

## **SECTION 19. LAND USE PERFORMANCE STANDARDS**

### **SUBDIVISION 1. PURPOSE**

- A. The performance standards established in this Section are designed to encourage a high standard of development. All future development in all districts shall be required to meet these standards and the standards shall apply to existing development where so stated. The Department shall be responsible for enforcing the standards.
- B. Before any permitted, interim, or conditional use is approved, the Department and/or Board of County Commissioners shall determine whether the proposed use will conform to the performance standards. The applicant and/or landowner shall supply data necessary to demonstrate such conformance.

### **SUBDIVISION 2. APPLICATION**

- A. Land Use Development Applications shall not be accepted until all of the following have been completed:
  - 1. A pre-application meeting with the Department during which the appropriate application procedures, requirements, and applicable provisions are reviewed and explained.
  - 2. When a Land Use Development Application requires a public hearing, the applicant, representative, and/or landowner shall attend a meeting with the Board of the Township in which the action is proposed. The applicant and/or landowner shall attend the required Township meeting prior to the County public hearing.
    - a. The Township Notification form shall be completed, signed, and submitted to the Department prior to the date of the public hearing.
    - b. If the form is not received by the Department prior to the date of the public hearing, the requested action shall be automatically tabled and a penalty shall be assessed.
  - 3. All County application forms and applicable supporting documents relating to the use being requested shall be submitted to the Department.
  - 4. All supporting documentation shall be submitted to include, but not limited to the following:
    - a. Name and address of applicant and landowner.
    - b. Legal description and property address.
    - c. Proposed days and hours of operation.

- d. Estimated number of persons to attend place of business/location on a daily or weekly basis.
- e. List of all public health plans:
  - 1. Water supply
  - 2. Solid waste collection
  - 3. Public restroom facilities
  - 4. Other
- f. Fire prevention and emergency medical services plan, if applicable.
- g. Any security plans, if applicable.
- h. Retail sales that may take place.
- i. Food or alcohol that may be served or sold.
- j. Any alteration to the County vehicular traffic or pedestrian traffic patterns.
- k. Any required County personnel or services related to the request.
- l. Any amplified sound, public address system, playing of music or musical instruments.
- m. Outdoor lighting, per the standards of this Ordinance.
  - 1. Parking and Loading, per the standards of this Ordinance.
- o. Signage, per the standards of this Ordinance.
- p. Access, per the standards of this Ordinance and approved by the Road Authority.
- q. Landscaping and Screening, per the standards of this Ordinance.
- r. A certificate of insurance, if applicable, shall be filed with the Department as a part of the application submittal for the requested land use permit. Insurance coverage shall be maintained for the duration of the land use permit.
  - 1. Insurance coverage shall be a commercial general liability policy.
  - 2. The minimum limits shall be at least \$1,000,000.
  - 3. If alcoholic beverages are to be sold or distributed on-site, the policy shall also include an endorsement for liquor liability.

4. The County may require additional endorsements depending upon the type of activities.
- s. Meet all other applicable county, state and federal regulations.

### **SUBDIVISION 3. GENERAL STANDARDS**

#### **A. PURPOSE**

It is the intent of this Subdivision to ensure uses of land and structures shall be established and maintained with proper appearance from streets and adjoining properties.

#### **B. EMISSION STANDARDS**

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 Agency. Detailed plans relating to the proposed use and operation may be required before issuance of any land use permit to ensure compliance with these regulations.

#### **C. NOISE**

Noise shall be measured at the property line of the parcel of land on which the operation is located, and shall be muffled so as not to become objectionable due to interference, beat frequency, shrillness or intensity as regulated by the Agency. Noise generated by agricultural use shall be exempt.

#### **D. ODORS**

Any use established, enlarged, intensified, or remodeled shall be so operated as to prevent the emission of odorous matter of such quantity as to be readily detectable at any point beyond the property line of the parcel of land on which such use is located and such use shall meet requirements of the Agency. Detailed plans for the prevention of odors crossing property lines may be required before the issuance of any land use permit. Odors from permitted agricultural activities are exempt.

#### **E. WATER POLLUTION**

All uses shall conform to the water pollution standards and controls enforced by Le Sueur County and those adopted by the Agency, DNR, and other agencies and governing bodies which have such powers and controls.

## F. VIBRATION

Any use creating periodic earth-shaking vibrations shall be prohibited if such vibrations are perceptible beyond the property line of the parcel of land on which the use is located and such use shall meet the requirements of the Agency. The standard shall not apply to vibrations created during the process of construction and/or permitted mineral extraction operations.

## G. SMOKE AND PARTICULATE MATTER

Any use established, enlarged, intensified, or remodeled shall be so operated as to control the emission of smoke or particulate matter to the degree that it is not detrimental to nor shall it endanger the public health, safety, or general welfare of the public and comply with Agency standards.

## H. DUST

Solid or liquid particulate shall not be emitted at any point in concentrations exceeding State of Minnesota standards.

## I. TOXIC OR NOXIOUS MATTER

Any use established shall not discharge to the surface, air or through percolation into the subsoil or soil, toxic or noxious matter in such concentration as to be detrimental to and/or endanger the public health, safety, and general welfare, or exceed Agency standards.

## J. EXPLOSIVES

Any use requiring warehousing, utilization, or manufacturing of explosive products which could degrade and become unstable shall comply with the Minnesota State Fire and Safety Rules as outlined by the Minnesota Department of Public Safety, and shall not be located less than four hundred (400) feet from any dwelling and/or Residential District.

## K. COMPLIANCE

1. In order to ensure compliance with the performance standards in this Section, the Department and/or Board of County Commissioners may require the Applicant and/or Landowner of any land use to have made such investigations and tests as may be required to show adherence to the performance standards.
2. Such investigation and tests may be required to be carried out by an independent testing organization at the applicant and/or landowner's expense as may be selected by the County.

## L. SNOW DRIFTING

When there is snow on the ground, no materials, including stacks or bales of fodder and bedding, over three feet in height, nor shall vehicles, trailers, or equipment or machinery be parked or temporarily stored within one hundred and thirty (130) feet from the centerline of a county road without prior review and approval by the county engineer.

### **SUBDIVISION 4. ACCESS, ACCESS DRIVES, AND SERVICE ROADS**

- A. An access point onto any public roads shall require a review by the Road Authority. The Road Authority shall determine the appropriate location, size, and design of such access point and may limit the number of access points in the interest of public safety and efficient traffic flow.
- B. Access drives (driveway) shall be constructed and maintained to meet all of the following:
  - 1. A minimum driving surface width of fourteen (14) feet.
  - 2. Inslope no greater than 4 to 1, as measured horizontal to vertical.
  - 3. Base material depth sufficient to support access by emergency vehicles.
  - 4. Unobstructed width of not less than twenty (20) feet.
  - 5. Unobstructed vertical clearance of not less than thirteen (13) feet, six (6) inches.
  - 6. Shall not exceed twelve (12) percent grade unless approved by the County Highway Engineer.
- C. Access drives in excess of one hundred fifty (150) feet in length shall provide a minimum turn-around area of sixty (60) feet in width by sixty (60) feet in length.
- D. Access drives shall have a twenty (20) foot long flat grade directly adjacent to the road that the drive accesses.
- E. All lots or parcels with a structure shall have direct physical access of adequate size for emergency vehicles along the frontage of the lot or parcel from either an existing or dedicated public roadway.
- F. All access drives and service roads serving more than two (2) lots or parcels with dwellings shall be built to township road specifications or at least sixty six (66) feet wide with a minimum driving surface width of twenty four (24) feet.
- G. All access drives and service roads shall be constructed when two (2) or more General Business (B), General Industry (I), or Recreational Commercial (RC) properties are contiguous and when required by the Road Authority.

H. Access, access drives, and service roads shall not be located within the bluff or shore impact zones.

## **SUBDIVISION 5. PARKING AND LOADING STANDARDS**

### **A. PARKING**

1. All on-site parking hereafter constructed or maintained shall conform with the provisions of this Subdivision and any other Ordinances or Regulations of the County.

#### **2. Size Requirements**

a. Each parking space shall contain a minimum area of not less than three hundred (300) square feet, including access drives, a width of not less than eight and one-half (8 ½) feet and a depth of not less than twenty (20) feet.

b. Handicap parking requirements shall be in accordance with the Americans with Disabilities Act as amended, from time to time.

c. Each parking space shall be adequately served by access drives.

#### **3. Reduction of Parking Space**

On-site parking facilities shall not subsequently be reduced below the requirements of this Subdivision.

#### **4. Location of Parking Facilities and Combined Facilities**

Required on-site parking space shall be provided on the same lot as the principal structure or use, except combined or joint parking facilities may be provided for one (1) or more structures or uses in the General Business (B), Recreational Commercial (RC) and in the General Industry (I) districts provided that the total number of spaces shall equal the sum of the requirements for each structure or use.

5. **Computing Requirements.** In computing the number of such parking spaces required, the following rules shall apply:

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

b. Where fractional spaces result, the parking spaces required shall be constructed 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 Department.

- d. In places of public assembly in which patrons occupy benches, pews or similar facilities, every twenty two (22) inches of such seating facility shall be counted as one (1) seat for the purposes of determining these requirements.

## 6. Required Number of On-Site Parking Spaces

- a. 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.
- b. The minimum number of required on-site parking spaces for the following uses shall be as follows:
  1. **Single-family dwelling.** Two (2) parking spaces. No attached garage shall be converted into living space unless other acceptable on-site parking space is provided.
  2. **Multiple dwelling or manufactured home park.** Two (2) parking spaces per dwelling unit, apartment or manufactured home.
  3. **Churches.** One (1) parking space for each four (4) seats, based on the design capacity of the main seating area.
  4. **Hospitals.** One (1) parking space for each two (2) hospital beds plus one (1) parking space for each employee on the major shift.
  5. **Convalescent, rest or nursing homes, or assisted living facilities.** One (1) parking space for each four (4) beds for which accommodations are offered.
  6. **Schools.** Two (2) parking spaces for each classroom.
  7. **Administration buildings, community center, public library, museum, art galleries, post office and other public service buildings.** One (1) parking space for each five hundred (500) square feet of floor area in the principal structure.
  8. **Indoor/Outdoor Recreational Areas.** One (1) parking space for each four (4) occupants based upon design capacity. The number of parking spaces may be increased with the conditional use permit review process.
  9. **Medical and dental clinics and animal hospital.** One (1) parking space for each five hundred (500) square feet of floor area.
  10. **Office buildings.** One (1) parking space for each three hundred (300) square feet of floor area.

11. **Automobile service station.** Four (4) parking spaces plus two (2) parking spaces required for each gas pump area.
12. **Auto sales, trailer sales, marine and boat sales, implement sales, garden supply store, building materials sales and auto repair.** Six (6) parking spaces plus one (1) parking space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet.
13. **Bowling alley.** Five (5) parking spaces for each bowling lane.
14. **Drive-in restaurant.** One (1) parking space per each four (4) seats and one (1) parking space for each employee on the major shift.
15. **Restaurant, cafe, tavern, bar, or adult use establishment.** One (1) parking space per each four (4) seats and one (1) space for each two (2) employees on the major shift.
16. **Motel or hotel.** One (1) parking space for each rental room or suite, and one (1) space for each employee on any shift.
17. **Assembly or exhibition hall, auditorium, theater or sports arena.** One (1) parking space for each four (4) seats, based upon design capacity.
18. **Retail stores and service establishments.** One (1) parking space for each two hundred fifty (250) square feet of retail floor area.
19. **Research, experimental or testing stations.** Three (3) parking spaces, plus one (1) per employee on the major shift.
20. **Storage, wholesale or warehouse establishments.** Three (3) parking spaces, plus one (1) per employee on the major shift.
21. **Manufacturing or processing plant.** Three (3) parking spaces, plus one (1) per employee on the major shift.

## B. LOADING

1. 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.
2. Each loading space shall contain a minimum area of not less than five hundred (500) square feet.
3. The required area for loading space shall not be used for storage of goods or for storage of vehicles that are inoperable or for sale or rent.

## C. PARKING & LOADING GENERAL STANDARDS

### 1. Yards

- a. No parking or loading space shall be located within ten (10) feet of any property line or any road right-of-way, except those that are strictly of a residential use.
- b. No parking or loading space shall be located within bluff or shore impact zones.

### 2. Buffers, Fences and Planting Screens

On-Site parking and loading in General Business (B), General Industrial (I), or Recreational Commercial (RC) Districts, shall be screened from eye-level view from adjacent lands by a buffer fence of adequate design or a planting buffer screen.

### 3. Access

- a. Parking and loading spaces shall have proper access from a road right-of-way.
- b. The number and width of access drives shall be so located as to minimize traffic congestion and traffic hazards.
- c. Frontage roads or service roads may be required when such service roads are necessary to maintain traffic safety as deemed necessary by the Road Authority.
- d. Vehicular access to business or industrial uses across property in any Residential District shall be prohibited.

### 4. Construction and Maintenance

- a. In the General Business (B), General Industry (I) and the Recreational Commercial (RC) Districts, parking and loading areas and access drives shall be covered with a dust-free, all-weather surface or an adequate aggregate base with proper surface drainage, as required by the Road Authority.
- b. The operator of the principal structure or use shall maintain parking and loading areas, access drives and yard areas in a well-kept manner.

## **SUBDIVISION 6. LANDSCAPING AND SCREENING**

- A. It is the intent of this Subdivision to provide that uses of land and structures shall be established and maintained.

- B. All required yards shall either be landscaped and green areas or be left in a natural state. If any yards are to be landscaped, they shall be landscaped to include but not limited to; lawns, trees, shrubs etc. Any areas left in a natural state shall be maintained. Where any business (structure, parking or storage) is adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, parking lot, or industry is located across the street from a residential zone, but not on that side of a business or industry considered to be the front.
- C. All exterior storage shall be screened. The exceptions are:
  - 1. Merchandise being displayed for sale.
  - 2. Materials and equipment presently being used for construction on the premises.
- D. The screening required may consist of fences and/or landscaping. 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.
- E. All junk yards, salvage yards, and open storage yards, shall be screened with buffer planting and screen fences. Plans of such screens shall be submitted for approval.
- F. Landscaping Maintenance. All structures and areas requiring landscaping and fences shall be maintained.

## **SUBDIVISION 7. SIGN STANDARDS**

### **A. PURPOSE**

The intent of this subdivision is to provide for necessary visual communications and to preserve and promote a pleasant physical environment within the County by regulating the type, number, size, height, lighting, maintenance, and erection of sign structures.

### **B. GENERAL SIGN STANDARDS**

- 1. All signs hereafter erected or maintained, except official, public, traffic and street signs, shall conform to the provisions of this subdivision and any other Ordinance or regulations of Le Sueur County.
- 2. No sign shall be erected, re-erected, or altered unless adhering to the rules outlined in this subdivision.
- 3. A zoning permit shall be required for signs larger than thirty two (32) square feet and all Off-Premises Signs/Billboards.

4. Application for a zoning permit shall be made to the Department on forms to be furnished by the County and must be signed by the applicant and/or landowner. In addition, a sign plan must be submitted with the application for each sign and shall include the following:
  - a. The face of the sign and the type of sign materials to be used.
  - b. The size and height of the sign.
  - c. A site plan with required setbacks, which displays the location of the sign on the property or structure.
  - d. All parts of a sign and support structure shall be set back at least ten (10) feet from any property line.
  - e. Any sign and any support mechanism of the sign, shall not project more than six (6) feet from the face of the structure.
  - f. For Off-Premises Signs/Billboards proposed greater than twelve (12) feet in height, a structural footing detail plan shall be submitted which shall be approved and signed by a Licensed Professional Engineer.
5. All signs shall be constructed and maintained in a manner so as to be safe to the general public. A sign shall be repainted whenever its paint begins to fade, chip or discolor and defective parts shall be replaced.
6. All parts of a sign and support structure shall be removed by the landowner from the property within thirty (30) calendar days after termination of the use for which the sign was installed.
7. If the Department shall find that any sign is unsafe, a detriment to the public, not maintained, or constructed, erected or maintained in violation of the provisions of this Section, the Department shall give written notice to the landowner thereof.
8. All electrical wiring of signs shall comply with the provisions of the State Electrical Code.

#### C. EXEMPTED SIGNS - NO PERMIT

1. The following signs are exempt from permitting requirements, but shall conform with the standards of this Subdivision.
  - a. Address signs.
  - b. Public signs, street signs, warning signs, railroad crossing signs, as required by any governmental agency, or signs of public service companies for the purpose of promoting safety.

- c. Home Occupation Signs.
- d. Directional Business Signs.
- e. Any sign less than thirty two (32) square feet in size and less than ten (10) feet in height.

#### D. PROHIBITED SIGNS

- 1. Signs that resemble any official marker installed by a government agency by reason of position, shape, or color, which would interfere with the proper function of a traffic sign, signal or are misleading to vehicular traffic.
- 2. Signs within a public right-of-way or easement, except for signs installed by any government agency.
- 3. Off-Premises Signs/Billboards located on a roof.
- 4. Off-Premises Signs/Billboards in the form of an Illuminated sign.

#### E. NON-CONFORMING SIGNS

- 1. Any sign legally existing on the effective date of this Ordinance which does not conform to the requirements set forth shall be considered a non-conforming sign.
- 2. Normal maintenance including the repair, replacement and repainting of a sign face or lettering of a non-conforming sign shall be allowed.

#### F. GENERAL BUSINESS (B) DISTRICT AND GENERAL INDUSTRIAL (I) DISTRICT

##### 1. **Ground/Pylon Signs**

- a. No more than one (1) sign shall be permitted per every thirty five (35) lineal feet of road frontage.
- b. All parts of a sign shall be set back a minimum of ten (10) feet from property lines and all road right-of-ways.
- c. The maximum height shall not exceed thirty (30) feet.
- d. The maximum area shall not exceed two hundred (200) square feet.

## 2. **Wall Signs**

- a. The signs shall not exceed twenty (20) percent of the wall area.
- b. The signs shall not project above the roof level.

## 3. **Electronic Message Board Signs/Dynamic Signs**

- a. Shall not flash.
- b. Any portion of the sign display shall be a minimum duration of ten (10) seconds and must be a static image.
- c. Lighting shall comply with the exterior lighting standards of this Section.

## 4. **Electronic Graphic Display Signs**

- a. Shall not flash.
- b. Any portion of the sign display shall be a minimum duration of ten (10) seconds and must be a static image.
- c. The sign shall not exceed illumination levels of five thousand (5,000) candela per square meter (also known as NITS) between dusk and dawn and five hundred (500) NITS during the daytime.
- d. Lighting shall comply with the exterior lighting standards of this Section.

## G. RECREATIONAL COMMERCIAL (RC) DISTRICT

### 1. **Ground/ Pylon Signs**

- a. No more than one (1) sign shall be permitted per every thirty five (35) lineal feet of road frontage.
- b. All parts of a sign shall be set back a minimum of ten (10) feet from property lines and all road right-of-ways.
- c. The maximum height shall not exceed twenty (20) feet.
- d. The maximum area shall not exceed one hundred (100) square feet.

## 2. Wall Signs

- a. The signs shall not exceed twenty (20) percent of the wall area.
- b. The signs shall not project above the roof level.

## H. OFF-PREMISES SIGNS/BILLBOARDS

1. Signs shall only be allowed as a conditional use in the General Industrial (I) District provided the following standards are met:
  - a. Shall be allowed only in areas adjacent to a state or federal highway.
  - b. Shall not exceed eight hundred fifty (850) square feet in total area. Maximum allowable signage shall be computed based on one side of any double-faced sign.
  - c. Shall not exceed thirty (30) feet in height.
  - d. Signs abutting an elevated highway may exceed the maximum height requirement provided that the top of the sign shall not exceed fifteen (15) feet above the grade elevation of such elevated four (4) lane highway directly adjacent to such property on which the sign is positioned.
  - e. All parts of a sign shall be set back a minimum of ten (10) feet from all road right-of-ways.
  - f. All parts of a sign shall be set back two hundred (200) feet of a residential zoning district, park, playground, school, or church.
  - g. All parts of a sign shall be set back a minimum of one thousand three hundred and twenty (1,320) feet from areas designated as Minnesota River Valley Scenic Byway as designated by the Federal Highway Administration.
  - h. All parts of a sign shall have a minimum separation distance of fifteen hundred (1,500) lineal feet from another Off-Premises Sign/Billboard.
  - i. Off-Premises Signs/Billboards located on a roof or in the form of an Illuminated sign shall be prohibited.
  - j. The support structure shall be monopole design. The exposed upright or superstructure shall be painted an earth-tone color.
  - k. Lighting shall comply with the exterior lighting standards of this Section.
  - l. The Applicant and/or Landowner shall identify the financial resources that will be available to pay for the removal of the Off-Premises Sign/Billboard. The County

may require financial security in the form of a letter of credit, a cash escrow account, a performance bond, or other financial means acceptable to the County.

## I. NON-COMMERCIAL SPEECH

Notwithstanding any other provisions of this subdivision to the contrary, all signs of any size containing non-commercial speech may be posted from August 1 in any general election year until ten (10) days following the general election and thirteen (13) weeks prior to an special election until ten (10) days following the special election.

## **SUBDIVISION 8. OUTDOOR LIGHTING STANDARDS**

### A. PURPOSE

The intent of this Subdivision is to create standards for outdoor light so that its use does not interfere with the reasonable use and enjoyment of property.

### B. APPLICABILITY

All outdoor, electrically-powered illuminating devices shall be installed in conformance with the provisions of this Subdivision and the state electrical code.

### C. STANDARDS

1. In all districts, any exterior lighting used to illuminate an off-street parking area, sign, or structure, shall be arranged as to deflect light away from any adjoining residential district and all road right-of-ways.
2. Any light or, combination of lights, which cast light on a road right-of-way shall not exceed one (1) foot candle, as measured from the centerline of said road. No light shall be directed in such a manner as to blind the driver of any vehicle.
3. The source of light shall be shielded or controlled in some manner so as not to illuminate adjacent property.
4. Any light, or combination of lights, which cast light shall not exceed one (1) foot candle, as measured from the property line.
5. Any light or, combination of lights, which cast light on residential property shall not exceed 0.4 foot candles as measured from the property line.
6. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion of welding, shall not be directed into any adjoining property.
7. Lighting fixtures used to illuminate an Off-Premise Sign/Billboard shall be mounted on the top of the sign structure.

#### D. PROHIBITIONS

1. The operation of searchlights for advertising purposes is prohibited between 10:00 P.M. and sunrise the following morning.
2. No outdoor recreational facility, public or private, shall be illuminated after 11:00 P.M. except to conclude a specific recreational or sporting event or any other similar activity conducted at or in the facility which was in progress under such illumination prior to 11:00 P.M.

### **SUBDIVISION 9. NUISANCE CONTROL**

#### A. PURPOSE

It is the intent of this Subdivision to provide for and control those nuisances which will affect the public health, safety and general welfare of the residents of Le Sueur County and further preserve the aesthetic values of the County and individual neighborhoods.

#### B. WASTE DISPOSAL

All refuse shall be disposed of in compliance with all County, State and Federal waste disposal requirements.

#### C. RODENT CONTROL

1. At any time when there is found to exist on any property rodents which are detrimental or present a public health threat, the landowner of said property shall be given notice of the nuisance and shall within thirty (30) calendar days correct the rodent problem found to exist.
2. The method of correction may be extermination utilizing means acceptable to the County and the Agency and/or may include, but not limited to, the removal of the source, i.e. debris piles, unprotected storage areas or lumber piles.
3. If, within thirty (30) calendar days, the nuisance is not corrected, the County may take corrective action as provided elsewhere in this Ordinance.

#### D. NOXIOUS WEEDS

In all Zoning Districts each landowner shall be responsible to control noxious weeds to the greatest degree possible. Enforcement of this provision shall be coordinated with the County Agricultural Inspector.

#### E. RESTRICTED STORAGE

1. In all zoning districts, all waste material or refuse, with the exception of crop residue debris, shall be kept in an enclosed structure or properly contained in a closed container designed for such purposes.
2. The landowner shall be responsible for keeping such land free of refuse.

#### F. SALVAGE VEHICLES, AGRICULTURAL/INDUSTRIAL EQUIPMENT AND PARTS

1. In all non-residential districts, no more than five (5) salvage vehicles shall be kept or stored outside, unless specifically permitted as a conditional use salvage yard.
2. In residential districts, no more than one (1) salvage vehicle shall be kept or stored outside.
3. All such vehicles, equipment and/or parts shall be screened from eye-level view from adjacent properties and all roads.
4. All fluids and batteries shall be removed and recycled in accordance with all County, State and Federal guidelines.
5. Any vehicle or agricultural/industrial equipment or part which is in violation of this Subdivision is hereby declared a public nuisance.

#### G. ABATEMENT

1. The County may enter upon the land where the public nuisance is located and remove and dispose of such public nuisance, after a hearing as provided by law, and after thirty (30) days notice to the landowner.
2. If the County receives any proceeds from the removal and disposal of the public nuisance the County shall first apply the proceeds to reimburse the County for any expenses incurred, and refund the remainder to the Landowner.
3. Any costs incurred by the County in the removal and disposal of the public nuisance which are not reimbursed may be assessed as a special assessment against the property upon which the public nuisance was located.

### **SUBDIVISION 10. RELOCATING STRUCTURES**

#### 1. PERMIT REQUIRED

1. **Zoning Permit.** No person shall move any structure onto a property or relocate an existing structure without first obtaining a zoning permit.
2. **Moving Permit.** Every licensed house mover shall, in each and every instance, before raising and moving any structure, obtain a permit hereafter from the Road Authority.

## **SUBDIVISION 11. RIGHT TO FARM**

### A. PURPOSE

It is the intent of this Subdivision that farmers have the right to farm, provided all County, State, and Federal regulations are adhered to, regardless if development is taking place around them, without unreasonable restrictions, regulations or harassment.

### B. ADOPT BY REFERENCE

The County adopts by reference Section 561.19 of Minnesota State Statutes as amended from time to time.

### C. COMPLAINTS

Complaints against the operations of farms shall be considered unwarranted and frivolous as long as the farming activities are being conducted according to generally accepted agricultural standards.

## **SUBDIVISION 12. SPECIFIC LAND USES**

### A. PURPOSE

It is the intent of this Subdivision that the following Specific Land Uses shall have additional performance standards due to the issues associated with their establishment.

### B. HOME OCCUPATIONS

1. **Home Occupations** allow persons to engage in economic activities that are service in nature, do not disturb their neighbors, or create safety or environmental concerns at levels that are higher than as otherwise permitted in the area.
2. **General Standards**
  - a. The home shall be owner-occupied in order to be considered a legal home occupation.
  - b. No noise, vibration, glare, fumes, odors, or electrical interference shall be detectable at the property line.
  - c. No special or hazardous waste shall be permitted except as allowed by all applicable State and Federal regulations.
  - d. The home occupation shall be incidental and subordinate to the use of the premises for residential purposes.

- e. A home occupation may be carried out in an accessory structure, with all applicable standards for the designated home occupation level.
- f. All non-conforming home occupations legally existing prior to June 18, 1996 shall be allowed to continue, but shall not be allowed to expand, relocate, replaced or altered without being brought into compliance with all the requirements of this Subdivision.
- g. It shall be the responsibility of the Applicant and/or Landowner to prove the non-conforming Home Occupation in question legally existed prior to June 18, 1996.

### **3. Level I**

- a. Maximum floor use area including dwelling and accessory structures shall be the following:
  - 1. Lots larger than ten (10) acres – two thousand (2,000) square feet.
  - 2. Lots between two (2) to ten (10) acres – one thousand (1,000) square feet.
  - 3. Lots less than two (2) acres – five hundred (500) square feet.
- b. No more than one (1) person, other than the members of the residence occupying the dwelling shall be employed in conjunction with the home occupation.
- c. Only one (1) vehicle shall be allowed which is associated with the home occupation. Such vehicles shall be parked off-street and upon the lot on which the home occupation is operated.
- d. No additional traffic shall be generated over eight (8) vehicle trips per day.
- e. There shall be no exterior display or storage of equipment and materials.
- f. There shall be no change in the dwelling unit or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not to exceed three (3) square feet.
- g. There shall not be repair of internal combustion engines (other than small engine repair), body shops, machine shops, welding, ammunition, manufacturing, or any other objectionable uses as determined by the Department.
- h. Level I Home Occupation does not guarantee an expansion to a Level II Home Occupation.

### **4. Level II**

- a. Level II category has a higher intensity of use than those indicated in Level I.
- b. In considering conditional uses for Home Occupations (Level II), the outside appearance shall be evaluated.
- c. Previous investments will not be used as a reason to override these standards or other valid concerns of conditional uses contained in this Section.
- d. The Planning Commission and/or Board of County Commissioners may designate conditions in connection with Level II Home Occupations which may include, but not limited to, lighting, hours, buffers, setbacks, service road, signage, platting, or other conditions deemed suitable.
- e. Subsequent non-compliance with any conditions will be cause for discontinuance of the conditional use permit.
- f. Maximum floor use area including dwelling and accessory structures shall be the following:
  1. Lots larger than ten (10) acres – five thousand (5,000) square feet.
  2. Lots between two (2) to ten (10) acres – three thousand (3,000) square feet.
  3. Lots less than two (2) acres – One thousand (1,000) square feet.
- g. No more than six (6) persons, other than the members of the residence occupying the dwelling, shall be employed in conjunction with the home occupation.
- h. No additional traffic shall be generated over an estimated sixteen (16) vehicle trips per day.
- i. There shall be no change in the dwelling unit or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not to exceed sixteen (16) square feet.

### C. TEMPORARY DWELLINGS

1. Temporary dwelling applicants must demonstrate a need for housing of elderly family members, family members infirmed or with disabilities, the care-givers of an elderly or disabled family member, farm labor, or occupants of principal dwelling during construction or repair of principal dwelling.
  - a. Temporary dwellings for farm labor shall only be considered for parcels of forty (40) acres or more.
  - b. Not more than one elder care / dependent care unit shall be allowed per parcel.
  - c. Occupancy of an elder care / dependent care unit is limited to family members related by blood, marriage, or adoption and/or their care giver(s). There shall be an annual

occupancy verification requirement for all temporary dwelling requests.

- d. A minimum of one off-street parking space shall be provided for an elder care / dependent care unit.
2. The use must be secondary to the primary dwelling use.
  3. A condition of the Interim Use Permit shall be designated as to when the use of the temporary dwelling, as stated in the Interim Use Permit, is no longer necessary. At that designated time, the temporary dwelling shall be removed from the property.
  4. A temporary dwelling unit shall not contain more than one bathroom, one kitchen (with or without an eating area), one utility room, two bedrooms, and one living / multipurpose room.
  5. The temporary dwelling unit shall be served by the same access that serves the primary dwelling.
  6. A temporary dwelling unit shall be removed from the property within ninety (90) days from the date the approved occupants no longer live in the structure.
  7. All dwelling standards and dimensional standards apply, except:
    - a. The subsurface sewage treatment system of the main dwelling can be utilized if it is up to present standards and has enough capacity; otherwise, it shall be brought into conformity and/or enlarged.
    - b. The temporary dwelling cannot be placed on a separate lot with no other dwelling intended.
    - c. There are no minimum width requirements.
    - d. There are no foundation requirements, but the dwelling must be secure to the ground.
    - e. An attached or detached, stick-built, temporary dwelling unit shall not exceed eight hundred (800) square feet.
    - f. A temporary dwelling unit located inside a detached accessory structure shall not exceed eight hundred (800) square feet.
    - g. A manufactured home being used as a temporary dwelling unit shall not exceed twelve hundred (1,200) square feet.

#### D. TRANSFER OF DEVELOPMENT RIGHTS

1. Development rights may be transferred to a contiguous quarter-quarter section in the Agriculture (A), Conservancy (C), and Special Protection (SP) districts, upon obtaining an administrative special use permit.
2. For the purpose of this Subdivision, contiguous shall mean quarter-quarter sections that are touching along a boundary or at a point. Quarter-quarter sections that are separated by a road shall be considered contiguous.
3. Application requirements:
  - a. Pre-application meeting with the Department;
  - b. Signed County application form;
  - c. Proposed Site Plan indicating the Buildable Area for the Receiving parcel;
  - d. SSTS Site Report;
  - e. Access approval of the applicable road authority;
  - f. Required application fees; and
  - g. Other site-specific information may be required or requested by the County.
4. Development rights shall not be transferable from one township to another township.
5. The sending quarter-quarter shall have a building eligibility, as defined by this Ordinance, in order to transfer development rights.
6. The transferred development right shall meet the registered feedlot separation requirements of this Ordinance, including transferred Lot of Record building eligibilities.
7. The transfer shall not allow the establishment of more than four (4) dwellings in a quarter-quarter section, with the exception of non-transferred lots of record and existing building sites.
8. There shall be no maximum number of building eligibilities in the sending quarter-quarter section.
9. Upon approval of the administrative special use permit for transfer of development rights, the building site shall not be required to be established and shall be exempt from the one (1) year completion requirement for land use permits as set forth in this Ordinance.
10. The transfer shall be memorialized in a document that is recorded against both the sending and the receiving property.

## E. WIRELESS TELECOMMUNICATION TOWERS AND ANTENNAS

1. **Purpose.** The following regulations are necessary in order to:
  - a. Accommodate the communication needs of the community while protecting the public health, safety, and general welfare of Le Sueur County.
  - b. Facilitate provision of wireless communications services.
  - c. Minimize adverse visual effects of towers through careful design and siting standards;
  - d. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and,
  - e. Maximize the use of existing and approved towers and structures to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.
  
2. **Siting Criteria**
  - a. In making siting decisions for new towers, applicants shall be sensitive to the location of a tower near a densely settled residential area.
  - b. Wireless telecommunication towers are prohibited in all shoreland, residential and conservancy districts.
  
3. **Co-location Requirements.** All applications for wireless telecommunication towers erected, constructed, or located within the County shall comply with the following requirements:
  - a. Provide documentation of the area to be served including maps demonstrating size of communication cells and search rings for the antenna location.
  - b. Provide a narrative describing a search ring of not less than one (1) mile radius for the requested site, clearly explaining why the site was selected and why alternative site locations are inadequate.
  - c. Provide documentation that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or structure within the search ring of the service area due to one or more of the following reasons:
    1. The planned equipment would exceed the structural capacity of the existing or approved tower or structure, as documented by a licensed professional radio

frequency (RF) engineer, and the existing or approved tower cannot be reinforced or modified to accommodate planned equipment at a reasonable cost.

2. The planned equipment would cause interference with other existing or planned equipment at the tower or structure, as documented by a licensed professional RF engineer, and the interference cannot be prevented as a reasonable cost.
  3. No existing or approved towers or commercial/industrial structures within a one (1) mile radius meet the RF design criteria.
  4. Existing or approved towers and commercial/industrial structures within a one (1) mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a licensed professional RF engineer.
  5. The applicant must demonstrate that a good faith effort to co-locate on existing towers and structures within a one (1) mile radius was made, but an agreement could not be reached.
  6. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or structure.
- d. Any proposed commercial wireless telecommunication service tower shall be designed, structurally and electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is over one hundred (100) feet in height or for at least one (1) additional user if the tower is between sixty (60) and one hundred (100) feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
- e. An agreement stating that the site will be designed for not less than three (3) users with the applicant and Landowner commitment to co-location, whereby, any prohibition of additional users on a tower will be considered a violation of the permit and this Subdivision.
1. The agreement shall also include a statement that any unused or obsolete tower shall be removed by the Applicant and/or Landowner, as specified in this Ordinance.
  2. Said agreement shall be signed by the applicant and the landowner and shall be attached to and become a part of the permit.
4. **Minimum conditions** for a zoning permit shall include, but not be limited to the following:

- a. An agreement providing for co-location and removal of unused and/or obsolete towers, as specified in this Ordinance, shall be attached and become part of the permit.
- b. The tower shall be set back a minimum distance of one hundred ten (110) percent of the tower height from all property lines and/or right-of-ways.
- c. All accessory structures shall be set back a minimum of fifty (50) feet from all side yard and rear yard property lines and/or road right-of-ways.
- d. All anchoring structures shall be set back at least ten (10) feet from all property lines and/or road right-of-ways.
- e. The applicant shall obtain Federal Aeronautics Administration (FAA) approval and/or provide documentation that FAA approval is not needed, prior to issuance of a zoning permit.
- f. Zoning Permits shall be obtained prior to commencing any construction.
- g. Applicant must obtain Federal Communications Commission (FCC) licensure and approval as required for various communications applications.
  1. No interference with local television and radio reception will be allowed.
  2. No interference with public safety reception will be allowed.
  3. No wireless telecommunications tower shall be permitted that causes any interference with commercial or private use and enjoyment of other legally operating communications devices including, but not limited to the following: radios, televisions, personal computers, telephones, personal communications devices, garage door openers, security systems, and other electronic equipment and devices.
  4. The applicant must furnish a licensed professional engineer's certification that no such interference will occur or identify what interference may occur and how the applicant will mitigate any potential interference that may occur.
- h. Proof that towers and their antennas have been designed in accordance with the manufacturer's specifications, and following completion of construction were

- inspected by a licensed professional engineer at the applicant's and/or landowner's expense to conform to applicable state structural building standards and all other applicable reviewing agencies and to conform with accepted electrical engineering methods and practices as specified in applicable provisions of the State Electrical Code.
- i. The addition of antennas and associated equipment of an additional provider to an existing permitted tower shall be considered co-location and shall require a zoning permit and site plan approval. An amendment to a conditional use permit shall not be required.
  - j. All towers shall be reasonably protected against unauthorized access.
    1. The area around the base of the tower and guy wire anchors shall be enclosed by a fence with a minimum height of six (6) feet chain link fence with a locked gate.
    2. A minimum of three (3) strands of barbed or razor wire shall be installed on top of the chain link fencing.
  - k. Metal towers shall be constructed of, or treated with, corrosive resistant material.
  - l. All towers and their antennas shall utilize building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting.
  - m. No advertising or identification of any kind intended to be visible from the ground or other structures is permitted, except applicable warning and equipment information signage required by the manufacturer and shall meet all applicable County, State and Federal regulations.
  - n. Towers and their antennas shall not be illuminated by artificial means, except for camouflage purposes or the illumination is specifically required by the FAA or other authority.
  - o. All obsolete or unused towers and accompanying accessory facilities including concrete base shall be removed within six (6) months of the cessation of operations at the site.
  - p. After the facilities are removed, the site shall be restored to its original or an improved state. Electronic equipment shall not be removed in advance of removal of obsolete or unused towers.
  - q. The County shall require financial security in the form of a letter of credit, a cash escrow account, a performance bond, or other financial means acceptable to the County. The assurance 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. This includes, but is not limited to cover all costs of improvements, landscaping, maintenance of improvements, engineering and inspection costs.

## 5. Existing Towers and Antennas

- a. Antennas and towers in any residential, shoreland, Conservancy (C) or General Business (B) districts and in existence prior to June 18, 1996 which do not conform to or comply with this Subdivision are subject to the following provisions:
  1. Towers may continue but may not be replaced or structurally altered without complying in all respects with this Subdivision.
  2. If such towers are hereafter damaged or destroyed due to any reason or cause the tower may be repaired and restored to its former use, location, and physical dimensions upon obtaining a zoning permit.

## F. WIND ENERGY CONVERSION SYSTEMS (WECS)

### 1. Purpose

The intent of this Subdivision is the establishment of regulations to provide for the installation and operation of Wind Energy Conversion Systems (WECS) up to a maximum of five (5) Mega Watts (MW) within Le Sueur County.

### 2. Procedure. The application for all WECS shall include the following information:

- a. The names and addresses of project applicant and/or landowner.
- b. The name and address of the project owner.
- c. The legal description and address of the project.
- d. A description of the project including: number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
- e. 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.
- f. A signed statement regarding the restoration or payment for the damages as agreed to by the applicable Road Authority sufficient to restore the roads, bridges, and any drainage systems to preconstruction conditions.

- g. Recorded easement agreement, if applicable.
- h. Location of wetlands, scenic by-ways, scenic and natural areas (including bluffs) within 1,320 feet of the proposed WECS.
- i. Decommissioning Plan.

**3. Aggregated Projects**

- a. 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.
- b. Joint applications will be assessed fees as one project.
- c. Aggregated projects having a combined capacity greater than five (5) MW shall be under the review of the applicable state agency.

**4. District Regulations**

- a. WECS will be permitted, conditionally permitted, or prohibited based on the generating capacity and land use district as established in the following table:

<b>DISTRICT</b>	<b>NON COMMERCIAL</b>	<b>COMMERCIAL 40KW+</b>	<b>METEOROLOGICAL TOWER</b>
Agriculture (A)	Permitted	Conditional	Conditional
Conservancy (C)	Permitted	Conditional	Conditional
Special Protection (SP)	Permitted	<b>Prohibited</b>	<b>Prohibited</b>
Urban/Rural Residential (R1)	<b>Prohibited</b>	<b>Prohibited</b>	<b>Prohibited</b>
Recreational/ Residential (RR)	<b>Prohibited</b>	<b>Prohibited</b>	<b>Prohibited</b>
General Business (B)	Conditional	<b>Prohibited</b>	<b>Prohibited</b>
Recreational/ Commercial (RC)	<b>Prohibited</b>	<b>Prohibited</b>	<b>Prohibited</b>
Industry (I)	Permitted	Conditional	Conditional
Flood Plain Overlay	<b>Prohibited</b>	<b>Prohibited</b>	<b>Prohibited</b>

**5. Setbacks**

a. All dwellings shall be set back seven hundred fifty (750) feet from a WEC, and conversely all WECS shall be set back seven hundred fifty (750) feet from dwellings. Landowner’s dwelling shall be exempt from setback.

b. Additional setbacks are listed in the following table:

<b>Description</b>	<b>Non-Commercial WECS</b>	<b>Commercial WECS</b>	<b>Meteorological Towers</b>
Property Lines	1.1 Times the Total Height	1.1 Times the Total Height	1.1 Times the Total Height
Road Right-of-Way	1.1 Times the Total Height	1.1 Times the Total Height	1.1 Times the Total Height
Other Right-of-Way	1.1 Times the Total Height	1.1 Times the Total Height	1.1 Times the Total Height
Public Conservation Lands/Wildlife Management Areas	75 feet	600 feet	600 feet
Wetlands, Types 3-8	75 feet	600 feet	600 feet
Minnesota Scenic Byway	2640 feet	2640 feet	2640 feet

c. The setback shall be measured from future rights-of-way if a planned change or expanded right-of-way is known.

d. All accessory structures shall be set back a minimum of fifty (50) feet from all property lines.

e. All anchoring structures shall be set back at least ten (10) feet from all property lines.

f. Additional setbacks may be set upon the separation of Commercial WECS to other existing WECS taking into consideration the following, to include but not limited to:

1. Size of existing WECS.
2. Alignment of WECS.
3. Predominant Winds.
4. Topography.
5. Property Setbacks.
6. Extent of interference.

**6. Requirements and Standards**

a. **All WECS**

1. A licensed professional shall certify that the turbine, foundation and tower design and access roads to individual turbines of the WECS is within accepted professional standards, given local soil and climate conditions.
2. Rotor blades or airfoils must maintain at least twenty (20) feet of clearance between their lowest point and the ground.
3. 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 (8) feet above the ground. Visible fencing shall be installed around anchor points of guy wires.
4. Shall be white, grey or another non-obtrusive color. Blades may be black in order to facilitate de-icing. Finishes shall be matte or non-reflective.
5. Red strobe lights are preferred for night-time illumination to reduce impacts on migrating birds.
6. Red pulsating incandescent lights shall not be allowed.
7. Lighting, including lighting intensity and frequency of strobe, shall adhere to requirements established by FAA permits and regulations.

b. **Non-Commercial WECS**

1. Shall have a maximum height of less than two hundred (200) feet.
2. May be installed with a lattice or tubular, monopole type tower.

c. **Commercial WECS**

1. Engineer's certification of the manufacturer's specifications.
2. The latitude and longitude of proposed individual commercial WECS.
3. A United States Geological Survey (USGS) topographical map, or map with similar data, of the property and surrounding area, including any other WECS within ten (10) rotor diameters of the proposed WECS.
4. Acoustic Analysis.
5. FAA Permit Application.
6. Location of all known Communications Towers within two (2) miles of the proposed commercial WECS.

7. Identification and condition of all county, city or township roads, bridges and drainage systems to be crossed for the purpose of transporting WECS, substation parts, cement, and equipment for construction, operation or maintenance of the WECS and obtain applicable weight and size permits from the impacted road authority prior to construction. This shall include photographs and a written agreement to document the condition of the public facility.
8. Description of potential impacts on nearby WECS and wind resources on adjacent properties and, if required by the County, a turbulence study.
9. A sign or signs shall be posted on the tower, transformer and substation of all Commercial WECS warning of high voltage. Signs with emergency contact information shall also be posted on the turbine or at another suitable point.
10. Shall be installed with a tubular, monopole type tower.

## **7. Meteorological Towers**

- a. Meteorological towers may be guyed.
- b. All meteorological towers shall be white, grey or another non-obtrusive color. Exceptions may be made by the County for meteorological towers, where concerns exist.
- c. For 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 innermost guy wires up to a height of eight (8) feet above the ground. Additional consideration shall be given to painted aviation warnings on meteorological towers of less than two hundred (200) feet in height.
- d. Lighting of towers shall be considered where concerns exist for towers less than two hundred (200) feet in height.
- e. All met towers, structures, foundations and anchor footings shall be removed within six (6) months of met tower discontinuance.

## **8. Compliance**

- a. Provide adequate signage on-site to insure compliance with this Ordinance
- b. All communications and feeder lines, equal to or less than 34.5 kVA in capacity, installed as part of a WECS shall be buried where feasible. Feeder lines installed as part of a WECS shall not be considered an essential service.

- c. All WECS shall comply with noise regulations as defined in Minnesota Rules 7030, as amended from time to time.

## 9. Decommissioning

- a. All WECS shall be considered a discontinued use after one (1) year without energy production.
- b. All WECS and accessory facilities shall be removed within six (6) months of the discontinuation of use determination.
- c. All 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.
  - 1. The cost estimates shall be made by a licensed professional engineer.
  - 2. The plan shall identify the financial resources that will be available to pay for the decommissioning and removal of the WECS and accessory facilities.
  - 3. The County shall require proof of financial security in a means acceptable to the County, payable to the landowner.
    - a.) The landowner shall provide a signed statement, acknowledging the County's ability to create a lien on the property as a special assessment for any solid waste removal costs incurred by the County as a result of an inadequate financial surety.
  - 4. The plan shall also address road maintenance during and after completion of the decommissioning.
- d. Upon issuance of a conditional use permit, all Commercial WECS shall notify the Environmental Quality Board (EQB) of the project location and details on the survey form specified by the EQB.
- e. Applicant must obtain Federal Communications Commission (FCC) licensure and approval as required for WEC applications.
  - 1. No interference with local television and radio reception will be allowed.
  
  - 2. No WEC shall be permitted that causes any interference with commercial or

private use and enjoyment of other legally operating communications devices including, but not limited to the following: radios, televisions, personal computers, telephones, personal communications devices, garage door openers, security systems, and other electronic equipment and devices.

3. The applicant must furnish a licensed professional engineer's certification that no such interference will occur or identify what interference may occur and how the applicant will mitigate any potential interference that may occur.

## G. CAMPGROUNDS AND RESORTS

1. Campgrounds and Resorts shall be regulated by the Le Sueur County Manufactured Home Park and Recreational Camping Area Ordinance, as administered by Le Sueur County Community Health Department and as amended from time to time.
2. Any non-conformities with existing Campgrounds and Resorts will be allowed to continue in accordance with provisions of Sections 4, 13, and 24 of this Ordinance. The expansion of the campgrounds and resorts will require a Conditional Use Permit and will require the implementation of the following standards in the expansion area.
  - a. If located within a flood plain, the applicant shall submit an emergency plan for the safe evacuation of all vehicles and people in the event of a one hundred (100) year flood event. Said plan shall be prepared by a licensed professional engineer or surveyor and shall demonstrate that adequate time and personnel exist to carry out the evacuation.
  - b. The applicant shall provide a written plan for the safe evacuation in times of severe weather conditions and shall be submitted to the Emergency Management Director and Community Health Department to have on file with the County.
  - c. A responsible attendant or caretaker shall be in charge of the recreational camping area and the duties of said attendant or caretaker shall be to maintain records of the park, and keep the facilities and the equipment in a clean, orderly and sanitary condition. The caretaker or attendant shall be the owner or operator of the camping area, or his/her appointed representative.
  - d. One single-family dwelling shall be allowed for the owner in the Campground and/or Resort.
  - e. One (1) temporary dwelling shall be allowed for the attendant/caretaker.
  - f. For Resorts, manufactured homes less than twenty (20) feet in width shall be allowed as a single-family dwelling or for seasonal occupancy in the Recreational Commercial (RC) District.

- g. The campground and/or resort shall meet the Planned Unit Development standards as described in this Ordinance.
- h. A drainage plan shall be approved by the County Engineer.
- i. **Decks abutting campers** located in a licensed campground may be allowed with the following restrictions:
  - 1. Decks shall not be placed on permanent footings.
  - 2. Decks shall not exceed the door sill height of the camper, exclusive of safety rails, and cannot occupy an area greater than three hundred (300) square feet.
  - 3. Decks shall be set back a minimum of twenty five (25) feet from the OHWL.
  - 4. Decks shall be set back a minimum of twenty five (25) feet from the road ROW.
- j. **Campers** located in a licensed campground shall be set back a minimum of twenty five (25) feet from the OHWL.
- k. **Campers** located in a licensed campground shall be set back a minimum of twenty five (25) feet from the road ROW.

#### H. RIDING ACADEMY AND/OR BOARDING STABLE

- 1. The property on which the stable is located shall be at least five (5) acres in size.
- 2. The riding and/or boarding stable requirements shall meet the animal and manure management regulations as described in this Ordinance.

#### I. ORGANIZED GROUP CAMPS

- 1. Information shall be submitted to the department in the form of a business / operations plan. Said plan shall include information regarding the services offered, types of facilities, sanitary sewer and waste disposal facilities, hours of operation, and other issues relevant to the proposed use.
- 2. A traffic management plan shall be submitted to address off-street parking, overflow parking, traffic circulation, traffic control, and any potential impacts on surrounding roadways.
- 3. All structures and setbacks shall meet the required structure setbacks of this Ordinance.
- 4. A grading and drainage plan shall be submitted.
- 5. Proposed signage shall meet the requirements of this Ordinance.

6. The applicant shall provide for a storm shelter for the safe evacuation of its attendees in times of severe weather conditions.
7. Any additional information deemed necessary to complete the review of the proposed organized group camp.

#### J. SPECIAL EVENT STANDARDS

1. All special events within the County, whether permitted, approved administratively, or approved through the interim use permit process, require a review by the Department.
2. The organizer of any special event shall be required to contact the Department no less than forty five (45) days prior to the commencement of a new event.
  - a. The organizer of a previously approved special event shall be required to contact the Department no less than ten (10) days prior to the commencement of a special event.
3. The operational area of a special event shall be set back a minimum of twenty (20) feet from any Road right-of-way, and all property lines.
4. The organizer of a special event shall provide the following information:
  - a. Information shall be submitted to the department in the form of a business / operations plan. Said plan shall include information regarding the services offered, types of facilities, sanitary sewer and waste disposal facilities, hours of operation, and other issues relevant to the proposed use.
  - b. Proposed signage
  - c. A traffic management plan shall be submitted to address off-street parking, overflow parking, traffic circulation, traffic control, and any potential impacts on surrounding roadways.
  - d. The applicant shall provide a plan outlining the safe evacuation of its attendees in times of severe weather conditions.
  - e. Any additional information deemed necessary to complete the review of the proposed special event.

#### K. OPEN AND OUTDOOR STORAGE, SALES AND SERVICE

1. Landscaping and screening shall be required for all storage, sales, and service areas as described in this Section.
2. The storage, sales and service areas shall not take up parking and loading spaces as described in this Section.

3. The sales area is grassed or surfaced to control dust.

#### L. INDUSTRIAL PLANTS

1. Industrial plants utilizing cool-water processing within their operations shall:
  - a. Safeguard against impeding the natural flow of the immediate stream and polluting, including thermal pollution.
  - b. Assure that no lighting will create a hazard to navigation.
  - c. Obtain all necessary permits from the DNR and the Agency as needed.

#### M. FARM WINERY

1. The annual capacity of a farm winery shall not exceed 50,000 gallons as stated by Minn. Stats. 340A.315.
2. The following activities may be permitted at a farm winery upon the granting of an interim use permit:
  - a. Aging, processing and storage of wine in bulk.
  - b. Bottling, storage, and wholesaling of bottled wine.
  - c. Crushing of grapes inside and/or outside within a structure.
  - d. Cultural and social events unrelated to the operation of a winery including, but not limited to, wedding receptions, charitable fundraising events, etc. with an approved administrative special use permit.
  - e. Display, but not the sale of art and crafts.
  - f. Indoor/Outdoor amplified music.
  - g. On-site marketing of wine, including up to three special events of one to three days in duration during a calendar year, which are intended to draw customers to the site for the tasting and purchase of wine.
  - h. Office uses associated with the winery.
  - i. The preparation of non-wine related food items onsite that require the heating assistance of a range, grill, or microwave may be permitted. These items shall consist of sandwiches, soups, and salads.
  - j. Tours.

- k. Retail sale of glassware, wine literature and accessories, apparel, cheese and cheese spreads, other wine related food items (fruit, olives, etc.), and items directly related to wine.
  - l. Retail sale (on-sale or off-sale) of wine fermented and bottled at the winery.
  - m. Retail sale (on-sale only) of beer and distilled spirits.
3. The following uses shall be prohibited at a farm winery:
- a. Off-sale retail sale of beer and distilled spirits.
  - b. Retail sale of items that are not permitted under the Minnesota Farm Winery License.
4. The following standards shall apply to all farm wineries:
- a. All other applicable licenses and permits shall be obtained from the appropriate agency and maintained in association with the operation of the winery.
  - b. Any proposed changes to an approved winery to add or modify food or beverage sales, or to amend other services and activities offered, shall be brought back to the planning commission and county board for review.
  - c. Outdoor amplified music shall be permitted during the hours of 12:00 p.m. and 10:00 p.m. on Friday and Saturday. Outdoor amplified music shall be permitted during the hours of 1:00 p.m. and 8:00 p.m. on Sunday.
  - d. The farm winery shall be located on a minimum parcel size of ten (10) acres of which at least two and one-half (2 ½) acres shall be dedicated to the growing of fruit(s) used in the making of wine at the winery.
  - e. The retail sale of beer and distilled spirits shall only occur during normal operating hours of business and must be incidental to the primary operation of the winery.
  - f. The total gross receipts of the sale of non-wine related items including special event proceeds, food, beverages other than wine, glassware, wine literature and accessories, shall not exceed thirty five (35) percent of the total retail sales of the winery.
  - g. The SSTS and all associated components shall be maintained in accordance with MPCA SSTS standards. The SSTS of a winery shall be separate from any residential use associated with the property.
  - h. The farm winery shall comply with all parking and loading standards as required by this Ordinance.

N. DOMESTIC ANIMALS

1. The Maximum number of allowable animals customarily kept as pets as described by zoning district in the following table:

<b>District</b>	<b>Number of Cats</b>	<b>Number of Dogs</b>
A	10	10
C	10	5
R1	5	1
B	2	1
I	2	1
RR	5	3
SP	5	3
RC	2	1

2. Animal hospitals, veterinary clinics and related facilities such as, but not limited to, kennels, animal shelter, breeding or boarding.
  - a. Such facilities shall have a minimum lot size of no less than 1.5 acres.
  - b. In the Agriculture (A) and General Business (B) districts, a CUP shall be required when exceeding the animal limits as set forth in the preceding table.
  - c. Maximum number of animals is 40.
  - d. All indoor facilities shall have adequate heating, ventilation, and lighting.
  - e. All outdoor facilities shall provide shelter from the elements, sunlight, rain, snow, and cold weather.
  - f. All facilities shall provide proper drainage.
  - g. Each separate fenced run shall be located at least fifteen (15) feet from any property line.
  - h. All facilities shall be landscaped and screened as described in this Section.
3. Person(s) owning or operating, any structure or premises having any dog or cat shall not unreasonably disturb the peace and quiet of the neighboring properties.
  - a. The creation of noise by an animal which can be heard by a person from a location outside of the structure or premises where the animal is being kept.

b. An unreasonable disturbance shall be considered:

1. Repeatedly over at least a seven-minute (7) period of time with one (1) minute or less lapse of time between each animal noise during the seven-minute (7) period, or,
2. Repeatedly over at least a fourteen-minute (14) period, at an average of at least twelve (12) animal noises per minute.

O. BED AND BREAKFAST INN

1. The facility shall be located in a single-family, owner-occupied dwelling.
2. All guest rooms shall be located within the principle residential structure.
3. The entrance to all guest rooms shall be from within the dwelling.
4. All dwellings shall comply with subsurface sewage treatment standards as regulated in this Ordinance.
5. Guest-stays shall be limited to seven (7) consecutive days.
6. Food service shall be limited to breakfast.
7. No food preparation or cooking shall be conducted within any of the guest rooms.
8. The bed and breakfast shall comply with all parking and loading standards as required by this Ordinance.
9. The owner shall provide proof of liability insurance.
10. The use shall comply with all applicable federal, state, and county rules and regulations.
11. The owner shall comply with all Minnesota Department of Health requirements.
12. No other commercial use shall occur on the property including home occupations. Activities such as banquets, parties, weddings, fundraising events, etc. are prohibited in a bed and breakfast.

P. OUTDOOR FIRING RANGES

1. The National Rifle Association (NRA) Range Source Book as amended, from time to time shall be used as a guidance document in the design of Outdoor Firing Ranges.
2. The range shall be set back a minimum of five hundred (500) feet from adjoining properties.

3. A minimum separation distance of one thousand five hundred (1,500) feet from all structures.
4. Shall be set back a minimum of one thousand five hundred (1,500) feet from residential zoning districts.
5. Shall be set back a minimum of five hundred (500) feet from any road right-of-way.
6. Shall not be sited within 7,920 feet of residences located in the direct line of fire, unless the range is below ground or shooting lanes are confined by approved means.
  - a. For the purpose of this Section, “direct line of fire” is defined by the straight horizontal line from the muzzle of a weapon in the direction of the axis of the bore, just prior to firing.
7. The range shall be designed to provide protection from accidental or stray ammunition discharge onto surrounding properties and to minimize noise.
8. Landscaping and screening as described in this Section.
9. Only firearms, rifles, shotguns, and pistols shall be discharged at the range. No cannons, artillery or rockets shall be discharged.
10. Access shall be controlled by a locked gate.
11. Warning signs identifying the range perimeter shall be located at intervals of no less than four hundred (400) feet.
12. The use shall comply with the outside noise standards and lead management requirements of the Agency.
13. The operation shall be limited to dawn to dusk unless otherwise specified in the conditional use permit.
14. 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.

#### Q. INDOOR FIRING RANGE

1. The NRA Range Source Book as amended, from time to time, shall be used as a guidance document in the design of Indoor Firing Ranges.
2. Shall be set back a minimum of fifty (50) feet from all property lines.

3. Only firearms, rifles, shotguns, and pistols shall be discharged at the range. No cannons, artillery or rockets shall be discharged.
4. The use, occupancy and construction of the structure shall be of materials that will contain all fired rounds within the confines of the structure.
  - a. The design and construction of the firing range shall be certified by a licensed professional engineer.
  - b. The certified plans shall include the specifications and construction of the bullet traps, ceilings, exterior and interior walls, and floors.
  - c. The certified plans shall state what type and caliber of ammunition the range is designed to totally confine.
5. The use shall conform with the applicable Agency, Environmental Protection Agency (EPA) and Occupational Safety and Health Administration (OSHA) standards for indoor ventilation, emissions into the atmosphere, indoor sound levels, lead containment and outside noise standards.
6. 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.
7. Landscaping and screening as described in this Section.

#### R. OUTDOOR ARCHERY RANGE

1. The NRA Range Source Book as amended, from time to time, shall be used as a guidance document in the design of Outdoor Archery Ranges.
2. Shall be set back a minimum of three hundred (300) feet from all properties.
3. Shall be set back a minimum of one thousand (1,000) feet from all structures.
4. Shall be set back a minimum of one thousand (1,000) feet from Residential zoning districts.
5. Shall be set back a minimum of three hundred (300) feet from any road right-of-way.
6. Landscaping and screening as described in this Section.
7. The range shall be designed to provide protection from accidental or stray discharge for surrounding properties.

8. Only bow and arrows shall be discharged at the range.
9. Access shall be controlled by a locked gate.
10. Warning signs identifying the range perimeter shall be located at intervals of no less than four hundred (400) feet.
11. The operation of the range shall be limited to dawn to dusk unless otherwise specified in the conditional use permit.
12. If retail sale and repair of archery equipment is conducted on the premises, the management shall comply with all state and federal licensing and operations requirements.

#### S. INDOOR ARCHERY RANGE

1. The NRA Range Source Book as amended, from time to time, shall be used as a guidance document in the design of Indoor Archery Ranges.
2. The archery range shall not be located within fifty (50) feet of the property line.
3. Only bow and arrows shall be discharged at the range.
4. The use, occupancy and construction of the structure shall be of materials that will contain all arrows within the confines of the structure.
  - a. The design and construction of the archery range shall be certified by a licensed professional engineer.
  - b. The certified plans shall include the specifications and construction of the ceilings, exterior and interior walls, and floors.
  - c. The certified plans shall state what type of arrows the range is designed to totally confine.
5. The use shall conform with the applicable Agency, EPA and OSHA standards for indoor ventilation, emissions into the atmosphere, indoor sound levels, lead containment and outside noise standards.
6. If retail sale and repair of archery equipment is conducted on the premises, the management shall comply with all state and federal licensing and operations requirements.
7. Landscaping and screening as described in this Section.

#### T. PAINTBALL COURSE

1. The shooting areas shall be set back one hundred fifty (150) feet from all property lines.
2. The shooting areas shall be set back one hundred fifty (150) feet from any road right-of-way.
3. Setbacks may be increased if the travel distance of the paintballs is greater than one hundred fifty (150) feet.
4. Noise shall comply with Minnesota state noise standards at the nearest property line.
5. Landscaping and screening as described in this Section.
6. The site shall have direct access to a paved road.

#### U. DRIVING RANGE AND MINIATURE GOLF

1. The operation shall be limited to dawn to dusk unless otherwise specified in the conditional use permit.
2. There shall be a minimum setback of two hundred (200) feet from all property lines.
3. There shall be a minimum setback of two hundred (200) feet from any road right-of-way.
4. The site shall be large enough so that safety netting is not necessary to keep golf balls on the property.
5. No exterior lighting shall be allowed with the exception of security lighting.
6. Landscaping and screening shall be required as described in this Section.
7. The site shall have direct access to a paved road.

#### V. ORGANIZED MOTOR SPORTS

1. Erosion control plans for trails shall be required. No trails are allowed within the bluff and bluff impact zones.
2. Tracks and trails shall be set back a minimum of one thousand five hundred (1500) feet from existing residences and/or residentially zoned districts.
3. Tracks and trails shall be set back a minimum five hundred (500) feet from any road right-of-way.

4. Tracks and trails shall be set back a minimum five hundred (500) feet from all property lines.
5. Noise shall comply with Minnesota state noise standards at the nearest property line.
6. The site shall have direct access to a paved road with a locked gate.
7. Landscaping and screening as described in this Section.

#### W. DRIVE-IN RESTAURANTS

1. Landscaping and screening shall be constructed along the property line when abutting a Residential zoning district.
2. The use shall comply with all applicable federal, state, and county rules and regulations.
3. The owner shall comply with all Minnesota Department of Health requirements.
4. Shall comply with all parking and loading standards as required by this Ordinance.
5. Parking areas shall have a paved surface.

#### X. OFF-SALE LIQUOR STORES AND TAVERNS

1. Landscaping and screening shall be constructed along the property lines when abutting a Residential zoning district.
2. The use shall comply with all applicable federal, state, and county rules and regulations.
3. The owner shall comply with all Minnesota Department of Health requirements.
4. Shall comply with all parking and loading standards as required by this Ordinance.

#### Y. AUTOMOBILE SERVICE STATION AND AUTO REPAIR

1. Any gas island canopy, weather protection, pump island or structure shall meet the minimum required structure setback specified for the district.
2. A minimum twenty five (25) feet of landscaped yard shall be provided along all abutting public rights-of-way lines, except where approved driveways occur.
3. When a service station abuts a residential lot, a solid screen not less than six (6) feet in height shall be constructed and maintained along the property line that abuts the residential lot.

4. A maximum of five (5) unlicensed vehicles shall be allowed on site. All other vehicles parked or stored on the site shall display a current license plate with current license tab.
5. Outdoor storage of automotive parts is prohibited.
6. All repairs shall be performed within a structure.
7. 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.
8. Landscaping and screening as described in this Section.
9. Additional controls may be established to control noise during the operation of the facility, including controls of hours of operation for repairs and service.

#### Z. REFUSE COLLECTION FACILITIES

1. All sales and display areas shall be landscaped and screened from adjacent properties and road right-of-ways.
2. A drainage plan shall be approved by the County Engineer.
3. Provisions shall be made to reduce or control noise.
4. Vehicular access points shall create a minimum of conflict though traffic movement and shall be subject to the approval of the Road Authority.
5. All landfills shall meet County Solid Waste Ordinance and State Landfill Regulations.

#### AA. FUEL, FERTILIZER (CONTAINERIZED OR BULK) PROCESSING AND STORAGE

1. Comply with all EPA, Agency and Department of Agriculture regulations.
2. Landscaping and screening shall be provided as described in this section.
3. The storage area shall be grassed or surfaced to control dust.

#### BB. SHORT-TERM PRIVATE LODGING RENTAL

1. All short-term rentals, operating prior to the effective date of these standards, shall comply with the current regulations prior to January 1, 2024.
2. Maximum occupancy at any given time shall be no more than two (2) occupants per bedroom, not including children under three (3) years of age.
3. Maximum of one (1) rental unit per lot.

4. All short-term rental units shall have at least one full bathroom consisting of a sink, toilet, and tub or shower.
5. The rental property manager shall maintain a list of all primary occupants of the unit. The list shall be made available to county staff and/or law enforcement upon request.
6. Onsite parking only. Parking in designated parking spaces only, including all motorized vehicles and trailers.
7. One (1) parking space per bedroom, minimum of two (2) parking spaces.
8. The use of ice houses, fish houses, campers, tents, and/or RV's for overnight lodging is prohibited.
9. The use of ATV's, UTV's, and/or snowmobiles outside the boundaries of the rental property shall be prohibited.
10. Limited number of watercraft and trailers to include but not limited to Jet Ski, pontoon, boat, etc. (Must be listed in Interim Use Permit.)
11. Applicant and/or landowner shall be prohibited from providing or renting motorized watercraft and recreational vehicles.
12. Quiet hours 10 p.m. to 7 a.m.
13. Property lines must be surveyed and clearly marked.
14. Fireworks are prohibited.
15. Solid waste collection container(s) shall not be visible from the road and information shall be listed in Conditional Use Permit.
16. Campfires 3' x 3' maximum size. No unattended campfires.
17. Sewage
  - a. Must have compliant Subsurface Sewage Treatment System (SSTS) or be connected to municipal services.
  - b. Properties connected to municipal services or located within a sewer district shall have proper approval.
  - c. Holding tanks prohibited.
  - d. Compliance inspection required.

- e. Sized properly for proposed use.
  - f. SSTS must be kept in a constant state of compliance and under Operating Permit.
18. Firearms prohibited.
19. Pets shall be leashed at all times.
20. Licensed with the County's Public Health Department.
21. The applicant and/or landowner shall acquire and keep in force for the duration of the permit, liability insurance specifically covering this use.
22. Building inspection shall be performed and issued by a Minnesota licensed building inspector at the applicant/landowner's expense.
23. Availability of the manager:
- a. The manager shall be available twenty four (24) hours/day, seven (7) days per week.
  - b. The manager shall respond in person within two (2) hours of notification when patrons are present at the unit.
  - c. The manager must have administrative authority over the property.
  - d. The manager shall live within thirty (30) miles or thirty (30) minutes from property, whichever is closer.
24. Operations Guide shall be available within the premises and provided to renters in the dwelling to include, but not limited to the following:
- a. Manager contact information.
  - b. Maximum Occupancy.
  - c. Parking.
  - d. Quiet hours.
  - e. Campfires.
  - f. Watercraft information.
  - g. Prohibited items.
  - h. Rules of the rental.

- i. Location of all property lines.
- j. Evidence of a lodging license from the MN Department of Health, if required.
- k. Conditions of the interim use permit impacted by the actions or behavior of renters.
- l. Emergency procedures for a fire, tornado, or similar natural disaster.

#### CC. SEASONAL PRODUCE STAND

1. Shall be an accessory use to a principle agricultural use.
2. No sale of product shall take place in the public right-of-way of any federal, state, county, or township road unless approved by the road authority.
3. Off-street parking shall be provided outside of any road right-of-way.
4. One temporary structure placed on the property for seasonal produce sales shall be located not less than ten (10) feet from any road right-of-way, and shall be removed at the end of the selling season. The temporary structure shall not exceed one hundred (100) square feet.
5. All signage shall meet the applicable sign regulations of this Ordinance.

#### DD. SELF-SERVICE STORAGE

1. The operational area in a self-service storage facility in the Agricultural or Conservancy District shall not exceed a total of ten thousand (10,000) square feet.
2. Storage units may only be used for storage. Storage units may not be used for retail sales, industrial uses, vehicular repair, offices, any commercial or service activity, human habitation, storing of any living animal or organism, or storing any dead animals or carcasses.
3. Storage of hazardous, flammable, or explosive materials is prohibited.
4. All materials and equipment shall be stored in an enclosed structure(s).
5. Water service to storage units is prohibited other than for a fire suppression system.
6. Signage shall comply with all requirements of this Ordinance.
7. Stormwater management shall be in compliance with MPCA construction stormwater permit requirements and Le Sueur County requirements.

8. All access to public roads shall be approved by the applicable road authority.
9. An on-site manager shall be allowed only where adequate sanitary facilities are provided, either through the use of a code compliant septic system or through connection to a municipal sanitary sewer system. Use of portable sanitary facilities to fulfill this requirement shall be prohibited.

#### EE. CONTRACTOR'S YARD

1. A contractor's yard shall be used for the storage of equipment and supplies by a contractor in the operation of their business.
2. The operational area of the business shall be at least five hundred (500) feet from all dwellings not on the same property, and at least five hundred (500) feet from all residential zoning districts.
3. The business shall be conducted in one or more of the following: an attached garage, residential accessory structure, or agricultural structure.
4. All access to public roads shall be approved by the applicable road authority.
5. Retail sales shall be prohibited.
6. Employees, except office personnel, report to the site strictly for the purpose of picking up equipment and supplies, necessary fabrication, and general maintenance.
7. The outdoor storage of equipment and other material shall be conducted in an orderly fashion, and within the approved parking / storage area. The approved parking / storage area shall be screened from neighboring residential structures within one thousand (1,000) feet and public road rights-of-way within five hundred (500) feet.

#### FF. SOLAR ENERGY SYSTEMS

1. **Purpose.**  
The intent of this Subdivision is the establishment of regulations to provide for the installation and operation of Solar Energy Systems (SES) up to a maximum of 5 Mega Watts (MW) within Le Sueur County.
2. **Pre-application meeting required.** A pre-application meeting with county planning staff is required prior to application for a land use permit that requires a public hearing. The following items shall be reviewed and approved prior to the submittal of an application for a large solar energy system:
  - a. Existing conditions site plan.
  - b. Proposed conditions site plan.

- c. Written approval for road access from the applicable road authority.
  - d. Proposed grading plan.
  - e. Stormwater Pollution Prevention Plan (SWPPP).
  - f. National Pollutant Discharge Elimination System Construction Stormwater Permit.
  - g. Operation and maintenance plans for all permanent and temporary stormwater control measures, when applicable.
  - h. Vegetation and seeding plan for all perennial vegetation.
  - i. Decommissioning plan.
  - j. Proof of financial surety agreement to guarantee decommissioning, payable to the landowner.
  - k. A statement signed by the landowner acknowledging the County's ability to create a lien on the property and collect as a special assessment, any solid waste removal costs incurred by the County as a result of an inadequate financial surety.
3. **Procedure.** The application for Large SES shall include the following information:
- a. The names and addresses of project applicant and/or landowner.
  - b. The name and address of the project owner.
  - c. The legal description and address of the project.
  - d. A description of the project to include but not limited to the following: Size of project, fixed or tracking, address snow coverage and/or glare, screening, vegetation plan and maintenance, signage, fencing, lighting, drainage plan and storm water management, parking during and/or after construction, means of interconnecting with the electrical grid, construction timeline, and any proposed grading, excavating, and filling.
  - e. Existing conditions site plan, drawn to scale and including distances. The plan shall include the following information:
    - 1. Location of all existing property lines.
    - 2. Existing public and private roads, showing widths of roads, rights-of-way, and any associated easements.
    - 3. Topography at two-foot intervals and source of contour interval. The toe and top of any bluffs, as defined by this ordinance, within the project boundary.

4. Location and size of any in-use wells and sewage treatment systems, and any abandoned wells, abandoned sewage treatment systems, or dumpsites.
  5. Location of lakes, streams/rivers, Public Conservation Lands/Wildlife Management Areas (WMA) within 1,320 feet of the proposed SES.
  6. Delineated wetland boundaries, approved by the County, when applicable.
  7. Existing vegetation (list type and percent coverage; for example, grasslands, plowed field, wooded area, etc.).
  8. Location of scenic by-ways within one (1) mile of the proposed SES.
  9. Existing structures and all impervious surfaces.
  10. Any areas of floodway, flood fringe, or general floodplain, located on the subject property, if applicable. All components of the system shall be prohibited within all floodplain districts.
  11. Surface water drainage patterns and flow directions.
  12. Location of county tile drainage systems, county open ditches, and any associated easements.
  13. Location of sub-surface private tile drainage systems, if known.
  14. Any additional information deemed necessary by the county's Environmental Services Department.
- f. Proposed conditions site plan, drawn to scale and including distances. The plan shall include the following information:
1. Location, size, and spacing of solar arrays on the site.
  2. Location and spacing of all power poles associated with the proposed project.
  3. Location and size of all roadways, including roadways used for access and maintenance of the site.
  4. Planned location of all electric lines connecting the solar energy system to the structure, substation, or other electric load.
  5. New electrical equipment other than the existing building or substation that is the connection point for the solar energy system.

6. Proposed erosion and sediment control measures.
  7. Changes in surface water drainage patterns and flow directions.
  8. Proposed permanent stormwater management facilities and best management practices, when required.
  9. Proposed location of all employee-parking areas.
  10. Proposed location of all staging areas.
  11. Proposed location of all temporary structures related to the construction of the project.
  12. Proposed location of any temporary refueling stations.
  13. A table showing the total amount of impervious surface being added to the site, including, but not limited to: inverter pads, access roads, solar panels, etc.
- g. Landscape plan and landscape management plan.
  - h. Computer generated rendering (profile view) of the project that accurately depicts the proposed solar energy system in relation to any residential dwellings or roads within one thousand (1,000) feet of the operational area.
  - i. A signed statement regarding the restoration or payment for the damages as agreed to by the applicable Road Authority sufficient to restore the roads, bridges, and any drainage systems to preconstruction conditions.
  - j. Copy of the interconnection agreement with the local electric utility or a written explanation outlining why an interconnection agreement is not necessary.
  - k. Recorded easement agreement, if applicable.
  - l. Certificate of Insurance.
  - m. An itemized Decommissioning Plan with cost estimates for each item.
  - n. Wetland delineation and approval by the local Wetland Conservation Act (WCA) authority.
  - o. Application fees, as set by the Board of County Commissioners.

3. **District Regulations.**

- a. Ground-mounted Small SES prohibited in Urban/Rural Residential District (R1) and Recreational Residential (RR) District.
- b. SES will be permitted, conditionally permitted, or prohibited as indicated in the following table:

<b>DISTRICT</b>	<b>SMALL SOLAR ENERGY SYSTEM</b>	<b>LARGE SOLAR ENERGY SYSTEM</b>
<b>Agriculture (A)</b>	Permitted	Conditional
<b>Conservancy (C)</b>	Permitted	<b>Prohibited</b>
<b>Special Protection (SP)</b>	Permitted	<b>Prohibited</b>
<b>Recreational/ Commercial (RC)</b>	Permitted	<b>Prohibited</b>
<b>Recreational/ Residential (RR)</b>	Permitted	<b>Prohibited</b>
<b>Urban/Rural Residential (R1)</b>	Permitted	<b>Prohibited</b>
<b>General Business (B)</b>	Permitted	Conditional
<b>Industry (I)</b>	Permitted	Conditional
<b>Flood Plain Overlay</b>	Permitted	<b>Prohibited</b>
<b>Airport Zoning Overlay</b>	Permitted	Conditional
<b>Mineral Resources Overlay</b>	Permitted	Conditional

- 4. **Setbacks.** All equipment and structures shall meet or exceed the following setbacks. All setback distances shall be measured from the outermost edge of the solar array.
  - a. **Small SES.**
    - 1. Shall meet all setbacks for structures for the zoning district in which the system is located.
    - 2. Ground-mounted solar energy systems shall be prohibited within all residential districts.
  - b. **Large SES.**
    - 1. Shall meet or exceed all required setbacks, for principal structures, for the zoning district in which the system is located.

2. Shall be set back 100 feet from all road rights-of-way.
  3. Power poles associated with a Large Solar Energy System shall be located entirely within the public road right-of-way, or shall meet setbacks as required for principle structures in all districts.
  4. Shall be set back seven hundred fifty (750) feet from dwellings. Conversely, all new dwellings shall be set back seven hundred fifty (750) feet from Large SES. Existing building sites, Lots of Record, and dwelling on the same parcel as the system are exempt from this standard.
  5. Shall be set back seven hundred fifty (750) feet from residential zoning districts. Conversely, all new residential zoning districts shall be set back seven hundred fifty (750) feet from all Large SES.
  6. Shall be set back seventy-five (75) feet from Public Conservation Lands/Wildlife Management Areas (WMA).
  7. Shall be set back seventy-five (75) feet from the center of a sub-surface county drain tile.
  8. Shall be set back seventy-five (75) feet from the crown of all open county ditches.
  9. The proposed expansion of an existing large solar energy system within 2,640 feet (½ mile) of another existing large solar energy system shall be reviewed by environmental services staff for a determination of aggregate impact. Additional conditions may be added by the county to mitigate those impacts.
  10. Shall be set back 5,280 feet (1 mile) from a Scenic Byway.
  11. Shall be set back 2-miles from the boundary of an incorporated municipality, unless the written consent of the municipality is first secured.
- c. In addition to structure setbacks, the collector surface and mounting devices for roof-mounted systems shall not extend beyond the roof.
5. **Signage.** No advertising signage is allowed. Manufacture and equipment information, warning, security, or indication of ownership signage on the site shall comply with this Ordinance.
  6. **Interconnection.** The owner, developer, or operator of the Large Solar Energy System shall submit an executed interconnection agreement with the electric utility in whose service territory the system is located prior to the County issuing any permits associated with the System. Off-grid and Small Solar Energy Systems are exempt from this requirement.

7. **Decommissioning for Large SES.** All items associated with a discontinued use shall be defined as solid waste, in accordance with the Le Sueur County Solid Waste Management Ordinance.
- a. All Solar Energy Systems shall be considered a discontinued use after one (1) year without energy production.
  - b. All Solar Energy Systems and accessory facilities shall be removed within six (6) months of the discontinuance of use.
  - c. The Board of County Commissioners shall require the posting of a bond, letter of credit, or the establishment of an escrow account in the name of the landowner, to ensure proper decommissioning. Any cost incurred by the county for the decommissioning of a discontinued system, as a result of inadequate financial surety, shall be assessed back to the landowner under Subd. 14 of MN Statute 375.18, as amended.
  - d. An itemized decommissioning plan shall consist of the following:
    1. Cost estimates for each item shall be required to ensure facilities are properly removed after their useful life.
    2. The removal and proper disposal of all fencing, structures, foundations, cables/wiring, and electrical devices associated with the project and shall meet the provisions of the Le Sueur County Solid Waste Ordinance.
    3. The removal of vegetation used for screening the solar energy project.
      - a. At the time of decommissioning, the landowner may decide to not have the vegetation used for screening be removed. However, the decommissioning plan shall be required to account for the removal of the screening.
    4. Roads and parking areas shall be removed completely and filled with suitable sub-grade material and leveled.
    5. The permanent restoration of the site to its pre-development state, including, but not limited to the following:
      - a. Site cleanup followed by general surface grading and, if necessary, restoration of surface drainage swales, ditches, and tile drains (if present).
      - b. Any excavation and/or trenching caused by the removal of building or building equipment foundations, rack supports, and underground cables will be backfilled with the appropriate material and leveled to match the ground surface.

- c. The roads and parking areas shall be removed completely, filled with a suitable sub-grade material, and leveled.
  6. Site clean-up followed by general surface grading and, if necessary, restoration of surface drainage swales, ditches, and tile drains (if present).
  7. Any excavation and/or trenching caused by the removal of structure or equipment foundations, rack supports and underground electrical cables shall be backfilled with appropriate material and leveled to match the ground surface.
  8. Further restoration of soil and vegetation of the site, as necessary, to minimize erosion.
  9. The plan shall address road maintenance during and after completion of the decommissioning.
8. **Maximum Height.**
  - a. Ground-mounted systems shall not exceed twenty (20) feet in height at maximum design tilt.
  - b. Roof-mounted systems shall not exceed the maximum allowed height in any zoning district, and shall not extend greater than four (4) feet above the existing structure's roof height.
9. **Fencing.** All fencing shall meet the accessory structure setback requirements for the applicable zoning district. The required setbacks may be increased if deemed necessary by the Department. Fences shall consist of seven (7) feet in height of agricultural fence, chain link, or security fence with three (3) strands of barbed wire for a total eight (8) feet in height. Other proposed fencing shall be approved by the affected road authority.
10. **Foundations.** The manufacturer's engineer or other qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.
11. **Screening.**
  - a. Adequate screening, including either natural and/or supplied screening in the form of plantings and fencing, and/or berming shall be provided.
  - b. Adequate screening shall be provided and maintained at all times around the perimeter of the fencing within one hundred (100) feet of Public Conservation Lands/Wildlife Management Areas (WMA), within five hundred (500) feet of a public road right-of-way or cemetery, and within seven hundred and fifty (750) feet from an existing dwelling site, farm site not on the subject property, residential zoning district or platted subdivision, unless otherwise specified in the plan.

- c. Screening shall meet the applicable accessory structure side and rear yard setback requirements for the given zoning district.
- d. The landscape plan and landscape maintenance plan shall be designed by a Minnesota-licensed landscape architect or a Minnesota-certified arborist. The plan shall verify that the screening goal will be achieved by the end of the third growing season for the project, given normal growing conditions. A continuous vegetative buffer shall be composed of conifer trees of a type which at time of planting shall be a minimum of four (4) feet in height and shall be maintained at maturity a minimum of eight (8) feet in height to screen the fence.
- e. Additional supplemental plant materials including trees, shrubs, and groundcover may be included in screening.
- f. Financial surety in an amount sufficient to guarantee the screening goals will be achieved by the end of the third growing season shall be provided prior to zoning permit approval. The financial surety shall be in the form of a surety bond, cash bond, or an irrevocable letter of credit. The amount of financial surety required shall be calculated based on the work detailed in the plan and its specifications. Any unspent amount of financial surety deposited with the county for faithful implementation of the plans and its specifications will be released after the completion and successful inspection of the establishment of screening.
- g. Screening shall be installed within thirty (30) days of the completion of the fence installation. When requested in writing and deemed necessary, the Department may grant a one-time extension for the screening installation.

## **12. Glare.**

- a. All Solar Energy Systems shall minimize glare that affects adjacent or nearby properties. Steps to minimize glare nuisance may include selective placement of the system, selective orientation of the panels, site screening, berming, or buffering.
- b. A glare study and mitigation plan may be required by the Department, Planning & Zoning Commission, or County Board of Commissioners as deemed relevant and acceptable by the aforementioned.

## **13. Vegetation.**

- a. All approved large solar energy systems shall be required to manage permanent vegetation under and between the collectors and surrounding system's foundations or mounting devices at the project site. The maintenance of all screening and vegetative cover shall occur no less than four (4) times per calendar year for the duration of the permit. Written documentation of completed maintenance shall be provided to the county on a quarterly basis.

- b. The project site design shall include the installation and establishment of ground cover consistent with MN Stats 216B.1642, or successor statutes and guidance as set by the Minnesota Board of Water and Soil Resources. Beneficial habitat standards shall be maintained on the site for the duration of operation, until the site is decommissioned.
  - c. All approved large solar energy systems shall be required to control invasive plants and noxious weeds within the approved operational area.
14. Conversion of existing wooded areas for the placement of SES is prohibited.
15. Stormwater runoff shall not be directed into any public rights-of-way.
16. No more than 75% of the operational area for any large solar energy system shall consist of environmentally sensitive areas and/or areas designated as Prime Agricultural Land in the County's mapping system. This standard applies to the operational area, all access roads, and any accessory uses/structures.
17. The operational area of a large solar energy system shall be configured and located in a manner that includes those areas within the subject parcel with the lowest Crop Productivity Index, as shown in the County's mapping system. This standard applies to the operational area; all access roads, and any accessory uses/structures.