

Exhibit A Scott County Zoning Ordinance April 2005

CHAPTER 60: I-1, RURAL INDUSTRIAL DISTRICT

60-1 PURPOSE

This district is intended to allow industrial uses that are not water intensive and are compatible without municipal services in those areas having access to arterial roadways and/or rail transportation in locations specifically guided by the Scott County Comprehensive Plan.

60-2 PERMITTED USES

In addition to other uses specifically identified elsewhere in this Ordinance, the following are permitted uses in an I-1, Rural Industrial District:

1. Agricultural uses.
2. Railroad right-of-way.
3. Essential services – public or government utility uses.

60-3 PERMITTED ACCESSORY USES

In addition to other uses specifically identified elsewhere in this Ordinance, the following are permitted accessory uses in an I-1, Rural Industrial District:

1. Industrial accessory buildings and structures shall not exceed fifty (50) percent of the gross floor space of the principal building, except by conditional use permit. Accessory buildings shall not exceed the height of the principal building.
2. Fences as regulated by Section 4-3-10 of this Ordinance.
3. On-site loading as regulated by Chapter 5 of this Ordinance.
4. On-site parking as regulated by Chapter 5 of this Ordinance.
5. Outdoor parking of semi-tractor trailers.
6. Accessory use antennas and satellite dishes.
7. Signs as regulated by Chapter 11 of this Ordinance.
8. Outdoor storage within the industrial districts shall be an allowed accessory use under the following conditions:
 - a. The outdoor storage area occupies space other than a required front yard setback.
 - b. The outdoor storage area shall be fenced, screened and/or landscaped according to a plan in compliance with Section 4-4-1 of this Ordinance and subject to the approval of the Planning Department.
 - c. Subject to the approval of the Planning Department, the outdoor storage area is surfaced with crushed rock, crushed concrete, Class V, asphalt or concrete paving or other similar materials approved by the County Planning Department to control surface dust.

Exhibit A Scott County Zoning Ordinance April 2005

d. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences and shall be in compliance with Section 4-4-3 of this Ordinance.

e. The outdoor storage area shall not encroach upon required parking space or required loading space as required by this Ordinance.

f. The outdoor storage area shall not encroach into the required rear yard or side yard setback area if abutting a rural residential, residential suburban, or urban expansion district.

60-4 CONDITIONAL USES

In addition to other uses specifically identified elsewhere in this Ordinance, the following are conditional uses within the I-1, Rural Industrial District and require a conditional use permit based upon the procedures and criteria set forth in Section 2-6 of this Ordinance:

1. Accessory buildings larger than fifty (50) percent of the gross floor space of the principal building provided the accessory building does not exceed seventy (70) percent of the gross floor space of the principal building.
2. Auto, truck major repair, body shop.
3. Billboards as regulated by Chapter 11 of this Ordinance.
4. Bulk fuel storage.
5. Concrete mixing plant.
6. Contractor yard.
7. Essential services – public utility uses, transmission services, buildings and storage. Where essential services, utility, or transmission lines follow a public road corridor, the utility or transmission lines and/or support structures shall be located one (1) foot inside the public road right-of-way.
8. Fairs and fairgrounds.
9. Freight transportation terminal.
10. Grain terminal.
11. Indoor storage or garage rental.
12. Manufacturing, processing, packaging or assembly of products and materials.
13. Properties with more than one (1) principal structure provided that:
 - a. The property shall have a properly designed and sized private well and independent sewage treatment system to accommodate multiple principal structures.
 - b. Off-street parking and loading shall comply with the performance standards of Chapter 5 of this Ordinance.
 - c. The site shall be under single private ownership. The property owner shall be responsible for site operations and maintenance.
 - d. All buildings must meet the industrial building type and construction standards of Section 4-3-5 of this Ordinance.

Exhibit A Scott County Zoning Ordinance April 2005

- e. Any change of building occupancy or use may be grounds for conditional use permit review to determine if the site remains in compliance with the performance standards of this Ordinance.
- 14. Office and office building.
- 15. Railroad yard.
- 16. Recycling center.
- 17. Security structure. A dwelling unit for security accessory to the principal use of the site provided the dwelling unit is part of the principal structure and the dwelling unit complies with all applicable building and fire codes.
- 18. Salvage yard.
- 19. Sanitary or demolition landfill.
- 20. Solid and hazardous waste transfer station.
- 21. Solid waste processing facility.
- 22. Warehousing.
- 23. Wholesaling.
- 24. Yard and tree waste composting site.

60-5 INTERIM USES

In addition to other uses specifically identified elsewhere in this Ordinance, the following are interim uses within the I-1, Rural Industrial District and require an interim use permit based upon the procedures and criteria set forth in Section 2-7 of this Ordinance.

- 1. Mining as regulated by Chapter 10 of this Ordinance.

60-6 USES BY ADMINISTRATIVE PERMIT

In addition to other uses specifically identified elsewhere in this Ordinance, the following are uses allowed by administrative permit within the I-1, Rural Industrial District and require an administrative permit based upon the procedures and criteria set forth in Section 2-8 of this Ordinance:

- 1. Wireless communication antennas, towers, and related antenna accessory buildings, as regulated by Chapter 13 of this Ordinance.
- 2. Sales, rental or display (indoor and outdoor) as an accessory use in association with an allowed principal use provided that:
 - a. The area so occupied shall not exceed thirty (30) percent of the principal building.
 - b. No storage of display of merchandise shall be permitted in required rear, side or front yards.
 - c. The outdoor sales, rental or display area shall be included in the calculations for parking spaces required for the use and shall not occupy space required for parking as stipulated by Section 4-4-5 of this Ordinance, except as may be exempted for cause by the Planning Department.

Exhibit A Scott County Zoning Ordinance April 2005

3. Temporary structures.
 - a. The temporary structure may be utilized for not more than thirty (30) consecutive calendar days.
 - b. Temporary structures may be used for three (3) events during a calendar year.
 - c. Certificate of insurance may be required as part of the administrative permit.
4. Wind energy conversion systems (WECS), as regulated by Chapter 12 of this Ordinance.

60-7 DISTRICT PERFORMANCE STANDARDS

The following performance standards shall be observed in an I-1, Rural Industrial District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

1. Platting Required. No building shall be constructed on unplatted, I-1 zoned property, except for the addition of accessory structures or additions to existing buildings.
2. Lot Size: A minimum of two and one-half (2.5) acres.
3. Lot Width: Two hundred (200) feet at the minimum building setback and extending to the location of the principal building.
4. Front Yard Setback: One hundred fifty (150) feet from the centerline of a County road or one hundred (100) feet from the County road right-of-way whichever is greater. One hundred (100) feet from the centerline of a local public street.
5. Side Yard Setback: Twenty (20) feet or the height of the building, whichever is greater, or on corner lot, see Front Yard Setback. One hundred fifty (150) feet from an existing rural residential, residential suburban, or urban expansion district.
6. Rear Yard Setback: Thirty (30) feet. One hundred fifty (150) feet from an existing rural residential, residential suburban, or urban expansion district.
7. Building Height: Forty-five (45) feet.
8. Impervious Lot Coverage: No more than seventy-five (75) percent of the lot.
9. Service Streets: Uses fronting on a collector or arterial street shall have a paved service street to provide access to the collector or arterial street at specified intersections.

Exhibit A Scott County Zoning Ordinance April 2005

CHAPTER 50: C-1, GENERAL COMMERCIAL DISTRICT

50-1 PURPOSE

The purpose of this District is to provide an area that will allow general retail service and other commercial uses within available service capabilities and in a manner compatible with the surrounding area.

50-2 PERMITTED USES

In addition to other uses specifically identified elsewhere in this Ordinance, the following are permitted uses in a C-1, General Commercial District:

1. Agricultural use.
2. Essential services – public or government utility uses.
3. Railroad right-of-way.

50-3 PERMITTED ACCESSORY USES

In addition to other uses specifically identified elsewhere in this Ordinance, the following are permitted accessory uses in a C-1, General Commercial District:

1. Commercial accessory buildings shall not exceed thirty (30) percent of the gross floor space of the principal building, except by conditional use permit. Accessory buildings shall not exceed the height of the principal building.
2. Fences as regulated by Section 4-3-10 of this Ordinance.
3. On-site loading as regulated by Chapter 5 of this Ordinance.
4. On-site parking as regulated by Chapter 5 of this Ordinance.
5. Accessory use antennas or satellites and dishes.
6. Signs as regulated by Chapter 11 of this Ordinance.

50-4 CONDITIONAL USES

In addition to other uses specifically identified elsewhere in this Ordinance, the following are conditional uses within the C-1, General Commercial District and require a conditional use permit based upon the procedures and criteria set forth in Section 2-6 of this Ordinance.

1. Accessory buildings larger than thirty (30) percent of the gross floor space of the principal building provided the accessory building does not exceed seventy (70) percent of the gross floor space of the principal building.
2. Animal hospital.
3. An animal kennel is permitted as a use accessory to the veterinary clinic provided that:
 - a. The number of animals boarded shall not exceed twenty (20).
 - b. An indoor exercise area shall be provided to accommodate the

Exhibit A Scott County Zoning Ordinance April 2005

- periodic exercising of animals boarded at the kennel. No outdoor exercising of animals shall be permitted.
- c. A ventilation system shall be designed so that no odors or organisms will spread between wards or to the outside air and will be capable of completely exchanging internal air at a rate of at least twice per hour. Air temperature must be maintained between sixty and seventy-five (60 – 75) degrees Fahrenheit.
 - d. A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals.
 - e. Indoor animal kennel floors and walls shall be made of non-porous materials or sealed concrete to make it non-porous.
 - f. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.
 - g. All State Health Department and Minnesota Pollution Control Agency requirements for such facilities are met.
- 4. Auction house, second hand store, and flea market.
 - 5. Auto, farm implements, heavy equipment, truck and recreational vehicle sales, rental and/or service. Outdoor sales/rental lot provided:
 - a. Sales area is delineated with a paved surface. No sales display or storage shall occur outside the delineated sales area.
 - b. Sales lot must be accompanied with a building having a minimum floor area of one thousand (1,000) square feet.
 - c. All lighting must comply with Section 4-4-3 of this Ordinance.
 - d. All sales items shall meet the off-street parking setbacks of Section 5-1-4 of this Ordinance.
 - e. The sales lots shall be landscaped in accordance with Section 4-4-1 of this Ordinance.
 - 6. Day care center.
 - 7. Essential services – governmental uses, building and storage.
 - 8. Essential services – public utility uses, transmission services, building and storage. Where essential services, utility or transmission lines follow a public road corridor, the utility or transmission line and/or support structure shall be located one (1) foot inside the public road right-of-way.
 - 9. Feed mills not to include a grain terminal.
 - 10. Indoor storage space or garage rental.
 - 11. Lumber yard.
 - 12. Motor vehicle fuel sales and service provided that:
 - a. Pump islands and canopies shall be set back a minimum of fifty (50) feet from public road rights-of-way.
 - b. When adjacent to residential property, there shall be a landscape screen in accordance with Section 4-4-1 of this Ordinance.
 - c. All areas utilized for the storage of solid waste trash, debris,

Exhibit A Scott County Zoning Ordinance April 2005

discarded parts, used tires or batteries, and similar items shall be fully screened from adjacent properties and public roads. All structures and grounds shall be maintained in an orderly, clean and safe manner.

d. The storage/display of tires, batteries, and other such items for sale outside the building shall be displayed in specially designated racks and containers and be limited to areas as determined by the conditional use permit.

e. The motor vehicle service station shall comply with all local County, State, and Federal licensing regulations.

f. All exterior lighting is to be directed so as not to cast glare toward or onto the public right-of-way or adjacent properties in accordance with Section 4-4-3 of this Ordinance.

g. Business activities not listed in the definition of motor vehicle service stations in this Ordinance and not incidental to the business are not permitted on the premises of a motor vehicle service station unless a conditional use permit or license is obtained specifically for such business. Such activities include, but are not limited to, rental of vehicles, equipment, or trailers, general retail sales and restaurant.

h. Gas pumps located at and as part of other types of business establishments shall require a conditional use permit.

13. Restaurants including fast food establishments.

14. Security structure. A dwelling unit for security purposes accessory to the principal use of the site provided the dwelling unit is part of the principal building and the unit complies with all applicable building and fire codes.

15. Truck stop.

50-5 INTERIM USES

In addition to other uses specifically identified elsewhere in this Ordinance, the following are interim uses within the C-1, General Commercial District and require an interim use permit based upon the procedures and criteria set forth in Section 2-7 of this Ordinance:

1. Mining as regulated by Chapter 10 of this Ordinance.
2. Private campground.

50-6 USES BY ADMINISTRATIVE PERMIT

In addition to other uses specifically identified elsewhere in this Ordinance, the following are uses allowed by administrative approval within the C-1, General Commercial District and require an administrative permit based upon the procedures and criteria set forth in Section 2-8 of this Ordinance:

1. Indoor commercial recreation limited to bowling, billiards, and skating rinks.

Exhibit A Scott County Zoning Ordinance April 2005

2. Offices and professional buildings.
3. Open outdoor sales, rental or display as an accessory use in association with an allowed principal use provided that:
 - a. The area so occupied shall not exceed thirty (30) percent of the principal building.
 - b. No storage of display of merchandise shall be permitted in required rear, side or front yards.
 - c. The outdoor sales, rental or display area shall be included in the calculations for parking spaces required for the use and shall not occupy space required for parking as stipulated by Chapter 4-4-5 of this Ordinance, except as may be exempted for cause by the Planning Department.
4. Park and ride facilities.
5. Wireless communication antennas, towers and related antenna accessory buildings located upon an existing structure or tower or temporary mobile tower, as regulated by Chapter 13 of this Ordinance.
6. Retail commercial establishment to include, but not be limited to:
 - a. Retail establishments such as groceries, hardware, drug, clothing, and furniture stores, eating and drinking places, convenience store and on-sale liquor establishments.
 - b. Personal services such as laundry, barber, shoe repair shop, and photography studios.
 - c. Professional services such as medical and dental clinics, architects and attorneys offices.
 - d. Repair services such as jewelry and radio and television repair shops.
 - e. Finance, insurance and real estate services.
7. Temporary, outdoor promotional events and sales.
 - a. The event shall not exceed fourteen (14) consecutive calendar days.
 - b. No more than three (3) events per calendar year per site.
 - c. A certificate of insurance may be required as part of the administrative permit.
8. Temporary structures.
 - a. The temporary structure may be utilized for not more than thirty (30) consecutive calendar days.
 - b. Temporary structures may be used for three (3) events during a calendar year.
 - c. A certificate of insurance may be required as part of the administrative permit.
9. Wind energy conversion systems (WECS), as regulated by Chapter 12 of this Ordinance.

50-7 DISTRICT PERFORMANCE STANDARDS

The following performance standards shall be observed in a C-1, General

Exhibit A Scott County Zoning Ordinance April 2005

Commercial District, subject to additional requirements, exceptions and modifications set forth in this Ordinance:

1. Platting Required. No building shall be constructed on unplatted property, except for the addition of accessory structures or additions to existing buildings.
2. Lot Size: A minimum of two and one-half (2.5) acres.
3. Lot Width: A minimum of two hundred (200) feet at the minimum building setback line and extending to the location of the principal building.
4. Front Yard Setback: One hundred fifty (150) feet from the centerline of a County road or one hundred (100) feet from the County road right-of-way, whichever is greater. One hundred (100) feet from the centerline of a local public street.
5. Side Yard Setback: Twenty (20) feet, or on corner lot, see Front Yard Setback. One hundred fifty (150) feet from an existing rural residential, residential suburban, or urban expansion district.
6. Rear Yard Setback: Thirty (30) feet. One hundred fifty (150) feet from an existing rural residential, residential suburban, or urban expansion district.
7. No structure shall be located within an easement.
8. Building Height: Forty-five (45) feet.
9. Impervious Lot Coverage: No more than seventy-five (75) percent of the lot.
10. Service Streets. Uses fronting on a collector or arterial street shall have a paved service street to provide access to the collector or arterial street at specified intersections.

Exhibit A Scott County Zoning Ordinance April 2005

CHAPTER 32: UBR, URBAN BUSINESS RESERVE DISTRICT

32-1 PURPOSE

This District is intended to preserve land in those areas of Scott County identified in its Comprehensive Plan for the logical extension of urban commercial and industrial land uses served by public utilities. This district is intended to preserve a very low density rural environment until such time as the land is needed for future urban commercial or industrial use and public utilities are available. This district is also meant to perform the following functions:

1. To conserve land in a viable economic status until such time as public utilities are available and the site may accommodate intense urban commercial or industrial land uses.
2. To reduce the possibility of urban/rural land use conflicts in both the use of the land and future extension of public utilities and other infrastructure items.
3. The ultimate land use may change with the introduction of utilities and annexation of the land by an adjoining city.

32-2 PERMITTED USES

In addition to other uses specifically identified elsewhere in this Ordinance, the following are permitted uses in an UBR, Urban Business Reserve District:

1. Agricultural uses and buildings as defined by this Ordinance.
2. Drainage system, flood control and watershed structure, and erosion control device meeting all County, State and Soil and Water Conservation District standards.
3. Essential services – public or government utility uses.
4. Feedlots – new or expanding operations of less than two hundred fifty (250) animal units, as regulated by Chapter 9 of this Ordinance.
5. Limited livestock raising, as regulated by Chapter 9 of this Ordinance.
6. Forest and game management area.
7. Private stable in compliance with the animal unit density as regulated by Chapter 9 of this Ordinance.
8. Public parks, public campgrounds, public recreation areas and historic monuments.
9. Railroad right-of-way.
10. Residential care facility serving six (6) or fewer persons in a single family detached dwelling.
11. Single family detached dwellings

32-3 PERMITTED ACCESSORY USES (*Amended 2/24/04 Resolution # 2004-029*)

In addition to other uses specifically identified elsewhere in this Ordinance, the following are permitted accessory uses in an UBR, Urban Business Reserve

Exhibit A Scott County Zoning Ordinance April 2005

District:

1. Accessory uses, buildings and structures customarily incidental and directly related to the uses allowed as permitted, conditional, interim, and administrative permit in this Section, subject to applicable regulation of this Ordinance.
2. Boarding or renting of rooms to not more than four (4) individuals per principal dwelling.
3. Day care facilities serving twelve (12) or fewer persons in a single family detached dwelling.
4. Fences as regulated by Section 4-3-10 of this Ordinance.
5. Play and recreational facilities, only accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests, except as otherwise permitted.
6. Private garages and on-site parking and on-site loading as regulated by Section 4-4-5 of this Ordinance.
7. Recreational vehicles and equipment parking and storage for private use of the property owner/occupant.
8. Accessory antennas and satellites dishes for private use.
9. Signs as regulated by Chapter 11 of this Ordinance.
10. Temporary roadside stand for sale of in season agricultural products planted and completely grown on the premises.
11. Sale of agricultural seed accessory to an ongoing farming operation.

32-4 CONDITIONAL USES (*Amended 2/24/04 Resolution # 2004-029*)

In addition to other uses specifically identified elsewhere in this Ordinance, the following are conditional uses in an UBR, Urban Business Reserve District and require a conditional use permit based upon procedures and criteria set forth in and regulated by Section 2-6 of this Ordinance:

1. Agriculturally related machine shop.
2. Animal hospital.
3. Bed and breakfast inn as regulated by Chapter 7 of this Ordinance.
4. Commercial bulk liquid storage having a capacity of ten thousand (10,000) gallons or more of oil, gasoline, liquid fertilizer, chemicals, and similar liquids.
5. Commercial livestock experiment station.
6. Commercial nursery or greenhouse operation.
7. Essential services – governmental uses, buildings and storage.
8. Essential services – public utility uses, transmission services, buildings, and storage. Where essential services, utility or transmission lines follow a road corridor, the utility or transmission line or support structures shall be located one (1) foot inside the public road right-of-way.
9. Farm equipment sales, excluding individual farm auctions.
10. Feedlots – expanding operations having two hundred fifty (250) or more animal units, as regulated by Chapter 9 of this Ordinance.

Exhibit A Scott County Zoning Ordinance April 2005

11. Feedlots – new operations having fifty (50) or more animal units, provided they are located one (1) mile or more from a city boundary, as regulated by Chapter 9 of this Ordinance.
11. Private horse riding arena as regulated by Chapter 9-3-2.
12. Towers in excess of thirty-five (35) feet in height, provided they do not exceed one hundred fifty (150) feet in height.

32-5 INTERIM USES

In addition to other uses specifically identified elsewhere in this Ordinance, and subject to applicable provisions of this Section, the following are interim uses in the UBR, Urban Business Reserve District, and are further governed by Section 2-7 of this Ordinance:

1. Dog kennels serving five (5) to twenty-five (25) dogs.
2. Private campgrounds, parks or playfields.
3. Fish and frog farm/hatchery.
4. Home extended businesses as regulated by Chapter 8 of this Ordinance.
5. Mining as regulated by Chapter 10 of this Ordinance.
6. Portable asphalt mixing plants.
7. Specialized housing as identified in Chapter 7 of this Ordinance.

32-6 USES BY ADMINISTRATIVE PERMIT

In addition to other uses specifically identified elsewhere in this Ordinance, and subject to applicable provisions of this Section, performance standards established by this Chapter, and processing requirements of Section 2-8 of this Ordinance, the following are uses allowed in an UBR, Urban Business Reserve District by administrative permit as may be issued by the Planning Department:

1. Wireless communication antennas and related antenna accessory buildings located upon a public or quasi-public structure or existing tower as regulated by Chapter 13 of this Ordinance.
2. Grading permits.
3. Home occupations as regulated by Chapter 8 of this Ordinance.
4. Wind energy conversion systems (WECS), as regulated by Chapter 12 of this Ordinance.

32-7 DISTRICT PERFORMANCE STANDARDS

The following performance standards shall be observed in an UBR, Urban Business Reserve District subject to the additional requirements, exceptions, and modifications set forth in this Ordinance.

1. Density: One (1) dwelling unit per forty (40) acres of land or quarterquarter section.
2. Lot Size: Forty (40) acres or quarter-quarter section.
3. Lot Width: For lots of record established prior to March 2, 1996, six hundred (600) feet measured at the building site. For lots created after

Exhibit A Scott County Zoning Ordinance April 2005

March 2, 1996, six hundred (600) feet shall be maintained at the minimum front yard setback and extending to the location of the principal building.

4. Front Yard Setback: One hundred fifty (150) feet measured from the centerline of a public road or one hundred (100) feet from the public road right-of-way, whichever is greater. One hundred (100) feet from the centerline of a local street, or sixty-seven (67) feet from the local public street right-of-way, whichever is greater. On lots less than two (2) acres, thirty-five (35) feet from the road right-of-way on a local street, one hundred (100) feet from the right-of-way on other public roads.

5. Side Yard Setback: Thirty (30) feet. On lots of record less than two (2) acres, fifteen (15) feet. On corner lots, the side yard setback abutting the road shall be the same as the front yard setback.

6. Rear Yard Setback: Sixty (60) feet. On lots of record less than two (2) acres, thirty (30) feet.

7. Principal Building Height Maximum: Thirty-five (35) feet.

8. Impervious Lot Coverage: No more than twenty-five (25) percent of the lot.

9. Accessory Building Setbacks:

a. For lots two (2) acres or greater in area, accessory buildings shall meet the principal building setbacks.

b. For lots less than two (2) acres in area, accessory structures shall maintain the following setbacks:

(1) Interior Side Yard: Five (5) feet.

(2) Rear Yard: Eight (8) feet.

10. No structure shall be located within an easement.

11. Accessory Building Area and Height:

a. Detached garages, buildings, and additional accessory structures, individual and combined, shall be subject to the maximums listed in the following table.

Exceptions.

(1) Existing or proposed agricultural buildings currently used for agricultural purposes, as verified by the Planning Department.

(2) Existing agricultural buildings previously used for agricultural purposes shall not be included in area calculation requirements of this table, unless they are suitable for use as garages or residential accessory structures (such as a machine shed), as determined by the Planning Department.

Lot Size	Maximum Building Area	Maximum Building Height
Less than 1 acre	1,000 square feet	15 feet
1 – 1.99 acres	1,600 square feet	18 feet
2 – 4.99 acres	2,000 square feet	18 feet
5 – 7.99 acres	2,600 square feet	20 feet
8 – 9.99 acres	3,200 square feet	20 feet

Exhibit A Scott County Zoning Ordinance April 2005

10 – 19.99 acres	4,000 square feet	24 feet
20 – 39.99 acres	5,000 square feet	24 feet

b. Outside wall dimensions will be used to determine maximum building area, except where a roof projects out greater than two (2) feet from the side wall, roof area will be used to determine maximum building area.

12. Service Streets. Uses fronting on an arterial street shall have a service street to provide access to the arterial street at specified intersections.

13. A lot of record of less than ten (10) acres created by an instrument and recorded in the Office of the County Recorder on or before October 29, 1971 that can meet all other minimum lot requirements and standards of this Ordinance shall be considered buildable subject to normal building permit requirements. Lots of record more than ten (10) acres and less than forty (40) acres created by an instrument and recorded in the Office of the County Recorder on or before January 4, 1977 that can meet all other minimum lot requirements and standards of this Ordinance shall be considered buildable subject to normal building permit requirements.

Exhibit A Scott County Zoning Ordinance April 2005

CHAPTER 10: MINING

10-1 PURPOSE

The purpose of this Section is to control mining operations so as to minimize conflicts with adjacent land uses and to ensure that the mining area is reclaimed with a use compatible with the Comprehensive Land Use Plan and completely restored at the completion of the mining operation.

10-2 ADMINISTRATION

1. Permit Review. An interim use permit shall be required for all mining operations. All existing operations shall obtain a permit within five (5) years following adoption of this Ordinance. The County Board may also require a performance bond or some other form of financial guarantee from the landowner to ensure that the conditions in this Section are met.
2. Portable asphalt mixing plants may be allowed without a public hearing before the Planning Advisory Commission in all applicable districts if an interim use permit is already approved for the gravel pit in which it will be located, and providing the portable asphalt mixing plant is to be operated for a maximum two hundred forty (240) hours annually, unless an extension is approved. The applicant shall apply to the Planning Department to locate a portable asphalt mixing plant in the gravel pit. Issuance of the permit requires a Township Board recommendation and approval of the County Board. Conditions of the permit shall consist of, but not be limited to, pollution control standards, hours of operation, setbacks, haul roads, area where plant is to be located, slopes, etc. Neighboring property owners within one-quarter (1/4) mile shall be notified of the County Board meeting at which the permit application will be considered.
3. The operations covered by this Section shall be the mining, crushing, washing, refining, or processing of sand, gravel, rock, black dirt, peat, and soil and the removal thereof from the site.
4. For the purposes of this Chapter, mining shall not include the removal of materials associated with the construction of a building, the removal of excess materials in accordance with approved plats, utility or highway construction, agricultural improvements within the property, sod removal and wildlife ponds with resulting materials distributed on the immediate property.
5. Renewal of Mining Interim Use Permits. All property owners and residents within one quarter (1/4) mile of the mining operation shall be notified of a proposed mining interim use permit renewal request.
6. Annual Certificate of Permit Compliance. As a condition of any mining interim use permit, the property owner and/or applicant shall annually submit graphic and/or narrative information on the mining operation demonstrating compliance with the approved interim use permit, progress

Exhibit A Scott County Zoning Ordinance April 2005

on restoration plans, and related conditions. Said compliance information shall be submitted thirty (30) days prior to the anticipated opening date of the mine each spring. The Planning Department shall review the compliance information and conduct a field inspection to certify that the mining operation is in compliance with the approved interim use permit and financial guarantee or bonding are adequate to complete the restoration. The certification shall be completed before mining begins. Failure to submit the annual compliance information or violations of the interim use permit may be grounds for revocation of the interim use permit.

10-3 INFORMATION REQUIRED

The following information shall be provided by the person or agency requesting the permit:

1. Name and address of person or agency requesting the mining permit.
2. The legal property description and acreage of area to be mined.
3. The following maps of the entire site and including all areas within three hundred fifty (350) feet of the site. All maps shall be drawn at a scale of one (1) inch to one hundred (100) feet unless otherwise stated below.

Map A - Existing conditions to include:

- a. Contour map (two (2) foot intervals)
- b. Existing vegetation
- c. Wetlands and existing surface water drainage patterns
- d. Existing structures
- e. Existing wells

Map B - Proposed Operations to include:

- a. Structures to be erected
- b. Location of sites to be mined showing depth of proposed excavation
- c. Location of machinery to be used in the mining operation
- d. Location of storage of mined materials, showing maximum height of storage deposits
- e. Location of vehicle parking, access roads and local routes to truck routes
- f. Location of storage of explosives
- g. Staging of mining activity.
- h. Resource management plan.

Map C - End Use Plan to include:

- a. Final grade of proposed site showing elevations and contour lines at two (2) foot intervals
- b. Location and species of vegetation to be replanted
- c. Reclamation staging plan
- d. Proposed land use and development plan.

4. A plan for dust and noise control.
5. A complete description of all phases of the proposed operation to include an estimate of duration of the mining operation, location and

Exhibit A Scott County Zoning Ordinance April 2005

approximate acreage of each stage, and time schedule for reclamation.
6. Any other information requested by the Planning Department, Planning Advisory Commission and County Board.

10-4 PERFORMANCE STANDARDS

For mining operations approved after the date of adoption of this Ordinance:

1. **General Provisions.** Weeds and any other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance and to minimize seeding on adjacent property. All equipment used for mining and extraction operations shall be constructed, maintained and operated in a manner to minimize, as far as practical, noise, dust and vibrations adversely affecting the surrounding property.
2. **Water Resources.** The mining operation shall be conducted in such a manner as to minimize interference with the surface water drainage outside of the boundaries of the mining operation.
3. **Safety Fencing.** Safety fencing may be required around all or portions of the mining operation at the discretion of the County.
4. **Mining Access Roads.** The location of the intersection of mining access roads with any public roads shall be selected such that traffic on the access roads will have a sufficient distance of public road in view so that any turns onto the public road can be completed with a margin of safety as determined by the Planning Department.
5. **Screening Barrier.** To minimize problems of dust and noise and to shield mining operations from public view, a screening barrier may be required between the mining site and adjacent properties. A screening barrier may also be required between the mining site and any public road located within five hundred (500) feet of any mining or processing operation. The screening barrier shall be planted with a species of fast growing trees. The tree species must be approved by the Planning Department.
6. **Setback.** Processing of minerals shall not be conducted closer than one hundred (100) feet to the property line, nor closer than five hundred (500) feet to any residential structures.
 - a. Mining operations shall not be conducted closer than two hundred (200) feet to any residence or residential zoning district boundary existing on the approval date of the mining interim use permit.
 - b. Mining operations shall not be conducted closer than thirty (30) feet to any property line, or within thirty (30) feet of the right-of-way line of any existing or platted street, road or highway, except that excavating may be conducted within such limits in order to reduce the elevation thereof in conformity to the existing or platted street, road or highway engineering plans. Side slopes of the mining operation shall be in conformance with the site plan.

Exhibit A Scott County Zoning Ordinance April 2005

7. Appearance. All buildings, structures and equipment used for the production or processing of sand and gravel shall be maintained in such a manner as is practical and according to acceptable industrial practice to assure that such buildings, structures and equipment will not become dilapidated.

8. Hours of Operation. All hours of operation shall be set in the interim use permit as approved by the County.

9. Access Roads. All access roads from mining operations to public highways, roads or streets or to adjoining property, shall be paved or otherwise maintained to control dust.

10. Mining Operations Within the Shoreland District. Mining and processing operations shall be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs. This distance does not apply to water pumps needed for mining operations. However, appropriation of water shall require a permit from the Department of Natural Resources, Division of Waters, if necessary.

10-5 LAND RECLAMATION

All mining sites shall be reclaimed immediately after mining operations cease. Reclamation shall be completed within one (1) year. The following standards shall apply:

1. Within a period of three (3) months after the final termination of a mining operation, or within three (3) months after abandonment of such operation for a period of six (6) months, or within three (3) months after expiration of a mining permit, all buildings, structures and plants incidental to such operation shall be dismantled and removed by, and at the expense of, the mining operator last operating such buildings, structures and plants. An extension may be granted for those buildings, structures, machinery and plants required to process previously mined materials stored on the site. Security acceptable to the County shall be required. Such extension may apply for only one (1) year, after which said buildings, structures, machinery and plants shall be removed.

2. The peaks and depressions of the area shall be graded and back-filled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No finished slope shall exceed twenty (20) percent grade.

3. Reclamation shall begin after the mining of twenty-five percent (25%) of the total area to be mined or four (4) acres, whichever is less. Once these areas have been depleted of the mine deposit they shall be sloped and seeded in compliance with the end use plan.

4. Reclaimed areas shall be surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding, and to a depth of at least six (6) inches. The topsoil shall be seeded, sodded, or planted. Such planting shall adequately retard soil erosion.

Exhibit A Scott County Zoning Ordinance April 2005

5. The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site and shall be consistent with the end use plan.
6. The above standards may be modified to provide for unique conditions.