feet of any existing residential use or any district zoned Rural Residential, Urban Expansion, or Urban Expansion Residential.
 - II. When any driveway to a Commercial or Industrial use off-street parking area of more than six (6) parking spaces is within fifteen (15) feet of an existing residential use or residential zoning district.
- G. Landscaped strips, including required screening under 17.21.2.F (above) shall be suitably landscaped with a mixture of shrubs, trees and ground cover, which are encouraged to incorporate xeriscaping and to function as Low Impact Development stormwater management areas.
- H. When applicable, lighting shall meet the requirements of Minnesota Rules Chapter 8885, or successor. All lighting used to illuminate off-street parking areas shall be directed away from adjoining property and right-of-ways;

17.21.3 LOCATION REQUIREMENTS

- A. Parking spaces for residential use shall be on the same lot as the principal residential dwelling;
- B. Parking spaces accessory to Commercial and Industrial uses shall be located within three hundred (300) feet of a main entrance to the principal building being served and shall be setback a minimum of twenty (20) feet from all property lines;
- C. No off-street parking space shall be located within ten (10) feet of any public road right-of-way; This edge buffer shall allow stormwater inflow and be designed as Low Impact Development storm water management features.

- D. No off-street parking area containing more than four (4) spaces shall be located closer than fifteen (15) feet from an adjacent lot zoned for residential use. This edge buffer shall allow stormwater inflow and be designed as Low Impact Development storm water management features. Stormwater runoff which impacts adjacent properties shall be prohibited.
- E. Open parking spaces accessory to residential uses shall be located no less than ten (10) feet from the property line.

17.21.4 REQUIRED OFF-STREET PARKING SPACE

Off-street parking areas shall be of sufficient size to provide parking for patrons, customers, suppliers, visitors and employees, and shall be as set forth in the following table. When the calculation of the number of parking spaces required results in a fraction, the parking spaces required shall be increased to the nearest whole number.

Where a Use is not specifically listed, off-street parking requirements shall be the same as for a similar Use, as determined by the Planning Commission and County Board.

USE	NUMBER OF SPACES
CAMPGROUNDS & RV PARKS	3 spaces/1 Units or lot 2 spaces within the lot, plus 1 space in overflow parking area
CHURCHES, COMMUNITY BUILDINGS AND OTHER PLACES OF PUBLIC ASSEMBLY	1space/3 seats or for each 5 ft of pew length, based upon design maximum capacity
COMMERCIAL USES- GENERAL RETAIL AND SERVICES ESTABLISHMENTS	1 space/100 s.f. of gross floor area, plus 1 space/1000 s.f. of any outdoor sales/display area.
DAY CARE FACILITIES	1 space/2 employees
EATING AND DRINKING ESTABLISHMENTS	1 space/3 seats, based upon design maximum capacity
DRIVE-IN FOOD ESTABLISHMENTS	1 space/10 s.f. of gross floor area
GOLF COURSES	5 spaces/hole, plus 1 space/10 seats in the clubhouse
LODGING ESTABLISHMENTS	1 space/Unit, plus 1space/employee
INDUSTRIAL USES	1 space/2 employees on max shift OR 1 space/500 s.f. of gross floor area, whichever is greater
OFFICES AND CLINICS	1space/300 s.f. of gross floor area, plus 3 spaces/each doctor or dentist
RESIDENTIAL USES	1 space/dwelling unit

SCHOOLS – ELEMENTARY & JUNIOR HIGH	2 spaces/classroom, plus 1 space/200 students, based upon maximum design capacity
SCHOOLS – HIGH SCHOOLS & COLLEGES	1 space/7 students, plus 2 spaces/classroom, based upon maximum design capacity
HOSPITALS & RESIDENTIAL CARE FACILITIES	1 space/2 beds, plus 1 space/3 employees, plus 1 space/resident and staff doctor
SERVICE STATION AND/OR CONVIENCE STORE	1 space/service bay, plus 1 space/300 s.f. of gross floor area
AUTO SALES/REPAIR SHOPS	3 spaces/1000 s.f. of gross floor area
OPEN SALES LOT	3 spaces/5000 s.f. of lot area
USES NOT SPECIFICALLY NOTED	As determined by the Planning Commission and County Board

In the case of mixed uses, the parking facilities required shall be the sum of the requirements for the various individual uses, computed separately in accordance with this Section. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use. However, the Planning Commission may consider the joint use of a parking area where it is known that, because of a time element, the parking facilities will not be needed by more than one of the users at one time.

SECTION 17.22 SCREENING

17.22.1 PERFORMANCE STANDARDS

The following standards shall apply when screening is required by the provisions of this Ordinance:

- A. Any screening that is required in this Ordinance shall consist of earth mounds, berms or ground forms; neutral colored fences and walls; landscaping (plant materials) or landscape fixtures (such as timbers) used in combination or singularly so as to block direct visual access to an object.
- B. The use of screen walls shall consist of materials of similar type, quality and appearance as that of the principal structure. Such screens shall be at least six feet (6') in height and provide a minimum opaqueness of eighty percent (80%) during all seasons of the year.
- C. The use of berming or landscaping which reaches a minimum of opaqueness of eighty percent (80%) at the time of maturity during all seasons of the year. Planting screens shall consist of healthy plant materials at least six feet (6') in height at the time

of planting.

- D. Screening fences and walls that are in disrepair shall be repaired. Planting screens shall be maintained in a neat and healthy condition. Plantings that have died shall be replaced within the current or next growing season.

SECTION 17.23 SEWAGE TREATMENT

The installation, location, operation and maintenance of sewage treatment systems shall comply with Chapter 21 of this ordinance or successor and Minnesota Rules Chapters 7080 through 7083, where applicable.

No Land Use Permit shall be issued until the provisions of Chapter 21 of this ordinance, or successor and Minnesota Rules Chapter 7080 through 7083 are complied with.

SECTION 17.24 SIGNS

When applicable, all signs shall meet the requirements of Minnesota Statutes 173 and Minnesota Rules 8810; or successors. The purpose of this Section is to regulate the placement and construction of signs for the purposes of providing information in an orderly, effective, and safe manner. Restrictions on the, design, dimensions, and location of signs help to preserve the character of the County, to protect the public from hazardous and distracting displays, and to create an attractive environment for the citizens and visitors alike which is conducive to business, industry, and recreation . It is not the purpose or intent of this Section to regulate the content displayed on any sign

No sign shall be erected, altered, reconstructed, maintained or moved into the County which does not comply with this Section.

17.24.1 ON-PREMISE SIGNS

On-premise signs are a permitted as an accessory structure to a principal use, provided all performance standards of this section are met.

17.24.2 OFF-PREMISE SIGNS (BILLBOARDS AND OTHER ADVERTISING DEVICES)

Off-premise advertising devices signs (Billboards) may be permitted as a Conditional Use in the Commercial District and are subject to the administrative process of Chapter 18, the provisions of the CUP and all performance standards for signs and Off-Premise Advertising Devices listed in this Section.

17.24.3 EXEMPTED SIGNS

The following signs are exempted:

- A Signs for a dwelling that are less than one (1) square foot in size.
- B. Public signs, street signs, warning signs, railroad crossing signs, signs of public service companies for the purpose of public safety, or any other signs authorized by the responsible road authority or public entity.
- C. Emergency signs required by any governmental agency.
- D. Private traffic circulation signs and traffic warning signs in alleys, parking lots, or in other hazardous situations may be allowed on private property provided that such individual signs do not exceed three (3) square feet and are utilized exclusively for purposes intended.
- E. Names of buildings, dates of erection, commemorative tablets, and the like, when carved into stone, concrete, or similar materials or made of bronze, steel, aluminum, or other permanent type of construction and made an integral part of the structure.
- F. Signs on private property denoting "Private Property", "No Trespassing", "No Hunting", or similar messages.
- G. Interior signs, provided that such signs are not flashing signs and do not interfere with any traffic control sign or signal, or otherwise pose a threat to public safety.
- H. Elections signs are governed by Minnesota State Statute 211 and subsequent amendments thereto.

17.24.4 PROHIBITED SIGNS

The following applies in all zoning districts:

- A. No sign shall be erected that is a hazard to the public health, safety, or welfare; that obstructs any window, door, fire escape, stairway, or opening intended to provide light, air, ingress, or egress of any building or structure; that tends to accumulate

debris as a fire hazard; or that is attached to a standpipe or fire escape.

- B. No sign shall be placed in a manner which will interfere with the effective use of any electric light, power, telephone, telegraph or TV cable wires or accessory supports.
- C. No sign shall be erected that, by reason of position, shape, movement, color, or any other characteristic, interferes with the proper functioning of a traffic sign or signal, is misleading to vehicular traffic, or otherwise constitutes a traffic hazard.
- D. Private signs, other than public utility warning signs, are prohibited within public rights-of-way and easements or on any other public property.
- E. No sign shall be erected which can only be serviced and maintained from the Right of Way of any public road
- F. No private sign shall be erected that resembles any official marker erected by a government agency.
- G. Signs shall not be painted directly on the outside wall of a building/structure. Signs shall not be painted on a fence, tree, stone, or other similar objects in any district. Signs shall not be painted on any road within the County.
- H. Signs shall not be painted on vehicles where the vehicle is parked on a property and not intended to be moved for a period of two (2) days or longer. Signs affixed to vehicles where the sign is incidental to the use of the vehicle are not prohibited. At all times, vehicles containing signs shall not be parked within the right-of-way.
- I. Signs painted, attached by adhesive, or otherwise attached directly to a building.
- J. Flashing signs, roof signs, rotating signs, revolving signs, moving signs, and signs attached to utility poles.
- K. Signs containing revolving beacons and search lights.
- L. Signs placed on private land without the consent of the owner or occupant.
- M. Signs with are structurally unsafe, are in disrepair or abandoned.

17.24.5 SIGNS LOCATED ALONG STATE AND FEDERAL HIGHWAYS

Minnesota State Statutes Chapter 173, as amended, regulating advertising signs/devices along State Highways shall take precedence in such case where they are more restrictive than the regulations of this Ordinance.

17.24.6 GENERAL PERFORMANCE STANDARDS

A. AWNING, CANOPY, AND MARQUEE SIGNS

Any sign painted, mounted, constructed, or attached in any manner, on an awning, canopy, or marquee shall meet the following requirements:

- I. Awning, canopy, and marquee signs shall not project into the public right-of-way.
- II. No part of any awning, canopy, and marquee sign shall be less than nine (9) feet above the sidewalk or the ground level.
- III. No part of any awning, canopy, or marquee sign shall exceed in height the highest point of the awning, canopy, or marquee to which it is affixed.

B. DYNAMIC DISPLAYS

- I. The images and messages displayed must be static, and the transition from one static display to another must be direct and immediate without any special effects.
- II. Each image and message displayed must be complete in itself, and may not continue on the subsequent one.
- III. Each image and message displayed must remain constant for at least twelve (12) seconds before changing to the next one.
- IV. There shall be at least a one thousand (1,000) foot distance between any two dynamic signs.
- V. Shall not be located within one thousand (1,000) feet of any residential zoning district.

C. ELECTRICAL SIGNS

All signs and displays using electric power shall be installed in accordance with the current State of Minnesota Electrical Code and shall have a cutoff switch on the outside of the sign and the outside of the building or structure to which the sign is attached.

D. ILLUMINATED SIGNS

- I. Illuminated signs shall be constructed and maintained so as not to direct light onto adjacent property, or onto public right-of-ways.
- II. Signs shall not be illuminated beyond any lot line.
- III. Lighting systems owned or controlled by any public agency, for the purpose of directing or controlling navigation, traffic, or for highway or street illumination shall be permitted.

E. PROJECTING SIGNS

- I. No projecting sign shall extend more than six (6) feet above the roof line of the building or structure to which it is affixed.
- II. No part of any projecting sign, other than structural supports, shall be less than nine (9) feet above the sidewalk or the ground level
- III. No projecting signs shall extend into the right of way of any public road.
- IV. All metal supports and braces shall be galvanized or be of corrosive resistant material.

F. PYLON SIGNS

- I. No part of any pylon sign shall project over any building or structure.

G. REQUIRED MARKING ON SIGNS

All signs shall have printed in a visible place, in letters not less than one (1) inch in height: the date of issuance, the permit number, and voltage of any

electrical devices used in connection therewith. Additionally, every advertising sign erected under the provisions of this Ordinance shall be plainly marked with the name of the person, or firm, erecting such sign.

H. WALL SIGNS

- I. Signs attached to exterior walls of solid masonry or concrete shall be safely and securely attached to the same by means of metal anchors, bolts or expansion screws, or a method supported by a building official.
- II. No wooden blocks or anchorage with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of wall signs attached to buildings with walls made of wood.
- III. No wall sign shall be entirely supported by an un-braced parapet wall.
- IV. No wall sign shall extend in height above the roof line of the building to which the sign is affixed.

17.24.7 ZONING DISTRICT STANDARDS

Off-premises signs are only allowed with issuance of a CUP in the Commercial Zoning District. See Section 17.24.5 below and the performance standards of Section 16.6, titled Advertising Signs (Billboards & Other Off-Premise Advertising) for additional requirements.

The following performance standards apply to on-premise signs, which are not listed as EXEMPT under Section 17.24.3.

ZONING DISTRICT	NUMBER OF SURFACES	NUMBER/ PROPERTY	MAX HEIGHT (FT)	SETBACKS From Right of way	MAXSIZE (SF)
R, X, XR, H	2	1	10	10	9 s.f
A	2	1	10	10	16 s.f
C	2	1	35	10	1 s.f. for each 1' of lot frontage or 160 s.f., whichever is less
I		1	35	10	2 s.f. for each 1' of lot frontage or 240 s.f., whichever is less
CLF	2	1	35	10	9 s.f
SH SIZ	2 Prohibited	1 Prohibited	10	10	See Primary Zoning District – Must meet Shoreland Regs
FP	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited

17.24.8. PERFORMANCE STANDARDS FOR OFF-PREMISE ADVERTISING DEVICES (BILLBOARDS)

In addition to any requirements of this section, Off-premise advertising devices signs (Billboards) are permitted as a Conditional Use in the Commercial District and are subject to the performance standards for Advertising Devices (Billboards) of Chapter 16.

Community, historical or other significant area markers located within two miles of the community when placed by a governmental agency are permitted provided:

- I. The sign does not exceed three hundred (300) square feet.
- II. Written approval authorizing the sign is obtained from the Dodge County Board of Commissioners
- III. Written approval is obtained from the local road authorities on placement and location of the sign and all other

performance standards for off-premise Advertising Signs of Chapter 16 are met.

- IV. Written consent is obtained from the owner of the land on which the sign is proposed to be erected.

17.24.9. OBSOLETE SIGNS

- A. Signs which advertise an activity, business product or service which is no longer produced or conducted on the premises shall be removed within thirty (30) days from date of vacancy. The owner of the sign or property upon which sign is placed shall be responsible for the removal.
- B. If any property or business changes ownership, the sign shall be required to conform to the requirements for the new use of the property.

17.24.10 MAINTENANCE

All signs and supporting structures shall be properly maintained and kept in a safe, orderly condition. Any conforming sign or sign structure which is rotted, unsafe, deteriorated, defaced, or otherwise altered, shall be repainted, repaired, or replaced by the permittee, owner, or agent of the owner of the property upon which the sign is located, upon written notice by the County.

17.24.11 LEGAL NONCONFORMING SIGNS

Existing signs that do not conform to the specific provisions of this Ordinance are legal nonconforming signs and are subject to the provisions of Chapter 6 which address nonconformities.

17.24.12 SIGN REMOVAL

Any sign which is erected or maintained contrary to the provisions of this Ordinance, or for which no permit has been obtained, or which is abandoned is hereby declared to be a public nuisance and illegal. The County may enter upon the land where the sign is located and may remove and dispose of such sign after a hearing, as provided by law, and after thirty (30) days' notice to the owner and lessee, if known.

No compensation shall be paid for any sign to be removed or disposed of pursuant to this Section. If the County receives any proceeds from the sign, the County shall first apply the proceeds to reimburse the County for any expenses incurred, and refund the remainder to the owner of the sign, if known. Any costs incurred by the County which are not reimbursed may be

assessed against the property upon which the sign was located as a special assessment

SECTION 17.25 STEEP SLOPES

- 17.25.1 Any land disturbing and/or development activity proposed on slopes exceeding twelve percent (12%) shall require an Erosion and Sediment Control Plan. The plan shall be implemented before permits are issued.
- 17.25.2 Zoning Permits applications for dwellings proposed on slopes of twelve percent (12 %) or more are required to be accompanied by an engineer's report showing adequate footings can be constructed, drainage plans address the prevention of erosion during and after construction, and grading plans have been prepared for the site.
- 17.25.3 No land disturbing or development activities shall be allowed on slopes of eighteen percent (18%) or more.
- 17.25.4 Land uses, vegetation removal, topographic alteration and other land disturbing activities on steep slopes and bluffs located within the Shoreland Overlay District are regulated under Chapter 14 of this Ordinance.

SECTION 17.26 SWIMMING POOLS/SWIMMING PONDS

17.26.1 PERFORMANCE STANDARDS

When required under law, pools shall comply with Minnesota Statutes Chapter 144, or successor, and the applicable sections of Minnesota Rules, Chapters 1323, 1341, 4626 and 4715, as amended.

A. PRIVATE POOLS

A pool is considered an Accessory Structure and shall comply with the following standards:

- A. The pool shall meet setbacks for accessory structures.
- B. In-ground pools shall require a Zoning Permit.
- C. Above ground pools that meet the Zoning Permit exemption standards of Section 18.12.2 of this Ordinance do not require a Zoning Permit.

- D. Pools shall not be located within the Floodplain Overlay District.
- E. In residentially zoned areas, or other areas where pools may pose an “attractive nuisance” and potentially endanger the health, safety and welfare of the citizens of Dodge County, the pool itself or the yard around the pool may be required to be enclosed by a wall, fence or combination thereof which is at least six (6) feet in height, with a self-enclosing gate capable of being secured with a lock so as to prevent uncontrolled access. All points of access shall be made lockable.
 - I. For in-ground pools, required fencing shall be of durable material and shall be so designed as to discourage climbing. Building walls may be used to meet this requirement.
 - II. For above-ground pools, pool sides that are vertical or slanted outward may contribute to the required fencing, providing all points of access are secure.
- F. Water from pools shall not be discharged into any sewage treatment system, sewer, stormwater pond, wetland, waterway or watercourse.
- G. When allowed, earthen pools are subject to the permitting provisions for extraction.

SECTION 17.27 TRAFFIC VISIBILITY

Nothing shall be placed or allowed to grow on corner lots in such a manner as to impede vision on the intersecting roadways. A clear line of vision between two and one-half (2.5) feet and ten (10) feet above the centerline grades of the intersecting roadways shall be maintained from the intersection to a distance of fifty (50) feet along each roadway forming a sight triangle.

SECTION 17.28 TRASH/RECYCLING ENCLOSURES

17.28.1 PERFORMANCE STANDARDS

- A. Trash enclosures or recycling collection areas, when provided for any property other than one containing residential uses, shall be enclosed on at least three (3) sides by a neutral colored fence or other screening material that is eighty percent (80%) opaque on a year around basis to a height of at least six feet (6'). The open side of the enclosure shall not face any street or the front yard of any abutting property.

- B. Dumpsters or other containers shall be fully enclosed and located so that drainage does not reach any storm drain inlets, waters of the state and/or do not other-wise pose a potential pollution hazard.
- C. Open garbage enclosures or refuse dumps are prohibited.
- D. Trash enclosures shall be constructed and maintained in a manner that will not create a nuisance condition or provide a breeding place for flies.
- E. The bins in trash enclosures shall be constructed of nonabsorbent materials with tight fitting lids.
- F. Bins shall be emptied regularly for disposal in accordance with Dodge County Solid Waste and Recycling Ordinance

SECTION 17.29 TREES AND SHRUBS

17.29.1 SETBACK FROM ROW

Trees and shrubs adjacent to the road Right of Way may constitute a “public nuisance”, as well as a maintenance and safety issue for the road authority. Property owners in Dodge County are put on notice that if any Road Authority determines that their trees and/or shrubs constitute a safety issue due to overhanging the road or road right of way, they may be pruned or removed.

17.29.2 SETBACK FROM ADJACENT PROPERTY LINES

Disputes and complaints between private property owners regarding trees and shrub plantings are considered a “private nuisance” and are not regulated under this Ordinance.

SECTION 17.30 WELLS

The installation and location of an individual well for domestic water supply shall conform to the Minnesota Department of Health regulations.

Where appropriation exceeds ten thousand (10,000) gallons per day or one (1) million gallons per year, a water use (appropriation) permit may be also be required from the Minnesota Department of Natural Resources.

SECTION 17.31 WETLANDS

17.31.1 DELEGATION OF AUTHORITY.

The jurisdictional responsibility to review and regulate activities in or affecting wetlands is held by the Board of Water and Soil Resources and Dodge County, who administer the Wetland Conservation Act of 1991, Minnesota Rules Chapter 8420, as amended.

17.31.2 PROCEDURES

Dodge County shall follow these procedures whenever a proposed project may impact a wetland.

- A. Environmental Services Department staff shall make a preliminary determination using maps, photographs, site visits and other pertinent information whether a proposed project impacts a wetland.
- B. If it is determined that a project will not impact a wetland, a permit may be issued in accordance with the procedures and regulations set forth in this ordinance. If it is determined that the project may impact a wetland, the Department shall direct the applicant to contact the Wetland Conservation Act Local Governmental Unit (WCA LGU) to undertake a more thorough wetland evaluation.
- C. No land use permits shall be issued for the proposed project unless the applicant provides one of the following:
 - I. Written statement from the WCA LGU that the proposed project does not impact a wetland; or
 - II. A Certificate of Exemption from the WCA LGU stating the proposed project is an exempted activity regarding impacts on wetlands; or
 - III. A Wetland Replacement Plan approved by the WCA LGU.

17.32.3 WETLAND REQUIREMENTS AND SETBACKS

No structure may be constructed, erected or moved onto any land that is determined to be a wetland by the WCA LGU.

- A. Land that is determined to be "wetland" by the Environmental Services Department or other designated WCA LGU cannot be considered in the minimum "buildable" area requirements for any parcel or subdivision.
- B. Wetland Setbacks
 - I. All structures 60 feet

II. SSTS 75 feet

- C. For new developments, a protective strip of natural vegetation at least thirty (30) feet in width shall be retained around all wetlands. This strip shall not be mowed, but left in a natural state.