

## SECTION 16. GENERAL PERFORMANCE STANDARDS

### 1. Accessory Structures.

On parcels less than 5 acres, a detached accessory structure not over 25 feet in height (from the ground floor to the highest point), shall occupy not more than thirty percent of the area of any rear yard, providing further that no detached accessory structure shall be located within any rear lot line. On parcels 5 acres or more, the height restriction is 35 feet.

A detached accessory structure shall not be designed for living quarters and shall not occupy the only land available for sewer system replacement.

The total area of detached accessory structures shall not exceed the following:

<b>Lot Size:</b>	<b>Maximum Square Footage for Accessory Structure(s):</b>
Less than 2.49 acres:	1,200 square feet
2.5-4.99 acres:	1,800 square feet
5 acres or more platted	3,000 square feet
5 acres or more unplatted	No size limit. Must not conflict with other zoning regulations

*Ordinance 2016-03; May 24, 2016*

A lean-to as defined in Section 5 may be added to any accessory structure and shall not be counted toward the maximum square footage.

*Ordinance 2018-01; December 14, 2018*

### 2. Adult establishments.

Adult establishments are conditional uses in the Heavy Industrial District, subject to the following location requirements:

- (a) An Adult Establishment shall not be located within 1,000 feet of an existing Adult Establishment.
- (b) An Adult Establishment shall not be located within 500 feet of any PUD district, General Rural District, Residential District, or residential property.
- (c) An Adult Establishment shall not be located within 1,000 feet of an existing school or place of worship.
- (d) An Adult Establishment shall not be located within 500 feet of any property being used as a park.
- (e) For purposes of this Ordinance, the 500 and 1,000 foot distances shall be the shortest horizontal measurement from the property line of any General Rural District, Residential

District, residential property, PUD property, school, place of worship, park or an Adult Establishment to the property line where the proposed Adult Establishment is to be located.

*Ordinance 09-04; December 22, 2009*

**3. Aircraft Landing Strip, Private and/or Public:**

A private or public aircraft landing strip shall be subject to the following requirements:

- A. All parts, including the landing strip itself, of any private and/or public aircraft landing strips shall meet the minimum setback standards for primary structures in the zoning district in which the aircraft landing strip is located.
- B. All aircraft landing strips shall be subject to all applicable provisions of *Minnesota Rules, Chapter 8800; or successor Rules.*
- C. Private aircraft landing strips shall not be held out for public use nor shall they be displayed on aeronautical charts except as restricted facilities.

**4. Animal Feedlot:**

**At all times, all** Animal Feedlots, Manure Storage Areas, Structures, Facilities and Manure application sites in the County shall be operated and maintained in a manner consistent with their Registration, County Permitting, Conditional Use Permit, Variance (if applicable), State Disposal System Permit, National Pollutant Discharge Elimination System Permit, this Ordinance, and *Minnesota Rules, Chapter 7020; or successor Rules.*

**5. Animal Unit Density Requirements.**

No animal pen or fence shall be established or maintained within 75 feet of a neighboring property owner's primary structure. If the neighboring property does not have a primary structure on the property, at the time of construction of the pen or fence, the distance must be measured from the minimum side yard and front yard setback of the neighboring property.

When making density calculations to determine allowable animal units on a parcel, the acreage located within a designated wetland, lake, shoreland, or the 100 foot floodplain shall be excluded from the calculation unless the property owner can show the land to be excluded does not contain standing water.

*Ordinance 2016-04 May 24, 2016*

**Permitted Density in the Agriculture Zoning District:**

- 1. Less than 2 acres: 0.5 animal units.
- 2. 2.00 to 2.99 acres: 1.0 animal units
- 3. 3.00 and larger 1.0 animal units for the first two acres, and 1.0 animals per full acre owned above 2 acres.

In the Agriculture Zoning District, an animal unit density greater than those listed above requires a Conditional Use Permit, with a review of existing and proposed site conditions, structures, etc.

Cats and dogs or other domestic animals customarily kept as household pets are allowed on any size parcel without a density restriction unless kept within a commercial kennel.

**Permitted Density in the General Rural Zoning District:**

1. Less than 2 acres: .5 animal units
2. 2.00 to 2.99 acres: 1.0 animal units
3. 3.00 and larger: 1.0 animal unit for the first two acres, and 1.0 animal units per full acre owned above two acres, with a limit of 20.0 animal units.

In the General Rural Zoning District, an animal unit density greater than those listed above or a total number of units greater than 20.0 requires a conditional use permit, with a review of existing and proposed site conditions, structures, etc.

Cats and dogs and other domestic animals customarily kept as household pets are allowed on any size parcel without a density restriction unless kept within a commercial kennel.

*Ordinance 2017-01; April 25, 2017*

**Permitted Density in the Commercial Rural Zoning District:**

1. Less than 2 acres: Cats and dogs and other domestic animals customarily kept as household animals.
2. 2.01 to 4.99 acres: 1.0 animal units; and cats and dogs and other domestic animals customarily kept as household pets.
3. 5.00 to 9.99 acres: 1.0 animal units plus 0.25 animal unit for each additional acre owned above 5 acres, with a maximum of 2.25 animal units; and cats and dogs and other domestic animals customarily kept as household pets.
4. 10.00 to 19.99 acres: 2.25 animal units plus 0.5 animal unit for each additional acre owned above 10 acres, with a maximum of 7.25 animal units; and cats and dogs and other domestic animals customarily kept as household pets.
5. 20.00 or more acres: 7.25 animal units plus 0.5 animal unit for each additional acre owned above 20 acres; and cats and dogs and other domestic animals customarily kept as household pets.

*Ordinance 2011-02; February 22, 2011*

**5. Aquaculture:**

All aquaculture operations shall comply with the standards set forth in *Minnesota Statutes, Sections 17.46 to 17.4999; or successor Statutes.*

Aquaculture operations shall be licensed by the State according to *Minnesota Rules, Part 7050.0216; or successor Rules.*

In order to protect surface and ground water resources, aquaculture operations may be required to include wastewater treatment or to be closed loop systems with no discharge.

**6. Automobile Service Stations and/or Convenience Stores:**

Automobile Service Stations and/or Convenience Stores shall be subject to the following provisions:

- A. Buildings, canopies and pump islands shall meet the setback requirements of the applicable zoning district.
- B. A minimum landscape buffer of 25 feet in width shall be planted and maintained along all abutting residential parcels and public rights of way.
- C. There shall be no hazardous material runoff.
- D. Wherever fuel pumps are installed, pump islands shall be installed.
- E. A transportation management plan shall be submitted to address off-street parking, loading and unloading, traffic control, and the impact of the facility on surrounding roadways.
- F. All parking areas and access drives to the parking areas shall be hard surfaced.
- G. An environmental management plan, including a water and sewer management plan to address the use of water and the treatment of waste on-site and a storm water and drainage plan shall be submitted and approved to address the impact of the facility on the environment.
- H. Only vehicles owned by employees or customers awaiting service are allowed to be parked on site.
- I. Parking shall meet the requirements of Section 16 of this Ordinance.
- J. Any outdoor lighting system shall be designed so as to prevent any undue light from being directly visible from a public right of way or an adjacent residential use.
- K. All areas used for storage or trash disposal shall be fully screened from adjacent land uses and public roadways.
- L. The storage of hazardous materials and/or motor vehicle parts shall be prohibited.
- M. The grounds and all structures shall be maintained in a clean and safe manner.
- N. Signs shall meet the requirements of Section 16 of this Ordinance.

**7. Auto/Diesel Repair Shops:**

Auto/Diesel repair shops shall be subject to the following performance standards:

- A. The use shall comply with all applicable local, State, Federal, laws, rules, regulations and Ordinances.
- B. Buildings and vehicle storage areas shall meet the setback requirements of the applicable zoning district.
- C. There shall be no hazardous waste runoff. Storage of hazardous waste shall comply with all applicable local, State and Federal laws, rules, regulations and ordinances.
- D. Only vehicles owned by employees or customers awaiting service are allowed to be parked on the site.
- E. All parking areas and access drives to the parking areas shall be hard surfaced.

- F. Parking shall meet the requirements of Section 16 of this Ordinance.
- G. All areas used for storage or trash disposal shall be fully screened from adjacent land uses and public roadways. Screening shall be at least six (6) feet in height, 80% opaque year round, and of neutral colored material and/or vegetation.
- H. The outdoor storage of hazardous materials is prohibited.
- I. The grounds and all structures shall be maintained in a clean and safe manner.
- J. An environmental management plan, including a water and sewer management plan to address the use of water and the treatment of waste on-site and a storm water and drainage plan shall be submitted to address the impact of the facility on the environment.
- K. The outdoor storage of motor vehicle parts is prohibited.
- L. Signs shall meet the requirements of Section 16 of this Ordinance.

**8. Cemeteries:**

A cemetery shall be subject to the following standards:

- A. The use shall comply with all applicable Federal, State, and County rules and regulations.
- B. Burial plots, grave markers, monuments and buildings shall meet the primary structure setback requirements of the applicable Zoning District.
- C. Grave sites and structures used for burial or entombment shall be setback a minimum of fifty (50) feet from any well or surface water body.
- D. Cemeteries are prohibited below the regulatory flood protection elevation as defined by the Federal Emergency Management Agency.
- E. Crematoria are prohibited.
- F. Parking shall meet the requirements of Section 16 of this Ordinance.
- G. Signs shall meet the requirements of Section 16 of this Ordinance.

**9. Commercial Seasonal Storage:**

Commercial Seasonal Storage shall be subject to the following restrictions and performance standards:

- A. Seasonal Storage Business established after May 24, 2016 must be located on a minimum of twenty acres. Businesses established prior to this date may be located on any sized acreage, however the landowner must provide proof of the year established, such as commercial tax records. The business may not be located within a residentially platted parcel.
- B. The existing facility must consist of agricultural buildings converted for seasonal storage.
- C. If the buildings used for seasonal storage are damaged or destroyed beyond 50% of their value as determined by the Building Official, they may be rebuilt for the purposes of seasonal storage in accordance with the Minnesota State Building Code.

- D. An operational plan must be approved by the Joint Planning Board as stipulated within the conditions of approval.
- E. Days and hours of operation shall be included within the “operational plan” with the understanding this is a seasonal storage facility.
- F. The public shall not have individual access to the storage facilities. All access shall be gained by employees of the storage facility or their agent only.
- G. There shall be no exterior storage of any kind.

*Ordinance 2016-04; May 24, 2016*

**10. Convenience Gas and Food Establishments and Restaurants:**

Food establishments and restaurants shall be subject to the following performance standards:

- A. The use shall comply with all applicable Federal, State, and Town rules and regulations.
- B. A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
- C. To the extent possible, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings, and exterior materials shall be compatible with those used in the immediate neighborhood.
- D. The building and parking area shall be buffered from adjacent residential uses with landscaping, fencing or other acceptable methods in accordance with standards outlined in the applicable zoning district.
- E. All parking areas and access drives to the parking areas shall be hard surfaced.
- F. Parking shall meet the requirements of Section 16 of this Ordinance.
- G. Signs shall meet the requirements of Section 16 of this Ordinance.

**11. Drive Thru Facility:**

Drive thru facilities shall be subject to the following performance standards:

- A. The drive thru function shall be accessory to a conforming convenience food establishment or service facility.
- B. A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
- C. The site shall accommodate a car stacking distance of at least six (6) cars without infringing upon the local roadways.
- D. A speaker system, if provided, shall not be audible from any residential parcel.
- E. The drive thru facility shall be buffered from adjacent residential uses with landscaping, fencing or other acceptable methods of screening in accordance with the standards outlined in the applicable zoning district.
- F. Parking shall meet the requirements of Section 16 of this Ordinance.

- G. Signs shall meet the requirements of Section 16 of this Ordinance.

**12. Extraction, Major:**

Major Extraction facilities shall comply with the following standards:

- A. Setbacks. No extraction, stockpiling, structures or land disturbance with the exception of screening, shall take place within:
  - 50 feet of adjoining property lines;
  - 200 feet of any existing occupied structures not owned by the operator or owner;
  - 100 feet of any contiguous property subdivided into residential lots of 5 acres or less;
  - 100 feet of any road right-of-way of any existing or platted street, except the amount of material stockpiled on the effective date of this Chapter may continue but not be expanded. Mining may be allowed up to 50 feet of the road right-of-way so long as the property is restored to 100 feet within one mining season as set forth in the approved reclamation plans, and;

If two or mining operations are contiguous to one another, the common boundary may be mined if the Joint Planning Board approves the respective restoration plans.
- B. Hours of Operation. Those portions of the extraction or filling operation consisting of excavating, stockpiling, processing, or hauling shall be conducted only between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday, unless other hours or days of operation are specifically authorized by the Joint Planning Board. Extraction or filling operations shall not take place on holidays. Blasting shall only take place between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday. Blasting is only permitted with a Certificate of Compliance and with three days' notice by written letter or e-mail to the Town.
- C. Depth of Extraction. The maximum depth of extraction will be regulated based on groundwater protection and/or the ability to restore the property. Dewatering for the purposes of extraction shall not be allowed.
- D. Public Access Roads. No permit will be granted for any project which may use public roads to transport material where such public roads have a bearing capacity of less than nine tons.
  - 1) The specific roads that may be used to transport material shall be identified at the time of the application, and once identified, it shall be a violation of the permit for any person to depart from the designated transport roads while operating a vehicle regularly used to transport fill.
  - 2) Street maintenance and sweeping required. Owner shall be responsible for monitoring roadways and roadway sweeping as necessary to maintain safe conditions. All transportation routes used by the facility shall not have any accumulation of visible debris or sand from the mine site.
  - 3) The Owner shall take all necessary precautions to avoid spillage on roadways.

- 4) If the extraction or filling operation does not access onto a paved road, the Owner shall be responsible for dust control, including application of calcium chloride or other dust retardant.
- 5) A Road Use Agreement shall be prepared and approved by the Town Engineer for Major Excavation or Filling as defined in this Code prior to an Interim Use Permit being granted. The agreement must address, but is not limited to, the following road infrastructure matters:
  - a. Responsibility for upgrading
    1. Pavement sections, bridges, and culverts structural condition
    2. Intersection signals and signage
    3. Geometric design, including entrances, intersections, railroad and pedestrian/bicycle facility crossings, geometric design of bridges and culverts, and typical road cross-sections;
  - b. Responsibility for exceptional maintenance attributable to the use, estimated based on Minnesota Local Road Research Board (LRRB) Pavement Impacts of Large Traffic Generators methodology;
  - c. Responsibility for clean-up of spillage and public road dust control along haul routes;
  - d. Establishment of financial accounts to address costs associated with upgrading and exceptional maintenance costs;
  - e. Delineation of a haul route between site access and a truck route;
  - f. Schedules of operation and hauling, including construction operations;
  - g. Methods to verify and report type, number, and weight of truck loads;
  - h. Emergency conditions creating a need for immediate road repairs or road closing;
  - i. Required insurance; and
  - j. Remedies and enforcement measures.
- E. Site or Facility Access and Interior Haul Roads. The driveway access to the extraction site or facility must be setback at least 50 feet from neighboring property lines. The Owner, as part of the Interim Use Permit, must prepare a dust control plan. The Owner shall maintain all ways and roads within the site to minimize dust conditions by providing such surfacing or other treatment as may be deemed necessary by the Joint Planning Board and Town Engineer. The treatment shall produce no potential pollution hazards to the ground and surface waters of the area. All extraction site or facility access roads shall be provided and maintained with a dustless, non-oiled surface not less than twenty-two (22) feet wide from the connection to a public road to a point within one hundred (100) feet of the loading area. The Town may require a blacktopped access road if deemed necessary.
- F. Reporting vehicle weights. Owner shall be required to identify a method of positive controls regarding the weight of vehicles leaving the mine and method to insure vehicles do not exceed the weight limits of the roads and bridges upon which they will travel, and obtain approval by the Town Engineer on the methods and frequency of inspection used. Controls

such as scales and regular reporting on vehicle weights shall be implemented with quarterly reporting to the Town Engineer.

- G. Traffic Control. The Joint Planning Board may at any time require the installation of temporary traffic controls, may direct a cessation of hauling activity using public roads during peak traffic hours, or direct such other traffic safety measures to be implemented as are necessary to enhance traffic safety.
- H. Noise. All equipment and other sources of noise must operate so as to be in accordance with Federal, State, and Joint Planning Board noise standards. A noise mitigation plan shall be prepared by the Owner and provided to the Town.
- I. Appearance/Condition. The Owner must maintain buildings, processing plants and equipment in a neat condition. Weeds and other unsightly or noxious vegetation shall be controlled as necessary to preserve the appearance of the landscaped area. Existing trees and topsoil along existing public rights-of-way shall be preserved, maintained and supplemented for the depth of the setback or as stipulated in the IUP.
- J. Fencing. Where deemed necessary by the Town or the Joint Planning Board for the safety and physical protection of the general public, a fence shall be constructed prior to the commencement of the operations enclosing the area authorized by the permit for extraction and/or processing activities. Where fencing is required, the Town or Joint Planning Board will determine the type and location of fencing necessary to ensure adequate safety of the public. The Town or Joint Planning Board may require alternative fencing standards if conditions warrant. The fence shall be maintained and shall remain until reclamation is determined to be complete.
- K. Screening. Where deemed necessary by the Joint Planning Board or the Town, for the health and welfare of the general public, extraction and processing activities shall be screened and located in such a manner as to minimize the environmental impacts on surrounding properties. To minimize noise, dust, odors, erosion and visual impacts on surrounding properties, a continuous screen may be required by the Joint Planning Board or the Town to be installed and maintained, either along the street or along the perimeter of the visible portion of the site or facility.

The following shall serve as the minimum performance standards for screening and may be varied as determined by the Joint Planning Board.

- 1) The screen shall have a total height of not less than six feet and shall consist of one or more of the following types:
  - a. Walls. A wall shall consist of concrete, stone, brick, tile, or similar type of solid masonry material a minimum of four inches thick.
  - b. Berms. A berm shall be constructed of earthen materials, and it shall be seeded and mulched as shown on the landscape plan. Plans for berms must be provided that avoid creating additional environmental impacts, especially surface water runoff, onto neighboring properties. If berms are constructed of topsoil, they must remain until final reclamation. Berms must have a minimum slope of 3:1 and have a silt fence at the base closest to the public road or neighboring property. The silt fence shall be maintained until vegetation is established, at which time it shall be removed. No haul roads, either temporary or permanent,

material stockpiles or other mining-related activities shall occur outside the berm.

- c. Fences, Solid. A solid fence shall be constructed of wood and shall form a continuous screen.
  - d. Fences, Open. An open weave or mesh-type fence, when not used in combination with a berm, shall be combined with plant materials to form a continuous screen.
  - e. Planting. Plant materials, when used as a screen, shall consist of dense evergreen plants or a majority of dense evergreen plant materials combined with deciduous plants provided a continuous screen is established. They shall be of a kind or used in such a manner so as to provide a continuous screen within 24 months after commencement of operations in the area to be screened. Plant materials shall not be limited to a maximum height. The Screening Plan shall be prepared by a licensed landscape architect. Required screening shall be installed prior to commencement of operations.
- 2) The Joint Planning Board may require that either (a), (b), or (c) above shall be installed if, 24 months after commencement of operations in the area to be screened, plant materials have not formed an opaque screen, or if an opaque screen is not maintained.
- 3) Required screening shall be setback at least 20 feet from:
- a. The point of intersection of a vehicular accessway or driveway and a street;
  - b. The point of intersection of a vehicular accessway or driveway and a sidewalk or trail; and
  - c. The point of intersection of two or more vehicular accessways, driveways, or streets.
  - d. An adjoining property line. If a berm is the selected method of screening, the base of the berm shall not be closer than 20 feet of the adjoining property line.
- L. Sanitary Facilities. Sanitary facilities shall be provided through an approved septic system or portable facilities.
- M. Waste Disposal. Any waste generated from the extraction operation, including waste from vehicle or equipment maintenance, shall be disposed of in accordance with Federal, State and Town requirements.
- N. Fuel and Chemical Storage. Any extraction operation and related activities must meet Federal, State and Town requirements for storage of fuels. The Owner must prepare a Pollution Prevention Plan and submit it to the Town.
- O. Contingency Response Plan. The operator shall prepare a Contingency Response Plan (CRP) and employee training to facilitate immediate and remedial response should any accident, release of containment, or other spills occur. The CRP must be on file with the Town and its fire department.
- P. Permanent Onsite Processing. Owners desiring to have permanent processing equipment (more than fifteen {15} days per year) on site must meet the following standards:
- 1) Processing equipment must be specified in the permit, except as provided in (Q) below.

- 2) All Federal, State and Town air and water quality, and noise standards must be met.
  - 3) Processing equipment must be screened from view from other property and from public roads.
  - 4) Crushing equipment must be placed in the bottom of the pit if practical, otherwise located in such a manner as to have the least environmental and aesthetic impact.
  - 5) Setback requirements as set forth in Item A of this Section must be met.
- Q. Temporary Onsite Processing. A temporary processing plant in conjunction with a specific road project, located in the right-of-way or in proximity to the subject road, will be allowed subject to the following conditions:
- 1) All Federal, State and Town air, water and noise quality standards must be met.
  - 2) A Certificate of Compliance must be obtained from the Town.
  - 3) The processing equipment must be located so as to minimize its effect on surrounding property owners.
  - 4) The processing plant shall not be on the property for more than 120 calendar days.
  - 5) No materials, outside of the designated right-of-way, may be excavated or removed from the site without an Extraction IUP.
  - 6) A bond or other financial guarantee, in an amount determined by the Town, must be posted to assure restoration of the site.
- R. Blasting. If the project involves blasting, the applicant shall implement measures to minimize the impacts to nearby properties. Such measures shall include the following:
- 1) The applicant must provide written notification via letter or e-mail to the Town and every property owner within ½ mile of the extraction project at least 3 days in advance of blasting.
  - 2) The applicant must immediately notify the Town if any vibration measurement exceeds 0.75 inches of vibration per second for neighboring properties.
  - 3) Blasting may not occur on more than 10 days in any 12 month period, with no more than one blast per day, unless authorized by the Joint Planning Board. Additional blasts may be authorized in the first year of operation in order to construct a road to the pit floor.
  - 4) The Board may require the applicant to conduct a test blast before the permit is valid. If the test blasting illustrates additional concerns not already addressed, the Joint Planning Board may add additional conditions that relate to the new concerns, or prohibit further blasting on the project.
- S. Payment of Costs. The applicant shall be responsible for the payment of all of the Joint Planning Board and Town costs to third party professionals associated with the review of any proposed extraction operation.
- T. Sureties. The Joint Planning Board shall require financial guarantees for the prompt completion of each project, for road costs, well repair replacement and other hydrologic damage, restoration costs in the event of revocation of the permit or abandonment, and general performance and indemnity of the Joint Planning Board and Town Board. The

operator shall provide to the Town reasonable security that is satisfactory to the Town. The amount of the security will be determined by the Town and shall be proportionate to the risks posed by the project. The operator shall be entitled to a reduction in the security amount on a dollar for dollar basis as reclamation is completed and approved by the Town Engineer, except that the security shall not be reduced below an amount equal to 125% of the cost of the work to be completed as determined by the Town Engineer nor below 5% of the security, unless the reclamation has been accepted by the Town.

To obtain a reduction in the security the operator will give notice to the Town of completion of a portion of the reclamation or fulfillment of its requirements. The Town Engineer or Zoning Administrator will inspect the completed improvements within ten (10) working days of the operator's notice, and, provided the Engineer or Zoning Administrator approves the completed reclamation or fulfillment of requirements, the reduction in the security will occur on a dollar for dollar basis within thirty (30) working days after the Engineer or Zoning Administrator's approval subject to the limitations stated above.

If the security approved by the Town is a Letter of Credit that does not automatically renew, then at least thirty (30) days prior to the expiration of the security, the operator shall provide the Town with a new security for a period of at least one (1) year beyond the expiration date of and for the same amount as the security then in effect or the operator shall be in default hereunder with no opportunity to cure, and the Town may immediately demand from the surety the amount of the security then in effect.

Any security provided under this section shall permit the Town to draw upon the security immediately following any operator default hereunder that is not cured within any applicable notice period and for such portion thereof as is certified by the Town Engineer or Zoning Administrator to be reasonably necessary to cure such default.

Any request for a security reduction shall be accompanied by mechanics lien waivers covering completed work.

- U. Insurance. The operator shall provide proof of bodily injury, property damage, and public liability insurance in the amount of \$1,500,000 for any occurrence, including blasting insurance if blasting is allowed as part of the permit.
- V. Annual Operators Permit. The application for an Annual Operators Permit (AOP) for an extraction or filling operation must be filed with the Town. The application must be made in the name(s) of the operator of the extraction or filling operation and must be filed by January 31<sup>st</sup> of each year.
  - 1) A permit fee of \$500 shall be paid with the application for an AOP. An AOP will not be issued unless all outstanding fees and taxes are paid.
  - 2) The application shall contain the following:
    - a. The operator shall submit an Annual Report that summarizes the operating conditions regulated by This Section.
      - 1. The Annual Report shall summarize the annual activity for:
        - 1. the amount of material removed from the site,
        - 2. amount of add-rock brought onto the site,
        - 3. area reclaimed and type of reclamation,

4. average number of trips hauling material to and from the site per day for the season,
  5. any changes made to the site,
  6. and other conditions specific to the IUP.
- 3) The AOP Application shall identify how the operating conditions for the coming year will vary from the previous year, if any variation is expected.
    - a. The AOP Application shall include a site plan and aerial photos that show the active mining area and the location of existing and planned stockpiles for the coming year.
    - b. The AOP application shall describe reclamation to occur and describe the operating conditions planned for the coming year.
  - 4) The Town shall inspect the site annually during normal operating times. The inspection shall determine if the operation complies with the CUP. If the operator's application conforms to the requirements of this Chapter, and the inspection report indicates compliance with the terms of the CUP and AOP, the Annual Operators Permit may be issued.
- W. Permit Application. In addition to the general application for interim use permits required by this Ordinance, the following specific application information shall be provided by an applicant for an extraction interim use permit:

1) Application Information.

- a. The correct legal description off the premises where the storage, filling, removal, or excavation of soil, sand, aggregate or other earthen material shall occur, including any easements.
- b. The name and address of both the applicant and owner of the land.
- c. A written description of the extractive use, the proposed methods for extraction and any other on-site operations.
- d. The estimated time required to complete the extraction.
- e. The public roads within the Joint Planning Area upon and along which the extracted material will be transported.
- f. Amount of truck activity at highest and average levels.
- g. Estimated annual extraction volumes of earthen deposits removed over the term of the permit.
- h. The location and projected effect upon wildlife habitat and vegetation, including migration corridors.
- i. Projected ambient noise levels to be experienced during peak extraction periods by adjoining properties, showing projected decibel levels from extraction equipment and hauling trucks.
- j. Proposed dust control measures.
- k. Proposed hours of operation.

- l. Types of barriers established if necessary for safety of people and livestock by the active area of excavation.
  - m. Reclamation plans.
  - n. Plans for screening from adjacent properties (including right of ways).
  - o. Plans for drainage from the site.
  - p. Long range plans for the site, including future development and reclamation.
  - q. Anticipated vegetative and topographic alterations.
  - r. Proposed mitigation of effects on wildlife.
  - s. Erosion and storm water control plans.
  - t. Proposed mitigation for any cultural and/or archaeological sites.
  - u. Noise abatement plans.
  - v. A description of all existing land uses within one mile radius of the proposed extraction site.
- 2) Site Plan. In addition to the application information required above, the applicant shall submit a site plan detailing the following information:
- a. A map or plat of the proposed pit or excavation to be made showing the limits of the extraction, together with the proposed finished elevations based on sea level readings, and a notation indicating high water levels and boundaries of floodplains.
  - b. Horizontal and vertical dimensions of the extraction site.
  - c. All setbacks from roads and adjacent property lines, including the buffer areas required by Section 5, on all sides of the operation.
  - d. Location, size and use of all structures on the parcel.
  - e. Location of all adjacent structures and their uses within ¼ of a mile of the site.
  - f. Area of excavation or phases of proposed excavation.
  - g. Extent of vegetation within the buffer area.
  - h. All lakes, streams, and wetlands on property.
  - i. Location of proposed stock piles or slag piles.
  - j. Location of reclamation materials.
  - k. Depth to saturated soil and seasonal high water table.
  - l. All wells, both proposed and existing, all water sources and discharge sites.
  - m. USGS topographical map of the area delineating the site boundaries and access roads.
- 3) Blasting Plan. If an extraction project will include blasting, the applicant must submit a blasting plan detailing the following information:

- a. Proposed number of blasts for the duration of the extraction project and the interval between such blasts.
  - b. Proposed time of blasts.
  - c. Notification plan for providing nearby property owners advance warning of blasts.
  - d. A plan for monitoring the vibrations from each blast, measured in inches of vibration per second.
  - e. The anticipated intensity of vibration to be experienced by neighboring property measured in inches of vibration per second.
  - f. A plan for conducting a test blast to demonstrate the effect of project blasting on neighboring properties.
- 4) DNR Permit. If the applicant excavates into groundwater or the extraction appropriates any public water, a permit must also be obtained from the Minnesota Department of Natural Resources or other applicable regulatory agency. A copy of the permit shall be provided to the Joint Planning Board prior to commencing operations.
- 5) MPCA Permit. If the operation involves one acre or more of disturbed soil, the owner and the operator shall jointly obtain the Minnesota NPDES/SDS Construction Stormwater General Permit through the MPCA. A copy of the permit application and required Stormwater Pollution Prevention Plan shall be submitted to the Town. Upon approved completion of the reclamation operation, a Notice of Termination is to be submitted to the MPCA.
- 6) Permit Evaluation Criteria. In addition to the general criteria for evaluating extraction Interim Use Permits in this Chapter, the following specific criteria shall be used in evaluating an application for an extractive interim use permit:
- a. The ability of roads to handle extraction related traffic.
  - b. Air quality, dust and noise control measures and ability to limit impact upon any adjacent residential properties according to MPCA standards.
  - c. Groundwater protection.
  - d. Property controlling access.
  - e. Control of erosion and sedimentation.
  - f. Impact within the watershed.
  - g. The consistency of the proposed extraction use with the Comprehensive Plan for the Joint Planning Area.
  - h. Compatibility with adjacent and surrounding land use, zoning patterns and patterns of development.
- X. Added Provisions. The operator must comply with such other requirements that the Joint Planning Board, from time to time, may find necessary to adopt for protection of the health, safety, welfare and prevention of nuisances in the area.

*Ordinance 2015-02; February 24, 2015*

13. **Extraction, Minor:**

Minor extraction activities shall comply with the following standards.

- A. Extraction or filling of any amount of material totaling less than 1,000 cubic yards, or to a depth of one foot or more, but less than three feet over an area of 9,000 square feet or more; or extraction for the purposes of utility construction or highway construction, shall require a minor excavation/filling permit from the Town Engineer.
- B. Application for minor excavating and filling permits shall be made in writing on forms supplied by the Town and shall be submitted to the Town Engineer for processing. Applications shall be filed jointly by the landowner and the earth moving contractor. The following information and exhibits shall be submitted with the completed application form:
  - 1) Legal Description of the property;
  - 2) Two copies of the plat map or half-section map of the property proposed to be excavated or filled indicating the area, depth/height where the activity is to occur together with an estimate of the amount of material to be moved.
  - 3) Designated haul routes for all excavation/filling truck activity to and from the site.
- C. A Road Use Agreement may be required by the Town to address possible damage to Town, or other public road entity, infrastructure. The Road Use Agreement shall be prepared and approved by the Town Engineer for and may address, but is not limited to, the following road infrastructure matters:
  - a. Restricting haul routes to 9 ton roadways.
  - b. Responsibility for upgrading
    - 1. Pavement sections, bridges, and culverts structural condition
    - 2. Intersection signals and signage
    - 3. Geometric design, including entrances, intersections, railroad and pedestrian/bicycle facility crossings, geometric design of bridges and culverts, and typical road cross-sections;
  - c. Responsibility for exceptional maintenance attributable to the use, estimated based on Minnesota Local Road Research Board (LRRB) Pavement Impacts of Large Traffic Generators methodology;
  - d. Responsibility for clean-up of spillage and public road dust control along haul routes;
  - e. Establishment of financial accounts to address costs associated with upgrading and exceptional maintenance costs;
  - f. Delineation of a haul route between site access and a truck route;
  - g. Schedules of operation and hauling, including construction operations;
  - h. Methods to verify and report type, number, and weight of truck loads;
  - i. Emergency conditions creating a need for immediate road repairs or road closing;
  - j. Required insurance; and

- k. Remedies and enforcement measures.

*Ordinance 2015-02; February 24, 2015*

**14. Farm-Related Business**

Farm-Related Businesses, as regulated by Conditional Use Permit (CUP) in the Agriculture and General Rural zoning districts, shall be subject to the following standards:

- A. A detailed description of the type of business, number of patrons expected, hours of operation, etc. shall be submitted with the application for the CUP.
- B. In the Agriculture district, no minimum lot size is required for approval of the CUP. In the General Rural district, the lot or contiguously owned lots shall not be less than 10 acres.
- C. On-street parking is prohibited. Proof of off-street parking in relation to the location of business operations shall be shown on a site plan or depicted on an aerial photograph and submitted with the application for the CUP.
- D. On-site advertising and display is prohibited; permanent signage is allowed as permitted in the zoning district.
- E. Town staff, the Planning Commission, or the Joint Planning Board may request a noise study, sight-line study, traffic study, or other information germane to the CUP application and the proposed use's impact on the neighboring area.
- F. See Section 5 – Definitions for more information on the types of businesses allowed as "farm-related."

*Ordinance 2019-01; February 26, 2019*

**15. Game Refuge, Private:**

Private game refuges shall comply with the following standards:

- A. Private game refuges shall be subject to the standards set forth in *Minnesota Statutes, Section 97A.115; or successor Statutes*, and *Minnesota Rules, Chapter 6242; or successor Rules*.
- B. A detailed plan showing the following features shall be submitted with any application for a private game refuge:
  - a. Property lines.
  - b. Wetland boundaries for wetlands within the property.
  - c. Adjacent residences and structures within 500 feet of the property line.
  - d. A topographic map of the property.
  - e. Layout of proposed hunting areas.
- C. Firearms shall not be discharged within 500 feet of a residential dwelling.
- D. There shall be no discharge of lead shot into any wetland.

**13. Home Business in an Accessory Building:**

A home business in an accessory building shall comply with the following standards:

- A. The home business shall be clearly incidental and subordinate to the residential use of the property.
- B. The home business shall be conducted primarily by persons residing on the premises. The equivalent of one full time person not residing on the premises may be employed by the home business. No person other than the residents or one additional full time employee equivalent shall be employed or engaged in such home business.
- C. Operation of the home business shall be limited to the residential dwelling and accessory or agricultural buildings on the same parcel.
- D. Areas used for the outdoor display or storage of goods, equipment, vehicles, or other materials used for the home business in an accessory structure shall be located to the rear of the structure and further buffered from adjacent residential uses with landscaping, fencing or other acceptable methods of screening.
- E. The home business shall not generate excessive customer or client traffic that is detrimental to the character of the surrounding properties.
- F. There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line.
- G. The home business shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.
- H. The home business at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.
- I. Parking shall meet the requirements of Section 16 of this Ordinance.
- J. Signs shall meet the requirements of Section 16 of this Ordinance.

**14. Home Occupation:**

A home occupation shall comply with the following standards:

- A. The home occupation shall be clearly incidental and subordinate to the residential use of the property.
- B. The home occupation shall be conducted primarily by persons residing on the premises. The equivalent of one full time person not residing on the premises may be employed by the home occupation. No person other than the residents or one additional full time employee equivalent shall be employed or engaged in such home occupation.
- C. Operation of the home occupation shall be limited to the residential dwelling and any attached garage.
- D. The use of any accessory or agricultural buildings for storage or business activity is prohibited.

- E. The outdoor display or storage of goods, equipment or other materials used for the home occupation is prohibited.
- F. The home occupation shall not generate excessive customer or client traffic that is detrimental to the character of the surrounding properties.
- G. There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line.
- H. The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.
- I. The home occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.
- J. Parking shall meet the requirements of Section 16 of this Ordinance.
- K. Signs shall meet the requirements of Section 16 of this Ordinance.

**15. Kennels, Commercial:**

A Commercial Kennel shall be subject to the following standards:

- A. Commercial Kennels are limited to the boarding of dogs and cats. Boarded dogs and cats are to generally be considered domestic, or household pets. No wild or hybrid dogs or cats are allowed on the premises at any time.
- B. Commercial Kennels that transfer or sell dogs and/or cats must be licensed as a dealer by the Minnesota Board of Animal Health.
- C. Commercial Kennels are a conditional use and limited to the AG and GR districts on lots over 2.5 Acres.
- D. Commercial Kennel operators must be licensed by the township.
  - 1. Township Kennel Operator License applications must be submitted to the Township Planning and Zoning department on proper forms and must be accompanied with the following:
    - a. Payment in full of a predetermined fee set by the Township Board
    - b. One copy of the operator’s general business plan
    - c. One copy of proof of licensure by the Minnesota Board of Animal Health, if applicable
    - d. A site plan that includes: Primary Structure, accessory buildings, property lines, perimeter fence (type, size and location), outdoor dog run locations and weather shelter type and location
    - e. Operational Plan
    - f. Manure management plan
- E. Township Kennel Licenses must be renewed annually.

1. License Renewal Applications must be submitted on proper forms to the Township Planning and Zoning Department and accompanied by the following
  - a. Payment in full of a predetermined fee set by the Township Board
  - b. At the time of renewal, any changes or proposed changes related to the Commercial Kennel operation that were approved under the provisions of subsection C., require review by the township zoning administrator or their appointed representative to verify compliance. A copy of any new Minnesota Board of Animal Health license (if required), or new plans shall be submitted along with the renewal application.
  
- F. Commercial Kennels are subject to spot inspections by state, county or township authorities
  
- G. Confinement areas for dogs and cats must meet the following standards:
  1. Fence, wall and gate are a minimum 6 feet in height and secured to a solid, waterproof floor that that can be regularly cleaned and insulates the enclosure from earthen surface.
  2. Fencing material must be strong enough to prevent an animal from escape and be made of a material that is not injurious to an animal and secured to the floor in a manner that a dog or cannot escape, by digging, chewing, or forcibly causing an opening.
  3. The size of the confinement area must be large enough for the animal to stand, exercise, turn around, and fully lie down
  4. Make available an access to a ventilated, covered shelter with adequate protection from precipitation and harmful weather conditions
  5. Be kept clean and easily accessible for daily cleaning
  
- H. During any period that a dog or cat is not confined, an employee or the pet owner must maintain control of the animal by means of a leash or other device to prevent escape. Means of control may be subject to the discretion of the zoning administrator or his or her agent.
  
- I. The maximum allowable number of dogs and/or cats kept may not exceed 40 on any size lot. The maximum number of dogs or cats allowed at any given time on the premises is contingent upon the size of the property as follows: 5 dogs over six months of age, 10 cats over 6 months of age are allowed per acre of land. No more than 10 unsterilized female dogs may be kept on any property, regardless of acreage.
  
- J. All confinement areas must be 500 feet from any residence not including the on-site operator's residence.
  
- K. The use shall comply with all applicable Federal, State, County, and Town rules and regulations.
  
- L. Structures used for animal confinement require a minimum 100 foot setback from any property line and 500 feet from any residential dwelling, other than the applicant's, that is existing at the time of application.

- M. On-site waste facilities shall be designed to accommodate all waste generated from kennels including hosing and cleanup.
- N. Kennel facilities shall be designed to accommodate winter boarding including adequate heating, ventilation, and lighting.
- O. All outdoor kennel facilities shall provide adequate shelter from the elements including sunlight, rain, snow, and cold weather.
- P. Kennel facilities shall be adequately cleaned and drained and maintained to provide a healthy environment for dogs and cats.
- Q. Kennel operations are not exempt from nuisance ordinances including, but not limited to noise, odor, and blight.
- R. Any Commercial Kennel is required to promote the health, safety and welfare of any dog or cat kept on the premises and any person that comes in contact with an animal.
- S. Dogs and cats kept in Commercial Kennel must be treated in a humane manner, be provided proper nutrition, and have constant access to fresh water.
- T. Any injuries or illness to a dog or cat must be treated as advised by a licensed veterinarian.
- U. Vaccination records for each dog and cat must be kept on the premises and vaccinations for each dog or cat must be current and compliant as required by the Minnesota Department of Animal Health on the premises.
- V. Any accessory structure(s) required for a Commercial Kennel must meet regulations for the zoning district it is located.
- W. A Commercial Kennel operated as a home occupation shall comply with all requirements of section 16.14 of the zoning ordinance.
- X. Each violation of any portion of this ordinance is considered a separate misdemeanor offence.

*Ordinance 2016-06; October 28, 2016*

**16. Kennels, Private:**

A private kennel shall be subject to the following standards:

- A. Structures used for animal confinement shall meet the setback requirements of the applicable zoning district.
- B. Kennel facilities shall be designed to accommodate winter boarding including adequate heating, ventilation and lighting.
- C. All outdoor kennel facilities shall provide adequate shelter from the elements including sunlight, rain, snow, and cold weather.
- D. Kennel facilities shall be adequately drained and maintained in a healthful manner.

## 17. Occasional Special Events

Occasional Special Events, as regulated by Conditional Use Permit (CUP) in the Agriculture and General Rural zoning districts, shall be subject to the following standards:

- A. A description of the types of events, expected frequency and hours, areas of the site utilized for the events, etc. shall be submitted with the application for the CUP.
- B. In the Agriculture district, no minimum lot size is required for approval of the CUP. In the General Rural district, the lot or contiguously owned lots shall not be less than 5 acres.
- C. Event parking or proof-of-parking shall be shown on a site plan or depicted on an aerial photograph and submitted with the application for the CUP.
- D. Location of the event shall have a minimum 100-foot setback from any side or rear property line and be separated by 500 feet or by a platted right-of-way from any existing residential dwelling other than the applicant's.
- E. Town staff, the Planning Commission, or the Joint Planning Board may request a noise study, sight-line study, traffic study, or other information germane to the CUP application and the proposed use's impact on the neighboring area.
- G. One sign at the site entrance to alert event-goers to the location is allowed from one day before to one day after the event, and shall be removed between events. On-site signage for the purposes of advertising the site is prohibited; permanent signage is allowed as permitted in the zoning district.
- F. See Section 5 – Definitions for allowable frequency of events.

## 18. Parking:

All parking shall comply with the following standards:

- A. General. Onsite parking or garage space shall be provided in all Districts, except as specifically exempted. There shall be adequate drive access to prevent the need to back onto collector streets or County Highways. Onsite parking spaces shall not be used for storage.
- B. Dimensions. Parking sites shall be a minimum of 20 feet long and 10 feet wide.
- C. Parking Ratios. Adequate parking shall be required, with the following standards to be guidelines subject to site specific review by the Planning Commission:
  - 1. Dwelling: two (2) parking spaces for each unit.
  - 2. Multiple Dwellings: One and one-half (1 ½) spaces per dwelling unit
  - 3. Tourist Accommodations: one-and-one-half (1 ½) parking spaces for each room or unit.
  - 4. Senior and/or Physically Handicapped Housing: One (1) space per dwelling unit
  - 5. Business and Professional Offices: One (1) space for each three hundred (300) sq. ft. of gross floor area.
  - 6. Medical and Dental Clinics: Two (2) spaces per examining room plus one space for each employee.

7. Schools: One (1) space per seven (7) students and one (1) space for each two (2) employees.
8. Hospital/Nursing Homes: One (1) space for every three (3) beds plus one (1) space for each two (2) employees
9. Retail Stores: One (1) space for each 250 sq. ft. of gross floor area.
10. Furniture and appliance stores, household equipment, carpet sales, furniture repair shop or antique shop: One (1) space for each four hundred (400) sq. ft. of gross floor area.
11. Theater, stadium, auditorium, church or other places of public assembly: one (1) parking space for each three (3) seats, based on maximum seating capacity.
12. Office Building: one (1) parking space for each three hundred (300) square feet of office floor area.
13. Funeral Homes: One (1) space for each four (4) seats based on maximum capacity.
14. Eating and Drinking Establishments: one (1) parking space for each of three (3) seats based upon maximum seating capacity.
15. Industrial, manufacturing or wholesale establishments: one (1) parking space for each two (2) workers, based on peak employment and adequate space for loading and unloading all vehicles used incidental to the operation of the industrial or manufacturing establishment or one (1) space for each two thousand (2,000) sq. ft. of gross floor area, whichever is larger
16. Other Uses Not Described: As determined by the Planning & Zoning Commission and Town Board.
17. Onsite Parking. Onsite parking shall not be closer than 10 feet from a lot line
18. Parking Surfaces. All parking areas shall be adequately drained to a pervious surface designed to allow entrapment of silts and nutrients prior to discharge to a public water.
19. Landscaping. More than 5 parking stalls contiguously located and any commercial parking adjacent to residential shall be landscaped according to a plan approved by the Zoning Administrator with review by the Planning Commission.
20. Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as to not interfere with residential use. Lighting will be designed to eliminate glare from adjacent roadways to ensure safe vehicular traffic.
21. Loading – General. All required loading berths shall be off street and shall be located on the same lot as the principal use served. Loading shall not occupy front yard space. Berths shall not be used for storage.

**18. Personal Storage Structure:**

Personal Storage Structure is an outbuilding without a primary residence that is limited to personal use and cannot be used for any business operation. Personal Storage Structures are only allowed under the following conditions and must meet all of the following standards:

- A. Only one Personal Storage Structure is allowed per parcel.
- B. Personal Storage Structures will not be allowed in a platted development, unless in a Shoreland District.
- C. The size of the Personal Storage Structure will be limited to 1800 sq. ft. unless the parcel is less than 2.5 acres and then the size limit will be a 1,200 sq. ft. building.
- D. A maximum height of the structure is 25 feet from the ground to the peak.
- E. The size and location of the Personal Storage Structure shall not impede the placement of a future home, or primary and secondary septic system.
- F. No plumbing or floor drains shall be allowed.

**19. Portable Temporary Storage Units:**

The following requirements shall apply to the placement of portable temporary storage units in all zoning districts:

- A. Portable Temporary Storage Units shall only be placed on the property owner's driveway or a parking area or, if access exists, at the side or rear of the property. The required number of parking spaces shall be maintained, at all times.
- B. Portable Temporary Storage Units must meet the setback requirements for the property, unless the Portable Temporary Storage Unit is placed on the property owner's driveway or parking area. No Portable Temporary Storage Unit shall be located in any right-of-way.
- C. Except for portable temporary storage units that are used for construction sites, which have a valid building permit, the maximum allowable time for a Portable Temporary Storage Unit to be located on a property shall be 60 calendar days per year.
- D. All portable temporary storage units in use on a lot shall be in a condition free from rust, peeling paint, and other visible forms of deterioration. Portable temporary storage units must be uniform in color.
- E. Signage – Portable temporary storage units shall have no signage other than the name, address and telephone number of the person or company engaged in the business of renting or placing the portable temporary storage unit. Signage may not exceed 32 square feet in size.

On all lots in which agriculture is the primary activity, there shall be no restrictions upon the use or time length, of the portable temporary storage unit, if it is being used in conjunction with such agricultural activity.

*Ordinance 2011-01; January 25, 2011*

Shipping/storage containers and semi-trailers are prohibited for use as an accessory structure on any platted lot and on non-platted residential lots less than 10 acres, excepting a

shipping/storage container or semi-trailer that is used as a temporary storage unit for moving purposes for a period not to exceed the limitations stated above (letter C). Shipping/storage containers and semi-trailers used for these purposes on platted lots must comply with the parking requirements for vehicles provided for in this Ordinance.

Ordinance 2019-02; October 22, 2019

**20. Religious Institutions:**

A religious institution shall be subject to the following standards:

- A. A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
- B. All parking areas and access drives to the parking areas shall be hard surfaced.
- C. To the extent possible, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings, and exterior materials shall be compatible with those used in the immediate neighborhood.
- D. The building and parking areas shall be buffered from adjacent residential uses with landscaping, fencing or other acceptable methods of screening in accordance with the standards outlined in the applicable zoning district.
- E. All accessory residential, school or day care uses shall be subject to the provisions of this Ordinance.
- F. The grounds and all structures shall be maintained in a clean and safe manner.
- G. Parking shall meet the requirements of Section 16 of this Ordinance.
- H. Signs shall meet the requirements of Section 16 of this Ordinance.

**21. Retail Nursery:**

A greenhouse or nursery engaging in sales activities shall comply with the following standards:

- A. No sale of product shall take place in the public right of way of any Federal, State, County, or Town roadway.
- B. All structures, including temporary structures, shall meet the minimum setback requirements of the district in which it is located.
- C. The exterior storage of landscaping equipment and storage areas shall be screened from view of adjacent residential uses and Federal, State, County or Town roadways.
- D. Parking shall meet the requirements of Section 16 of this Ordinance.
- E. Signs shall meet the requirements of Section 16 of this Ordinance.

**22. Shooting Range, Trap Range, Skeet Range:**

Shooting ranges, trap ranges, and skeet ranges shall be subject to the following provisions:

- A. The minimum size lot for each type of shooting range is listed below, including direct fire zone and/or shotfall zone, safety zone and ricochet zone, subject to the installation of additional baffles.
  - a. High Power Rifle:
    - i. Minimum range length: 5,500 yards
    - ii. Minimum range width: 3,500 yards
    - iii. Minimum acreage: 3,800 acres
  - b. Shotgun:
    - i. Minimum range length: 300 yards
    - ii. Minimum range width: 400 yards
    - iii. Minimum acreage: 40 acres
  - c. Other range types are subject to the *National Rifle Association Range Sourcebook, 1997; or successor Sourcebook.*
- B. The range sizes listed may be lessened through the use of baffles and berms along the sides, the end and throughout the firing range and/or shotfall zone. Baffles and berms shall meet or exceed the standards listed in the *National Rifle Association Range Sourcebook 1997; or successor Sourcebook.*
- C. No part of any shooting range may be located within 500 feet of any residential dwelling, commercial or industrial building or other structure used for human occupancy

**23. Shopping Centers:**

Shopping centers shall be subject to the following performance standards:

- A. To the extent possible, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings, and exterior materials shall be compatible with those used in the immediate neighborhood.
- B. A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
- C. The building and parking areas shall be buffered from adjacent residential uses with landscaping, fencing or other acceptable methods of screening in accordance with the standards outlined in the applicable zoning district.
- D. All areas used for trash disposal shall be fully screened from adjacent land uses and public roadways. Screening shall be at least six (6) feet in height, 80% opaque year round and of neutral colored material and/or vegetation.
- E. Parking shall meet the requirements of Section 16 of this Ordinance.
- F. Signs shall meet the requirements of Section 16 of this Ordinance.

**24. Solar Farms:**

Solar Farms shall be subject to the administrative requirements of *Section 20.05 of this Ordinance* and the following provisions:

- A. Stormwater management shall meet all Local, County, State and Federal requirements.
- B. Erosion and sediment control shall meet all Local, County, State and Federal requirements.
- C. 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.
- D. Other standards and codes. All solar farms shall be in compliance with any applicable local, state and federal regulatory standards, including the State of Minnesota Uniform Building Code, as amended; and the National Electric Code, as amended.
- E. 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 Department in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
- F. Setbacks. Solar farms must meet the minimum building setback for the zoning district and be located a minimum of one hundred (100) feet from the property line.
- G. Application requirements. The following information shall be provided to the Town prior to issuance of the conditional use permit:
  - a. A site plan of existing conditions showing the following:
    - a. Existing property lines and property lines extending one hundred (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 (2) 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, etc.)
    - g. Waterways, watercourses, lakes and public water wetlands
    - h. Delineated wetland boundaries
    - i. The one hundred (100)-year flood elevation and Regulatory Flood Protection Elevation, if available
    - j. Floodway, flood fringe and/or general flood plain district boundary, if applicable
    - k. The shoreland district boundary, if any portion of the project is located in a shoreland overlay district

- l. In the shoreland overlay district, the ordinary high water level and the highest know water level
  - m. In the shoreland overlay district, the toe and top of any bluffs within the project boundaries
  - n. Mapped soils according to the Sherburne County Soil Survey
  - o. Surface water drainage patterns
- b. Site Plan of Proposed Conditions
  - a. Location and spacing of solar panels
  - b. Location of access roads
  - c. Planned 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
  - e. Proposed erosion and sediment control measures
  - f. Proposed stormwater management measures as required
  - g. Sketch elevation of the premises accurately depicting the proposed solar energy conversion system and its relationship to structures on adjacent lots (if any);
- c. Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks;
- d. The number of panels to be installed;
- e. A description of the method of connecting the array to a building or substation;
- f. A copy of the interconnection agreement with the local electric utility or a written explanation outlining why an interconnection agreement is not necessary;
- g. 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 twelve (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 the Sherburne County Solid Waste Ordinance in effect at the time of disposal. *Stearns County Solid Waste Ordinance Number*. The Joint Planning Board or Town Board may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.
- h. Aviation Analysis. If the project is within two miles of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or successor policy. The

applicant must also complete the Air Space Case Analysis (Form 7460) and provide the results.

- i. Visual Impact Analysis. An analysis of the potential visual impacts from the project including solar panels, roads and fencing along with measures to avoid, minimize or mitigate the visual effects shall be required. A plan may be required showing vegetative screening or buffering of the system from those items to mitigate for visual impacts.

*Ordinance 2016-01; January 26, 2016*

## **20. Solar Energy Systems, Accessory.**

Solar energy systems are a permitted accessory use in all zoning districts, subject to the *Town of Becker's Ordinance adopting the State Building Code, Construction Licensing, Permits and Regulation* and the following provisions.

- A. Accessory Building Limit. Ground mounted systems shall count as an accessory building for the purpose of meeting limits on the number, size, and coverage standards of accessory structures allowed per lot.
- B. 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.
  - b. Ground or pole-mounted solar systems shall not exceed twenty-five (25) feet in height when oriented at maximum tilt.
- C. Location within Lot. Solar systems must meet the accessory structure setback for the zoning district.
  - a. 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 (2) feet. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
  - b. Ground-mounted Solar Systems. Ground-mounted solar energy systems may not extend into the side-yard or rear setback when
  - c. Oriented at minimum design tilt.
- D. Stormwater management shall meet all Local, County, State and Federal requirements.
- E. Erosion and sediment control shall meet all Local, County, State and Federal requirements.
- F. Approved Solar Components. Electric solar system components must have documentation that the products have been independently tested by a Nationally Recognized Testing Laboratory.

- G. Compliance with State Electric Code. All photovoltaic systems shall comply with the Minnesota State Electric Code.

Utility Notification. No grid-intertie photovoltaic system shall be installed until evidence has been given to the 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.

*Ordinance 2016-01; January 26, 2016*