

**WASECA COUNTY PLANNING COMMISSION  
TENTATIVE PUBLIC HEARING SCHEDULE FOR UDC REVIEW**

ARTICLE	SECTIONS	SUBSECTIONS TO BE REVISED	DATE OF PUBLIC HEARING
6 ZONING DISTRICT REGULATIONS	6.07 Specific Standards for Agricultural, Natural Resource and Related Uses	(C)(7); (G)(4); (G)(8)	December 5
	6.08 A-1 Agricultural Protection District Standards	(A)(1); (B); (C); (D); (E); (F)	
	6.09 Transfer of Development Rights (TDR)	(A)(2); (B)(2)	
	6.11 Specific Standards for Residential and Related Uses	(E)(1)(c)(2)	
	6.13 Specific Standards for Institutional and Civic Uses	(A)(2); (C)(2)	
	6.14 LR Limited Residential District	(B) through (G)	
	6.15 General Standards for Commercial and Industrial Uses	(E)(1)(a)	
6.16 Specific Standards for Commercial and Industrial Uses	(B)(6)(h); (H)(5)(a); (H)(5)(b); (K)(2)(a)		
6 ZONING DISTRICT REGULATIONS	6.17 HC Highway Commercial District Standards	(B); (E)(4)	January 2, 2025
	6.19 I General Industrial District	(B); (E)(4); (E)(5)	
	6.20 UE Urban Expansion District Standards	(B); (C); (G)(1); (G)(3)(b); (G)(4); (G)(5)	
	6.21 VMX Village Mixed Use District Standards	(B); (C); (D)(4); (D)(5)	
	6.22 SO Shoreland Overlay District Standards	(G)(2); (G)(3); (G)(4)	
	6.23 FO Floodplain Overlay District Standards	(B)(1)	
	6.24 AO Airport Overlay District Standards	(C)	
	6.25 AIC Agricultural Interpretive Center District Standards	(C); (E)(2); (E)(7); (E)(8); (E)(10)	
6.26 Summary of Allowed and Conditional Uses	Add new permitted and conditional uses to the table		
6 ZONING DISTRICT REGULATIONS	6.03 Summary Table of Dimensional Standards	Add setback changes to the table	
8 DEFINITIONS	8.03 Definitions and Acronyms	Add definitions moved from article 4, 5 and 6	

## ARTICLE 6: ZONING DISTRICT REGULATIONS

Section

### **General Provisions**

[6.07](#) Specific standards for agricultural, natural resource and related uses

### **Agricultural Zoning Districts and Related Uses**

[6.08](#) A-1 Agricultural Protection District Standards

[6.09](#) Transfer of development rights (TDR)

### **Residential Zoning Districts and Related Uses**

[6.10](#) General standards for Residential Districts

[6.11](#) Specific standards for residential and related uses

[6.12](#) Residential, institutional and civic uses off-street parking regulations

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### **Commercial and Industrial Zoning Districts and Related Uses**

[6.15](#) General standards for commercial and industrial uses

[6.16](#) Specific standards for commercial and industrial uses

## **GENERAL PROVISIONS**

### **§ 6.07 SPECIFIC STANDARDS FOR AGRICULTURAL, NATURAL RESOURCES AND RELATED USES.**

(A) *Agricultural chemicals, seed and fertilizer sales, agriculturally-oriented business, grain elevator, grain storage and drying (commercial), livestock sales barn.* Within the A-1 District, these uses shall require a conditional use permit and site plan approval. The following standards shall apply.

(1) Site plans shall indicate designated parking areas and signage, where present. Adequate off-street parking shall be as determined in the conditional use permit.

(2) Outdoor storage areas shall be screened from adjacent residences as specified under landscaping requirements found in § [6.15](#).

(3) Custom meat processing: all custom meat processing activities, including animal slaughter, shall take place within a completely enclosed building with adequate soundproofing and odor control and will meet all federal and state requirements for humane slaughter and meat inspection.

(B) *Ethanol or biofuel production, commercial.* Within the A-1 District, commercial ethanol or biofuel production shall require a conditional use permit and site plan approval. The following standards shall apply.

(1) *Site plan.* Site plan review shall be required.

(2) *Access.* The site must be accessed via a paved road of sufficient capacity to handle the anticipated traffic. A traffic study may be required.

(3) *A noise and odor management plan may be required.* Noise and odor levels from the facility shall be in compliance with applicable State Environmental Quality Board regulations in effect at the

time the permit application is submitted. The applicant shall appropriately demonstrate compliance with the above noise and odor requirements as part of the conditional use permit approval process.

(4) *Setback.* Any buildings or structures on the site shall be located at least 500 feet from any residential property boundary.

(C) *Agritourism.* Activities offered on a seasonal, occasional, regular or year-round basis to the general public, invited groups or visitors on a farm or parcel of at least five acres of land. Activities must be related to agriculture or tourism and accessory to the agricultural or community use, and may include, harvest festivals, barn dances, museums, weddings, wedding receptions, event center/indoor recreation facilities, haunted houses, art and craft fairs, corn mazes, pizza farms, farm dinners, haunted hay rides, sleigh rides, farm tours or similar uses. Agritourism may not include activities that include the discharge of firearms, competitions among motorized vehicles or other events that the county determines to be incompatible with the community's character or intent of the Unified Development Code.

(1) *Minimum acreage and location.* At least five acres in size and be located at least 500 feet from a residence or residentially platted parcel.

(2) *Access and roadways.* The site must be accessed via a road of sufficient capacity to handle the anticipated traffic. If an agritourism use is accessed from a county-maintained highway, the County Engineer may recommend conditions to address ingress, egress, signage, and sight-distance concerns. A traffic study may be required.

(3) *Site plan and parking.* Site plan approval shall be required; site plans shall indicate designated parking areas and signage, where present. Off-street parking shall be constructed of an all-weather surface. Signage requirements shall be as determined in the conditional use permit.

(4) *Hours of operation.* Hours of operation shall be 7:00 a.m. to 10:00 p.m. for all uses except wedding receptions which may extend to 12:00 a.m., provided there is at least 1,000 feet between the wedding reception hall and the closest off-site residence. Music may be played or performed until 9:00 p.m. for uses with an off-site residence within 1,000 feet of the agritourism structure or use. Music may be played until 12:00 a.m. for wedding receptions, provided there is at least 1,000 feet to the closest off-site residence.

(5) *Water and sewer systems.* Adequate water service and on-site or portable sewage treatment facilities.

(6) *Other retail.* May use up to 50% of the interior floor area of the structures designated for agritourism use to sell non-agricultural products.

(7) *Food service.* Any on-site preparation and handling of food or beverages must comply with all applicable federal, state and local standards. ~~A restaurant, bar, or other defined commercial food preparation activities are not allowed.~~ Alcohol may be served with a consumption-and-display permit, a temporary one-day consumption-and-display permit or a caterer's permit. A structure used for agritourism may include a kitchen for the following purposes:

(a) Proper assembly, service and storage of food catered from another location;

(b) To produce value-added food products from farm products, such as jams, jellies, pickles, pizza, fermented foods, milk products, pies, jerky or similar products; and

(c) To prepare limited items associated with typical events permitted on the property, such as pies, ice cream, sandwiches, salads, snacks and pizza.

(8) *Signage.* Signage shall comply with the "Signage Permitted with Businesses" as provided in Article 4.

(9) *Farm stays.* Any overnight stays by guests shall only be permitted in connection with an approved campground, retreat house, retreat center or bed and breakfast facility as such facilities are allowed or permitted in Article 6 of this code.

(10) *Occupancy load.* Any agritourism facility with an occupant load of 25 people or more, including employees, must provide a certificate from a licensed Minnesota architect or licensed Minnesota building official indicating:

(a) The uses permitted within the facility;

(b) The maximum number of people that may attend any event by use;

(c) That the facility meets the requirements of the Minnesota Building Code and Minnesota Fire Code; and

(d) The permitted occupancy load of any agritourism facility must be listed by use within the conditional use permit and posted and clearly visible in the entry areas of the facility.

(11) *Agritourism in the SO Shoreland Overlay District.* No agritourism use shall occur within principal setback from the Ordinary High Water Level (OHWL) of any protected water basin (lake) or any protected watercourse (stream or river) listed in § 5.01 of this code.

(12) *Special events permit required.* Special events must obtain a special event permit, as specified in § 3.09.

(D) *Feedlots.* Within the UE and VMX districts, existing feedlots may continue as conforming uses, but any expansion of an existing feedlot shall require a conditional use permit. No new feedlots or expansion or improvement of existing feedlots is allowed in the LR district or in the area extending 1,000 feet from the LR District.

(E) *Nursery, tree farm.* Within the A-1 District, a nursery or tree farm that includes retail sales to the general public shall require a conditional use permit and site plan approval. Site plans shall indicate designated parking areas and signage, where present. Adequate off-street parking shall be as determined in the conditional use permit.

(F) *Natural resource manufacturing and processing.*

(1) *Site plan required.* Site plan approval shall be required; site plans shall indicate designated parking areas and signage, where present. Adequate off-street parking shall be as determined in the conditional use permit.

(2) *Outdoor storage.* Outdoor storage areas shall be screened from adjacent residential or agricultural districts as specified under the landscaping requirements found in § 6.15.

(G) *Agricultural direct-market business.* A seasonal or year-round agricultural business operated on a parcel of at least five acres selling farm-raised products, including animal products such as meat, fish and eggs, produce, bedding plants, plant or wood materials, or any derivative thereof, such as jams, jellies, wool products, maple syrup and similar products. Products are sold directly to consumers without an intermediate wholesaler or distributor. This use may include, but is not limited to, pick-your-own operations, roadside stands, farm fishing and similar businesses.

(1) Maximum size of structures used in connection with an agriculture direct-market business shall not exceed a combined total floor area of 800 square feet.

(2) Sale of goods produced off-site within the A-1 Agricultural District: no more than 25% of the square footage of the farm stand may be used to stock products raised, grown, produced, or made off the farm on which the farm stand is located. The use of more than 25% of the square footage of a

farm stand within the Agricultural District to stock products raised, grown, produced, or made off the farm on which the farm stand is located may be done only with a conditional use permit.

(3) Parking: off-street parking shall be provided outside the road right-of-way.

(4) Setbacks: farm stand structures and parking areas shall be located at least ten (10) feet from any road right-of-way, and at least 50 feet from adjoining properties.

(5) The majority of the product sold on the property shall be grown or raised on the property.

(6) An agricultural direct-market business may use up to 100 square feet of retail space of the business to sell non-agricultural products. Non-agricultural products may only be sold during periods that agricultural products are also sold.

(7) No sale of product shall take place on any state, county or township road or right-of-way.

(8) All structures, including temporary structures, shall meet the minimum setback requirements of the zoning district. All buildings used in conjunction with the use shall meet the requirements of the State Building Code.

<i>Permitted and Conditional Uses</i>				
<i>Zoning Districts</i>	<i>Agritourism</i>		<i>Agricultural Direct-Market Business</i>	
	<i>Permitted Use</i>	<i>Conditional Use</i>	<i>Permitted Use</i>	<i>Conditional Use</i>
<del>AIC</del> <del>Ag Interpretive Center</del>		X	X	
<del>A-1</del> <del>Agriculture Protection</del>		X	<del>&lt;25%</del> <del>products produced off site</del>	<del>≥25%</del> <del>products produced off site</del>
<del>HC</del> <del>Highway Commercial</del>	X		X	
<del>I</del> <del>Industrial</del>	X		X	
<del>LR</del> <del>Limited Residential</del>		X		
<del>UE</del> <del>Urban Expansion</del>				
<del>VMX</del> <del>Village Mixed Use</del>	-	-	-	-

(H) *Mineral extraction, mining.*

(1) *Conditional use permit required.* A new excavation or extraction operation, or the expansion of an existing operation, shall require a conditional use permit meeting the general requirements in Articles 3, 5 and 6 and the following specific provisions.

(2) *Application requirements.* Maps of existing conditions, the proposed pit or excavation and accessory structures, and site after reclamation shall be prepared by a professional engineer or land surveyor and filed with the application.

(a) The existing conditions map shall include: contour lines at five-foot intervals, existing vegetation, existing drainage and permanent water areas, existing structures, existing wells.

(b) The proposed map shall include, location and type of structures to be erected, location of processing machinery (if any), location of sites to be mined showing depth of proposed excavation, location of excavated deposits showing maximum height of deposit, location of storage of excavated materials showing the maximum height of excavated storage materials, location of stored mining materials, location of vehicle parking, erosion and sediment control structures.

(c) The reclamation map shall include: final grade of proposed site showing elevations and contour lines at five-foot intervals, proper sloping of banks at a maximum of 4:1, location and species of vegetation to be replanted, location and nature and nature of any structures to be erected in relation to the end use plan.

(3) *Topsoil removal.* The mining of topsoil for permanent removal from the property is prohibited.

(4) *Required conditions.* No conditional use permit shall be issued unless, at a minimum, the following conditions are included:

(a) An annual review of the site by the Zoning Administrator and as needed if the Zoning Administrator, using his or her discretion, deems it necessary. A fee shall be paid by the applicant at the time the application is submitted in an amount to cover the costs of the number of annual reviews required by the permit; the number to be determined by the length of the permit;

(b) Provide a plan for phasing excavation so that no greater area than a ten-acre cell is open at any time and provide a plan for reclaiming areas as new phased cells are opened. Properly drain, fill or level any excavation, after created, so as to make the same safe and healthful as the Board shall determine;

(c) Provide a plan specifying the amount and location of excavated materials to be stockpiled on site for any length of time;

(d) Provide a plan for dust and noise control meeting the standards of the State Pollution Control Agency during operations, so as to not create a nuisance to adjoining properties. Any dirt or gravel deposited in the public right-of-way shall be removed at regular intervals;

(e) 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 prevent seeding on adjoining property;

(f) Limit the hours of operation from 7:00 a.m. to 7:00 p.m. Monday through Friday and from 7:00 a.m. to 12:00 p.m. on Saturdays and there shall be no mining activities on Sundays or the following observed holidays: New Year's Day; Easter; Memorial Day; Independence Day; Labor Day; Thanksgiving; and Christmas Day. A one-hour quiet start up time is allowed prior to the above-established times;

(g) During operation, fence, properly guard, and keep any pit or excavation in such condition as not to be dangerous from caving or sliding banks. Install an iron pipe gate (or other gate structure

as approved by the County Board) at entrance access point(s) that remain locked during non-operating hours;

(h) Restrict runoff from the site to lake, rivers, streams or adjacent properties. The operation shall not interfere with surface water drainage beyond the boundaries of the site, nor shall it adversely affect the quality or quantity of subsurface water resources. Surface water originating outside and passing through the mining site shall, at the point of departure from the mining site, be of equal or better quality to the water where it enters the mining site. The permittee shall perform any water treatment necessary to comply with this provision at his or her or their expense; and

(i) Trucks entering and leaving the mining site shall utilize hard surfaced roads unless specific approval is granted by affected township(s). Should the township(s) allow for use of a non-hard surfaced road, the permittee shall provide adequate dust control so as to not create a nuisance to adjoining properties. All access roads from mining operations to public highways shall be laved or surfaced with gravel to minimize dust conditions. Provide adequate signage for public safety, such as "Trucks Hauling" signs.

1. All processing of mined materials on-site shall be done as to minimize adverse impacts of noise and dust on adjoining properties.

2. Keep any pit, excavation or impounded waters within the limits for which the particular permit is granted. Provide, for the purpose of retaining impounded waters, a container of sufficient strength and durability and maintain such container in safe and proper condition.

3. Stockpile topsoil for use in reclamation in a manner that prevents soil erosion. Any soils contaminated shall be mitigated as required by the MPCA and the appropriate authorities in the manner shall be promptly notified.

4. Grade site after extraction is completed so as to render it usable, replace topsoil, seed where required to avoid erosion and an unsightly mar on the landscape. The permittee shall comply with all reclamation standards required by the Board and shall follow the recommendations of the SWCD.

5. Structures, storage of excavated materials or topsoil, and the excavation edge shall be setback at least 300 feet from any protected water and at least 100 feet from an adjoining property line or public right-of-way. Mining and mining material operations and processing shall not be conducted within 100 feet of an adjoining property line or public right-of-way. No on-site processing of materials or storage of excavated materials or topsoil shall occur within 1,000 feet of a residence.

6. The permittee shall be responsible for maintenance and restoration of all county/township roads leading to the mining operation that may be damaged due to activities involving the mining operation unless the permittee can prove to the Zoning Administrator's satisfaction that the mining operation was not the cause of the roadway damage. All maintenance and restoration of roads shall be done with the approval of the road authority's satisfaction.

7. Permittee shall be subject to review and compliance of the above-listed conditions. The county may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules and ordinances. The County Board reserves the right to impose additional restrictions or conditions to the issuance of a conditional use permit, as it deems necessary, to protect the public interest.

(5) *Bonding required.* As a condition of granting the permit, the County Board shall require the owner, user or applicant to post a bond, in such form and sum as the Board shall determine, with sufficient surety running to the county, conditioned to pay the county the cost and expense of repairing, from time to time, any highways, streets or other public ways where such repair work is made necessary by the special burden resulting from hauling and travel, in removing materials from

any pit, excavation or impounded waters, the amount of such cost and expense to be determined by the County Engineer; and conditioned further to comply with all the requirements of this ordinance and the particular permit, and to pay any expense the county may incur by reason of doing anything required to be done by any applicant to whom a permit is issued. In addition, a performance surety shall be provided in the amount of \$50,000. The surety shall be used to reimburse the county for any monies, labor or material expended to bring the operation into compliance with the conditions of the permit.

(6) *Duration of permit.* The duration of the conditional use permit shall not exceed five years. Failure to renew the permit or to restore the site shall result in the county exercising the bond and using the proceeds to restore and property close the site.

(7) *Renewal.* As a condition of renewal of a conditional use permit for excavation or extraction, the applicant must provide evidence of an active operation during the prior permit period.

(1) *Hunting shacks.*

(1) *Density standards.*

(a) One shack or dwelling per lot of record if the general standards in this section can be met.

(b) One shack per new lot if the new lot is ten acres or more and the general standards in this section can be met.

(c) One shack per 80,000 square feet, with a minimum of 60,000 square feet to be left in the natural state, if the general standards and the leasing standards can be met. Note: existing shacks will be counted in density calculations.

(2) *General standards.*

(a) Septic systems are not allowed (except within a group leasing situation). Pit toilets must be built according to State Pollution Control Agency and the State Department of Health standards, through the county sewage permit process.

(b) Wells and running water systems are not allowed. This prohibition applies to any water supply, including tanks of water brought in and either pumped or gravity flowed and discharged from the shack via a pipe or hose. Water in hand carried containers may be utilized but may not be employed so as to cause a discharge of sewage from a pipe or hose.

(c) Floor area must not be over 250 square feet. Any deck or porch area shall be included as part of the square foot calculations and shall be considered as part of the structure.

(d) The maximum height permitted is one story. That is no more than 14 feet above grade and includes any pilings or blocks the shack may be placed on. No basement area is permitted.

(e) The 200-foot setback from ordinary high water mark must be adhered to on all structures except docks.

(f) A shack located within the Shoreland District must have at least 200 feet of shoreline.

(g) Each lot must be adjacent to a public road or a recorded easement to allow access.

(h) The shacks must be removed if found in a dilapidated and/or abandoned conditions.

(i) A land survey by a registered land surveyor may be required.

(3) *Leasing standards.*

(a) There must be 200 feet of shoreline for each shack unless a cluster lease plan is approved, where the total shoreland shall be 200 feet times the number of shacks.

(b) Lots of less than ten acres created after the date of this amendment, August 22, 1989, will not qualify for building permits. If the newly created lot is ten acres or more, the owner of the lot may lease hunting shacks in accordance with leasing standards put forth in this section.

(c) Clustering will be allowed and density bonuses may be granted if common docks and launch areas are utilized or if other wildlife benefitting measures are incorporated into the operating plan. All Department of Natural Resources standards will be adhered to.

(d) The leased shack areas must be accessible for inspection and safety purposes.

(4) *Application guidelines.*

(a) The conditional use permit application must be accompanied by maps showing topography, ordinary high water line, existing structures, land ownership, elevations, roads, vegetation and proposed shack sites and natural land.

(b) Applications for leasing must also show an operating plan, including sewage systems, roads, lake access and other applicable features.

(c) The county may request additional information from the applicant if conditions warrant.

(d) The county may impose additional conditions on the conditional use permit.

(e) The county may require bonding to protect against future public costs.

(5) *Permit cancellation.* The permit may be canceled at any time the standards or conditions are not being followed but otherwise would go with the land.

(Ord. 97, passed 7-21-2009; Ord. 121, passed 6-16-2015; Ord. 125, passed 7-18-2017; Ord. 143, passed 9-15-2020)

**AGRICULTURAL ZONING DISTRICTS AND RELATED USES**

**§ 6.08 A-1 AGRICULTURAL PROTECTION DISTRICT STANDARDS.**

(A) *Purpose.* The purpose of the Agricultural Protection District is to implement the following objectives, based on the goals and policies of the County Comprehensive Plan:

- (1) Maintain the rural agricultural character of the ~~county~~County;
- (2) Maintain active agricultural uses as an integral part of the county's economy;
- (3) Minimize conflicts between agricultural and non-agricultural uses;
- (4) Encourage development and retention of agriculturally-related businesses; and
- (5) Allow limited residential development in agricultural areas where it does not infringe on high-quality farmland soils or agricultural operations.

(B) *Permitted uses.*

- (1) Agriculture ~~and incidental agriculture related uses, including agricultural building(s)~~;
- (2) Feedlots.

~~— (a) Pursuant to § 6.06(C)(1), new feedlots of 50 animal units or more shall obtain a conditional use permit unless recommendations of the County Feedlot Site Inspection Team are implemented. All sites 3,000 animal units or larger, using the County Animal Unit value of 0.4 for hogs, shall obtain a County Feedlot Site Inspection Team inspection recommendation and a conditional use permit from the County Board.~~

(b) Pursuant to § 6.06(C)(9), new animal feedlots are prohibited from locating 2,640 feet or less from an incorporated municipality, however, new animal feedlots located greater than 2,640 feet and less than or equal to 5,280 feet shall obtain the County Feedlot Site Inspection Team inspection recommendation and a conditional use permit from the County Board.

~~—(c) Pursuant to § 6.06(E)(4), the Site Team reserves the right to require the applicant to obtain a conditional use permit for any site it may inspect.~~

- (3) Feed and seed sales;
- (4) Forestry, production of woodland products, nurseries, tree farms;
- (5) Seasonal produce stands;
- (6) Wildlife area, fish hatchery and forest preserve owned or operated by governmental agencies;
- (7) Single-family detached dwellings (refer to density and other standards);
- (8) Accessory dwelling unit pursuant to the standards in § 4.03;
- (9) Home occupation pursuant to § 6.11(B);
- (10) Licensed residential program (up to eight residents);
- (11) Highway maintenance shops and yard;
- (12) Local governmental agency building or facility, community center, Town Hall and associated accessory buildings;
- (13) Parks and public recreation areas;
- (14) Railroad right-of-way, but not including railroad yard;
- (15) Family daycare;
- (16) Group family daycare;
- (17) Solar ~~equipment~~Energy Systems (accessory), pursuant to § 6.16(PP);
- (18) Swimming pool, hot tub;
- (19) Water-oriented accessory structures (docks, lifts and the like); ~~and~~
- (20) Wind turbine, accessory;
- (21) Standalone accessory structure(s):
  - (a) must meet the principal setbacks;
  - (b) conditional accessory structure shall only be utilized with an approved conditional use permit.
- (22) other accessory uses and structures that are incidental to the principal use including sheds and garages.
- (23) Removal and stockpiling of fill up to 500 cubic yards of fill:
  - (a) subject to review by Planning and Zoning and or Land and Water Resources Department.
- (24) Agricultural Direct-Market Business when less than 25% of products are produced off-site
- (25) Sober House.

(C) *Conditional uses (see Article 4 for accessory uses)*. Accessory uses are subject to the standards found in Articles 3, 4 and 6 of this ordinance:

(1) Feedlots:

(a) Pursuant to § 6.06(C)(1), new feedlots of 50 animal units or more shall obtain a conditional use permit unless recommendations of the County Feedlot Site Inspection Team are implemented. All sites 3,000 animal units or larger, using the County Animal Unit value of 0.4 for hogs, shall obtain a County Feedlot Site Inspection Team inspection recommendation and a conditional use permit from the County Board.

(b) Pursuant to § 6.06(C)(9), new animal feedlots are prohibited from locating 2,640 feet or less from an incorporated municipality, however, new animal feedlots located greater than 2,640 feet and less than or equal to 5,280 feet shall obtain the County Feedlot Site Inspection Team inspection recommendation and a conditional use permit from the County Board.

(c) Pursuant to § 6.06(E)(4), the Site Team reserves the right to require the applicant to obtain a conditional use permit for any site it may inspect.

(2) Agricultural chemicals, fertilizer sales;

(3) Agriculturally-oriented business;

(4) Ethanol or biofuel production, commercial;

(5) Grain elevator, grain storage and drying (commercial);

(6) Livestock sales barn and accessory facilities;

(7) Mineral extraction, mining;

(8) Natural resource manufacturing and processing;

(9) Two-family dwelling;

(10) Home occupation, pursuant to §6.11(C);

(11) Temporary worker housing;

(12) Cemetery, memorial garden;

(13) Daycare center;

(14) Religious institution;

(15) Campground;

(16) Golf course, country club, driving range;

(17) Gun or archery range, indoor;

(18) Gun or archery range, outdoor;

(19) Hunting club (private), hunting preserve, hunting shacks;

(20) Organized group camp;

(21) Organized motor sports: ATVs, trucks, tractors or motorcycle tracks or trails (not including auto or other vehicle racing, tracks or events);

(22) Paint ball course;

(23) Riding academy, boarding stable;

- (24) Airport, heliport, aircraft rental, sale, servicing, manufacturing and related services;
- (25) Bed and breakfast;
- (26) Veterinary and animal clinic and facilities for the care and/or breeding of animals, including kennel and animal crematorium;
- (27) Storage, bulk;
- (28) Landfill (sanitary), recycling facility;
- (29) Antenna for radio, television and communication facilities;
- (30) Essential services, facilities and structures;
- (31) Wind farm;
- (32) Keeping of animals other than household pets (non-farm);
- (33) Kennels, ~~private commercial~~;
- (34) Other accessory uses and structures that are incidental to the principal use;
- (35) Solar farms; and
- (36) Trucking company or contractor's yard, as defined in § 8.03, when located at least 500 feet from a residence, other than the owner of the company or contractor's yard.;

(37) Agritourism;

(38) Agricultural Direct-Market when 25% or a greater percentage of products are produced off-site.

(39) Farm Vehicle and or Implement Sale

(D) *Density standards.* The base density permitted in the A-1 District is one dwelling unit per quarter-quarter section or parcel of record. Dwellings existing at the time of the adoption of this ordinance will be included when determining whether or not a quarter-quarter section is at its maximum density. The density within a quarter-quarter may be increased pursuant to the provisions of § 6.09 (Transfer of development rights (TDR)). ~~Additional uses may be allowed through the conditional use process, which provides for:~~

~~—(1) One accessory dwelling unit (ADU) per parcel, meeting the standards of § 4.03.~~

~~—(2) Nonresidential business, institutional or recreational uses as outlined in Table 6-1, meeting the conditional use standards for those uses outlined in Articles 3 and 6.~~

(E) *Dimensional standards.* Development within the Agricultural Protection District shall be subject to the following minimum dimensional standards (amended 9-15-2009 and 6-21-2011):

(1) Lot area:

(a) Single-family dwelling, standard lots: one acre minimum ~~of buildable top ground land~~; maximum of five acres for new residential lots for new lots in major subdivisions as defined herein;

(b) Other principal permitted and conditional uses: three-acre minimum or as specified by conditional use permit; and

(c) No minimum lot area required for utilities, public uses and communication towers except as otherwise required.

(2) Minimum lot width: 100 feet, 75 feet (conservation subdivision).

(3) Minimum setbacks from property or road right-of-way lines, principal structures:

	<i>Standard Lots</i>	<i>Conservation Subdivision</i>
Front yard	75 feet	75 feet
Side yard	40 feet (standard lot)	10 feet (conservation subdivision)
Rear yard	40 feet (standard lot)	10 feet (conservation subdivision)

(4) Minimum setbacks from property or road right-of-way lines, accessory structures:

(a) Front yard: same as principal structure;

(b) Side yard: 20 feet (~~ten-10~~ feet if structure is 100 square feet or less in area and no greater than 14 feet in height); and

(c) Rear yard: 20 feet (~~ten-10~~ feet if structure is 100 square feet or less in area and no greater than 14 feet in height).

(5) Minimum setbacks, windbreaks and trees:

(a) Road right-of-way of less than 100 feet: 20 feet from right-of-way;

(b) Road right-of-way of 100 feet or greater: 15 feet from right-of-way;

(c) From side or rear parcel boundary: ~~ten-10~~ feet for windbreaks consisting of shrubs and 20 feet for trees, as defined; and

(d) Side or rear windbreak and tree setbacks may be reduced or eliminated by agreement of adjoining property owners when the agreement is filed with and recorded by the County Recorder of Deeds and a copy provided to the Zoning Administrator.

(6) Maximum impervious surface coverage: none.

(7) Setback exception; residential subdivisions. All dwellings and residential accessory structures in residential subdivisions within the A-1 Agriculture Protection District may utilize the LR- Limited Residential setbacks for principal and accessory structures located on the interior lots. Lots located on the perimeter border of the subdivision shall use the setbacks in paragraphs (E)(3) and (E)(4) above.

~~(F) Residential site inspection team.~~

~~(1) The Residential Site Inspection Team (site team) shall consist of the following individuals or a designee from their office or agency:~~

~~(a) County Planning and Zoning Administrator;~~

~~(b) County Commissioner of the affected district;~~

~~(c) County Engineer;~~

~~(d) County Environmental Health Director;~~

~~(e) County Soil Water Conservation District Manager; and~~

~~— (f) Township Officer of the affected township.~~

~~— (2) *Jurisdiction.* The jurisdiction of the Residential Site Inspection Team shall include all lands in the county, excepting those located within incorporated cities.~~

~~— (3) *Duties.* The Residential Site Inspection Team shall be required to conduct a site inspection of any proposed new residential unit that is not located on a platted lot or a lot of record prior to the effective date of this code on July 31, 2009. The County Planning and Zoning Administrator shall establish a meeting date and time for an on-site inspection the proposed development site within 30 days of notification of the owners intent for any new construction on lot not previously platted or lot of record prior as of July 31, 2009. The County Planning and Zoning Administrator shall execute notification to the Residential Site Inspection Team. The County Planning and Zoning Administrator shall, not later than ten days before the site inspection, provide notice by mail of the time and date of the site inspection to each property owner within one-half mile of the proposed new residential unit. A minimum of four Residential Site inspection Team members shall conduct the residential lot inspection.~~

~~— (a) The Residential Site Inspection Team shall provide to the developer/ owner written recommendations regarding setbacks, location concerns, drainage concerns, potential pollution hazard concerns or the need for vegetative screening or any other technical information deemed necessary. The County Planning and Zoning Administrator shall provide a list in writing of all recommendations of the Site Inspection Team on a document entitled “Residential Site Inspection Team Recommendations”. If during the process of a site inspection, a consensus cannot be obtained, amongst the site team members in attendance regarding the “site team recommendation”, the applicant shall be required to apply for a conditional use permit to allow the construction. The Site Team reserves the right to require the applicant to obtain a conditional use permit for any site it may inspect. A copy of this document shall be given to the developer/owner for review. The Residential Site Inspection Team recommendations shall be kept on file in the office of the County Planning and Zoning Office for public inspection and/or reproduction.~~

~~— (b) To obtain a zoning permit for the construction of any home in the county that is not on a platted lot or parcel of record as defined herein, the following procedures apply: The owner operator will have two options. The developer/owner may either implement all recommendations of the Residential Site Inspection Team as a condition of receiving a zoning permit or choose not to implement the recommendations. Any developer/owner choosing not to comply with all recommendations of the Residential Site Inspection Team shall only be granted a zoning permit for the construction of a new residence after receiving a conditional use permit from the County Board and complying with all other provisions of this ordinance and all conditions set forth in the conditional use permit.~~

~~— (c) If the developer/owner agrees to follow the site team recommendations, rather than obtain a conditional use permit, the developer/owner shall sign the “County Residential Site Inspection Team Recommendations” document, notarized by a notary public, acknowledging that the developer/owner understands the recommendations and will abide by the recommendations as a condition of being issued a zoning permit for the construction of any residence. Any zoning permit thereafter issued to the developer/owner shall be conditioned upon compliance with all the recommendations of the site team. Any failure to comply with the site team recommendations shall be deemed a violation of this ordinance and the developer/owner shall be subject to any or all of the violation and enforcement procedures of this ordinance.~~

~~— (d) Any zoning permit must meet the site team recommendations and shall be binding on any future developer/owner of the property.~~

~~— (e) If a conditional use hearing is required, a copy of the written recommendations of the Residential Site Inspection team shall be submitted for review by the Planning Commission and the Board of Commissioners. The Planning Commission shall hold at least one public hearing on each application for a conditional use permit prior to any final decision of the County Board. Conditional use permit procedures shall be followed as defined in this ordinance.~~

~~— (f) Following the closing of the public hearing and the formulation of the Planning Commission's recommendations, the County Planning and Zoning Administrator shall report the findings and recommendations of the Planning Commission to the County Board at their next regularly scheduled meeting. The County Board shall approve, deny or return to the Planning Commission the conditional use permit application.~~

(G) *Additional requirements.* Additional requirements within this ordinance and other County ordinances apply to development in the Agricultural Protection District. These include, but are not limited to, the general regulations in Article 4 and 5 and specific development standards in Article 6 of this ordinance.

(Ord. 97, passed 7-21-2009; Ord. 104.1, passed 6-21-2011; Ord. 111, passed 10-1-2013; Ord. 114, passed 4-15-2014; Ord. 117, passed 6-17-2014; Ord. 123, passed 9-20-2016; Ord. 125, passed 7-18-2017; Ord. 146, passed 4-20-2021)

#### **§ 6.09 TRANSFER OF DEVELOPMENT RIGHTS (TDR).**

(A) *Transfer of development rights (TDR) program; purpose.* The purpose of the transfer of development rights program is to transfer residential density from eligible sending sites to eligible receiving sites through a voluntary process for permanently preserving rural resources and lands that provide a public benefit; the TDR provisions are intended to supplement land use regulations, resource protection efforts and open space acquisition programs and to encourage increased residential development density where it can best be accommodated with the least impact on the natural environment and public services by:

(1) Providing an effective and predictable incentive process for property owners with rural resources to preserve lands with a public benefit; and

(2) Providing an efficient and streamlined administrative review system to ensure that transfers of development rights to receiving sites are evaluated in a timely way and balanced with other county goals and ~~policies, and policies and~~ are adjusted to the specific conditions of each receiving site.

(B) *Transfer of development rights (TDR) program; sending sites.* For the purpose of this chapter, a sending site means a parcel or parcels of land of at least a quarter-quarter section located within the A-1, Agricultural Protection District or, under certain restrictions, into the UE, Urban Expansion District. The parcel or parcels shall be under ownership by one person, a married couple or one corporation, a partnership or limited liability company or there must be a written agreement between all owners of a quarter-quarter section agreeing to the sale of a TDR. In addition, the sending quarter-quarter sections must not already be improved with a residence or residences.

(C) *Transfer of development rights (TDR) program; receiving sites.*

(1) Receiving sites located within the A-1 Agricultural Protection District must not:

(a) Adversely impact any significant environmental resource or environmentally sensitive areas; or

(b) Require public services and facilities to be extended to allow the development of the receiving site.

~~—(2) When presented for approval, TDRs proposed within receiving sites located within the UE, Urban Expansion District, must include a covenant agreeing to allow an adjacent and abutting municipality to annex a subdivision when utilities can be made available. The covenant must be approved by the County Planning and Zoning Administrator and recorded with the County Recorder or the Registrar of Titles for the county. A notice provision by the annexing municipality to impacted property owners and public hearing by the municipality shall be required as part of the covenant.~~

(3) Except as provided herein, development of a receiving site shall comply with dimensional standards and minimum lot standards of the underlying A-1, Agricultural Protection District or the UE, Urban Expansion District.

(4) If an owner intends to occupy a residence, a TDR may be transferred to a location adjacent to a feedlot by the owner and operator of the feedlot.

(5) TDR may be transferred within a township or between a common owner anywhere within the county. A transfer between two owners and into another township shall be completed only by completing a conditional use permit and by following the requirements of this section.

*(D) Transfer of development rights (TDR) program; calculations.*

(1) The number of residential development rights that a sending site is eligible to send to a receiving site shall be determined by applying the TDR ratio of one TDR (unit) to a receiving site per quarter-quarter section from a sending site.

(2) The maximum number of development rights transferred to any receiving area shall not exceed eight TDRs per 40 acres if a traditional subdivision is used or 16 TDRs per 40 acres if an approved conservation subdivision is utilized.

(3) The TDR must come from a complete quarter-quarter section and sending quarter-quarter sections must not be improved with a residence, feedlot or commercial or industrial building(s). Any fractions of development rights that result from the calculation of a TDR shall not be included in the final determination of total development rights available for transfer.

*(E) Transfer of development rights (TDR) program; documentation of restrictions.*

(1) Following the approval of the transfer of development rights from a sending site, a permanent easement documenting the development rights transfer shall be recorded in the office of the County Recorder or the Registrar of Titles against the title of the sending site parcel.

(2) The form of the restriction shall be approved by the County Attorney and the County Planning and Zoning Administrator.

(3) The planning and zoning office shall establish and maintain an internal tracking system that identifies all certified transfer of developments rights including the sending and receiving sites.

(4) When a transfer of development rights has occurred, the TDR restriction shall be documented on a map of the county. The approved TDR restriction shall take the form of an easement and identify limitations on future residential development consistent with this code.

*(F) Transfer of development rights (TDR) program; transfer process.*

(1) Following review and approval of the sending site application by the County Planning and Zoning Administrator, a TDR certificate letter of intent, agreeing to issue a TDR certificate shall be prepared authorizing an exchange for the proposed sending site transfer of development rights easement. The sending site owner may then market the TDR sending site development rights to potential purchasers. If the TDR sending site that has been reviewed and approved by the County Planning and Zoning Administrator changes ownership, the TDR certificate letter of intent may be

transferred to the new owner if requested in writing to the Planning and Zoning Administrator by the person or persons that owned the property when the TDR certificate letter of intent was issued. Documentation evidencing the transfer of ownership must also be provided to the County Planning and Zoning Department with the letter request.

(2) In applying for receiving site approval, the applicant shall provide the County Planning and Zoning Department with the following:

(a) A TDR certificate letter of intent issued in the name of the applicant, and a copy of a signed option to purchase the TDR sending site development rights; and

(b) An application for a preliminary plat to subdivide the property through the process described in this code. The public hearing for the preliminary plat shall also function as the hearing authorizing the use the TDR sending certificates.

(3) All receiving sites must be located within a platted subdivision or be approved by minor subdivision to include a survey prepared by a licensed Minnesota land surveyor. Prior to any subdivision or the issuance of any Zoning Permit to construct a new residence, the receiving site applicant shall deliver the TDR certificate issued in the applicant's name for the number of TDR development rights being used and the TDR extinguishment document in the form of a permanent easement to the County Planning and Zoning Administrator. Both the TDR certificate issued and the extinguishment document in the form of a permanent easement shall be recorded with the office of the County Recorder or the Registrar of Titles with or prior to the recording of a deed to transfer title.

(4) When the receiving site development proposal requires a public hearing under this title or its successor, that public hearing shall also serve as the hearing on the TDR proposal. The reviewing authority shall make a consolidated decision on the proposed development and use of TDR development rights and consider any appeals of the TDR proposal under the same appeal procedures set forth for the development proposal.

(5) When the development proposal does not require a public hearing under this title, the TDR proposal shall be considered along with the development proposal, and any appeals of the TDR proposal shall be considered under the same appeal procedures set forth for the development proposal.

(6) Development rights from a sending site shall be considered transferred to a receiving site when a final decision is made on the TDR receiving area development proposal, the sending site is permanently protected by a completed and recorded land dedication easement and notification has been provided to the County Planning and Zoning Administrator of the recording of the documents.

(G) *Sunset provision.* The Planning and Zoning Administrator shall annually prepare a report regarding the use of TDRs within the county by January 31 of each year to assist the Planning Commission and the County Board in assessing the TDR program. To be valid, a TDR must be duly recorded by the office of the County Recorder or the Registrar of Titles by that date. Any unrecorded TDR will not be valid.

(Ord. 97, passed 7-21-2009; Ord. 128, passed 3-20-2018)

## **RESIDENTIAL ZONING DISTRICTS AND RELATED USES**

### **§ 6.10 GENERAL STANDARDS FOR RESIDENTIAL DISTRICTS.**

Gasoline storage in a Residential District. No underground gasoline storage shall be permitted, except when part of a farming operation and located not less than 50 feet from any dwelling, adjoining property line, well or public road or highway.

(Ord. 97, passed 7-21-2009)

## **§ 6.11 SPECIFIC STANDARDS FOR RESIDENTIAL AND RELATED USES.**

### *(A) Boarding house.*

(1) The use must be located within a single-family dwelling, and shall be considered the principal use on the property.

(2) The exterior appearance of the structure shall not be altered from its single-family residential character.

*(B) Home occupation, permitted.* A home occupation is allowed in any district where residential uses are permitted. Permitted home occupations include the following: offices; professional services; art or craft studios; hair styling salon or barber; dog grooming; teaching; tutoring or counseling; single truck owner operators; and similar activities that involve little additional traffic or external evidence of the use. All home occupations shall conform to the following standards.

(1) The occupation shall be conducted only by person(s) residing in the dwelling.

(2) The home occupation shall be incidental and subordinate to the use of the property for residential purposes.

(3) No traffic shall be generated by the home occupation beyond that which is reasonable and normal for the area in which it is located. Events that attract traffic in excess of this amount shall be regulated as special events if they meet the special event standards in § [3.09](#).

(4) One non-illuminated sign no more than four square feet per surface may be permitted.

(5) Entrance to the home occupation shall be from within the structure. Any exterior evidence of the business shall be compatible with surrounding uses.

(6) The home occupation shall not result in increased usage of the septic system beyond the system's capacity.

(7) One additional parking space shall be provided for the use of clients, deliveries and the like, located outside of any required setback.

*(C) Home occupation, conditional.* Conditional use home occupations include the following: craft or trade workshops; small engine repair; dog "daycare"; and similar activities requiring the use of outdoor space or accessory buildings. In addition, any home occupation that exceeds any of the standards for permitted home occupations may be allowed as a conditional use in any district where residential uses are permitted.

(1) No more than two persons at any given time other than person(s) residing in the dwelling shall be employed in conjunction with the home occupation.

(2) The home occupation may be conducted in an accessory building or attached garage not exceeding 2,000 square feet of gross floor area.

(3) Up to three additional parking spaces shall be provided to accommodate any additional parking required by the home occupation, located outside of any required setback.

(4) No outdoor display of good is permitted.

(5) Outdoor storage shall be screened from adjacent residences as specified under commercial landscape requirements in § [6.15](#), and must be in character with neighborhood.

(6) An outside entrance may be provided.

(7) One non-illuminated sign no more than 12 square feet in size may be provided.

(8) No equipment or processes used in the home occupation shall create noise, vibration, glare, fumes, odors or electrical interference detectable off the premises.

(9) No traffic shall be generated by the home occupation beyond that which is reasonable and normal for the area in which it is located. Events that attract traffic in excess of this amount shall be regulated as special events if they meet the standards in § 3.09.

(10) Operations that expand to exceed the standards of this subsection (C) and their conditional use permit may be required to reduce the scope of their activities to comply with those standards.

(D) *Licensed residential program.* A licensed residential care facility shall comply with the following standards.

(1) The building and any exterior fenced areas shall meet the setback and dimensional standards for a single-family residence.

(2) The use shall comply with all applicable federal, state and county rules and regulations.

(3) The facility shall be licensed by the appropriate state agency.

(4) The exterior appearance of the structure shall not be altered from its single-family residential character.

(5) The facility shall not provide accommodations to treat persons whose tenancy would constitute a direct threat to the health and safety of other individuals.

(E) *Manufactured home park.*

(1) *Area and dimensional standards.*

(a) The minimum required area for a manufactured home park shall be ten acres.

(b) A minimum area of 4,000 square feet shall be provided for each residence.

(c) Setback requirements shall be as follows:

1. Front yard setbacks: 25 feet from curb of interior streets;

2. Side yard: ~~ten~~10 feet between side yards; a minimum separation of 30 feet between manufactured homes or other structures;

3. Rear yard: 15 feet; and

4. Adjacent to public streets or roads, the setbacks of the primary zoning district shall be met.

(d) Maximum lot coverage: 25%.

(2) *Design standards:*

(a) Vehicular access points shall be subject to review and approval of the County Engineer.

(b) All streets shall be hard-surfaced; street width shall be as specified for private streets in § 3.06. Streets shall be lighted and designed per county road standards.

(c) A minimum of one off-street parking space shall be provided for each manufactured home.

(F) *Multi-family dwelling.* Within the VMX and LR Districts, new multi-family units may be allowed as a conditional use meeting the following requirements.

(1) A maximum of four units may be permitted within any building or on a single parcel.

(2) When present in a mixed use building in the VMX District, multi-family units shall be located above the first floor with other allowed nonresidential uses on the ground floor.

(3) All county SSTS standards shall be met.

(G) *Sober house.* The purpose of this section is to set forth standards and conditions pertaining to a request for reasonable accommodation. Sober house shall be permitted in zoning districts where residential uses are allowed except in the I General Industrial, HC Highway Commercial and CLR Closed Landfill Restricted Districts.

(1) *Standards and conditions.* A request for reasonable accommodation for this use as required under the Federal Fair Housing Act Amendments of 1988 by providing an exception to the maximum number of unrelated persons living together in a dwelling unit shall automatically be granted if the following standards and conditions are met. This does not limit Waseca County from granting additional reasonable accommodation for this use under the general provisions of the Unified Development Code.

(a) The operator shall submit a request for reasonable accommodation to the Planning and Zoning Administrator on a form as provided by the county, to be approved by Waseca County Board of Commissioners, specifying the proposed maximum residential occupancy, and providing information necessary to assure the use meets applicable zoning standards.

(b) For a structure serving 17 or more potential sober house occupants, a conditional use permit is required.

(c) A sober house shall be required to adhere to applicable county regulations and all applicable federal and state laws.

(H) *Temporary worker housing.* Temporary housing for migratory or other farm workers shall comply with the following standards.

(1) The dwelling unit shall be located upon the property where the worker is employed.

(2) Occupancy is limited to eight months of each year.

(3) The unit, whether site built or manufactured, shall meet all requirements of applicable state manufactured housing codes and any applicable local building codes in effect at the time of construction.

(4) All buildings used as temporary housing shall have a permanent, continuous perimeter foundation.

(5) Occupancy per unit shall be limited to standards established by the state and the local Fire Department Official.

(6) Sanitary facilities shall meet the county SSTS standards.

(7) Site and structural improvements (parking, recreation space, site layout and the like) shall be determined by the Planning Commission.

(8) A temporary dwelling unit shall not be considered in the calculation of residential density as set forth in this ordinance.

(I) *Two-family dwelling.*

(1) The site must possess the zoning district's minimum lot size for two-family dwellings.

(2) Front entrance location.

(a) Access to the second dwelling unit shall be either through a common hallway with one front entrance, or by means of a separate entrance.

(b) The primary entrance to at least one unit shall be located on the facade fronting a public or private street or private lane or access easement.

(Ord. 97, passed 7-21-2009; Ord. 149, passed 2-1-2022)

#### **§ 6.12 RESIDENTIAL, INSTITUTIONAL AND CIVIC USES OFF-STREET PARKING REGULATIONS.**

All vehicle parking for residential, institutional and civic uses hereafter constructed or maintained shall conform to the applicable provisions of this ordinance; required off-street parking areas shall meet the following design standards.

(A) *Minimum parking space size and adequate access.* Each parking space shall have a width of not less than ten **(10)** feet and a depth of not less than 20 feet. Each parking space shall be adequately served by access drives.

(B) *Reduction and use of parking areas.* On-site parking facilities existing at the effective date of this ordinance shall not subsequently be reduced to an amount less than that required under this ordinance for a similar new building or use. On-site parking facilities provided to comply with the provisions of this ordinance shall not subsequently be reduced below the requirements of this ordinance. Such required parking or loading space shall not be used for storage of goods or for storage of vehicles that are inoperable or for sale or rent.

(C) *Handicapped parking.* Off-street parking areas shall be designed to meet the number, placement, size and marking and identification requirements for handicapped parking contained in federal and state statutes.

(D) *Yards.* On-site parking facilities shall not be subject to the front yard, side yard and rear yard regulations for the use district in which parking is located.

(E) *Access.*

(1) Parking spaces shall have proper access from a public right-of-way.

(2) The number and width of access drives shall be so located as to minimize traffic congestion and abnormal traffic hazard. Frontage roads or service roads may be required when, in the opinion of the County Planning Commission, such service roads are necessary to maintain traffic safety.

(3) Vehicular access to business or industrial uses across property in any residential District shall be prohibited.

(F) *Location and maintenance of parking facilities.*

(1) Required on-site parking space shall be provided on the same lot as the principal building or use.

(2) The operator of the principal building or use shall maintain parking and loading areas, access drives and yard areas in a neat and adequate manner.

(G) *Location of off-street parking required site plan.* Any application for a building permit shall include a site plan or plot plan drawn to scale and dimensioned, showing on-site parking and loading space to be provided in compliance with this ordinance. Marking and delineation of off-street parking areas may be required as part of a site development plan or subdivision approval.

(H) *Required number of off-street parking spaces for residential, institutional and civic uses.*

(1) *Adequate parking required.* On-site parking areas of sufficient size to provide parking for patrons, customers, suppliers, visitors and employees shall be provided on the premises of each use.

(2) *Computation of required spaces.* In computing the number of such parking spaces required, the following rules shall govern.

(a) Floor space shall mean the gross floor area of the specific use.

(b) Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.

(c) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature, as determined by the County Board and the Planning Commission.

(d) In places of public assembly, in which patrons occupy benches, pews or similar facilities, each 22 inches of such seating facility shall be counted as one seat for the purposes of determining requirements.

(3) *Principal use.* In all districts, off-street parking shall be required based on the principal use of the lot in the amounts listed in Table 6-6, below.

<b>Table 6.6 Off-Street Parking Requirements for Residential, Institutional and Civic Uses</b>	
<b>Use Category or Type from Table 6-10</b>	<b>Required Spaces</b>
Institutional and civic uses - community services except cemetery	1 for each 4 seats provided or 1/1,000 sq. ft. of gross floor area
Institutional and civic uses - cemetery	1/4,000 sq. ft. of gross land area
Institutional and civic uses - educational institutions except secondary school	1/each employee plus 1/each 4 students, based on design capacity
Institutional and civic uses - health care and social services	4/1,000 sq. ft. of gross floor area
Institutional and civic uses - secondary school	1/each employee plus 1/each 6 students, based on design capacity
Institutional and civic uses - public parks and open space	1/5,000 sq. ft. of gross land area
Residential uses - group living	1 per dwelling unit plus one for every two bedrooms
Residential uses - household living	1 per dwelling unit

(Ord. 97, passed 7-21-2009)

**§ 6.13 SPECIFIC STANDARDS FOR INSTITUTIONAL AND CIVIC USES.**

(A) *Cemetery.* Any new or expanded cemetery shall comply with the following requirements.

(1) Burial plots and headstones shall be located a minimum of 15 feet from all lot boundaries.

(2) Minimum area: any lot with a cemetery as the principal use shall be at least three acres in size ~~with at least 100 feet of frontage on a hard-surfaced road.~~

(B) *Daycare center.* The following standards apply to daycare centers, both permitted and conditional, and to family or group daycare accessory to a residential use.

(1) Within a residential or agricultural district, the building and any exterior fenced area shall meet the setback requirements for a single-family residence.

(2) The use shall comply with all applicable federal, state and county rules and regulations.

(3) For child daycare facilities, at least 50 square feet of outside play area shall be provided for each child under care.

(4) For adult daycare facilities, at least 150 square feet of outdoor area for seating or exercise shall be provided for each adult under care.

(5) When the daycare facility is located in a church or school building originally constructed for use as a church or school, the use shall be treated as an accessory use.

(C) *Religious institution.* The following standards shall apply both to permitted and conditional uses.

(1) Site plan review shall be required.

(2) The site must be accessed via a ~~paved~~ road of sufficient capacity to handle the anticipated traffic. A traffic study may be required.

(3) One accessory single-family residential use on the same lot as the religious institution shall be allowed.

(4) Any other uses of the facility, such as a school or daycare center, shall be treated as a separate use.

(D) *Highway maintenance shop and yard.*

(1) *Site plan.* Site plan review shall be required. Special attention shall be paid to outdoor storage and the prevention of nuisance to adjacent properties.

(2) *Hours of operation.* The Planning Commission may limit the hours of operation shall be limited so as to prevent an adverse impact on adjacent property owners.

(3) *Street access.* The site shall have access to a road of sufficient capacity to accommodate the traffic that the use will generate.

(E) *Private school.*

(1) *Site plan.* Site plan review shall be required.

(2) *Off-street parking.* Parking shall be provided in the side or rear yard and shall be completely screened from view of any adjoining residential properties as described found in § [6.15](#).

(3) *Building proximity to property line.* No building shall be located within 30 feet of any property line unless the lot is adjacent to a nonresidential use.

(4) *Lighting.* All exterior lights must be directed downward and not produce glare on adjoining residential properties.

(5) *Screening.* Vegetative screening and buffers shall be provided where the lot abuts residentially used properties as required by the County Zoning Administrator.

(Ord. 97, passed 7-21-2009)

#### **§ 6.14 LR LIMITED RESIDENTIAL DISTRICT.**

(A) *Purpose.* The purpose of the Limited Residential District is to implement the following objectives, based on the goals and policies of the County Comprehensive Plan:

(1) Allow limited residential development within the Shoreland Overlay District of the general development and recreational development lakes (except Goose Lake, due to the shallow nature of this water body), as shown on the approved zoning map, and in areas between general development lakes and natural environment lakes where a parcel is: within one mile of a general development as shown on the approved zoning map; and where a concept plan was submitted prior to the approval of this code. The goal is to allow growth in areas that are not well-suited for agricultural use because of soil type, topography, vegetation or other factors. Residential uses should be designed and located so as to minimize impact on natural and scenic resources. Residential uses should not interfere with existing agricultural operations;

(2) Promote conservation subdivision design in order to maintain contiguous blocks of economically viable agricultural land, woodlands and open space and to preserve scenic views, natural drainage systems and other desirable features of the natural environment; and

(3) Provide flexibility, innovation and creativity in development of lands with proximity to general development and recreational development lakes that is subject to development pressure.

(B) *Permitted uses.*

(1) Agriculture and incidental agriculture related uses, including agricultural building(s) and farm homesteads;

(2) Forestry, production of woodland products, nurseries, tree farms;

(3) Seasonal produce stand;

(4) Wildlife area, fish hatchery and forest preserve owned or operated by governmental agencies;

(5) Single-family detached dwelling (refer to density and other standards);

(6) Accessory dwelling unit, pursuant to the standards in § 4.03;

(7) Home occupation, pursuant to § 6.11(B);

(8) Licensed residential program (up to eight residents);

(9) Local governmental agency building or facility, community center, Town Hall and associated accessory building(s);

(10) Parks and public recreation areas;

(11) Religious institution;

(12) Barber, beauty shop;

(13) Bed and breakfast;

(14) Railroad right-of-way, but not including railroad yard;

(15) Family daycare;

(16) Group family daycare;

(17) Solar ~~equipment~~Energy Systems, pursuant to § 6.16(PP);

(18) Swimming pool, hot tub;

(19) Wind turbine, accessory; and

(1720) Sober House

and

(2021) Other accessory uses and structures that are incidental to the principal use.

(C) *Conditional uses (see Article 4 for accessory uses).*

- (1) Two-family dwelling;
- (2) Boarding house;
- (3) Home occupation, pursuant to §6.11(C);
- (4) Multi-family dwelling;
- (5) Temporary worker housing;
- (6) Cemetery, memorial garden;
- (7) Daycare center;
- (8) Campground;
- (9) Golf course, country club, driving range;
- (10) Hunting club (private) hunting preserve;
- (11) Organized group camp;
- (12) Riding academy, boarding stable;
- (13) Essential services, facilities and structures;
- (14) Kennels, private commercial;
- (15) Water-oriented accessory structures (docks, lifts and the like); and
- (16) Agritourism.

(17) Sober House

(D) *Density standards.* The base density permitted in the LR District is eight dwelling units per ~~40 acres or a proportional number based on parcel size~~ quarter-quarter section. A dwelling that is part of a farmstead is counted as a dwelling unit. A parcel of record is entitled to one dwelling unit.

(E) *Conservation subdivision design requirement and standards.* As an incentive to protect county natural resources and promote goals of the Comprehensive Plan, conservation subdivision design is an option in the LR District.

(1) If conservation subdivision design is used in compliance with provisions in § 3.06, the maximum permitted residential density is 16 units per 40 acres.

(2) Minimum common open space: A minimum of 50% of the property shall be protected as permanent common open space, which may include agricultural uses and other uses specified in the conservation easement text.

(3) Open space shall be sited and designed according to the standards in § 3.06.

(F) *Dimensional standards.* Development within the Limited Residential District shall be subject to the following minimum dimensional standards:

- (1) Lot area:
  - (a) Single-family dwelling, standard lots: one acre minimum ~~of buildable top ground land~~;
  - (b) Conservation subdivision lots: 0.75-acre ~~average of buildable top ground land~~ minimum; two and one-half-acre maximum;

(c) Other principal permitted and conditional uses: two and one-half acre minimum or as specified by conditional use permit; and

(d) No minimum lot area required for utilities, public uses and communication towers except as otherwise required.

(2) Minimum lot width: 150 feet, or 75 feet for conservation subdivision lots;

(3) Minimum setbacks from property or road right-of-way lines, principal structures:

	<i>Standard Lots</i>	<i>Conservation lots</i>
Front yard	40 feet	30 feet from interior road
Rear yard	30 feet	25 feet
Side yard	15 feet	10 feet

(4) Minimum setback when a property is accessed via a private road

(a) Front yard: 25 feet

(5) Minimum setbacks from property or road right-of-way lines, accessory structures:

(a) Front yard: same as principal structure;

(b) Side yard: 15 feet (~~ten-10~~ feet if structure is 100 square feet or less in area and no greater than 14 feet in height); and

(c) Rear yard: 15 feet (~~ten-10~~ feet if structure is 100 square feet or less in area and no greater than 14 feet in height).

(56) Minimum setbacks, windbreaks and trees:

(a) Road right-of-way of less than 100 feet: 20 feet from right-of-way;

(b) Road right-of-way of 100 feet or greater: 15 feet from right-of-way;

(c) From side or rear parcel boundary: ~~ten-10~~ feet for windbreaks consisting of shrubs and 20 feet for trees, as defined; and

(d) Side or rear windbreak and tree setbacks may be reduced or eliminated by agreement of adjoining property owners when the agreement is filed with the Zoning Administrator and recorded by the County Recorder of Deeds.

(67) Maximum impervious coverage(outside the Shoreland District): 25%; and

(78) Maximum height for all structures except agricultural structures, utilities and communication or wind towers: 35 feet.

(G) *Additional requirements.* Additional requirements within this ordinance and other county County ordinances apply to development in the Limited Residential District. These include, but are not limited to, the general regulations in Articles 4 and 5 and the conditional use and specific development standards found in Articles 3 through 6 of this ordinance.

(Ord. 97, passed 7-21-2009; Ord. 104.1, passed 6-21-2011; Ord. 138, passed 9-3-2019; Ord. 143, passed 9-15-2020)

## **COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS AND RELATED USES**

### **§ 6.15 GENERAL STANDARDS FOR COMMERCIAL AND INDUSTRIAL USES.**

(A) *Performance standards.* It is the intent of this section to provide that uses of land and buildings in commercial and industrial districts shall be established and maintained with proper appearance from streets and adjoining properties and to provide that each permitted use shall be a good neighbor to adjoining properties by the control of the following:

(1) *Standards.*

(a) *Landscaping.* All required yards either shall be open landscaped and green areas or be left in a natural state. If any yards are to be landscaped, they shall be landscaped attractively with lawn, trees, shrubs and the like. Any areas left in a natural state shall be properly maintained in an attractive and well-kept condition. Yards adjoining any residences shall be landscaped with buffer planting screens. Plans of such screen shall be submitted for approval as a part of the site plan and installed prior to occupancy of any tract in the district.

(b) *Emissions.* Emission or creation of noise, odors, heat, glare, vibration, smoke, toxic or noxious fumes, and dust or other particulate matter shall conform to standards established by the State Pollution Control Agency. Detailed plans relating to the proposed use and operation may be required before issuance of a building permit to ensure compliance with these regulations.

(c) *Exterior lighting.* Any lights used for exterior illumination shall be diffused, hooded or directed away from adjoining properties and public streets.

(d) *Water pollution.* All uses shall conform to the water pollution standards and controls enforced by the county and those adopted by the State Pollution Control Agency and other agencies and governing bodies which have such powers and controls.

(e) *Hazard.* Every use established, enlarged or remodeled shall be operated with reasonable precautions against fire and explosion hazards.

(2) *Compliance.* In order to ensure compliance with the performance standards set forth above, the County Board may require the owner or operator of any permitted or conditional use to have made such investigations and tests as may be required to show adherence to the performance standards. Such investigation and tests as are required to be made shall be carried out by an independent testing organization as may be selected by the County Board.

(B) *Landscaping.* Yards of commercial sales and service and industrial uses adjoining any residential district shall be landscaped with planting buffer screens. Plans for such screens shall be submitted as a part of the application for zoning permit and installed as a part of the initial construction.

(C) *Storage of materials.* For any commercial sales and service and industrial uses the display of materials in the public right-of-way shall be prohibited. Any other outdoor display shall be located or screened so as not to be visible from any residential district within 1,000 feet.

(D) *Exception to required front yard area.* For commercial and industrial buildings, up to 20% of the required front yard area may be covered by arcades, canopies, roofs, solar power systems or similar architectural features.

(E) *Parking standards for commercial and industrial uses.*

(1) *Location of required off-street parking.*

(a) On-site parking and loading facilities shall not be subject to the front yard, side yard and rear yard regulations for the use district in which parking is located, except that in the Highway Commercial and General Industrial Districts no parking or loading space shall be located within ten (10) feet of any property line that abuts a road or highway right-of-way, or any residential or agricultural district, except for railroad loading areas.

(b) No parking area shall be constructed in the required side yard of a building that is adjacent to a residential district.

(2) *Handicapped parking.* Off-street parking areas shall be designed to meet the number, placement, size and marking and identification requirements for handicapped parking contained in state statutes.

(a) *Design and access to off-street spaces.* Commercial and industrial uses shall adhere to the standards for parking areas for residential, civic and institutional uses found in § 6.12, except where it directly contradicts a standard found in this section (§ 6.15), when the standards found in this section (§ 6.15) shall be the controlling.

(b) *Number of required spaces.* In all districts, off-street parking for commercial recreation, retail, service, commercial and industrial uses shall be required based on the principal use of the lot in the amounts listed in Table 6.7 below.

<b>Table 6.7 Minimum Off-street Parking Standards for Commercial and Industrial Uses</b>		
Commercial recreation uses		1 for each 4 seats provided or 5/1,000 sq. ft. of gross floor area or gross land area
Industrial uses		No minimum or spaces as required by the Board after review by the Planning Commission in case of conditional use permit
Retail, service and commercial uses		3/1,000 sq. ft. of gross floor area or as required by the Board after review by the Planning Commission

(3) *Combined parking facilities.* Combined or joint parking facilities may be provided for one or more buildings or uses in any commercial or industrial District, provided that the total number of spaces shall equal the sum of the requirements for each building or use.

(4) *Construction and maintenance.*

(a) In any commercial or Industrial District, parking areas and access drives shall be covered with a dust-free, all-weather surface or an adequate gravel base with proper surface drainage, as required by the County Engineer.

(b) The operator of the principal building or use shall maintain parking and loading areas, access drives and yard areas in a neat and adequate manner.

(5) *Lighting.* Lighting shall be reflected away from the public right-of-way and nearby or adjacent residential or agricultural district.

(6) *Off-street loading areas; commercial and industrial uses.*

(a) *Purpose.* The purpose of the regulation of loading spaces in these zoning regulations is to alleviate or prevent congestion of the public right-of-way and so to promote the safety and general welfare of the public, by establishing minimum requirements for off-street loading and unloading from motor vehicles in accordance with the utilization of various parcels of land or structures.

(b) *Loading space and access.* All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicle they are designed to serve. Each loading space shall contain a minimum area of not less than 500 square feet.

(c) *Number of loading berths.* Required loading berths in connection with any structure which is to be erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, and which will have a gross floor area of 5,000 square feet or more, there shall be provided off-street loading space on the basis of the following minimum requirements.

<b><i>Square Feet of Aggregate Gross Floor</i></b>	<b><i>Minimum Required Number of Area Berths</i></b>
5,000 up to and including 16,000	1
16,000 up to and including 40,000	2
40,000 up to and including 70,000	3
70,000 up to and including 100,000	4
For each additional 40,000	1 additional
One additional loading berth shall be provided for each additional 20,000 square feet or fraction thereof of gross floor area	

(7) *Off-street loading area design standards.* Required off-street loading areas shall meet the following design standards.

(a) *Size.* Each loading berth shall be not less than 15 feet in width, 60 feet in length, and 15 feet in height. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicle they are designed to serve. Each loading space shall contain a minimum area of not less than 500 square feet.

(b) *Location.* Such berth may occupy part of a required yard space, however, required off-street loading areas shall not occupy required buffer areas between commercial or industrial lots and adjacent non-commercial or non-industrial lots, and no berth shall be constructed in the required side yard of a building that is adjacent to a residential district.

(Ord. 97, passed 7-21-2009)

#### **§ 6.16 SPECIFIC STANDARDS FOR COMMERCIAL AND INDUSTRIAL USES.**

(A) *Airport, heliport, aircraft rental, sale, servicing, manufacturing and related services.*

(1) All airports and heliports shall be approved by the State Department of Transportation, Aeronautics Division and shall comply with all applicable federal and state requirements.

(2) All airports and heliports shall be located at least two miles from any built up area having a density of two or more dwelling units per acre.

(3) Hangers used for storing aircraft shall be located at least 150 feet from the right-of-way of any public road or street and at least 500 feet from any residential structure on abutting land.

(4) No portion of any runway shall be located within 1,000 feet of a residential structure.

(B) *Adult uses.*

(1) *Licensing requirements.* See Article 3, Development Review Processes and Requirements.

(a) No person(s) under 18 years of age shall be permitted in any adult use-principal premises, enterprise, establishment, business or place.

(b) No liquor license, as defined, shall be issued to any adult use related premises, enterprise, establishment, business or place open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction, description of or participation in “specified sexual activities” or “specified anatomical areas”.

(c) No adult use related premises, enterprise, establishment, business or place shall allow or permit the sale or service of set ups to mix alcoholic drinks. No alcoholic beverages shall be consumed on the premises of such premises, enterprise, establishment, business or place.

(d) Activities classified as obscene are not permitted and are prohibited. In no instance shall the application or interpretation of this ordinance be construed to allow an activity otherwise prohibited by law.

(e) Adult uses, either principal or accessory, shall be prohibited from locating in any building that is also utilized for residential purposes.

(f) An adult use that does not qualify as an accessory use pursuant to subsection (B)(9) below shall be classified as an adult-use principal.

(g) The owner/operator shall hire and employ his or her own security personnel who shall provide crowd control to maintain orderly conduct at such establishment. These employees are not required to be law enforcement personnel.

(h) Off-street parking shall be provided meeting the requirements found in § [6.15](#).

(2) *Site plan review.* Site plan review shall be required for all adult uses. Access, parking, screening, lighting and other relevant site-related criteria shall be considered as part of the site plan review process.

(3) *Separation requirements.* Any adult use-principal, shall be located at least 1,000 lineal feet, as measured in a straight line from the closest point of the main entrance of the building within which the adult use-principal is located, to the property line of:

(a) Any residentially used or zoned property;

(b) Any licensed daycare center or facility;

(c) Any public or private educational facility classified as an elementary, junior high or senior high school;

(d) Any hotel or motel;

(e) Any public park or trails system;

(f) Any nursing home;

(g) Any youth establishment;

(h) Any church or church related organization; and/or

(i) Another adult establishment. No adult use-principal shall be located in the same building or upon the same property as another adult use-principal.

(4) *Hours of operation.* Hours of operation for adult uses-principal shall be between the times of 9:00 a.m. and 12:30 a.m. The County Board may approve a differing time schedule if it can be satisfactorily demonstrated to the Board that all of the following apply.

(a) The use does not adversely impact or affect uses or activities within 1,000 feet.

(b) The use will not result in increased policing and police related service calls.

(c) The schedule is critical to the operation of the business.

(5) *Sign regulations.* Adult uses-principal shall adhere to the following sign regulations in addition to those set forth in § 4.12, Sign Regulations.

(a) Sign message shall be generic in nature and shall only identify the name and type of business. Signs shall not be pictorial.

(b) Signs shall be limited to the size and number of signs permitted in the district in which the use is located.

(6) *Adult cabaret restrictions.* The following additional restrictions apply to adult cabarets.

(a) No person, firm, partnership, corporation or other entity shall advertise, or cause to be advertised, an adult cabaret without a valid adult use license.

(b) An adult use licensee shall maintain and retain for a period of two years the names, addresses and ages of all persons engaged, hired or employed as dancers or performers by the licensee. These written records must be provided to the county or county's enforcement designee(s) upon request.

(c) An adult cabaret shall be prohibited in establishments where alcoholic beverages are served.

(d) No owner, operator or manager of an adult cabaret shall permit or allow any dancer or other live entertainer to perform nude unless as provided in subparts (B)(7) and (B)(8) below.

(e) No patron or any person other than a dancer or live entertainer shall be wholly or partially nude in terms of "specified anatomical area" in an adult cabaret.

(f) No dancer, live entertainer, performer shall be under 18 years of age.

(g) All dancing shall occur on a platform intended for that purpose which is raised at least two feet above the level of the floor.

(h) No dancer or performer shall perform or dance closer than ten ~~(10)~~ feet from any patron unless such dancer or performer is enclosed behind a floor to ceiling glass partition.

(i) No dancer shall fondle or caress any patron and no patron shall fondle or caress any dancer or performer.

(j) No person under 18 years of age shall be admitted to an adult cabaret.

(7) *Viewing booth restrictions.* The following additional regulations apply to viewing booths.

(a) Individual motion picture viewing booths must be without doors and the occupant must be visible at all times.

(b) Only one person may be in a viewing booth at a time.

(c) Walls separating booths must be such that the occupants cannot engage in sexual activity.

(d) Each booth must be kept clean and sanitary.

(e) Minimum lighting requirements must be maintained. Minimum lighting shall be construed to be that of which a book of general print could be easily read by any given individual.

(8) *Accessory adult uses.* Adult uses-accessory shall be permitted in the HC, Highway Commercial and I, General Industrial Districts, provided the accessory use conforms to the provisions of this subsection (B)(8).

(9) (a) *Adult use, accessory.* An adult use, accessory shall:

1. Comprise no more than 10% of the floor area of the establishment in which it is located;
2. Comprise no more than 20% of the gross receipts of the entire business operation; and
3. Not involve or include any activity except the sale or rental of merchandise.

(b) *Restricted access.* Adult uses-accessory shall be restricted from, and prohibit access to minors, by physically separating the following and similar items from areas of general public access.

1. Movie rental display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view of, and under the control of, the persons responsible for the operation.

2. Magazines or publications classified as adult uses shall not be physically accessible to minors and shall be covered with a wrapper or other means to prevent display of any material other than the publication title.

3. Other adult uses not specifically cited shall comply with the intent of this ordinance.

(c) *Advertising.* Adult uses, accessory shall be prohibited from both internal and external advertising and signing of adult materials and products.

(C) *Automobile repair.*

(1) *Site plan.* Site plan review shall be required.

(2) *Access.* If the Planning Commission determines it necessary, the site shall have access to a hard surfaced road of sufficient capacity to accommodate the traffic that the use will generate.

(3) *Repair shop.* All repairs shall be performed within a completely enclosed building.

(4) *Hazardous materials.* Venting of odors, gas and fumes shall be directed away from residential uses. All storage tanks shall be equipped with vapor-tight fittings to preclude the escape of gas vapors. All chemicals, hazardous materials, solid waste and nutrients and/or the like shall be properly used or disposed of by legal, environmentally sound methods. Any spills resulting from the use of such chemicals, hazardous materials or the like shall be properly reported, contained and mitigated as the State Pollution Control Agency may deem necessary. The State Duty Officer's phone number is 1-800-422-0798.

(D) *Automobile service station, car wash.*

(1) *Site plan.* Site plan review shall be required.

(2) *Access.* If the Planning Commission determines it necessary, the site shall have access to a hard surfaced road of sufficient capacity to accommodate the traffic that the use will generate

(3) *Car wash.* A car wash facility, either attached or detached from the principal structure, shall only be permitted as an accessory use.

(4) *Water.* Water from the car wash shall not drain across any sidewalk or into a public right-of-way.

(5) *Noise.* Vacuum and drying facilities shall be located in an enclosed structure or at a sufficient distance from any residential use to minimize the impact of noise. Additional controls may be established to control noise during the operation of the facility, including controls of hours of operation.

(6) *Spills.* All chemicals, hazardous materials, solid waste and nutrients and/or the like shall be properly used or disposed of by legal, environmentally sound methods. Any spills resulting from the use of such chemicals, hazardous materials or the like shall be properly reported, contained and mitigated as the State Pollution Control Agency may deem necessary.

(E) *Bed and breakfast.*

(1) *Location.* The facility shall be located in a single-family detached dwelling.

(2) *Number of bedrooms.* A maximum of four bedrooms may be rented to guests.

(3) *Guest parking.* Parking for guests shall be located to the rear or side of the dwelling.

(4) *Guest register.* The facility shall maintain a guest register open to inspection by the county.

(F) *Building material sales and storage, lumber yard, garden store, commercial greenhouse, manufactured home sales.*

(1) *Site plan.* Site plan review shall be required.

(2) *Street access.* The site shall have access to a hard surfaced road of sufficient capacity to accommodate the traffic that the use will generate.

(3) *Access.* Vehicular access points shall create a minimum of conflict with through traffic movement.

(4) *Parking.* Parking and loading shall meet the standards found in § [6.15](#).

(5) *Buffers.* Buffers shall be installed meeting the standards found in § [6.15](#).

(6) *Lighting.* Any lighting used for outdoor illumination on a commercial property shall be installed to deflect light away from adjoining property and public streets. The sources of light shall be hooded or controlled so light does not shine upward nor onto adjoining property.

(G) *Bulk storage.*

(1) *Site plan.* Site plan review shall be required.

(2) *Street access.* The site shall have access to a hard surfaced road of sufficient capacity to accommodate the traffic that the use will generate.

(3) *Access.* Vehicular access points shall create a minimum of conflict with through traffic movement.

(4) *Parking.* Parking and loading shall meet the standards found in § [6.15](#).

(H) *Campground, organized group camp, recreational camping area.*

(1) Site plan review shall be required.

(2) The campground or organized group camp must be accessed via a paved road of sufficient capacity to handle the anticipated traffic. A traffic study may be required. A recreational camping area may be accessed via an unpaved road.

(3) One accessory caretaker's residence on the same lot as the facility shall be allowed.

(4) Density and area requirements:

(a) Minimum area requirement for a camp area shall be five acres; and

(b) Minimum site size of 2,000 square feet shall be provided for each recreational camping vehicle in camping area.

(5) Setback and spacing requirements:

(a) All recreational camping vehicles shall be located at least 25 feet from any camping area property boundary line abutting upon a public street or highway right-of-way and at least ten (10) feet from other park property boundary lines;

(b) All recreational camping vehicles shall be separated from each other and from other structures by at least ten (10) feet. Any accessory structure such as attached awnings, car ports or individual storage facilities, shall, for the purpose of this separation requirement, be considered part of the recreational camping vehicle; and

(c) A minimum of 10% of the site area shall be developed for recreational use (play areas, courts, swimming and the like) and maintained at the owner/operator's expense.

(I) *Convenience gas and goods sales.*

(1) *Site plan.* Site plan review shall be required.

(2) *Street access.* The site shall have access to a hard surfaced road of sufficient capacity to accommodate the traffic that the use will generate.

(3) *Access.* Vehicular access points shall create a minimum of conflict with through traffic movement.

(4) *Parking.* Parking and loading shall meet the standards found in § 6.15.

(5) *Buffers.* Buffers shall be installed meeting the standards found in § 6.15.

(6) *Spills.* All chemicals, hazardous materials, solid waste and nutrients and/or the like shall be properly used or disposed of by legal, environmentally sound methods. Any spills resulting from the use of such chemicals, hazardous materials or the like shall be properly reported, contained and mitigated as the State Pollution Control Agency may deem necessary.

(J) *Essential services.*

(1) *Purpose.* Since essential services, as defined by this ordinance, may have an effect upon urbanizing areas of the county, county land uses, county highway locations, and county parks and recreation areas, the location of all such essential services in any zoning district shall be filed with the County Engineer and the Zoning Administrator prior to commencement of any condemnation action or construction by the owner.

(2) *Applicability.* Standards in this subsection shall only apply to those essential service facilities subject to local control as determined by M.S. Chapter 216, as it may be amended from time to time.

(3) *Permit processing.* Transmission services, i.e., utility service such as electrical power lines of a voltage of 35 KV or greater, or bulk gas or fuel being transferred from station to station, and not intended for in route consumption, shall follow the following procedures.

(a) The owner shall file with the Zoning Administrator such maps indicating the location, alignment and type of service proposed as shall be requested.

(b) The maps and accompanying data shall be submitted to the Planning Commission for review and recommendations regarding the relationship to urban growth, land uses, highways and recreation and park areas.

(c) Following such review, the Planning Commission shall make a report of its findings and recommendations on the proposed essential services and shall file such report with the County Board.

(d) Upon receipt of the report of the Planning Commission on the planned essential services, the County Board shall consider the maps and accompanying data and shall indicate to the owner its approval or modifications considered desirable under this ordinance.

(4) *Permitted use.* Electric substations and similar essential service structures, as well as public utility buildings, shall be a conditional permitted use in all districts.

(5) *Placement within county right-of-way.* An application for a permit for essential services located within any county highway or county state aid highway rights-of-way shall follow the following procedures.

(a) The applicant shall file with the County Engineer on forms supplied by the county, an application for such permit accompanied by maps indicating the locations, alignment and type of service proposed.

(b) The application and accompanying data shall be reviewed by the County Engineer, and the County Engineer may issue the permit after determining that the application is acceptable and in the best interests of the county.

(c) The County Engineer may require, in conjunction with the issuance of such permit, that:

1. The applicant submit, as built, drawings of the essential services after construction; and
2. The applicant construct the essential service to take into consideration contemplated widening, re-grading or relocation of a county highway or county state aid highway, providing the county owns such additional right-of-way.

(6) *Maintenance.* No utility permits shall be required to maintain, or reconstruct, existing lines where the general alignment of the existing line is maintained.

(7) *Review timeliness.* Recognizing the need for adequate and timely service by owners of essential services, the County Engineer shall act upon all information filings or permit applications within 45 days of receipt by the County Engineer. Failure to act within 45 days shall constitute approval.

(8) *Fees.*

(a) A utility permit application fee shall be established by the County Board payable when the application is filed.

(b) Any outside costs for consulting services to aid the Planning Commission and/or County Board in making a decision on the utility permit application shall be paid by the applicant. Such fee shall be as determined by the County Board.

(K) *Fertilizer manufacture.*

(1) *Site plan.* Site plan review shall be required.

(2) *Setbacks.* Anhydrous ammonia containers shall be located outside of buildings other than those especially constructed for this purpose. Containers shall meet the following setbacks:

- (a) From a main line railroad: ~~ten~~10 feet;
- (b) From adjacent property boundaries: 50 feet;
- (c) From a dwelling or water supply well or water body: 100 feet; and
- (d) From an educational institution, hospital or religious assembly: 1,000 feet.

(3) *Outdoor storage prohibited.* Equipment or materials shall be completely enclosed in a permanent structure, with the exception of fertilizer storage tanks and fertilizer equipment; no outdoor storage shall be permitted.

(4) *Spills.* All chemicals, hazardous materials, solid waste, and nutrients and/or the like shall be properly used or disposed of by legal, environmentally sound methods. Any spills resulting from the use of such chemicals, hazardous materials or the like shall be properly reported, contained and mitigated as the State Pollution Control Agency may deem necessary.

(5) *Architect or engineered design.* This project is required to be designed by a licensed engineer or architect in accordance with the State Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geosciences and Interior Design.

(L) *Golf course, country club, driving range.*

(1) Site plan review shall be required.

(2) Setback: all buildings shall be set back at least 50 feet from the property line of any residential use.

(3) The site must be accessed via a paved road of sufficient capacity to handle the anticipated traffic. A traffic study and transportation management plan may be required.

(4) One accessory caretaker's residence on the same lot as the facility shall be allowed.

(5) Storage of pesticides and fertilizers shall follow the standards of the State Department of Agriculture. A plan shall be submitted for storage and use of pesticides and fertilizers at the facility.

(6) Golf courses shall be designed with environmental resources in mind. Performance standards shall include:

(a) Water recycling and conservation through on-site storage and use facilities;

(b) Use of landscaped buffers and other Best Management Practices (BMPs) to minimize fertilizer runoff and other chemicals from entering surface water bodies; and

(c) Use of landscaping and careful layout of golf course to preserve and enhance wildlife habitat through preservation of existing vegetation and habitat as well as creation of new habitat opportunities.

(M) *Go-cart track, miniature golf, skating rink (unenclosed).*

(1) Site plan review shall be required.

(2) The site must be accessed via a paved road of sufficient capacity to handle the anticipated traffic. A traffic study and transportation management plan may be required.

(N) *Hunting preserve.*

(1) The boundaries of all hunting preserves shall be clearly indicated by signs.

(2) The signs shall be no more than 150 feet apart and shall be continuous around the perimeter of the area contained in the preserve.

(3) The lettering on the signs shall be at least two inches in height.

(4) The signs shall clearly state the nature of the preserve and the type of use involved.

(O) *Landfill (sanitary), recycling facility.*

(1) *Site plan.* Site plan review shall be required.

(2) *Conditional use permit length.* The conditional use permit for the facility shall be reviewed every five years to determine whether the facility continues to comply with all conditions.

(3) *Operational plan.* An operational plan shall be developed for the facility, and subsequent activities shall be conducted in accordance with the plan.

(4) *Street access.* The site shall have access to a hard surfaced road of sufficient capacity to accommodate the traffic that the use will generate.

(5) *Access.* Vehicular access points shall create a minimum of conflict with through traffic movement.

(6) *Parking.* Parking and loading shall meet the standards found in § [6.15](#).

(7) *Buffers.* Buffers shall be installed meeting the standards found in § [6.15](#).

(8) *Noise.* Additional controls may be established to control noise during the operation of the facility, including controls of hours of operation.

(9) *Spills.* All chemicals, hazardous materials, solid waste and nutrients and/or the like shall be properly used or disposed of by legal, environmentally sound methods. Any spills resulting from the use of such chemicals, hazardous materials or the like shall be properly reported, contained and mitigated as the State Pollution Control Agency may deem necessary.

(10) *Architect or engineered design.* This project is required to be designed by a licensed engineer or architect in accordance with the State Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geosciences and Interior Design.

(P) *Office, professional or medical.*

(1) *Site plan.* Site plan review shall be required.

(2) *Street access.* The site shall have access to a road of sufficient capacity to accommodate the traffic that the use will generate.

(3) *Parking.* Parking and loading shall meet the standards found in § [6.15](#).

(Q) *Office, other than professional or medical.*

(1) *Site plan.* Site plan review shall be required.

(2) *Street access.* The site shall have access to a of sufficient capacity to accommodate the traffic that the use will generate.

(3) *Access.* Vehicular access points shall create a minimum of conflict with through traffic movement.

(4) *Parking.* Parking and loading shall meet the standards found in § [6.15](#).

(R) *Office services.*

(1) *Site plan.* Site plan review shall be required.

(2) *Street access.* The site shall have access to a road of sufficient capacity to accommodate the traffic that the use will generate.

(3) *Parking.* Parking and loading shall meet the standards found in § [6.15](#).

(S) *Organized motor sports, paint ball course.*

(1) A site plan shall be submitted regarding the nature of the facility, sanitary facilities and waste disposal, lighting, hours of operation, erosion control and other issues identified as relevant to the proposed use.

(2) Erosion control plans for trails may be required.

(3) Tracks or trails shall be set back at least 500 feet from property lines, at least 300 feet from any road right-of-way, and at least 1,500 feet from existing residences, with the exception of residences on the same property as the motor sport use.

(4) Noise shall be limited to a maximum level of 50dB(A) at the nearest property line.

(5) One caretaker residence may be allowed, which shall be used only by the caretaker and his or her family members. The caretaker residence shall be accessed via the access road to the facility.

(T) *Repair services.*

(1) *Site plan.* Site plan review shall be required.

(2) *Parking.* Parking and loading shall meet the standards found in § [6.15e](#).

(U) *Restaurant (drive-in), theater (drive-in), or similar uses that provide goods and services to patrons in automobiles.*

(1) *Site plan.* Site plan review shall be required.

(2) *Street access.* The site shall have access to a hard surfaced road of sufficient capacity to accommodate the traffic that the use will generate.

(3) *Access.* Vehicular access points shall create a minimum of conflict with through traffic movement.

(4) *Parking.* Parking and loading shall meet the standards found in § [6.15](#).

(5) *Buffers.* Buffers shall be installed meeting the standards found in § [6.15](#).

(6) *Lighting.* Any lighting used for outdoor illumination on a commercial property shall be installed to deflect light away from adjoining property and public streets. The sources of light shall be hooded or controlled so light does not shine upward nor onto adjoining property.

(V) *Retail sales establishment.*

(1) *Site plan.* Site plan review shall be required.

(2) *Street access.* The site shall have access to a road of sufficient capacity to accommodate the traffic that the use will generate.

(3) *Parking.* Parking and loading shall meet the standards found in § [6.15](#).

(4) *Lighting.* Any lighting used for outdoor illumination on a commercial property shall be installed to deflect light away from adjoining property and public streets. The sources of light shall be hooded or controlled so light does not shine upward nor onto adjoining property.

(W) *Restaurant.*

(1) *Site plan.* Site plan review shall be required.

(2) *Street access.* The site shall have access to a road of sufficient capacity to accommodate the traffic that the use will generate.

(3) *Parking.* Parking and loading shall meet the standards found in § [6.15](#).

(4) *Lighting.* Any lighting used for outdoor illumination on a commercial property shall be installed to deflect light away from adjoining property and public streets. The sources of light shall be hooded or controlled so light does not shine upward nor onto adjoining property.

(X) *Riding academy, boarding stable (may also be subject to feedlot requirements).*

(1) Site plan review shall be required.

(2) Any building must be located shall be located at least 50 feet from the boundary of any residential use.

(3) Special events that will periodically attract visitors, customers or traffic in excess of normal operations must obtain a special event permit, as specified in § [3.09](#).

(Y) *Salvage yard, recycling facility with incinerator, other facilities with incinerators.*

(1) *Site plan.* Site plan review shall be required.

(2) *Screening.* Outdoor storage shall be located or screened so as not to be visible from 1,000 feet of any residential district or from any public road. A solid fence or vegetative screening a minimum of six feet in height (in place at the time of permitting) shall be used for screening purposes.

(3) *Use of front yard.* No part of the front yard is to be used for the conduct of business in any manner except for parking of customer or employee vehicles.

(4) *Spills.* All chemicals, hazardous materials, solid waste and nutrients and/or the like shall be properly used or disposed of by legal, environmentally sound methods. Any spills resulting from the use of such chemicals, hazardous materials or the like shall be properly reported, contained and mitigated as the State Pollution Control Agency may deem necessary.

(Z) *Shooting range, indoor.*

(1) *Setback.* The shooting range building shall be located at least 50 feet from the boundary of any residential use.

(2) *Site plan.* Site plan review shall be required.

(3) *Performance standards.* The use shall conform to the applicable State Pollution Control Agency, Environmental Protection Agency and OSHA standards for indoor ventilation, emissions into the atmosphere, indoor sound levels, lead containment and outside noise standards.

(4) *Retail sales.* If retail sale and repair of weapons and/or ammunition is conducted on the premises, the management shall comply with all licensing and operations requirements of the Federal Bureau of Alcohol, Tobacco and Firearms.

(5) *Building design.* The design and construction of the firing range shall totally confine all fired projectiles within the building and in a controlled manner. The design and construction of the firing range shall be certified by a licensed engineer with expertise in shooting range design, and shall be designed, constructed and certified to all applicable professional standards. The certified plans shall include the specifications and construction of the bullet traps, ceilings, exterior and interior walls, and floors. The certified plans shall state what type and caliber of ammunition the range is designed to totally confine. No ammunition shall be used in the range that exceeds the certified design and construction specifications of the firing range.

(6) *Log of users.* A written log of range users shall be maintained by the range operator. The log shall include the name and address of the range user, and the time and date the user was in the range.

The name and address of the range user shall be verified by photo identification. The log shall be subject to review by the County Sheriff or designee.

(7) *Alarm system.* An alarm system, cut wire protected, shall be supplied to provide security for the general premises.

(8) *Firearm storage.* Firearms which are stored on the premises shall be stored in a vault when the range is closed for business. An alarm system, independent of the general alarm system and cut wire protected, shall be supplied for the firearm vault. Ammunition shall not be stored in the firearm vault.

(9) *Supervision.* On-site supervision shall be supplied at all times by an adult with credentials as a qualified range master, based on National Rifle Association standards.

(10) *Transport.* The transport of firearms on the premises shall conform to state law.

(11) *Access by minors.* Minors shall not be allowed in the range unless accompanied by an adult at all times.

(12) *Hours of operation.* The operation of the range shall be limited to the hours of 7:00 a.m. to 10:00 p.m.

(AA) *Shooting range, outdoor; hunting club.*

(1) *Compliance.* Facilities shall be in compliance with the performance standards set forth in M.S. Chapter 87A, as it may be amended from time to time.

(2) *Authorized activities.* Shooting ranges that meet the performance standards in M.S. Chapter 87A, as it may be amended from time to time, shall be allowed to engage in the following authorized activities within the property boundaries of the range:

(a) *Discharge of firearms.* Operate the range and conduct activities involving the discharge of firearms;

(b) *Membership.* Expand or increase its membership or opportunities for public participation related to the primary activity as a shooting range;

(c) *Meet standards.* Make those repairs or improvements desirable to meet or exceed requirements of shooting range performance standards;

(d) *Activities.* Increase events and activities related to the primary activity as a shooting range;

(e) *Time of operations.* Conduct shooting activities and discharge firearms daily between 7:00 a.m. and 10:00 p.m.; and

(f) *Purchase additional land.* Acquire additional lands to be used for buffer zones or noise mitigation efforts or to otherwise comply with this chapter.

(3) *Mitigation area.* A mitigation area is established for a distance of 750 feet from the perimeter property line of an outdoor shooting range. Within the mitigation area, the following provisions apply.

(a) *Development prohibited.* No change in use, new development or construction of a structure shall be approved for any portion of property within the mitigation area.

(b) *Exemption for existing development.* Uses, development and structures in existence or for which approval has been granted by October 1, 2005 are exempt from the mitigation area requirements.

(c) *Exemption if mitigation provided.* A change in use, new development or construction of a structure may occur within the mitigation area if the person seeking the approval agrees to provide any mitigation necessary to keep the shooting range in compliance with the performance standards. The mitigation agreement shall be signed by the person seeking approval and the shooting range. If no mitigation is required to keep the shooting range in compliance with the performance standards, an agreement shall be signed by the person seeking approval and the shooting range stating that mitigation is not required. Agreements required under this subsection (AA) shall be in written form and subject to approval by the County Board. Failure to obtain an agreement required under this subsection shall exempt the shooting range from being found out of compliance with the performance standards in relation to the property or person where the agreement was not obtained if the failure to provide mitigation is the sole reason for the shooting range being out of compliance with the performance standards.

(4) *Setback from existing residences.* No outdoor shooting range shall be allowed within 1,500 feet of an existing residence, measured from the property line of the range site. This provision shall not apply to a residence on the shooting range property. No outdoor shooting range shall be allowed within 750 feet of a property line.

(5) *Caretaker's residence.* One accessory caretaker's residence on the same lot as the facility shall be allowed.

(6) *Performance standards.* All shooting ranges shall comply with the minimum standards for range design, location, management, operation, noise abatement and safety listed in the most current *National Rifle Association Range Sourcebook*, as well as the following standards:

(7) *Range.* The range shall be designed to provide protection from accidental or stray ammunition discharge for surrounding properties.

(8) *Only firearms shall be discharged at the range.* No cannons, artillery or rockets shall be discharged unless blanks are being fired.

(9) *Management Plan and Safety Plan.* All shooting ranges must have in place a Management Plan and Safety Plan approved by the county which will detail how all shooting activities will be controlled, supervised and managed.

(10) *Fencing required.* Fencing shall be required according to the approved site plan. Gates shall be placed at all road entrances to the property and shall be locked when the facility is not in use.

(11) *Gun club facilities.* Use of a gun club facility shall be restricted to club members, guests, and participants in club sanctioned events. It shall be the responsibility of the club to supervise all shooting activities.

(12) *Noise limits.* Allowable noise levels for the operation of a shooting range are those specified in M.S. Chapter 87A, as it may be amended from time to time. Sound measurement methodology is as defined in Minnesota Rules, Part 7030.0060.

(13) *Lead Management Plan.* Shooting ranges shall have a current lead management plan approved by the MPCA on file with County Planning and Zoning Department.

(14) *Landscape screening.* Landscaping including the planting of trees shall be provided to screen the range from roads and adjacent residences. The vegetative buffer shall be a combination of native grasses and trees that are matched to the soil type found on the range perimeter. At least three rows of different species of trees, planted similar to a windbreak or shelterbelt are required. With a mixture of heights, growth quickness and a combination of conifer and deciduous species, both a sight and sound buffer can be created to effectively block noise levels emitted from the range.

(15) *Retail sales prohibited.* No retail sales or repair of firearms shall be permitted as an accessory use to an outdoor range. Retail sales of ammunition, other supplies, refreshments and the like shall be permitted.

(16) *Liability insurance.* The range operator shall maintain liability insurance in an amount acceptable to the County Attorney and shall provide the County Planning and Zoning Department with a copy of the insurance policy.

(BB) *Skating rink (enclosed), dance hall, game arcade, bowling alley, health club.*

(1) Site plan review shall be required.

(2) Setback. Any building must be located shall be located at least 50 feet from the boundary of any residential use.

(3) The site must be accessed via a paved road of sufficient capacity to handle the anticipated traffic. A traffic study and transportation management plan may be required.

(CC) *Tavern, club.*

(1) *Site plan.* Site plan review shall be required.

(2) *Parking.* Parking and loading shall meet the standards found in § [6.15](#).

(3) *Lighting.* Any lighting used for outdoor illumination on a commercial property shall be installed to deflect light away from adjoining property and public streets. The sources of light shall be hooded or controlled so light does not shine upward nor onto adjoining property.

(DD) *Towers for radio, television and communication facilities.*

(1) *Site plan.* Site plan review is required.

(2) *Proof of insurance.* The construction contractor of the communication tower must provide proof of insurance or a bond, acceptable to the County Board of Commissioners prior to commencement of construction.

(3) *Abandonment.* All towers and antennas not used for a period of 12 consecutive months shall be considered abandoned and shall be removed. The applicant must furnish a copy of the relevant portion of an executed lease, which identifies the applicant's obligation to remove abandoned or unused towers, concrete footings, anchors, supporting equipment and antennas prior to the issuance of a conditional use permit to erect a tower. The county shall require financial assurances including bonds in an amount sufficient to cover costs of removal of towers, buildings, concrete footings, anchors, supporting equipment and antennas. An engineer's cost estimate which documents removal costs of the tower, building, concrete footings, anchors, supporting equipment and antennas shall be submitted with the conditional use permit application. Such engineer's cost estimate is to assist the Board of Commissioners in determining the amount of financial assurance necessary to cover removal costs of such towers, buildings, concrete footings, anchors, supporting equipment and antennas. If any towers, buildings, concrete footings, anchors, supporting equipment and antennas have not been removed within 90 days' written notice by the county after abandonment, the county shall have the right to remove the towers, buildings, concrete footings, anchors, supporting equipment and antennas, and assess the property.

(4) *Lighting.* Un-regulated lighting shall be deflected downward and away from road right-of-way and nearby or adjacent residential or agricultural districts.

(5) *Fall zone.* The communication tower shall be setback a distance equal to or greater than 1.1 times the height of the structure from any property line or public right-of-way so that the fall zone is entirely within the property on which the antenna is located.

(6) The communication tower and any structures built on the property shall comply with all applicable local, state and federal regulations.

(EE) *Truck terminal, truck stop, freight terminal.*

(1) *Site plan.* Site plan review shall be required.

(2) *Street access.* The site shall have access to a hard surfaced road of sufficient capacity to accommodate the traffic that the use will generate.

(3) *Access.* Vehicular access points shall create a minimum of conflict with through traffic movement.

(4) *Parking.* Parking and loading shall meet the standards found in § [6.15](#).

(5) *Buffers.* Buffers shall be installed meeting the standards found in § [6.15](#).

(6) *Lighting.* Any lighting used for outdoor illumination on a commercial property shall be installed to deflect light away from adjoining property and public streets. The sources of light shall be hooded or controlled so light does not shine upward nor onto adjoining property.

(7) *Noise.* Additional controls may be established to control noise during the operation of the facility, including controls of hours of operation.

(8) *Spills.* All chemicals, hazardous materials, solid waste and nutrients and/or the like shall be properly used or disposed of by legal, environmentally sound methods. Any spills resulting from the use of such chemicals, hazardous materials or the like shall be properly reported, contained and mitigated as the State Pollution Control Agency may deem necessary.

(FF) *Veterinary and animal clinic and facilities for the care and/or breeding of animals including kennel and animal crematorium.*

(1) *Site plan.* Site plan review shall be required.

(2) *Facility design.* All veterinary clinics or hospitals shall provide indoor facilities having adequate heating, ventilation and lighting and outdoor facilities having shelter from the elements. Facilities shall have proper drainage and a plan for manure management.

(3) *Exercise areas.* All animal runs or exercise areas shall be located at least 100 feet from any adjoining property line if there is a residence or platted residential lot within 1,000 feet of such runs or exercise areas. If there is no residence or platted lot within 1,000 feet, the setbacks of the animal runs or exercise areas shall be equal to the accessory building setback of the underlying district. Outdoor animal runs or exercise areas are prohibited within the VMX Village Mixed-Use District, UE Urban Expansion District and LR Limited Residential District.

(4) *Licenses.* Facilities must obtain all required state and federal licenses or operational permits.

(5) *Parking.* Parking and loading shall meet the standards found in § [6.15](#).

(6) *Animal crematorium.* An animal crematorium may be operated in connection with a veterinary clinic or as a stand-alone facility that provides services to a veterinary clinic or clinics. An animal crematorium shall only be used for the disposal of animals. A stand-alone animal crematorium facility shall provide no outside appearance of the operation and shall not include a sign. Stand-alone crematoriums shall pick-up and deliver animals from veterinary clinics and shall have no visitors other than employees or inspectors. Animal pick-up shall be done in leak-proof containers. The following standards for animal crematoriums shall be met.

(a) *Setback.* The crematorium shall be located in a structure and be at least 500 feet from any residence other than the owner of the property.

(b) *Site plan.* Site plan review shall be required.

(c) *Parking.* There shall be at least one parking space available for each employee working at the site at any time.

(d) *Refrigeration.* Deceased animals stored on the site prior to disposal shall be kept under refrigeration to eliminate the possibility of odor emanating from the animal.

(e) *Furnaces.* The furnaces shall use natural gas or propane as the heat source for the furnace.

(f) *Performance standards.* Incinerator must be adhere to the State Pollution Control Agency guidelines as follows:

1. Capable of producing emissions not to exceed 20% opacity;
2. Fitted with an afterburner that maintains flue gases at 1,200°F for at least 0.3 seconds; and
3. Ash from the incinerator must be handled in such a manner as to prevent particulate matter from becoming airborne and shall be properly disposed of.

(GG) *Warehouse distribution facility.*

(1) *Site plan.* Site plan review shall be required.

(2) *Street access.* The site shall have access to a hard surfaced road of sufficient capacity to accommodate the traffic that the use will generate.

(3) *Access.* Vehicular access points shall create a minimum of conflict with through traffic movement.

(4) *Parking.* Parking and loading shall meet the standards found in § [6.15](#).

(5) *Buffers.* Buffers shall be installed meeting the standards found in § [6.15](#).

(6) *Lighting.* Any lighting used for outdoor illumination on a commercial property shall be installed to deflect light away from adjoining property and public streets. The sources of light shall be hooded or controlled so light does not shine upward nor onto adjoining property.

(7) *Noise.* Additional controls may be established to control noise during the operation of the facility, including controls of hours of operation.

(8) *Architect or engineered design.* This project is required to be designed by a licensed engineer or architect in accordance with the State Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design.

(HH) *Water-oriented commercial business.*

(1) *Site plan.* Site plan review shall be required.

(2) *Street access.* The site shall have access to a hard surfaced road of sufficient capacity to accommodate the traffic that the use will generate.

(3) *Access.* Vehicular access points shall create a minimum of conflict with through traffic movement.

(4) *Parking.* Parking and loading shall meet the standards found in § [6.15](#).

(5) *Lighting.* Any lighting used for outdoor illumination on a commercial property shall be installed to deflect light away from adjoining property and public streets. The sources of light shall be hooded or controlled so light does not shine upward nor onto adjoining property.

(6) *Days and hours of operation.* Approval for this use shall specify the days and hours of operation.

(II) *Wind Energy Conversion Systems (WECS).*

(1) *Purpose.* This ordinance is established to regulate the installation and operation of wind energy conversion systems (WECS) within the county not otherwise subject to siting and oversight by the state.

(2) *Permit requirements.*

(a) The application for all WECS shall include the following information:

1. The names of project applicant;
2. The name of the project owner;
3. The legal description and address of the project;
4. A description of the project including: number, type, name plate generating capacity, tower height, rotor diameter and total height of all wind turbines and meteorological towers and means of interconnecting with the electrical grid;
5. Site layout, including the location of property lines, wind turbines, electrical wires, interconnection points with the electrical grid and all related accessory structures. The site layout shall include distances and be drawn to scale;
6. Engineer's certification; and
7. Documentation of land ownership or legal control of the property.

(b) The application for commercial WECS (projects above 100 kw but less than 5,000 kw in total name plate capacity) shall also include:

1. The latitude and longitude of individual wind turbines;
2. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other WECS within ten rotor diameters of the proposed WECS;
3. Location of wetlands, scenic and natural areas (including bluffs) within 1,320 feet of the proposed WECS;
4. An acoustical analysis that shows to the satisfaction of the Planning Commission that the WECS will comply with Minnesota Rules, Chapter 7030 state noise statutes;
5. Evidence of a power purchase agreement;
6. A construction plan that includes transportation schedule and descriptions of over-weight and over-lengths materials to be transported to the site, necessary utility and roadway modifications, road detours (if necessary) and financial guarantee that utilities and roadways will be returned to pre-construction conditions;
7. FAA permit application;
8. Location of all known communication antennas within two miles of the proposed WECS;
9. Decommissioning plan; and
10. Description of potential impacts on nearby WECS and wind resources on adjacent properties.

(c) *Aggregated projects procedures.* Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, hearings, reviews and as appropriate approvals. Permits will be issued and recorded separately. Joint applications will be assessed fees as one project. Aggregated projects of 5 MW or more in total name plate capacity shall be licensed and approved through state statutes.

(3) *Tower setback and dimensional standards.* All towers setbacks shall adhere to the following setbacks listed below.

(a) Minimum setbacks for non-commercial wind turbines:

1. Property line 1.1 times the total height; and
2. Public road right-of-way 1.1 times the total height.

(b) Minimum setbacks for commercial wind turbines:

1. Property line 1.1 times the total height;
2. Public road right-of-way 1.1 times the total height;
3. Residential dwelling 750 feet; and
4. Wetlands, USFW Types III, IV and V 600 feet.

(c) Minimum setbacks for meteorological towers:

1. Property line 1.1 times the total height;
2. Public road right-of-way 1.1 times the total height;
3. Residential dwelling 1.1 times the total height; and
4. Wetlands, USFW Types III, IV and V 600 feet.

(d) Essential services setback standards. Substations and feeder line setback standards shall be determined by regulations governing essential services in Article 7.

(e) Wind generation mechanical clearance. Rotor blades or airfoils must maintain at least 12 feet of clearance between their lowest point and the ground.

(f) Maximum height of non-commercial WECS is 200 feet.

(4) *Safety and other design standards.*

(a) *Engineering certification.* For all WECS, the manufacture's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.

(b) *Fire Protection and Emergency Response Plan.* A fire prevention and emergency response plan for all phases of the life of the facility. The plan shall address major concerns associated with the terrain, weather conditions and access to the tower in the event of an emergency.

(c) *Required signage.* For all commercial WECS, a sign or signs shall be posted on the tower, transformer and substation warning of high voltage. Signs with emergency contact information shall also be posted on the turbine or at another suitable point. Signage shall comply with standards found in Article 5.

(d) *Required guy wire visibility.* For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of eight feet above the ground.

(e) *Tower configuration.* All wind turbines, which are part of a commercial WECS, shall be installed with a tubular, monopole type tower.

(f) *Color and finish.* AN wind turbines and towers that are part of a commercial WECS shall be white, grey or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matte or non-reflective.

(g) *Lighting.* Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations. Red strobe lights are preferred for nighttime illumination to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided.

(h) *Feeder lines.* All communications and feeder lines, equal to or less than 34.5 kV in capacity, installed as part of a WECS shall be buried. Feeder lines installed as part of a WECS shall not be considered an essential service.

(i) *Waste disposal.* Solid and hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.

(j) *Discontinuation and decommissioning.* A WECS shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to four feet below ground level within 90 days of the discontinuation of use.

(k) *Plan.* Each commercial WECS shall have a decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a competent party; such as a certified professional engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the WECS and accessory facilities.

(l) *Orderly development.* Upon issuance of a conditional use permit, all commercial WECS shall notify the Environmental Quality Board Power Plant Siting Act Program staff of the project location and details on the survey form specified by the Environmental Quality Board.

(m) *Noise.* All WECS shall comply with Minnesota Rules, Part 7030 governing noise.

(n) *Federal Aviation Administration.* All WECS shall comply with FAA standards and permits.

(o) *Interference.* The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves or television signals cause by any WECS. The applicant shall notify all communication tower operators within five miles of the proposed WECS location upon application to the county for permits. No WECS shall be constructed so as to interfere with County or State Department of Transportation microwave transmissions. The burden shall be on the applicant to prove that the WECS will not interfere with the county's emergency response communication system.

(p) *Avoid damage to roads.* The applicant shall identify all county, city or township roads to be used for the purpose of transporting WECS, substation parts, cement and/or equipment for construction, operation or maintenance of the WECS and obtain applicable weight and size permits from the impacted road authority(ies) prior to construction.

(q) *Drainage and road network.* The applicant shall be responsible for immediate repair of damage to public drainage and road network stemming from construction, operation or maintenance of the WECS.

(JJ) *Retreat house.* Conditionally permitted in A-1 Agriculture Protection District and the AIC Agriculture Interpretive Center District.

(1) The owner/operator must allow periodic inspections by the County Planning and Zoning Department and County Public Health Services Department.

(2) A guest registration log must be maintained by the owner/operator and made available for review by the County Planning and Zoning Office or Public Health Services Department.

(3) Any activities occurring upon the site shall not cause a nuisance due to noise, odor, lighting, vibration or traffic generation.

(4) The operations involved within the structure are not to involve the retail sale of goods or commodities unrelated to the event occurring at the facility.

(5) A certificate of liability insurance for the structures, property, occupants, visitors and events shall be submitted annually to the County Planning and Zoning office.

(6) The owner/operator shall obtain all licenses required by the state or the County Public Health Services Department.

(7) The property must have at least one parking space per bed within the retreat house.

(8) Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of usable floor space, and every room occupied for sleeping purposes by more than one person shall contain not less than 60 square feet of usable floor space for each occupant thereof. Under no circumstances shall there be provided less than 400 cubic feet of air space per occupant. Beds shall be spaced at least three feet apart when placed side by side. No sleeping quarters shall be provided in any basement having more than half of its clear floor to ceiling height below the average grade of the adjoining ground. When strict compliance herewith is impracticable, the Board may waive any of the provisions of this paragraph subject to such conditions as may be deemed desirable in the individual case.

(9) The Planning Commission shall take into consideration the following information and performance standards in which to base their recommendation on the conditional use permit application to the County Board: the hours of operation; the maximum stay of the occupants; the distance to any surrounding feedlots; the number and proximity of dwellings within one mile surrounding the proposed retreat center; the impact on local traffic.

(10) In addition to the other requirements, the application for a conditional use permit shall be accompanied by three copies of the plans which indicate or address the following:

(a) Stated purpose and type of the retreat center;

(b) Location and size of all existing and proposed physical improvements such as buildings, landscaping, parking areas and the like;

(c) Plans for sanitary sewage disposal, water systems (natural or human-made), and utilities servicing the site;

(d) Existing and proposed surface drainage;

(e) Existing or proposed location for exterior lighting;

(f) Location and width of all streets abutting the site;

(g) Proposed schedule of events and any proposed special events, which consist of any events that are not a part of the normal operating schedule;

(h) Certificate of liability insurance for the structures, property, occupants, visitors, and events proposed;

(i) List the number of adult caretaker(s) on duty and on site and the times they will be present;

(j) Dimensioned floor plan indicating the rooms or units to be used;

(k) On-site advertising shall be limited to one sign per entrance, not to exceed the requirements of Article 4 General Regulations, § [4.12](#) (sign regulations) and location must be described or shown on the site plan; and

(l) Any licenses or permits required by the Waseca County Public Health Services Department, including, but not limited to, kitchen and food facilities, water supply, septic systems and lodging requirements.

(11) Maximum length of stay for guests shall be limited to seven consecutive days or six nights per week. Additionally, within one calendar year, a single guest may utilize the business' services at a maximum not to exceed 30 days.

(12) Maximum permitted number of rooms utilized for sleeping purposes within an establishment shall be not more than six bedrooms for those parcels residentially zoned.

(13) There shall be no cooking facilities separate from the principal kitchen within the structure to be utilized for or by guests and/or occupants of the retreat house.

(KK) *Retreat center.* Conditionally permitted in the HC Highway Commercial District and the Agriculture Protection District, AIC Agriculture Interpretive Center District and the LR Limited Residential.

(1) Standards in subsections (JJ)(1) through (JJ)(13) above listed for retreat houses shall also apply to retreat centers.

(2) The maximum stay of the occupants cannot exceed two weeks, unless otherwise established by the County Board.

(3) All new structures and modification to existing structures shall require a zoning permit.

(4) Retreat center units shall not be converted into permanent dwelling units, unless an application is approved showing that the units meet the requirements of the zoning ordinance and County Public Health Services Department rules and regulations.

(5) Existing buildings, in which the public may have access, used as any part of the Retreat Center must pass Building Code inspections prior to it being utilized by the retreat center.

(6) All county shoreland requirements and state planned unit development requirements shall apply.

(LL) *Breweries, taprooms and micro-distilleries.* This subsection addresses performance standards for the establishment and operation of a small brewery, microdistillery and brewer taprooms to be in compliance with M.S. Chapter 340A, as it may be amended from time to time.

(1) *Production capacity.* The annual production capacity of a small brewery or microdistillery may not exceed the amounts specified in M.S. § 340A.301, as it may be amended from time to time.

(2) *Uses.* The following uses may be permitted at a Small Brewery or Microdistillery in the I Industrial or HC Highway Commercial District or as a conditional use in the A-1 Agriculture Protection District:

- (a) Aging processing and storage of beer (brewery) or distilled spirits (microbrewery) in bulk;
- (b) Milling, malting, mashing, lautering, boiling, fermenting, conditioning, filtering of grain and fruit inside of a structure;
- (c) Bottling, kegging, storage and wholesaling of kegs and bottled beer or distilled spirits; and
- (d) Office use associated with the facility.

(3) *Premises sampling room.* Each sampling room (microdistillery) or taproom (brewery) in which distilled spirits or beer is to be manufactured and sold in the A-1 Agriculture Protection District must apply for a conditional use permit from the County Planning and Zoning Department and must conform to all on-premises permit requirements if the brewery intends to allow the consumption of beer in its tasting room; however, there shall be no requirement for a brewery with a tasting room to maintain kitchen facilities or serve food. Subject to the limitations of M.S. § 340A.301, as it may be amended from time to time, the following uses associated with a premises sampling room or taproom may be permitted at a microdistillery or small brewery in the I Industrial or HC Highway Commercial District or as a conditional use in the A-1 Agriculture Protection District, which would include preparation and sale of food:

- (a) Display and sale of art and craft items;
- (b) Sale of retail products such as glassware, distillery or brewer literature, and accessories, apparel, cheese products, and items directly related to beer or distilled spirit products;
- (c) Indoor and outdoor live music shall be permitted during the hours of 12:00 p.m. and 11:00 p.m. on Friday, Saturday and Sunday except Indoor and outdoor live music is restricted in the A-1 Agricultural Protection District to the hours of 12:00 pm to 9:00 pm Friday, Saturday and Sunday;
- (d) On-site marketing of beer or distilled spirits, including up to three special events annually and as limited by the special events provisions of the Waseca Unified Development Code;
- (e) Preparation and serving of food (restaurant) will be subject to the requirements of the County Public Health Services Department and will only be allowed as a conditional use and only as related to the Microdistillery or Brewery operation in the A-1 Agriculture Protection District. Unified Development Code, Article 6 Zoning District Regulations, § 16 Specific Standards for Commercial and Industrial Uses apply as well as related to the microdistillery or brewery operation in the Districts of A-1 Agricultural Protection, HC Highway Commercial and I Industrial;
- (f) Tours;
- (g) Retail sale (as licensed for on-sale or off-sale) of beer or distilled spirits fermented and bottled at the microdistillery or brewery; and
- (h) Retail sale of wine (on-sale only with appropriate license).

(4) The following standards shall apply to all small breweries or microdistilleries including tasting rooms or brewer taprooms.

- (a) A site plan shall be required.
- (b) All other applicable licenses and permits shall be obtained from the appropriate agency and maintained in association with the operation of the small brewery, microdistillery and/or brewer

taproom. Copies of current appropriate licenses and/or permits shall be submitted to the County Planning and Zoning Department.

(c) The small brewery, microdistillery and brewer taproom located on a site within the A-1 Agriculture Protection District shall have a minimum parcel size of five acres and must be located at least 500 feet from any residence other than the owner.

(d) The small brewery, microdistillery and brewer taproom must comply with the provisions in the county code of ordinances relating to parking and loading requirements.

(e) The retail sale of products fermented at the facility must comply with state statutes and County Ordinance No. 10 regarding liquor licensing and must be incidental to the primary operation of the brewery or microdistillery.

(f) The total space for the sale of non-brewery related items including food, beverages other than beer, glassware, literature and accessories, shall not exceed 20% of the total square footage of the structure, of the small brewery or microdistillery.

(g) The subsurface sewage treatment system (SSTS) and all associated components shall be maintained in accordance with MPCA SSTS standards. The SSTS of a small brewery, microdistillery and brewer taproom shall be separate from any residential use associated with the property.

(MM) *Farm winery.* This subsection addresses performance standards for the establishment and operation of farm wineries.

(1) *Production capacity.* The annual production capacity of a farm winery may not exceed the number of gallons permitted in M.S. § 340A.315, as it may be amended from time to time.

(2) *Uses.* A farm winery may be allowed as a permitted use in the I General Industrial District or HC Highway Commercial District or as a conditional use in the A-1 Agricultural Protection District upon the granting of a conditional use permit:

- (a) Aging processing and storage of wine in bulk;
- (b) Crushing of grapes inside or outside of a structure;
- (c) Bottling storage and wholesaling of bottled wine; and
- (d) Office use associated with the winery.

(3) *Prohibited uses.* The following uses are not permitted at a farm winery: retail sale of items that are not permitted under the state statute farm winery license.

(4) *Premises winery sampling room.* Each sampling room for a farm winery in which wine is to be manufactured and sold in the A-1 Agriculture Protection District must apply for a conditional use permit from the County Planning and Zoning Department and must conform to all on-premises permit requirements if the farm winery intends to allow the consumption of wine in its tasting room; however, there shall be no requirement for a farm winery with a tasting room to maintain kitchen facilities or serve food. Subject to the limitations of M.S. § 340A.301, as it may be amended from time to time, the following uses associated with a premises sampling room may be permitted at a farm winery in the I Industrial or HC Highway Commercial District or as a conditional use in the A-1 Agriculture Protection District, which would include preparation and sale of food:

(a) Display and sale of art and craft items, subject to the limitations specified under the prohibited uses;

(b) Sale of retail products such as glassware, wine literature and accessories, apparel, cheese products, other wine related products such as fruit or vegetables, and items directly related to wine products;

(c) Indoor and outdoor live music between the hours of 12:00 p.m. to 11:00 p.m. Friday, Saturday and Sunday. Outdoor live music is restricted in the A-1 Agricultural Protection District to the hours of 12:00 p.m. and 9:00 p.m. on Friday, Saturday and Sunday;

(d) On-site marketing of wine or distilled spirits, including up to three special events annually and as limited by the special events provisions of the County Unified Development Code;

(e) Preparation and serving of food (restaurant) will be subject to the requirements of the Waseca County Public Health Services Department and will only be allowed as a conditional use and only as related to the Farm Winery operation in the A-1 Agriculture Protection District. Unified Development Code, Article 6 Zoning District Regulations, § 16 Specific Standards for Commercial and Industrial Uses apply as well as related to the farm winery operation in the Districts of A-1 Agricultural Protection, HC Highway Commercial and I Industrial;

(f) Tours;

(g) Retail sale (as licensed for on-sale or off-sale) of wine or distilled spirits fermented and bottled at the farm winery; and

(h) Retail sale of beer (on-sale only with appropriate license).

(5) *Standards.* The following standards shall apply to all farm wineries, including tasting or sampling rooms.

(a) A site plan will be required.

(b) All other applicable licenses and permits shall be obtained from the appropriate agency and maintained in association with the operation of the winery. Copies of current appropriate licenses and/or permits shall be submitted to the County Planning and Zoning Department.

(c) The farm winery shall be located on a minimum parcel size of five acres in the A-1 Agricultural Protection District. In addition in the A-1 AG Protection District, the winery must be located at least 500 feet from any residence other than the owner.

(d) The farm winery must comply with the provisions in the county code of ordinances relating to parking and loading requirements.

(e) The retail sale of wine must comply with state statutes and County Ordinance No. 10 regarding liquor licensing and must be incidental to the primary operation of the farm winery.

(f) The total space for the sale of non-wine related items including food, beverages other than wine, glassware, wine literature and accessories, shall not exceed 20% of the total square footage of the structure of the farm winery.

(g) The subsurface sewage treatment system (SSTS) and all associated components shall be maintained in accordance with MPCA SSTS standards. The SSTS of a farm winery shall be separate from any residential use associated with the property.

(NN) *Industrial waste processing facility.* New industrial wastewater treatment facilities shall be allowed as conditional uses in the A-1 Agriculture Protection District, HC Highway Commercial District and I Industrial District. Industrial wastewater treatment facilities shall comply with the following requirements.

(1) *Site plan.* Site plan review shall be required. Any new industrial wastewater treatment facility shall meet the minimum standards of § [6.15](#) of the Uniform Development Code providing for general standards for commercial and industrial uses.

(2) *Setbacks.*

(a) Treatment pond to residence: 1,000 feet;

(b) Spray Field to residence: 500 feet;

(c) Treatment pond or spray field to a public right-of-way: 100 feet;

(d) Treatment pond or spray field to a public or private ditch: 100 feet; and

(e) Treatment pond or spray field to any body of water, perennial or intermittent stream, or wetland: 100 feet.

(3) *Access.* If the Planning Commission determines it necessary, the site shall have access to a hard surfaced road of sufficient capacity to accommodate the traffic that the use will generate.

(4) *Local, state and federal regulations.* Industrial wastewater treatment facilities shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.

(00) *Solar farms.* Solar farms are the primary land use for the parcel on which the array is located and are distinguished from solar arrays that are an accessory use. Solar farms are composed of multiple solar panels on multiple mounting systems (poles or racks), and generally have a direct current (DC) rated capacity greater than 100 kilowatts. Solar farms are permitted by conditional use permit and/or by zoning permit.

(1) *Stormwater management and erosion and sediment control.* Stormwater management and erosion and sediment control shall meet the requirements of § [5.04](#).

(2) *Setbacks.* All solar panels in the array will be considered a principal use and shall be required to meet the setbacks of a principal structure. In addition, other than on the property of an owner, no solar farm shall be located within 500 feet of a residence.

(3) *Foundations.* The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.

(4) *Other standards and codes.* All solar farms shall be in compliance with any applicable local, state and federal regulatory standards, including the State Uniform Building Code, as amended; and the National Electric Code, as amended.

(5) *Power and communication lines.* Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the Planning and Zoning Administrator in instances where shallow bedrock, watercourses or other elements of the natural landscape interfere with the ability to bury lines.

(6) *Application requirements for conditional use or zoning permit.* A site plan of existing conditions showing the following (any drawing shall be submitted in paper format drawn to scale and in AutoCAD DWG format):

(a) Existing property lines and property lines extending 100 feet from the exterior boundaries, including the names of the adjacent property owners and current use of those properties;

(b) Existing public and private roads, showing widths of the roads and any associated easements;

(c) Location and size of any abandoned wells, sewage treatment systems and dumps;

(d) Existing buildings and any impervious surface;

(e) Topography at two-foot intervals and source of contour interval, unless determined otherwise by the Department. A contour map of the surrounding properties may also be required;

(f) Existing vegetation (list type and percent of coverage; i.e., grassland, plowed field, wooded areas and the like);

(g) Waterways, watercourses, lakes and public water wetlands;

(h) Delineated wetland boundaries;

(i) The 100-year flood elevation and regulatory flood protection elevation, if available;

(j) Floodway, flood fringe and/or general floodplain district boundary, if applicable;

(k) The Shoreland District boundary and the appropriate shoreland setback, if any portion of the project is located in a Shoreland Overlay District;

(l) Mapped soils according to the county soil survey;

(m) Surface water drainage patterns;

(n) In the shoreland overlay district, the ordinary high water level and the highest known water level; and

(o) In the shoreland overlay district, the toe and top of any bluffs within the project boundaries.

(7) *Site plan of proposed solar farm.* The following information shall be provided to the Planning and Zoning Department prior to issuance of the conditional use permit or zoning permit (any drawing shall be submitted in paper format drawn to scale and in AutoCAD DWG format):

(a) Location and spacing of solar panels;

(b) Location of access roads;

(c) Location of underground or overhead electric lines connecting the solar farm to the building, substation or other electric load;

(d) New electrical equipment other than at the existing building or substation that is the connection point for the solar farm; and

(e) Proposed erosion and sediment control measures and proposed stormwater management measures as required in Article 5 of this ordinance.

(8) *Large ground-mounted systems.* Ground-mounted solar systems that result in the creation of one or more acres of impervious surface must comply with § [5.04](#). Sketch elevation of the premises accurately depicting the proposed solar energy conversion system and its relationship to structures on adjacent lots (if any).

(9) *Manufacturer's specifications.* Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks;

(10) The number and size of the panels to be installed;

(11) A description of the method of connecting the array to a building or substation;

(12) A copy of any easement required to cross private property or any permit to use any public right-of-way to connect the project to the utility grid or substation.

(13) A copy of the interconnection agreement with the local electric utility or a written explanation outlining why an interconnection agreement is not necessary;

(14) Contractor's name and license number;

(15) Contractor certificate of liability insurance; and

(16) A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet the provisions of state law and the requirements of the county solid waste ordinance. The Board may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning in an amount equal to the estimated cost to restore the site if the use is discontinued.

(PP) *Standards for solar energy systems, accessory.* Solar energy systems are a permitted accessory use requiring a zoning permit in all zoning districts, subject to the following standards.

(1) *Accessory building limit.* Solar systems, either roof- or ground-mounted, do not count as an accessory building for the purpose of meeting limits on the number of accessory structures allowed per residential lot or the coverage limits.

(2) *Height.* Active solar systems are subject to the following height requirements:

(a) Building or roof- mounted solar systems shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, solar systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices for the zoning district in which the system is being installed.

(b) Ground or pole-mounted solar systems shall not exceed 15 feet in height when oriented at maximum tilt if the system is located between the accessory structure setback and the principal structure setback; and shall not exceed 25 feet maximum tilt if the system meets the principal structure setback from the zoning district.

(3) *Location within lot.* Solar systems must meet the accessory structure setback for the zoning district.

(4) *Roof-mounted solar systems.* In addition to the building setback, the collector surface and mounting devices for roof-mounted solar systems that are parallel to the roof surface shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. The collector and racking for roof-mounted systems that have a greater pitch than the roof surface shall be set back from all roof edges by at least two feet. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.

(5) *Ground-mounted solar systems.* Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt.

(6) *Large ground-mounted systems.* Ground-mounted solar systems that result in the creation of one or more acres of impervious surface must comply with § [5.04](#).

(7) *Maximum coverage.* Roof or building mounted solar systems, excluding building-integrated systems, shall not cover more than 80% of the south-facing or flat roof upon which the panels are mounted. The total collector surface area of pole or ground mount systems outside of the Agriculture Protection District shall not exceed 1% of the lot area. Pole or ground mounted systems must meet the impervious surface requirements of the underlying district in which the system is located or have a stormwater management plan and meet the erosion and sediment control requirements of § 5.04.

(8) *Approved solar components.* Electric solar system components must have an Underwriters Laboratory (UL) listing.

(9) *Compliance with State Electric Code.* All photovoltaic systems shall comply with the State Electric Code.

(10) *Utility notification.* No grid-intertie photovoltaic system shall be installed until evidence has been given to the Planning and Zoning Department that the owner has notified the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

(Ord. 97, passed 7-21-2009; Ord. 108, passed 3-5-2013; Ord. 111, passed 10-1-2013; Ord. 112, passed 1-7-2014; Ord. 113, passed 4-15-2014; Ord. 117, passed 6-17-2014; Ord. 127, passed 11-7-2017; Ord. 138, passed 9-3-2019; Ord. 141, passed 5-5-2020; Ord. 152, passed 10-18-2022)