

CHAPTER 5: GENERAL ZONING DISTRICT RULES OF APPLICATION

SECTION 5.1 ESTABLISHMENT OF ZONING DISTRICTS

The zoning districts shall apply as designated on the Zoning Map or as defined within this Ordinance. Two types of zoning districts are utilized. All land under the jurisdiction of this Ordinance shall be designated as lying within one, and only one, Primary Zoning District. In addition, one or more Overlay Districts may apply which shall be superimposed over the Primary Zoning District.

SECTION 5.2 OFFICIAL ZONING MAP

The location and boundaries of the districts established by this ordinance are set forth on the "Dodge County Zoning Maps" which are incorporated by reference as part of this Ordinance. The maps include any applicable supporting sheets, notations, references and data. It shall be the responsibility of Environmental Services staff to maintain and update the zoning maps and any amendments thereto. The official Zoning Maps shall be kept on file in the Environmental Services Department.

SECTION 5.3 PRIMARY ZONING DISTRICTS

For purposes of this Ordinance, Dodge County is hereby divided into the following Zoning Districts:

- A Agricultural District
- X Urban Expansion District
- R Rural Residential District
- C Commercial District
- I Industrial District
- CLR Closed Landfill Restricted
- H Hamlet District

SECTION 5.4 OVERLAY DISTRICTS

The following Overlay Districts are also made a part of the Zoning Ordinance on property where both the Zoning District and the Overlay District would apply. The use or development of such property shall comply with both districts. The following symbols and names shall represent Dodge County's Overlay Districts:

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- SH Shoreland Overlay District
- FP Flood Plain Overlay District

5.4.1 SHORELAND OVERLAY DISTRICT

A. ADOPTION BY REFERENCE

The "Protected Waters and Wetlands" inventory (PWI) map for Dodge County, Minnesota dated 1984, is hereby adopted by reference for the purpose of identifying public waters and determining the boundary of the Shoreland Overlay District.

B. DISTRICT BOUNDARY DEFINED

The Shoreland Overlay District is defined as:

- I. Land located within 1,000 from the Ordinary High Water Level (OHWL) of a public (protected) lake, pond or flowage
- II. Land located within 300 feet from the top of the bank (OHWL) of a public (protected) river or stream; or
- III. The landward extent of the floodplain, whichever is greater

C. CLASSIFICATION

The public (protected) waters of Dodge County have been classified below consistent with the criteria found in Minnesota Rules Chapter 6120.3300, and

D. PUBLIC (PROTECTED) WATERS BASINS:

| PWI ID # | NAME | CLASS | SECTIONS | TWP | RNG |
|----------|-----------|-------|--------------------|-----|-------|
| 74-1 | Rice Lake | NE* | 6,7;1,11,12, 13,14 | 107 | 18;19 |

* NE = Natural Environment Lake

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E. PUBLIC (PROTECTED) WATERCOURSES:

| NAME | CLASS | FROM | | | TO | | |
|--|--------|--------------------------------|-----|-----|-----|-----|-----|
| | | SEC | TWP | RNG | SEC | TWP | RNG |
| N. Branch Middle Fork Zumbro River | Ag | 4 | 108 | 17 | 3 | 108 | 17 |
| | | 1 | 108 | 17 | 6 | 108 | 16 |
| | | 6 | 108 | 16 | 6 | 108 | 16 |
| | | 6 | 108 | 16 | 5 | 108 | 16 |
| Middle Fork Zumbro River | Trib. | 19 | 108 | 18 | 7 | 108 | 17 |
| Middle Fork Zumbro River | Ag | 7 | 108 | 17 | 12 | 108 | 16 |
| Unnamed to MFZR | Trib. | 2 | 108 | 18 | 7 | 108 | 17 |
| Unnamed to Unnamed | Trib. | 2 | 108 | 18 | 2 | 108 | 18 |
| Unnamed to MFZR | Trib. | 8 | 108 | 18 | 16 | 108 | 18 |
| Unnamed to MFZR | Trib. | 21 | 108 | 17 | 23 | 108 | 17 |
| Milliken Creek | Trib. | 31 | 108 | 17 | 9 | 108 | 16 |
| Unnamed to MFZR | Trib. | 14 | 108 | 16 | 12 | 108 | 16 |
| Harkcom Creek | Trib. | 33 | 108 | 16 | 12 | 108 | 16 |
| South Branch MFZR (SBMFZR) | Ag. | (CSAH 11) 7 (basin 74-1) | 107 | 18 | 17 | 107 | 16 |
| South Branch | Trans. | 17 | 107 | 16 | 13 | 107 | 16 |
| Unnamed to SBFZR | Trib. | 8 | 107 | 16 | 16 | 107 | 16 |
| Unnamed to SBFZR | Trib. | (TH 57) 19 | 107 | 17 | 17 | 107 | 17 |
| Lower Branch of Middle Fork Zumbro River | Trib. | 33 | 107 | 18 | 14 | 107 | 17 |
| Unnamed to LBMFZR | Trib. | 12 | 106 | 18 | 1 | 106 | 18 |
| Unnamed to LBMFZR | Trib. | (TWP RD) 17 | 106 | 17 | 32 | 107 | 17 |
| Henslin Creek | Trib. | 8 | 106 | 17 | 5 | 106 | 17 |
| Unnamed to SBFZR | Trib. | 19 | 107 | 16 | 18 | 107 | 16 |
| Masten Creek | Trib. | 32 | 107 | 16 | 22 | 107 | 16 |
| Salem Creek (SC) | Trib. | (TH 14) 29 | 106 | 16 | 24 | 106 | 16 |
| Unnamed to LBMFZR | Trib. | 12 | 106 | 18 | 1 | 106 | 18 |
| Unnamed to LBMFZR | Trib. | 17 | 106 | 17 | 32 | 107 | 17 |
| Unnamed to SC | Trib. | 7 | 106 | 16 | 23 | 106 | 16 |
| Unnamed to SC | Trib. | 19 | 106 | 16 | 29 | 106 | 16 |
| Unnamed to SC | Trib. | 32 | 106 | 16 | 28 | 106 | 16 |
| South Fork Zumbro River | Trib. | 18 | 105 | 16 | 8 | 105 | 16 |
| South Fork Zumbro River | Ag. | 8 | 105 | 16 | 12 | 105 | 16 |
| Unnamed to SFZR | Trib. | 6 | 105 | 16 | 6 | 105 | 16 |
| Unnamed to SFZR | Ag. | 7 | 105 | 16 | 8 | 105 | 16 |
| Unnamed to SFZR | Trib. | 23 | 105 | 16 | 12 | 105 | 16 |

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| NAME | CLASS | FROM | | | TO | | |
|---------------------------------------|-------|-------|-----|-----|-----|-----|-----|
| | | SEC | TWP | RNG | SEC | TWP | RNG |
| Unnamed to Unnamed | Trib. | 24 | 105 | 16 | 24 | 105 | 16 |
| Unnamed to North Branch Root River | Trib. | SE 31 | 105 | 16 | 33 | 105 | 16 |
| Cedar River (CR) | Ag. | 29 | 105 | 17 | 33 | 105 | 18 |
| Unnamed to CR | Trib. | 31 | 105 | 17 | 36 | 105 | 18 |
| | | 35 | 105 | 18 | 35 | 105 | 18 |
| Unnamed Tributary | Trib. | 34 | 105 | 17 | 34 | 105 | 17 |
| Unnamed to CR | Trib. | 23 | 105 | 17 | 22 | 105 | 17 |
| Unnamed to CR | Ag. | 21 | 105 | 17 | 29 | 105 | 17 |
| Unnamed to CR | Trib. | 24 | 105 | 18 | 26 | 105 | 18 |
| Little Cedar River | Trib. | 16 | 105 | 18 | 28 | 105 | 18 |
| Unnamed to CR | Trib. | 19 | 105 | 18 | 29 | 105 | 18 |
| Unnamed to CR | Trib. | 31 | 105 | 18 | 31 | 105 | 18 |

Ag. = Agricultural Watercourse
Trib. = Tributary Watercourse

5.4.2 FLOODPLAIN OVERLAY DISTRICT

A. ADOPTION BY REFERENCE

The *Flood Insurance Rate Map for Dodge County, dated September 24, 1982, (#270548)*, prepared by the Federal Emergency Management Agency (FEMA), is hereby adopted by reference as the Official Floodplain Overlay Zoning District Map and declared part of this Ordinance. The maps and any supporting determinations and data are on file at the Dodge County Environmental Services Department, Mantorville, Minnesota.

| FLOOD INSURANCE RATE MAPS | | |
|---------------------------|--------------|--------------------|
| Community | Panel Number | Effective Date |
| 270548 | 0025B | September 24, 1982 |
| 270548 | 0050B | September 24, 1982 |
| 270548 | 0075B | September 24, 1982 |
| 270548 | 0100B | September 24, 1982 |
| 270548 | 0125B | September 24, 1982 |
| 270548 | 0150B | September 24, 1982 |

B. DISTRICT BOUNDARY DETERMINATION

The boundaries of the floodplain district shall be determined by scaling distances on the Official Floodplain Zoning District Map. Where interpretation is needed as to the exact location of the boundaries of the floodplain district, the Zoning Administrator shall make the necessary interpretation based upon ground elevations that existed on the site at the time the community adopted its initial floodplain ordinance or the date of the first National Flood Insurance Program map that placed the site in the floodplain if earlier than the regional (100-year) flood profile, if available. If regulatory (100-year) floodplain elevations are not available, the county shall:

- I. Require a floodplain evaluation consistent with technical provisions of Chapter 10 to determine the regulatory (100-year) flood elevation for the site, and/or
- II. Base its decision on available hydraulic/hydrologic or site elevation data which demonstrates the likelihood the site is within or outside of the floodplain

SECTION 5.5 INTERPRETATION OF ZONING MAPS

5.5.1 DISTRICT BOUNDARY DETERMINATIONS

- A. District boundary lines on the maps are intended to follow lot lines, the center lines of roads, streets, alleys, highways and rights-of-way extended or lines parallel or perpendicular thereto; section, half-section, quarter-section, quarter-quarter-section or other fractional section lines of the United States public land surveys, as established by law; the Ordinary High Water Level (OHWL) of public water basins and public watercourses; or the corporate limits, all as they exist upon the effective date of this ordinance or changed by a specific amendment thereto.
- B. Where district boundaries are so indicated that they are approximately parallel to the center line of a street, alley, highway or right of way, such district boundary shall be construed as being parallel thereto and at such distance there from as indicated on the maps. If no distance is given, it shall be determined by the Environmental Services Department using the maps and other available information.

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The location of such boundaries shall not be affected by any future widening or realignment of the adjacent streets or highways unless provisions are made therefore by amendment to this ordinance.

- C. Where district boundaries cross property that is not subdivided, and other provisions herein are applicable, the location of the district line shall be determined by use of the scale on said map.
- D. Where a zoning district boundary line divides a parcel of land or lot which was of record into two or more districts, any portion of such divided lot lying within fifty (50) feet of either side of the dividing district boundary line may be used for any use permitted in either district. If however, the distance exceeds fifty (50) feet, the entire area of the separated portions shall only be used for the uses allowed within their respective zoning districts
- E. Whenever any street, alley or other public right of way is legally vacated by official action of the County or Township and recorded in the Dodge County Recorder's Office, the zoning district on each side of such street, alley or public way shall automatically be extended to the center line.

SECTION 5.6 APPEALS OF DISTRICT BOUNDARIES

Appeals from the Department's determination of the exact location of district boundary lines shall be heard by the Board of Adjustment under the processes defined for Appeals in Chapter 18 of the Ordinance. A judgment by the Commissioner of Natural Resources may also be sought in the event that agreement relative to precise location of shoreland and flood plain district boundaries cannot be obtained.