

Effective Date: Section 16, Subdivision 12 of this Ordinance shall apply to all permits approved by the County Environmental Office and/or the County Board after 12:01 a.m. on 1/01/05.

SUBDIVISION 12. WINDBREAK SETBACKS

Subpart 1. Definitions.

Except as specified in this Subpart 1, capitalized terms used in this subdivision and defined in other sections of this Ordinance shall be interpreted as defined therein.

Shelterbelt – shall mean any vegetation, newly planted or historically existing, that is designed and intended to shelter any structure or building from wind or other weather-related elements.

Field Windbreak – shall mean any vegetation, newly planted or historically existing, that is designed and intended to shelter any real property from wind or other weather-related elements.

Subpart 2. Field Windbreak Setbacks

1. There shall be a minimum setback for a parallel Field Windbreak of one hundred fifty (150) feet from the right-of-way line of any public road.
2. There shall be a minimum setback for a perpendicular Field Windbreak of one hundred (100) feet from the right-of-way line of any public road.
3. The Zoning Administrator may waive either the parallel Field Windbreak or perpendicular Field Windbreak requirements upon a written recommendation approving such waiver from the Natural Resources Conservation Service (NRCS) and either: (1) the Minnesota Department of Transportation (for State Roads); or (2) the County Engineer (for county roads); or (3) the Township Board (for township roads). Such written recommendations shall state that reducing the minimum Field Windbreak setback will not create a snow deposition hazard or create a safety hazard by obstructing traffic sight lines.

Subpart 3. New Shelterbelts

1. For all Shelterbelts planted in all zoning districts except R-1 Rural Residential Districts after the effective date of this subdivision, there shall be a minimum setback of sixty-seven (67) feet from the right-of-way lines of any public road.

2. For all new shelterbelts constructed in R-1 Rural Residential Districts after the effective date of this subdivision, there shall be a minimum setback of twenty-five (25) feet from the right-of-way lines of any public road.

Subpart 4. Non-Conforming Existing Shelterbelts

1. Shelterbelts in any zoning district that exist as of the effective date of this Subdivision shall be permitted to continue as a nonconforming use. The owner of any nonconforming Shelterbelt shall be permitted to replace any trees or shrubs within the Shelterbelt that become damaged or diseased; provided, however, such replacement shall not expand the footprint of the nonconforming Shelterbelt.
2. The Zoning Administrator may waive these limitations, for non-conforming existing Shelterbelts only, upon a written recommendation approving such waiver from the Natural Resources Conservation Service (NRCS) and either: (1) the Minnesota Department of Transportation (for State Roads); or (2) the County Engineer (for county roads); or (3) the Township Board (for township roads). Such written recommendations shall state that waiver from the setback requirements will not create a snow deposition hazard or create a safety hazard by obstructing traffic sight lines.
3. Notwithstanding any statement in this subpart to the contrary, no part of any existing non-conforming Shelterbelt constructed in any portion of any public road right-of-way or easement shall be deemed a non-conforming existing use. Such non-conforming trees or vegetation shall be removed by the landowner at the request of the applicable road authority.