

ORDINANCE NO. 2007- 2

AN ORDINANCE AMENDING THE CLAY COUNTY LAND DEVELOPMENT  
ORDINANCE: ZONING & SUBDIVISION REGULATIONS

RECITALS

WHEREAS, Clay County has recently adopted a new Land Development Ordinance, identified as Ordinance 2005-1;

WHEREAS, the Clay County Board of Commissioners, upon recommendation of the Clay County Planning Commission, desires to modify the Clay County Land Development Ordinance: Zoning & Subdivision Regulations Ordinance 2005-1 as indicated herein, additionally repealing the Development Ordinance's existing language in the following sections, and substituting therefore the following language:

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE COUNTY OF CLAY, MINNESOTA HEREBY ORDAINS AS FOLLOWS:

1. SETBACKS FOR AGRICULTURAL SERVICE ESTABLISHMENTS

Currently the Code's language related to these setbacks reads as follows:

**8-6-12: STANDARDS FOR AGRICULTURAL SERVICE ESTABLISHMENTS:**

- A. **Setbacks:** All establishments shall be located to allow at least three hundred feet (300') between its property lines and any driveway affecting access to a farm dwelling or field and five hundred feet (500') from any nonfarm dwelling.

The following shall replace the current language in 8-6-12-A:

- A. *Setbacks: All establishments shall be located to allow at least three hundred feet (300') between its driveway and any driveway affecting access to a dwelling or farm field. All structures and activities (outdoor storage, corrals, etc) associated with the Agricultural Service Establishment shall be located at least five hundred feet (500') from any dwelling.*

2. SETBACKS FOR EXTRACTIVE USES

Currently the Code's language related to these setbacks in Clay County Code Section 8-6-16-B-3-1 reads as follows:

I. **Setbacks:** Structures, storage of excavated materials, and the excavation edge shall be setback the following distances:

- (1) One hundred feet (100') from the boundary of adjoining property lines, unless written

consent from the adjoining property owner is secured and a variance is granted from the Board of Adjustment.

(2) Two hundred feet (200') from the right-of-way of existing roads and highways.

(3) Three hundred feet (300') from the boundary of adjoining property lines on sites where dust, smoke and noise producing activities are being conducted.

(4) Five hundred feet (500') from the boundary of adjoining property upon which residences, schools, churches, public or commercial establishments are located.

(5) Two hundred feet (200') from the shoreline of any protected water.

(6) The operation shall be completely located outside of the one-hundred (100) year floodplain.

The following language shall replace the current language in 8-6-16-B-3-1-3 and 8-6-16-B-3-1-4:

**(3) One hundred feet (100') from the boundary of adjoining property upon which a residence, school, church, public or commercial establishment is located and a minimum of five hundred feet (500') from any structure used as a residence, school, church, public or commercial establishment.**

(Items 5 and 6 would be re-numbered as items four and five.)

### 3. PROVISIONS FOR PRIVATE STORAGE BUILDINGS

The following language shall be added to Section 8-5B as a new section. Further Table 5-1 shall be amended to indicate Private Storage building as a conditional use in the Shoreland Districts provided the following apply:

#### **PRIVATE STORAGE BUILDINGS**

**One private storage building may be allowed on a parcel which was legally created and which conforms to the lot standards and provisions of the zoning district in which it is located. Standards for private storage buildings are as follows:**

- 1) **The structure shall not be used as a residence**
- 2) **The structure shall not be serviced with sewer and/or water**
- 3) **The structure may be placed on either a temporary or permanent foundation**
- 4) **The structure's maximum square footage (foot print) is 5% of the total lot area or 1,500 square feet, whichever is less**
- 5) **Structure must meet all applicable setbacks for the zoning district in which it is located**
- 6) **The structure may not be used to house or support animals of any type**
- 7) **The structure cannot be used for any commercial and/or business uses including the storage of materials, vehicles or other items used for commercial or business purposes**
- 8) **May be located in Shoreland districts only**

- 9) The private storage building must be of a design and workmanship consistent with the surrounding area
- 10) A Conditional Use Permit is required.

4. PROVISIONS FOR SUNSET OF EXTRACTIVE USES


Section 8-6-16-B-5 of the Land Development Ordinance states the following:

5. Duration of permit. The duration of the conditional use permit shall not exceed five (5) years.

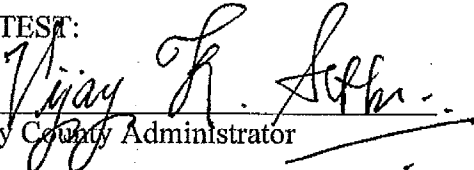
Section 8-6-16, B-5 shall be removed in its entirety.

IT IS HEREBY ORDINATED THAT the foregoing revisions be made to the Clay County Land Development Ordinance: Zoning and Subdivision Regulations.

Adopted by the Clay County Board of Commissioners October 2, 2007.

  
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Kevin Campbell  
Chairman, Clay County Board of Commissioners

ATTEST:

  
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Clay County Administrator