

Applicant

Blue Earth County
P.O. Box 3566
Mankato, MN 56002-3566

Request

Request for review and approval of an amendment to the Blue Earth County Code of Ordinances, Chapter 24 – Zoning Article III. The amendment addresses public road frontage and lot width requirements of newly created lots in the Agricultural and Conservation Zoning Districts and for consistency amends the height, yard and lot area, width, and depth regulations of all zoning districts.

Background and Statement of General Need

The current regulations of the Agricultural and Conservation Zoning Districts require 150 feet of frontage to all newly created lots. One possible motivation of the original ordinance may have been to dissuade the division of agricultural land, wood lots or other uncultivated tracts for the creation of building sites extending greater distances from public roads. The 150-foot requirement in some cases presents a hardship for the buyer due to purchasing the added acreage that may result. Additionally, the resulting parcels with 150 feet of road frontage, in some cases, may complicate rental agreements in situations where cropland is involved.

Proposed Amendments

1. To reduce the minimum road frontage and lot width in the Agricultural District from 150 feet to 33 feet.
2. To reduce the minimum road frontage and lot width in the Conservation District from 150 feet to 33 feet.
3. To amend the height, yard and lot area, width, and depth regulations of all zoning districts for consistency.

The ordinance amendment is shown in Attachment 1.

Land Use Plan

The Land Use Goal and Objectives section of the County Land Use Plan includes an implementation action that states: The County will assess the district standards (height, yard and lot area, width, and depth regulations) for all zoning districts.

Required Notices

The required public hearing notice was published in the Free Press on December 24, 2022. It was also mailed to all cities and townships in the county on December 23, 2022.

STAFF AND AGENCY REVIEW

Blue Earth County Public Works Department Review

In an email dated December 13, 2022, Public Works Director Ryan Thilges indicated his office adheres to the MnDOT Access Management Manual which requires a minimum of 100 feet between road access points. The purpose of the spacing is for traffic safety. Mr. Thilges further indicated that the driveway spacing criteria requirement in the MnDOT Access Management

Manual should also be referenced and that a requirement for a shared driveway should be included.

The amendment includes for all zoning districts a requirement that the property obtain access/driveway approval from the applicable road authority.

Findings

Staff has developed the following findings regarding the proposed amendments to the Blue Earth County Code of Ordinances: Chapter 24 – Zoning Article III. – District Regulations:

1. Minnesota Statute, Chapter 394.21 grants counties the authority to regulate land development by adopting and amending official controls.
2. The amendment will address the Land Use Goal and Objectives section of the Land Use Plan which includes the following implementation action: The County will assess the district standards (height, yard and lot area, width, and depth regulations) for all zoning districts.
3. The amendment addresses the height, yard and lot area, width, and depth regulations of all zoning districts for consistency of formatting and content.

Recommendation

Staff recommends approval of the proposed ordinance amendment to the Blue Earth County Code of Ordinances, Chapter 24 – Zoning Article III. The amendment addresses public road frontage and lot width requirements of newly created lots in the Agricultural and Conservation Zoning Districts and amends the height, yard and lot area, width, and depth regulations of all zoning districts for consistency. The amendment is shown in Attachment 1.

Attachments

Attachment 1 – Proposed Ordinance Amendment

Sec. 20-202. Lots.

- (a) The size, width, shape and orientation of lots and buildings setback line shall be appropriate for the type of development and use contemplated.
- (b) Residential lot dimensions are set forth in Chapter 24, pertaining to zoning, unless otherwise specified in this chapter.
- (c) Corner lots for residential use shall have additional width to permit appropriate building setback from, and orientation to, both streets.
- (d) Side lot lines shall be as near to right angles or radial to street lines as possible.
- (e) Every lot shall lie adjacent to a street, thus providing access for fire protection, utilities and other necessary services.
- (f) Newly created lot lines shall meet all required setbacks from existing buildings as specified by the zoning district in which the proposed lot is being created. Lot lines shall only be surveyed through buildings in planned unit developments when zero clearance lot lines are permitted by the zoning district in which the lot is being created.
- ~~(g) Flag lots or panhandle lots shall not be utilized to provide access to new vacant lots. Flag lots may be utilized as a means of preserving agricultural land when splitting off existing building sites where the setback distance from the road exceeds 250 feet. Such access must extend from the lot to a publicly dedicated road or highway, must be included as a portion of the lot, must be at least 33 feet wide, and may not be counted as buildable lot area.~~
- ~~(h)~~ (g) Lots shall contain the minimum buildable area as defined in this chapter. Lots used for residential uses shall contain a minimum buildable lot area of one acre. The required buildable area must be free from rights-of-way, waterways, easements, ravines or other physical features which would preclude use of the total lot area.
- ~~(h)~~ (i) Increase of minimum lot size may be required by the planning commission if determined to be necessary by the county sanitarian for on-site sewage treatment systems. A minimum of two suitable locations for a private septic system shall be identified on a residential lot before a building permit is issued.
- ~~(j)~~ (j) Alteration of property boundaries which increases land on an existing nonconforming property, but does not comply with the minimum area and dimension regulations, shall not require a variance if the property complies with the following:
 - (1) There is an occupied existing dwelling present on the subject property.
 - (2) A minimum of two soil treatment and dispersal areas that can support Type I systems as described in Minnesota Rules, Chapters 7080.2200 through 7080.2230 or site conditions described in 7081.0270, Sub. 3 are identified, or served by a municipal or cluster system.

Agricultural District

Sec. 24-113. Height, yard and lot area, width, and depth regulations.

- (a) *Access/Driveway.* The property shall obtain approval from the applicable road authority for proposed access/driveways.
- (b) *Bluff setback.* There shall be a bluff setback in the A district of not less than 30 feet from the top of the bluff and five feet from the toe of the bluff. ~~The zoning administrator may increase the setback if deemed necessary.~~ **If the adjacent bluff is actively eroding, the setback shall be subject to the requirements of Sec. 24-304.**
***Bluff setback.* There shall be a bluff setback in the A district of not less than 30 feet from the top of the bluff and five feet from the toe of the bluff. If the adjacent bluff is actively eroding, the setback shall be subject to the requirements of Sec. 24-304.**
- (c) *County ditch setback.* There shall be a setback of not less than 75 feet from the crown of all open county ditches or from the center of all sub-surface county drain tile to any building in the A district.
- (d) *Front yard regulations.* There shall be a front yard setback in the A district of not less than 130 feet from the centerline of all federal, state, county and county-state aid highways, except for divided highways which shall be 100 feet from the highway right-of-way line. There shall be a front yard setback of not less than 65 feet from the centerline of all other public rights-of-way and private roads. There shall be a front yard setback of not less than 32 feet, measured from the property line (exterior radius) of a cul-de-sac. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback from each road or highway abutting the corner lot.
- (e) *Height regulations.*
- (1) ~~No height limitation shall be imposed for agricultural buildings, except where hazardous conditions may result.~~
There are no height regulations for agricultural structures in the A district, except where hazardous conditions may exist (e.g., Airport Safety Zones).
- (2) No residential building, hereafter erected or altered, shall exceed 35 feet or ~~2½ stories~~ **two and one-half** in height.
No residential building, hereafter erected or altered, shall exceed 35 feet or two and one-half stories in height.
- (f) *Lot area regulations.* ~~Every lot plot or parcel of land on which a~~ **Every newly created lot or tract of land with an existing dwelling is, or on which a dwelling is to be** erected in the A district shall contain a contiguous buildable area of not less than one acre.
Every newly created lot or tract of land with an existing dwelling, or on which a dwelling is to be erected, in the A district shall contain a contiguous buildable area of not less than one acre.
- (g) *Lot frontage.* All newly created lots ~~or tracts of land~~ in the A district ~~with existing structures or that are intended for development~~ shall have at least ~~150~~ **33** feet of frontage adjacent to a publicly dedicated road, ~~except for flag lots as specified in chapter 20, article IV, the Blue Earth County Subdivision Ordinance.~~ **The minimum frontage width shall extend to the buildable area of the lot or tract and shall be free of steep slopes, bluff impact zones, wetlands, and protected water bodies.**
All newly created lots or tracts of land in the A district with existing structures or that are intended for development shall have at least 33 feet of frontage adjacent to a public road. The minimum frontage width shall extend to the buildable area of the lot or tract and shall be free of steep slopes, bluff impact zones, wetlands, and protected water bodies.
- ~~(h) *Lot width and depth regulations.* Every lot or plot of land on which a dwelling is to be erected in the A district shall have a minimum width of not less than 150 feet and a minimum depth of not less than 175 feet.~~
- (h) *Railroad right-of-way setback.* There shall be a setback of not less than 50 feet from the edge of a railroad right-of-way to any building to in the A district.

- (i) *Rear yard regulations.* There shall be a rear yard of not less than 50 feet to the dwelling or primary building in the A district. There shall be a rear yard of not less than ten feet for a detached accessory building in the A district.
- (j) *Setback from feedlots.* Residential dwellings in the A district shall set back as specified in chapter 6, article II, the Blue Earth County Livestock Manure Management Ordinance.
- (k) *Side yard regulations.* There shall be a side yard of not less than 50 feet on each side of a dwelling or primary building in the A district. There shall be a side yard of not less than ten feet ~~on each side of~~ for a detached accessory building in the A district.

There shall be a side yard of not less than 50 feet on each side of a dwelling or primary building in the A district. There shall be a side yard of not less than ten feet for a detached accessory building in the A district.

Conservation District

Sec. 24-138. Height, yard and lot area, width, and depth regulations.

- (a) *Access/Driveway.* The property shall obtain approval from the applicable road authority for proposed access/driveways.
- (b) *Bluff setback.* There shall be a bluff setback in the C district of not less than 30 feet from the top of the bluff and five feet to from the toe of the bluff. ~~The zoning administrator may increase the setback if deemed necessary.~~ *Bluff setback.* There shall be a bluff setback in the C district of not less than 30 feet from the top of the bluff and five feet from the toe of the bluff. If the adjacent bluff is actively eroding, the setback shall be subject to the requirements of Sec. 24-304.
- (c) *County ditch setback.* There shall be a setback of not less than 75 feet from the crown of all open county ditches or from the center of all sub-surface county drain tile to any building in the C district.
- (d) *Front yard regulations.* There shall be a front yard setback in the C district of not less than 130 feet from the centerline of all federal, state, county and county-state aid highways, except for divided highways which shall be 100 feet from the highway right-of-way line. There shall be a front yard setback of not less than 65 feet from the centerline of all other public rights-of-way and private roads. There shall be a front yard setback of not less than 32 feet, measured from the property line (exterior radius) of a cul-de-sac. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback from each road or highway abutting the corner lot.
- (d) *Height regulations in the C district.*
- (1) ~~No height regulation shall be required for agricultural buildings,~~ There are no height regulations for agricultural structures in the C district, except where hazardous conditions may result (e.g., Airport Safety Zones).
There are no height regulations for agricultural structures in the C district, except where hazardous conditions may exist (e.g., Airport Safety Zones).
- (2) No residential building, hereafter erected or altered, shall exceed 35 feet, or ~~2½ stories~~ two and one-half stories in height.
No residential building, hereafter erected or altered, shall exceed 35 feet, or two and one-half stories in height.
- (e) *Lot area regulations.* ~~Every lot or plot of land~~ Every newly created lot or tract of land with an existing dwelling, on which a dwelling is to be erected in the C district must ~~have~~ contain a contiguous buildable area of not less than one acre.
Every newly created lot or tract of land with an existing dwelling, or on which a dwelling is to be erected, in the C district shall contain a contiguous buildable area of not less than one acre.
- (f) *Lot frontage.* All newly created lots or tracts of land in the C district with existing structures or that are intended for development shall have at least ~~150~~ 33 feet of frontage adjacent to a publicly dedicated road. The minimum frontage width shall extend to the buildable area of the lot or tract and shall be free of steep slopes, bluff impact zones, wetlands, and protected water bodies.
All newly created lots or tracts of land in the C district with existing structures or that are intended for development shall have at least 33 feet of frontage adjacent to a public road. The minimum frontage width shall extend to the buildable area of the lot or tract and shall be free of steep slopes, bluff impact zones, wetlands, and protected water bodies.
- ~~(f) Lot width and depth regulations.~~ Every lot or plot of land on which a dwelling is to be erected in the C district shall have a minimum width of not less than 150 feet and a minimum depth of not less than 175 feet.
- (h) *Railroad right-of-way setback.* There shall be a setback of not less than 50 feet from the edge of a railroad right-of-way to any building to in the C district.

- (i) *Rear yard regulations.* There shall be a rear yard of not less than 50 feet to the dwelling or ~~the~~ primary building in the C district. There shall be a rear yard of not less than ten feet for a detached accessory building in the C district.
- (j) *Setback from feedlots.* Residential dwellings in the C district shall set back as specified chapter 6, article II, the Blue Earth County Livestock Manure Management Ordinance.
- (k) *Side yard regulations.* There shall be a side yard of not less than 50 feet on each side of a dwelling or primary building in the C district. There shall be a side yard of not less than ten feet for a detached accessory building in the C district.

Rural Residence District

Sec. 24-163. Height, yard and lot area, width, and depth regulations.

- (a) *Access/Driveway.* The property shall obtain approval from the applicable road authority for proposed access/driveways.
- (b) *Bluff setback.* There shall be a bluff setback in the RR district of not less than 30 feet from the top of the bluff and five feet from the toe of the bluff. ~~The zoning administrator may increase the setback if deemed necessary.~~ **If the adjacent bluff is actively eroding, the setback shall be subject to the requirements of Sec. 24-304.**
***Bluff setback.* There shall be a bluff setback in the RR district of not less than 30 feet from the top of the bluff and five feet from the toe of the bluff. If the adjacent bluff is actively eroding, the setback shall be subject to the requirements of Sec. 24-304.**
- (c) *County ditch setback.* There shall be a setback of not less than 75 feet from the crown of all open county ditches or from the center of all sub-surface county drain tile to any building in the RR district.
- (d) *Front yard regulations.* There shall be a front yard setback in the RR district of not less than 130 feet from the centerline of all federal, state, county and county-state aid highways, except for divided highways which shall be 100 feet from the highway right-of-way line. There shall be a front yard setback of not less than 65 feet from the centerline of all other public rights-of-way and private roads. There shall be a front yard setback of not less than 32 feet, measured from the property line (exterior radius) of a cul-de-sac. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback from each road or highway abutting the corner lot.
- (1) Variances from the required front yard setback will not be required under the following circumstances: Any construction on a developed property must not encroach closer to the centerline of the road than an existing structure on that property. New structures being proposed on a vacant piece of property must not be constructed closer to the roadway centerline than existing structures on properties immediately adjacent to either side of the vacant property. Planning and zoning staff may require verification from the county engineer that proposed construction will not create hazards to the traveling public before issuing a construction permit as outlined in this section.
- (2) A variance will be required if any construction is proposed closer to the centerline of an existing road than ~~an~~ adjacent properties except as permitted in this section.
A variance will be required if any construction is proposed closer to the centerline of an existing road than adjacent properties except as permitted in this section.
- (e) *Height regulations.* No building hereafter erected or **structurally** altered in the RR district shall exceed two and one-half stories or 35 feet in height. Accessory buildings sidewall dimensions must not exceed 16 feet in height.
No building hereafter erected or structurally altered in the RR district shall exceed two and one-half stories or 35 feet in height. Accessory buildings sidewall dimensions must not exceed 16 feet in height.
- (f) *Impervious surfaces of lot.* Not more than 40 percent of the lot area shall be covered by impervious surfaces.
- (g) *Lot area regulations.* Every ~~lot or plot~~ **newly created lot or tract** of land ~~on which a dwelling is erected in the~~ **with an existing dwelling, or on which a dwelling is to be erected, in the** RR district shall contain a buildable area of not less than one acre.
Every newly created lot or tract of land with an existing dwelling, or on which a dwelling is to be erected, in the RR district shall contain a contiguous buildable area of not less than one acre.
- (h) *Lot coverage.* Not more than 25 percent of the lot area ~~in the RR district~~ shall be covered by ~~all~~ buildings.
Not more than 25 percent of the lot area in the RR district shall be covered by buildings.
- (i) *Lot frontage.* All newly created lots ~~or tracts~~ in the RR district shall have at least 125 feet of frontage adjacent to a publicly ~~dedicated~~ road.

All newly created lots or tracts in the RR district shall have at least 125 feet of frontage adjacent to a public road.

(j) ~~Lot width and depth regulations.~~ Every lot or plot of land on which a single family dwelling is erected in the RR district shall have a minimum width of not less than 125 feet and a minimum depth of not less than 175 feet.

(k) *Railroad right-of-way setback.* There shall be a setback of not less than 50 feet from the edge of a railroad right-of-way to any building to in the RR district.

(l) *Rear yard regulations.* There shall be a rear yard of not less than 30 feet to the dwelling or primary building in the RR district. There shall be a rear yard of not less than ten feet for a detached accessory building in the RR district. ~~Detached accessory buildings shall not exceed 30 percent of the rear yard in the RR district.~~

There shall be a rear yard of not less than 30 feet to the dwelling or primary building in the RR district. There shall be a rear yard of not less than ten feet for a detached accessory building in the RR district.

(m) *Setback from feedlots.* Residential dwellings in the RR district shall set back as specified in chapter 6, article II, the Blue Earth County Livestock Manure Management Ordinance.

(n) *Side yard regulations.* There shall be a side yard of not less than 15 feet on each side of a dwelling in the RR district. There shall be a side yard of not less than ten feet ~~on each side of~~ for a detached accessory building in the RR district.

There shall be a side yard of not less than 15 feet on each side of a dwelling in the RR district. There shall be a side yard of not less than ten feet for a detached accessory building in the RR district.

(o) *Special regulations.* ~~Municipal administration and service buildings, Buildings and facilities owned and operated by a governmental agency for a public purpose, public and private schools and water supply buildings, reservoirs, elevated tanks and similar essential service buildings~~ must maintain a minimum setback of 50 feet to any lot line.

Special regulations. Buildings and facilities owned and operated by a governmental agency for a public purpose, and public and private schools must maintain a minimum setback of 50 feet to any lot line.

Rural Townsite District

Sec. 24-193. Height, yard and lot area, width, and depth regulations.

- (a) *Access/Driveway.* The property shall obtain approval from the applicable road authority for proposed access/driveways.
- (b) *Bluff setback.* There shall be a bluff setback in the RT district of not less than 30 feet from the top of the bluff and five feet from the toe of the bluff. ~~The zoning administrator may increase the setback if deemed necessary.~~ **If the adjacent bluff is actively eroding, the setback shall be subject to the requirements of Sec. 24-304.**
***Bluff setback.* There shall be a bluff setback in the RT district of not less than 30 feet from the top of the bluff and five feet from the toe of the bluff. If the adjacent bluff is actively eroding, the setback shall be subject to the requirements of Sec. 24-304.**
- (c) *County ditch setback.* There shall be a setback of not less than 75 feet from the crown of all open county ditches or from the center of all sub-surface county drain tile to any building in the RT district.
- (d) *Front yard regulations.* There shall be a front yard setback in the RT district of not less than 130 feet from the centerline of all federal, state, county and county-state aid highways, except for divided highways which shall be 100 feet from the highway right-of-way line. There shall be a front yard setback of not less than 65 feet from the centerline of all other public rights-of-way and private roads. There shall be a front yard setback of not less than 32 feet, measured from the property line (exterior radius) of a cul-de-sac. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback from each road or highway abutting the corner lot.
- (1) Variances from the required front yard setback will not be required under the following circumstances: Any construction on a developed property must not encroach closer to the centerline of the road than an existing structure on that property. New structures being proposed on a vacant piece of property must not be constructed closer to the roadway centerline than existing structures on properties immediately adjacent to either side of the vacant property. Planning and zoning staff may require verification from the county engineer that proposed construction will not create hazards to the traveling public before issuing a construction permit as outlined in this section.
 - (2) A variance will be required if any construction is proposed closer to the centerline of an existing road than adjacent properties except as permitted in this section.
- (e) *Height regulations.* No building hereafter erected or **structurally** altered in the RT district shall exceed ~~35 feet in height, or two and one-half stories.~~ **two and one-half stories or 35 feet in height.** Accessory buildings sidewall dimensions must not exceed 16 feet in height.
No building hereafter erected or structurally altered in the RT district shall exceed two and one-half stories or 35 feet in height. Accessory buildings sidewall dimensions must not exceed 16 feet in height.
- (f) *Impervious surfaces of lot.* Not more than 45 percent of the lot area shall be covered by impervious surfaces.
- (g) *Lot area regulations.* Every ~~lot or plot~~ **newly created lot or tract** of land ~~on which a dwelling is erected in the~~ **with an existing dwelling, or on which a dwelling is to be erected, in the** RT district shall contain a buildable area of not less than one acre.
Every newly created lot or tract of land with an existing dwelling, or on which a dwelling is to be erected, in the RT district shall contain a contiguous buildable area of not less than one acre.
- (h) *Lot coverage.* Not more than 30 percent of the lot area in the RT district shall be covered by ~~all~~ buildings.
Not more than 30 percent of the lot area in the RT district shall be covered by buildings.
- (i) *Lot frontage.* All newly created lots in the RT district shall have at least 125 feet of frontage adjacent to a publicly dedicated road.
All newly created lots or tracts in the RT district shall have at least 125 feet of frontage adjacent to a public road.

- ~~(h) *Lot width and depth regulations.* Every lot or plot of land on which a single-family dwelling is erected in the RT district shall have a minimum width of not less than 125 feet and a minimum depth of not less than 175 feet.~~
- (j) *Railroad right-of-way setback.* There shall be a setback of not less than 50 feet from the edge of a railroad right-of-way to any building to in the RT district.
- (k) *Rear yard regulations.* There shall be a rear yard of not less than 30 feet for a dwelling **or primary building** in the RT district. There shall be a rear yard of not less than five feet for a detached accessory building in the RT district. ~~Detached accessory buildings shall not exceed 30 percent of the rear yard in the RT district.~~
There shall be a rear yard of not less than 30 feet for a dwelling or primary building in the RT district. There shall be a rear yard of not less than five feet for a detached accessory building in the RT district.
- (l) *Setback from feedlots.* Residential dwellings in the RT district shall set back as specified in chapter 6, article II, the Blue Earth County Livestock Manure Management Ordinance.
- (m) *Side yard regulations.* There shall be a side yard ~~having a width~~ of not less than ten feet on each side of a dwelling in the RT district. There shall be a side yard of not less than five feet for a detached accessory building in the RT district.
There shall be a side yard of not less than ten feet on each side of a dwelling or primary building in the RT district. There shall be a side yard of not less than five feet for a detached accessory building in the RT district.
- (n) *Special regulations.* ~~Municipal administration and service buildings,~~ **Buildings and facilities owned and operated by a governmental agency for a public purpose,** public and private schools, ~~water supply buildings, reservoirs, elevated tanks and similar essential service buildings,~~ and public swimming pools must maintain a minimum setback of 50 feet to any lot line.
***Special regulations.* Buildings and facilities owned and operated by a governmental agency for a public purpose, public and private schools, and public swimming pools must maintain a minimum setback of 50 feet to any lot line.**

General Business District

Sec. 24-213. Height, yard and lot area, width, and depth regulations.

- (a) *Access/Driveway.* The property shall obtain approval from the applicable road authority for proposed access/driveways.
- (b) *Bluff setback.* There shall be a bluff setback in the GB district of not less than 30 feet from the top of the bluff and five feet ~~to~~ from the toe of the bluff. ~~The zoning administrator may increase the setback if deemed necessary.~~ **If the adjacent bluff is actively eroding, the setback shall be subject to the requirements of Sec. 24-304.**
Bluff setback. There shall be a bluff setback in the GB district of not less than 30 feet from the top of the bluff and five feet from the toe of the bluff. **If the adjacent bluff is actively eroding, the setback shall be subject to the requirements of Sec. 24-304.**
- (c) *County ditch setback.* There shall be a setback of not less than 75 feet from the crown of all open county ditches or from the center of all sub-surface county drain tile to any building in the GB district.
- (d) *Front yard regulations.* There shall be a front yard setback in the GB district of not less than 130 feet from the centerline of all federal, state, county and county-state aid highways, except for divided highways which shall be 100 feet from the highway right-of-way line. There shall be a front yard setback of not less than 65 feet from the centerline of all other public rights-of-way and private roads. There shall be a front yard setback of not less than 32 feet, measured from the property line (exterior radius) of a cul-de-sac. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback from each road or highway abutting the corner lot.
- (1) Variances from the required front yard setback will not be required under the following circumstances: Any construction on a developed property must not encroach closer to the centerline of the road than an existing structure on that property. New structures being proposed on a vacant piece of property must not be constructed closer to the roadway centerline than existing structures on properties immediately adjacent to either side of the vacant property. Planning and zoning staff may require verification from the county engineer that proposed construction will not create hazards to the traveling public before issuing a construction permit as outlined in this section.
- (2) A variance will be required if any construction is proposed closer to the centerline of an existing road than adjacent properties except as permitted in this section.
- (e) *Height regulations.* No building in the GB district shall hereafter be erected or structurally altered to exceed 35 feet in height.
- (f) *Impervious surfaces of lot.* Not more than 65 percent of the lot area shall be covered by impervious surfaces.
- (g) *Lot area regulations.* Every lot ~~or tract~~ in the GB district shall have ~~a lot an~~ area of not less than one-half acre. **Every lot or tract in the GB district shall have an area of not less than one-half acre.**
- (h) *Lot coverage regulations.* Not more than 50 percent of the ~~parcel lot area~~ in the GB district shall be ~~occupied~~ covered by buildings. **Not more than 50 percent of the lot area in the GB district shall be covered by buildings.**
- (i) *Lot frontage.* All newly created lots ~~or tracts~~ in the GB district shall have at least 100 feet of frontage adjacent to a publicly ~~dedicated~~ road. **All newly created lots or tracts in the GB district shall have at least 100 feet of frontage adjacent to a public road.**
- (j) *Lot width and depth regulations.* ~~Lots~~ **Every lot or tract** in the GB district shall be at least 100 feet wide at the front property line and shall not be less than 100 feet in depth. **Every lot or tract in the GB district shall be at least 100 feet wide at the front property line and shall not be less than 100 feet in depth.**
- (k) *Railroad right-of-way setback.* There shall be a setback of not less than 50 feet from the edge of a railroad right-of-way to any building to in the GB district.

- (l) *Rear yard regulations.* No rear yard is required in the GB district, except where a building abuts the lot line of any residence district; then a 15-foot side yard setback is required.
- (m) *Side yard regulations.* No side yard is required in the GB district, except where a building abuts the lot line of any residence district; then a 15-foot side yard setback is required.

Highway Business District

Sec. 24-233. Height, yard and lot area, width, and depth regulations.

- (a) *Access/Driveway.* The property shall obtain approval from the applicable road authority for proposed access/driveways.
- (b) *Bluff setback.* There shall be a bluff setback in the HB district of not less than 30 feet from the top of the bluff and five feet from the toe of the bluff. ~~The zoning administrator may increase the setback if deemed necessary.~~ **If the adjacent bluff is actively eroding, the setback shall be subject to the requirements of Sec. 24-304.**
***Bluff setback.* There shall be a bluff setback in the HB district of not less than 30 feet from the top of the bluff and five feet from the toe of the bluff. If the adjacent bluff is actively eroding, the setback shall be subject to the requirements of Sec. 24-304.**
- (c) *County ditch setback.* There shall be a setback of not less than 75 feet from the crown of all open county ditches or from the center of all sub-surface county drain tile to any building in the HB district.
- (d) *Front yard regulations.* There shall be a front yard setback in the HB district of not less than 130 feet from the centerline of all federal, state, county and county-state aid highways, except for divided highways which shall be 100 feet from the highway right-of-way line. There shall be a front yard setback of not less than 65 feet from the centerline of all other public rights-of-way and private roads. There shall be a front yard setback of not less than 32 feet, measured from the property line (exterior radius) of a cul-de-sac. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback from each road or highway abutting the corner lot.
- (1) Variances from the required front yard setback will not be required under the following circumstances: Any construction on a developed property must not encroach closer to the centerline of the road than an existing structure on that property. New structures being proposed on a vacant piece of property must not be constructed closer to the roadway centerline than existing structures on properties immediately adjacent to either side of the vacant property. Planning and zoning staff may require verification from the county engineer that proposed construction will not create hazards to the traveling public before issuing a construction permit as outlined in this section.
- (2) A variance will be required if any construction is proposed closer to the centerline of an existing road than adjacent properties except as permitted in this section.
- (e) *Height regulations.* There are no height regulations in the HB district, except where hazardous conditions may exist (e.g., Airport Safety Zones).
There are no height regulations in the HB district, except where hazardous conditions may exist (e.g., Airport Safety Zones).
- (f) *Impervious surfaces of lot.* Not more than 65 percent of the lot area shall be covered by impervious surfaces.
- (g) *Lot area regulations.* Every lot ~~or tract~~ in the HB district shall have ~~a minimum lot area~~ of not less than one-half acre.
Every lot or tract in the HB district shall have an area of not less than one-half acre.
- (h) *Lot coverage regulations.* Not more than 50 percent of the ~~parcel~~ **lot area in the HB district** shall be occupied by buildings in the HB district.
Not more than 50 percent of the lot area in the HB district shall be covered by buildings.
- (i) *Lot frontage.* All newly created lots ~~or tracts~~ in the HB district shall have at least 150 feet of frontage adjacent to a ~~publicly dedicated~~ road.
All newly created lots or tracts in the HB district shall have at least 150 feet of frontage adjacent to a public road.

- (j) *Lot width and depth regulations.* Every lot ~~or tract~~ in the HB district shall be ~~not less than~~ **at least** 150 feet wide **at the front property line** and shall be not less than 150 feet deep.
Every lot or tract in the HB district shall be at least 150 feet wide at the front property line and shall not be less than 150 feet deep.
- (k) *Railroad right-of-way setback.* There shall be a setback of not less than 50 feet from the edge of a railroad right-of-way to any building to in the HB district.
- (l) *Rear yard regulations.* There shall be a rear yard ~~having a depth~~ of not less than 15 feet in the HB district, except that no building shall be located within 50 feet of any rear lot line abutting a lot in any of the classes of residence districts.
There shall be a rear yard of not less than 15 feet in the HB district, except that no building shall be located within 50 feet of any rear lot line abutting a lot in any of the classes of residence districts.
- (m) *Side yard regulations.* There shall be a side yard ~~having a width~~ of not less than 15 feet on each side of a building in the HB district, except that no building shall be located within 50 feet of any rear lot line abutting a lot in any of the classes of residence districts.
There shall be a side yard of not less than 15 feet on each side of a building in the HB district, except that no building shall be located within 50 feet of any rear lot line abutting a lot in any of the classes of residence districts.

Light Industry District

Sec. 24-253. Height, yard and lot area, width, and depth regulations.

- (a) *Access/Driveway.* The property shall obtain approval from the applicable road authority for proposed access/driveways.
- (b) *Bluff setback.* There shall be a bluff setback in the LI district of not less than 30 feet from the top of the bluff and five feet from the toe of the bluff. ~~The zoning administrator may increase the setback if deemed necessary.~~ If the adjacent bluff is actively eroding, the setback shall be subject to the requirements of Sec. 24-304.
- Bluff setback.* There shall be a bluff setback in the LI district of not less than 30 feet from the top of the bluff and five feet from the toe of the bluff. If the adjacent bluff is actively eroding, the setback shall be subject to the requirements of Sec. 24-304.
- (c) *County ditch setback.* There shall be a setback of not less than 75 feet from the crown of all open county ditches or from the center of all sub-surface county drain tile to any building in the LI district.
- (d) *Front yard regulations.* There shall be a front yard setback in the LI district of not less than 130 feet from the centerline of all federal, state, county and county-state aid highways, except for divided highways which shall be 100 feet from the highway right-of-way line. There shall be a front yard setback of not less than 65 feet from the centerline of all other public rights-of-way and private roads. There shall be a front yard setback of not less than 32 feet, measured from the property line (exterior radius) of a cul-de-sac. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback from each road or highway abutting the corner lot.
- (1) Variances from the required front yard setback will not be required under the following circumstances: Any construction on a developed property must not encroach closer to the centerline of the road than an existing structure on that property. New structures being proposed on a vacant piece of property must not be constructed closer to the roadway centerline than existing structures on properties immediately adjacent to either side of the vacant property. Planning and zoning staff may require verification from the county engineer that proposed construction will not create hazards to the traveling public before issuing a construction permit as outlined in this section.
- (2) A variance will be required if any construction is proposed closer to the centerline of an existing road than adjacent properties except as permitted in this section.
- (e) *Height regulations.* There are no height regulations in the LI district, except where hazardous conditions may exist (e.g., Airport Safety Zones).
- There are no height regulations in the LI district, except where hazardous conditions may exist (e.g., Airport Safety Zones).
- (f) *Impervious surfaces of lot.* Not more than 55 percent of the lot area shall be covered by impervious surfaces.
- (g) *Lot area regulations.* Every individual lot, site or tract in the LI district shall have an area of not less than one acre in the LI district.
- Every lot or tract in the LI district shall have an area of not less than one acre.
- (h) *Lot coverage regulations.* Not more than 40 percent of total area of a the lot area in the LI district shall be covered by buildings in the LI district.
- Not more than 40 percent of the lot area in the LI district shall be covered by buildings.
- (i) *Lot frontage.* All newly created lots or tracts in the LI district shall have at least 150 feet of frontage adjacent to a publicly dedicated road.
- All newly created lots or tracts in the LI district shall have at least 150 feet of frontage adjacent to a public road.

- (j) *Lot width and depth regulations.* Every lot or tract in the LI district shall have a width of not less than be at least 150 feet wide at the front property line and shall be not less than 150 feet deep.
Every lot or tract in the LI district shall be at least 150 feet wide at the front property line and shall not be less than 150 feet deep.
- (k) *Railroad right-of-way setback.* There shall be a setback of not less than 50 feet from the edge of a railroad right-of-way to any building to in the LI district.
- (l) *Rear yard regulations.* There shall be a rear yard having a depth of not less than 15 feet in the LI district, except that no building shall be located within 50 feet of any rear lot line abutting a lot in any of the classes of residence districts.
There shall be a rear yard of not less than 15 feet in the LI district, except that no building shall be located within 50 feet of any rear lot line abutting a lot in any of the classes of residence districts.
- (m) *Side yard regulations.* In the LI district there ~~There~~ shall be a side yard of not less than 15 feet on each side of a building in the LI district, ~~Except~~ except that no building shall be located within 50 feet of any side lot line abutting a lot in any of the classes of residence districts.
There shall be a side yard of not less than 15 feet on each side of a building in the LI district, except that no building shall be located within 50 feet of any side lot line abutting a lot in any of the classes of residence districts.

Heavy Industry District

Sec. 24-273. Height, yard and lot area, width, and depth regulations.

- (a) *Access/Driveway.* The property shall obtain approval from the applicable road authority for proposed access/driveways.
- (b) *Bluff setback.* There shall be a bluff setback in the HI district of not less than 30 feet from the top of the bluff and five feet ~~at~~ from the toe of the bluff. ~~The zoning administrator may increase the setback if deemed necessary.~~ *If the adjacent bluff is actively eroding, the setback shall be subject to the requirements of Sec. 24-304.*
- Bluff setback.* There shall be a bluff setback in the HI district of not less than 30 feet from the top of the bluff and five feet from the toe of the bluff. *If the adjacent bluff is actively eroding, the setback shall be subject to the requirements of Sec. 24-304.*
- (c) *County ditch setback.* There shall be a setback of not less than 75 feet from the crown of all open county ditches or from the center of all sub-surface county drain tile to any building in the HI district.
- (d) *Front yard regulations.* There shall be a front yard setback in the HI district of not less than 130 feet from the centerline of all federal, state, county and county-state aid highways, except for divided highways which shall be 100 feet from the highway right-of-way line. There shall be a front yard setback of not less than 65 feet from the centerline of all other public rights-of-way and private roads. There shall be a front yard setback of not less than 32 feet, measured from the property line (exterior radius) of a cul-de-sac. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback from each road or highway abutting the corner lot.
- (1) Variances from the required front yard setback will not be required under the following circumstances: Any construction on a developed property must not encroach closer to the centerline of the road than an existing structure on that property. New structures being proposed on a vacant piece of property must not be constructed closer to the roadway centerline than existing structures on properties immediately adjacent to either side of the vacant property. Planning and zoning staff may require verification from the county engineer that proposed construction will not create hazards to the traveling public before issuing a construction permit as outlined in this section.
- (2) A variance will be required if any construction is proposed closer to the centerline of an existing road than adjacent properties except as permitted in this section.
- (e) *Height regulations.* There are no height regulations in the HI district, except where hazardous conditions may exist (e.g., Airport Safety Zones).
- There are no height regulations in the HI district, except where hazardous conditions may exist (e.g., Airport Safety Zones).*
- (f) *Impervious surfaces of lot.* Not more than 55 percent of the lot area shall be covered by impervious surfaces.
- (g) *Lot area regulations.* Every individual lot, site or tract ~~in the HI district~~ shall have an area of not less than one acre ~~in the HI district~~.
- Every lot or tract in the HI district shall have an area of not less than one acre.*
- (h) *Lot coverage regulations.* Not more than 40 percent of the ~~total area of a lot~~ *area in the HI district* shall be covered by buildings ~~in the HI district~~.
- Not more than 40 percent of the lot area in the HI district shall be covered by buildings.*
- (i) *Lot frontage.* All newly created lots ~~or tracts~~ in the HI district shall have at least 150 feet of frontage adjacent to a publicly ~~dedicated~~ road.
- All newly created lots or tracts in the HI district shall have at least 150 feet of frontage adjacent to a public road.*

- (j) *Lot width and depth regulations.* Every lot or tract in the HI district shall have a width of not less than ~~be at least 150 feet at the front property line~~ and shall not be less than 150 feet deep.
Every lot or tract in the HI district shall be at least 150 feet wide at the front property line and shall not be less than 150 feet deep.
- (k) *Railroad right-of-way setback.* There shall be a setback of not less than 50 feet from the edge of a railroad right-of-way to any building to in the HI district.
- (l) *Rear yard regulations.* There shall be a rear yard having a depth of not less than 15 feet in the HI district, except that no building shall be located within 50 feet of any rear lot line abutting a lot in any of the classes of residence districts.
There shall be a rear yard of not less than 15 feet in the HI district, except that no building shall be located within 50 feet of any rear lot line abutting a lot in any of the classes of residence districts.
- (m) *Side yard regulations.* There shall be a side yard of not less than 15 feet on each side of a building in the HI district, ~~Except~~ except that no building shall be located within 50 feet of any side lot line abutting a lot in any of the classes of residence districts.
There shall be a side yard of not less than 15 feet on each side of a building in the HI district, except that no building shall be located within 50 feet of any side lot line abutting a lot in any of the classes of residence districts.