

Section 5 - Classification of Districts and District General Provisions

A. Districts

For the purpose of this Ordinance, Watonwan County is hereby divided into the following Zoning Districts as shown on the Official Zoning Map:

1. Agricultural District “A”
2. Rural Residential District “R-1”
3. General Business District “B”
4. General Industry District “I”

B. Overlay Zoning District

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 Watonwan County’s Overlay Districts:

<u>Symbol</u>	<u>Name</u>
SH	Shoreland District
FP	Flood Plain District

1. Shoreland Classification System

The public waters of Watonwan County have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for Watonwan County, Minnesota.

a. Protected Basins:

<u>PWI ID</u>	<u>PWI Name</u>	<u>Alternate Name</u>	<u>Shoreland Class</u>
17-0001	Unnamed		NE
83-0005	Unnamed	Siegs Slough	NE
83-0010	Case		NE
83-0014	Johnson’s Marsh		NE
83-0019	School	Wilson	NE
83-0020	Bergdahl		NE
83-0021	Fedji		NE

83-0032	Unnamed		NE
83-0033	Bullhead		NE
83-0035	Mary		NE
83-0036	Kansas		RD
83-0037	Unnamed		NE
83-0040	Long		RD
83-0042	Unnamed		NE
83-0043	St. James		RD
83-0049	Mulligan Marsh	Mulligan's Marsh	NE
83-0050	Mud		NE
83-0051	Sulem		NE
83-0053	School		NE
83-0054	Irish		NE
83-0055	Ewy		NE
83-0056	Butterfield		NE
83-0058	Cottonwood		NE
83-0060	Wood		NE

NE = Natural Environment

RD = Recreational Development

b. Protected Watercourses:

Agricultural Rivers

<u>Name</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
Watowan River	31	107	33	36	107	30
North Fork Watowan River (NFWR)	7	107	33	14	107	32
			Confluence with Watowan R. in			
South Fork Watowan River (SFWR)	19	105	33	34	105	33
			Confluence with Watowan R. in			
SFWR also	35	105	33	29	107	30

c: Tributary:

This classification applies to all remaining non-classified protected watercourses in Watowan County as shown on the Protected Waters Inventory Map, a copy which is hereby adopted by reference.

C. Zoning Map

The location and boundaries of the districts established by this Ordinance are hereby set forth on the zoning maps, and said maps are hereby made a part of this Ordinance. Said maps shall be known as the “County Zoning Maps.” Said maps, consisting of sheets and all notations, references and data shown thereon are hereby incorporated by reference into this Ordinance and shall be as much a part of it as if all were fully described herein. It shall be the responsibility of the Zoning Administrator to maintain said maps and amendments thereto shall be recorded on said Zoning Maps within forty-five (45) days after official adoption and publication of such amendments. The official Zoning Maps shall be kept on file in the Zoning Administrator’s office.

D. General District Provisions

1. Soils Data

The following may be required on all site plans which are submitted to the Watonwan County Planning Commission in conjunction with requirements set forth in this Ordinance.

Soil types and the characteristics and recommendations of those types in relation to the intended use, as stated in any applicable soil survey prepared for Watonwan County or any individual soil surveys compiled by the United States Department of Agricultural or Soil Conservation Service shall be utilized in evaluating proposed uses and on-site systems.

2. District Boundaries

The boundaries between districts are, unless otherwise indicated, the center lines of highways, roads, streets, alleys or railroad rights-of-ways or such lines extended or lines parallel or perpendicular thereto; or section, half-section, quarter-section, quarter-quarter-section or other fractional section lines of the United States public land surveys, as established by law. Where figures are shown on the Zoning Map between a road and a district boundary line, they indicate that the distance therefrom is equivalent to the number of feet so indicated.

3. Future Detachment

Any land detached from an incorporated municipality and placed under the jurisdiction of this Ordinance in the future shall be placed in the “A” Agricultural District until placed in another district by action of the Board of County Commissioners after recommendation of the County Planning Commission.

4. Uses Not Provided for in Zoning Districts

Whenever in any Zoning District a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such case, the County Board or Planning Commission, on their own initiative, upon the request of the property owner, may conduct a study to determine if the use is acceptable and, if so, what Zoning District would be most appropriate and the determination as to conditions and standards relating to the development of the use. The County Board and Planning Commission may initiate an amendment to the Zoning Ordinance, if appropriate, to provide for the particular use under consideration or shall find that the use is not compatible within certain Zoning District.

5. Appeals as to District Boundaries

Appeals from any administrative officer's determination of the exact location of district boundary lines shall be heard by the Board of Adjustment for a judgment as to the location of the district boundaries. 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.

6. Conditional Uses

Conditional uses require a Conditional Use Permit based on the procedures set forth in Section 13 of this Ordinance. Only those uses specified as Conditional Uses in each district shall be allowed unless a determination is made by the County Board that a request for a use differing from those allowed is reasonably related to the uses specified for the district and is also related to the overall needs of the County.

7. Dwelling Unit Restrictions

- a. No dwelling unit shall be less than twenty (20) feet in width at its narrowest side in any district except as provided for in the "A" District with the granting of a Conditional Use Permit for the placement of a second dwelling on an established farm.
- b. All manufactured homes shall be subject to and meet the construction, plumbing, electrical, and mechanical standards as prescribed by the State of Minnesota, U.S. Department of Housing and Urban Development, and the American National Standards Institute identified as ANSI A119.1 or the provision of the National Fire Protection Association identified as NFPA 01B and any revisions thereto and shall be certified to these standards by a seal affixed to the manufactured home.

8. Lot Size Requirements

Lot size requirements are specified under each zoning district. In addition, the following regulations shall be complied with:

- a. No use shall be established or hereinafter maintained on a lot recorded after the effective date of this Ordinance which is of less area or width than that prescribed for the Zoning District in which it is to be located.
- b. In areas not served by public water and sewer systems, all on-site facilities shall be required to conform to MPCA 7080 rules and Section 12 - Subdivision L of this Ordinance which address size, design, and location of systems.
- c. Where a proposed plat is submitted incorporating an extensive park area as an integral part of the subdivision, minimum lot area, frontage and width requirements for the district in which the plat is located may be reduced subject to conditions and approval of plans by the County Board. Land area taken from individual lots to create the park must be over and above the percent of total land area required for park purposes under the subdivision regulations.
- d. Single family homes may be excluded from lot area and setback requirements provided a Conditional Use Permit is issued under terms of a "planned development." Density zoning shall be interpreted to mean the permission of reduced lot area standards under conditions whereby the number of dwelling units permitted is not greater than permitted by the application of the regular provision of the district but with all land excluded from the lot area requirements added onto public open space.
- e. Public rights-of-way are not a part of the buildable lot area and therefore shall not be included as part of the minimum lot area required.
- f. In all districts, any split or conveyance of lands of 10 acres or less shall be accompanied by a certified survey of said lands unless the said lands were a separate parcel on the date of adoption of this ordinance. The parcel(s) created must consist of 10 acres in the same section. This is intended to include newly created, stand-alone parcels and land added to existing parcels. All such splits and conveyances should be approved by the Land Management office before being submitted for recording.

9. Yard Requirements

- a. Yard requirements are set forth under each Zoning District. In addition, the following requirements shall be complied with:

1. No required yard or other open space allocated to a building or dwelling group shall be used to satisfy yard, other open space or minimum lot area requirements for any other building.
 2. On a corner lot, nothing shall be placed or allowed to grow in such a manner as to impede vision between a height of two and one-half and ten (2 ½ and 10) feet of the intersecting right-of-way lines nor within forty (40) feet of the intersecting right-of-way lines, except agricultural crops.
 3. Agricultural stacks or bales such as corn, hay, straw or the like must be placed one hundred (100) feet or more from the right-of-way of any Township, County or State road or highway. If placed less than one hundred (100) feet, they will have to be moved by November 15 of the same year.
 4. No erosion control windbreak may be planted less than one hundred (100) feet from the right-of-way.
 5. New trees or shelter belt shall not be planted closer than two (2) rods from the right-of-way line nor within a radius of one hundred fifty (150) feet from the intersection of any road, highway or thoroughfare.
 6. In no event shall off-street parking space and structure cover more than sixty percent (60%) of the lot area.
 7. All inoperable farm machinery must be setback from the road right-of-way 150' or be placed behind farm buildings or screened in some acceptable manner so as to be out of view from the public road.
- b. The following shall not be considered to be encroachments on yard requirements:
1. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, mechanical devices, cornices, eaves, gutters, and the like, provided they do not extend more than two and one-half (2 ½) feet or off-street parking except as hereinafter regulated.
 2. Yard lights and nameplate signs for one and two family dwellings or lights for illuminating parking areas. Loading areas or yards for safety and security purposes may be located within five (5) feet of the front lot line.
 3. Fences which do not exceed three and one-half (3 ½) feet in height and terraces, steps, uncovered porches, stoops or similar structures which do not extend above the height of the ground floor level of the principal

building and extend to a distance of less than two (2) feet from any lot line.

4. Within side or rear yards, bays not to exceed a depth of two (2) feet nor to contain an area of more than twenty (20) square feet, fire escapes not to exceed a width of three (3) feet, fences and walls not to exceed a height of six (6) feet above grade and open off-street parking for three (3) or less vehicles may be located to within five (5) feet of the lot line.
 5. Within rear yard: balconies, accessory structures except that no structure shall be closer than eight (8) feet from the rear lot line, breezeways, detached outdoor picnic shelters and recreational equipment, except as regulated hereinafter.
 6. In side yards only: accessory structures except that no accessory structure shall be closer than five (5) feet from any side lot line.
 7. Where buildings exist on lots either side of a lot, with front yard setbacks that do not conform to this Ordinance, the setback for the lot of record shall be determined to be equal to a straight line drawn between the front yard setback lines of the two adjacent buildings. In such case, where there is a nonconforming setback on a building adjacent to one side of a lot of record and the lot on the other side is vacant, the setback of the nonconforming building plus one-half (1/2) the difference between the setback of the nonconforming building and the setback required by this Ordinance. However, in no case shall the setback required exceed that specified within the affected district.
- c. Through lots shall have a required front yard on each street.

10. Essential Services

- a. All pipelines, underground telephone lines, underground electric transmission lines and overhead electric transmission lines in excess of 33KV may be permitted in any use district, subject to the procedural requirements set forth in Section 21.
- b. Public utility buildings not considered industrial in use and for storage purposes shall be permitted uses in all zoning districts.