

Section 12 - General Provisions

A. Sign Regulations

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 Watonwan County.

1. General Provisions

The following regulations shall apply to all signs hereinafter permitted in all Districts.

- a. Signs shall not be permitted within the public right-of-way or easements, except as erected by an official unit of government or public utility for the direction of traffic or necessary public information.
- b. Flashing or rotating signs resembling emergency vehicles shall not be permitted in any district.
- c. Signs painted on a building shall be governed by the square footage limitations specified in the appropriate zoning districts. These shall be repainted when required to be kept in good condition and shall be repainted, removed, or painted out when, in the opinion of the Board of County Commissioners, they are not so maintained.
- d. No sign shall be placed that resembles any official marker erected by a governmental agency or shall display such words as “stop” or “danger.”
- e. No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress for any building or structure.
- f. The owner, lessee or manager of any ground sign and the owner of the land on which the same is located shall keep grass and weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which sign is located.
- g. Advertising signs, business signs and nameplate signs which may be or may hereafter become rotted, unsafe or unsightly shall be repaired or removed by the owner or lessee of the property upon which the sign stands upon notice of the Board of County Commissioners.
- h. Where a sign is illuminated, the source of light shall not shine upon any part of a residence or into any Residential District or any roadway.
- i. No advertising or business sign shall be permitted in any Residential District, except signs advertising a permitted home occupation limited to an overall area of twelve (12) square feet per surface.
- j. Except with industry, signs shall not be painted directly on the outside wall of a building.

- k. Signs shall not be painted on fences, rocks, or similar structures or features; nor shall paper or similar signs be attached directly to a building wall by an adhesive or similar means.
- l. Symbols, statues, sculptures, and integrated architectural features on buildings may be illuminated by floodlights provided the source of light is not visible from a public right-of-way or adjacent property.
- m. Any sign over one-half (1/2) square foot shall be set back at least ten (10) feet from any property line. Signs may be illuminated but such lighting shall be diffused or indirect and not illuminated beyond any lot line.

2. Special and Temporary Signs

- a. One (1) identification sign not exceeding thirty-five (35) square feet in area for the following uses: church, school, hospital, parks and recreation areas or similar uses. Such signs shall be solely for the name of the use and its activities and may be illuminated, but not flashing.
- b. Temporary signs advertising a new subdivision development, commercial area, or industrial area are limited to the following: (1) maximum size shall be ninety-six (96) square feet in surface; and (2) maximum height of fifteen (15) feet above ground level.
- c. For the purpose of selling, renting or leasing a single parcel, a sign not in excess of twenty-five (25) square feet per surface may be placed within the front yard. Such signs shall not be less than ten (10) feet from the right-of-way line.
- d. Election signs are permitted provided such signs are removed within ten (10) days following the election as related to the sign. No election signs shall be permitted more than one (1) month preceding the election the sign relates to.
- e. There shall be no more than one (1) temporary sign on any lot and such sign shall not exceed twenty-five (25) square feet in size.
- f. Temporary signs, signs of non-profit organizations and the like shall require a permit, but no fee will be required.

3. Advertising Signs and Billboards

- a. Advertising signs shall be limited to no more than two (2) signs per facing or total of no more than four (4) signs per structure.
- b. Advertising signs shall be limited to not more than fifty-five (55) feet in total length and a height of twenty (20) feet above average grade.
- c. Advertising signs shall be limited to an overall surface area on one side to eight hundred fifty (850) square feet.
- d. No advertising sign structure shall be located within a radius of one thousand (1,000) feet of any existing advertising sign unless located in a Business or Industry District. Signs will then be limited to not more than one (1) for a lot of one hundred (100) feet frontage and to only one (1) per each additional one hundred (100) feet of frontage.

- e. No advertising sign shall be located within one hundred (100) feet of a dwelling, an adjoining residential district, an at-grade intersection of two (2) or more roads or an at-grade intersection of any road and a railroad.
- f. No advertising sign shall be permitted within ten (10) feet of a road or highway right-of-way.

4. Business Signs

- a. No more than one (1) freestanding or pylon sign or not more than thirty-five (35) square feet in surface area.
- b. The total surface area of all business signs on a lot shall not exceed the sum of three (3) square feet per lineal foot of lot frontage or twenty percent (20%) of the front building surface area on which the sign is located or three hundred (300) square feet in surface area, whichever is greater.
- c. Business signs shall be limited to an overall height of forty (40) feet above average road grade.

5. Signs Permitted with Residences

- a. One (1) nameplate sign for each dwelling not to exceed two (2) feet in area per surface and no sign shall be so constructed as to have more than two (2) surfaces.
- b. One nameplate sign for each dwelling group of six (6) or more units. Such sign not to exceed six (6) square feet in area per surface and no sign shall be so constructed as to have more than two (2) surfaces.
- c. One (1) nameplate sign for each permitted non-residential use or use by conditional permit. Such signs shall not exceed twelve (12) square feet in area per surface and no sign shall be so constructed as to have more than two (2) surfaces.
- d. Symbols, statues, sculptures, and integrated architectural features on buildings may be illuminated by floodlights provided the source of light is not visible from a public right-of-way or adjacent property.
- e. Any sign over one-half (1/2) square foot shall be set back at least ten (10) feet from any property line. No sign shall exceed the ten (10) feet in height above the average grade level. Signs may be illuminated, but such lighting shall be diffused or indirect and not illuminatd beyond any lot line.

6. Signs Permitted with Industries

- a. The aggregate square footage of sign space per lot shall not exceed the sum of four (4) square feet per front foot of building, plus one (1) square foot per front foot of property not occupied by a building. No individual sign surface shall exceed one hundred (100) square feet except advertising signs. Advertising signs permitted as an accessory use shall not exceed four hundred eighty (480) square feet of sign surface and such sign when permitted as a

principal use shall not exceed the sum of five (5) square feet per front foot of lot up to a maximum of four hundred eighty (480) square feet.

- b. No ground sign shall exceed a height of forty (40) feet above the average grade and no roof sign or sign attached to a building shall exceed a height of thirty (30) feet above the highest outside wall or parapet of any principal building. No sign shall be located closer than ten (10) feet from any lot line.

7. Sign Removal

- a. Any advertising device lawfully erected before the date of enactment of this Ordinance, and not conforming to the provisions thereof with respect to distance, spacing, or location, shall be removed by its owner within three (3) years of the effective date of this Ordinance.
- b. If two (2) or more advertising signs erected before the date of enactment of this Ordinance are in violation of the spacing requirements as herein provided, the Administrator shall notify the owners of such devices and give such owners full opportunity to be heard. He/she shall thereafter make a finding as to the date of erection of each of the devices. The device or devices last erected shall be deemed nonconforming and shall be removed by the owner or owners within three (3) years of the effective date of this Ordinance.

8. Prohibited Locations

From and after the date of enactment of this Ordinance, no advertising sign shall be erected or maintained

- a. which would prevent any traveler on any thoroughfare from obtaining a clear view of approaching vehicles on the same for a distance of five hundred (500) feet along the thoroughfare.
 - b. which would be closer than three hundred (300) feet from the intersection of any thoroughfare at grade with another thoroughfare, or with a railroad; provided that advertising may be affixed to or located adjacent to a building at such intersection in such a manner as not to cause any greater obstruction of vision than that caused by the building itself.
 - c. in or within five hundred (500) feet of national parks, state parks, local parks, historic sites, and public picnic or rest areas;
 - d. within one hundred (100') feet of a church or school;
 - e. within three thousand (3000') feet of any other advertising sign on the same side of a public road;
 - f. refer to the shoreland overlay district standards and the flood plain overlay district standards to determine signage regulations in their respective districts.
9. Alleys, undeveloped rights-of way, private roads and driveways shall not be regarded as intersecting. Streets, roads or thoroughfares which enter directly into the main traveled way of the primary thoroughfare shall be regarded as intersecting.

B. Parking and Loading Regulations

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

1. Minimum Size Regulations

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

2. Reduction and Use of Parking and Loading Space

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

3. Computing Requirements

In computing the number of such parking spaces required, the following rules shall govern:

- a. Floor space shall mean the gross floor area of the specific use.
- b. Where fractional spaces result, the parking spaces required shall be constructed to be the nearest whole number.
- c. The parking spaces requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature, as determined by the Board of County Commissioners and the County Planning Commission.
- d. In places of public assembly in which patrons occupy benches, pews or similar facilities, each twenty-two (22) inches of such seating facility shall be counted as one (1) seat for the purposes of determining requirements.

4. Yards

On-site parking and loading facilities shall not be subject to the front yard, side yard and rear yard regulations for the use district in which parking is located, except that

- a. in the “B” General Business District no parking or loading space shall be located within ten (10) feet of any property line that abuts a road or highway right-of-way or any Residential, Agriculture, or Shorelands District.

- b. in the “I” General Industry Districts no parking or loading space shall be located within ten (10) feet of any property line that abuts a highway right-of-way line, or any Residential, Agriculture or Shorelands District, except for railroad loading areas.

5. Buffer Fences and Planting Screens

On-site parking and loading areas near or abutting Residential or Shorelands District shall be screened by a buffer fence of adequate design or a planting buffer screen; plans of such screen or fence shall be submitted for approval as a part of the required site or plot plan, and such fence or landscaping shall be installed as a part of the required site or plot plan, and as a part of the initial construction.

6. Access

- a. Parking and loading space shall have proper access from a public right-of-way.
- b. The number and width of access drives shall be so located as to minimize traffic congestion and abnormal traffic hazard. Frontage roads or service roads may be required, when in the opinion of the County Planning Commission, such service roads are necessary to maintain traffic safety.
- c. Vehicular access to business or industrial uses across property in any Residential District shall be prohibited.

7. Location of Parking Facilities and Combined Facilities

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

8. Construction and Maintenance

- a. In the “B” General Business District and the “I” General Industry District, parking areas and access drives shall be covered with a dust free, all weather surface or an adequate gravel base with proper surface drainage, as required by the County Engineer.
- b. The operator of the principal building or use shall maintain parking and loading areas, access drives and yard areas in a neat and adequate manner.

9. Lighting

Lighting shall be reflected away from the public right-of-way and nearby or adjacent Residential, Shorelands, or Agriculture Districts.

10. Required Site Plan

Any application for a building permit shall include a site plan or plot plan drawn to scale and dimensioned, showing on-site parking and loading space to be provided in compliance with this Ordinance.

11. Required Number of On-site Parking Spaces

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. An adequate number of parking stalls for handicapped persons shall be designated and reserved for handicapped use only. The minimum number of required on-site parking spaces for the following uses shall be as follows:

- a. Single Family Dwelling - two (2) parking spaces. No garage shall be converted into living space unless other acceptable on-site parking space is provided.
- b. Multiple Dwelling or Manufactured Home Park - two (2) parking spaces per dwelling unit.
- c. Churches - one (1) parking space for each three (3) seats, based on the design capacity of the main seating area.
- d. Hospitals - one (1) parking space for each two (2) hospital beds plus one (1) parking space for each employee on the major shift.
- e. Convalescent, Rest or Nursing Homes - one (1) parking space for each four (4) beds for which accommodations are offered.
- f. Public Elementary, Junior High School or similar Private School - two (2) parking spaces for each classroom.
- g. Municipal 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.
- h. Golf Courses, Golf Clubhouse, Country Club, Swimming Club, Tennis Club, Public Swimming Pool - twenty (20) spaces, plus one (1) space for each five hundred (500) square feet of floor area in the principal structure.
- i. Medical and Dental Clinics, Animal Hospital - one (1) parking space for each five hundred (500) square feet of floor area.
- j. Professional Offices and Office Buildings - at least one (1) parking space for each three hundred (300) square feet of floor area.
- k. Shopping Center - where several business uses are grouped together according to a general development plan, on-site automobile parking shall be provided in a ratio of not less than three (3) square feet of gross parking area for each one (1) square foot of floor area; separate on-site space shall be provided for loading and unloading.
- l. Automobile Service Station - four (4) parking spaces plus two (2) parking spaces for each service stall; such parking spaces shall be in addition to parking space required for gas pump areas.

- m. Auto Sales, Trailer Sales, Marine and Boat Sales, Implement Sales, Garden Supply Store, Building Materials Sales, 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.
- n. Bowling Alley - five (5) parking spaces for each bowling lane.
- o. Drive-in Restaurant, Dairy Store or Similar - twenty (20) parking spaces or one (1) space for each thirty-five (35) square feet of floor area, whichever is greater.
- p. Motel or Motor Hotel - one (1) parking space for each rental room or suite and one (1) space for each employee on any shift.
- q. Assembly or Exhibition Hall, Auditorium, Theater or Sports Arena - one (1) parking space for each three (3) seats, based upon design capacity.
- r. Restaurant, Cafe, Nightclub, Tavern or Bar - one (1) parking space for each seventy-five (75) square feet of customer floor area.
- s. Retail Stores and Service Establishments - one (1) parking space for each one hundred (100) square feet of customer floor area.
- t. Research, Experimental or Testing Stations - one (1) parking space for each employee on the major shift or one (1) off-street parking space for each five hundred (500) square feet of gross floor area within the building, whichever is greater.
- u. Storage, Wholesale or Warehouse Establishments - one (1) parking space for each two (2) employees on the major shift or one (1) parking space for each two thousand (2,000) square feet of floor area, whichever is greater, plus one (1) space for each company vehicle when customarily kept on the premises.
- v. Manufacturing or Processing Plant - one (1) off-street parking space for each employee on the major shift or one (1) off-street parking space for each three hundred fifty (350) square feet of gross floor area within the building, whichever is greater.

12. Off-Street Loading

a. Purpose

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

b. Number of Loading Berths

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

Square Feet of Aggregate <u>Gross Floor Area</u>	<u>Minimum Required Number of Berths</u>
5,000 up to and including 6,000	1
16,000 up to and including 40,000	2
40,000 up to and including 70,000	3
70,000 up to and including 100,000	4
For each additional 40,000	1 additional

C. Sanitary Provisions

All water systems hereafter constructed or reconstructed shall conform with the provisions of Minnesota Department of Health and the Minnesota Pollution Control Agency’s 7080- 7081 Rules, which are hereby adopted by reference.

1. Water Systems

- a. Public water facilities, including pipe fittings, hydrants, etc. shall be installed and maintained as required by standards and specifications as established by the Board of County Commissioners and the Minnesota Department of Health Standards for water quality.
- b. Where public water facilities are not available, the Board of County Commissioners may, by ordinance, grant a franchise for such water facilities to serve all properties within the area where a complete and adequate community water distribution system is designed and complete plans for the system are submitted to and approved by the Board of County Commissioners and the Minnesota Department of Health.
- c. Individual wells shall be constructed and maintained according to standards and regulations approved by the Board of County Commissioners and the Minnesota Department of Health.
- d. Private wells shall be placed in areas not subject to flooding and upslope from any source of contamination. Wells already existing in areas subject to flooding shall be flood proofed in accordance with procedures established in Statewide Standards and Criteria for the Management of Flood Plain Areas of Minnesota.

2. Licensing

Before any license issued under the provisions of this Section may be revoked or its renewal refused, the licensee shall be given a hearing to show cause why such license should not be removed or refused. Notice of the time, place and purpose of such hearing shall be in writing. The annual license fee shall be established by the County Board of Commissioners. Application for such license shall be made annually on a form furnished by the County Building Inspector.

D. Extraction of Materials and Minerals, Open Pits and Impounding of Waters

All excavations, extraction of materials and minerals, open pits and impounding of waters hereafter established or enlarged shall conform with the provisions of this Subdivision and any other ordinance or regulation of the County.

1. Definition

Excavations, as used in this Subdivision, shall mean any artificial excavation of the earth within the County dug, excavated or made by the removal from the natural surface of the earth of sod, soil, sand, gravel, stone or other matter or made by tunneling or breaking or undermining the surface of the earth. Excavations ancillary or other construction of any installation erected or to be erected, built or placed thereon contemporaneously with or immediately following such excavation and covering or to cover such excavation when completed are excepted if a permit has been issued for such construction or installation. Excavations not exceeding fifty (50) square feet of surface or two (2) feet in depth and excavations including impounding of water for agricultural purposes are exempted.

2. Conditional Use Permit Required

Excavations, extraction of materials and minerals, open pits and impounding of water shall be permitted only upon the issuance of a Conditional Use Permit. The applicant for the permit shall furnish such information as this: true name and address, when required, approval by the State of Minnesota to impound waters, purpose of proposed activity, roads and highways to be used to haul material to or from the area of activity, and the estimated time when building or removing will begin and be completed.

3. Conditions of Permit

The Board of County Commissioners, as a prerequisite to the granting of a permit or after a permit has been granted, may require the applicant to whom such permit is issued or the owner or user of the property on which the open pit or excavation or impounded waters are located to:

- a. properly fence any pit or excavation;
- b. slope the banks and otherwise properly guard and keep any pit or excavation in such condition as not to be dangerous from caving or sliding banks;
- c. properly drain, fill or level any pit or excavation, after created so as to make the same safe and healthful as the Board shall determine;
- d. keep any pit, excavation or impounded waters within the limits for which the particular permit is granted;

- e. remove excavated material from any pit or excavation away from the premises, upon and along such highways, streets or other public ways as the Board shall order and direct;
- f. provide, for the purpose of retaining impounded waters, a container of sufficient strength and durability and maintain such container in safe and proper condition; and
- g. grade site after extraction is completed so as to render it suitable, seeding where required to avoid erosion and unsightly marks on the landscape.

E. Performance Standards

It is the intent of this Subdivision to provide that uses of land and buildings in All Classes of Business and Industry Districts shall be established and maintained with proper appearance from streets and adjoining properties and to provide that each permitted use shall be a good neighbor to adjoining properties by the control of the following:

1. Standards

- a. Landscaping. All required yards shall either be open landscaped and green areas or be left in a natural state. If any yards are to be landscaped, they shall be landscaped attractively with lawn, trees, shrubs, etc. Any areas left in a natural state shall be properly maintained in a slightly and well kept condition. Yards adjoining any residences shall be landscaped with buffer planting screens. Screening plans shall be submitted for approval as a part of the site plan and installed prior to occupancy of any tract in the district. (See Subsection K for fencing and screening provisions.)
- b. Exterior Lighting. Any lights used for exterior illumination shall be diffused, hooded or directed away from adjoining properties and public streets.
- c. Water Pollution. All uses shall conform to the water pollution standards and controls enforced by Watonwan County and those adopted by the Minnesota Pollution Control Agency and other agencies and governing bodies which have such powers and controls.
- d. Hazard. Every use established, enlarged or remodeled shall be operated with reasonable precautions against fire and explosion hazards.

2. Compliance

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

The following standards apply to all uses in all Districts except where indicated.

3. Height Regulations

- a. There shall be a maximum height limitation of one hundred fifty (150) feet on all structures within the County. Any tower, spire, etc. that exceeds this height must be granted a Conditional Use Permit (Section 13) and then only after obtaining a letter of clearance from the Federal Aeronautics Administration and the Airport Commission for any airport located within ten (10) miles of the structure proposed to exceed the height limitation.
- b. Height limitation set forth in other Sections of this Ordinance may be increased by one hundred percent (100%) when applied to the following:
 - 1) monument
 - 2) flag poles
 - 3) cooling towers
- c. Height limitations set forth in other Sections of this Ordinance may be increased with no limitation except as noted in the paragraph above when applied to the following:
 - 1) church spires, belfries or domes which do not contain usable space
 - 2) water towers
 - 3) chimneys or smokestacks
 - 4) radio or television transmitting towers
 - 5) grain elevators

4. Yard Regulations

Measurements shall be taken from the nearest point of the wall of a building to the lot line in question, subject to the following qualifications:

- a. Cornices, canopies or eaves may extend into the required front yard a distance not exceed four (4) feet, six (6) inches.
- b. Fire escapes may extend into the required front yard a distance not to exceed four (4) feet, six (6) inches.
- c. A landing place or uncovered porch may extend into the required front yard to a distance not exceeding six (6) feet, if the landing place or porch has its floor no higher than the entrance floor of the building. An open railing, no higher than three (3) feet, six (6) inches, may be placed around such place.
- d. The above enumerated architectural features may also extend into any side or rear yard to the same extent, except that no porch, terrace or outside stairway shall project into the required side yard distance.
- e. A wall, fence or hedge may occupy part of the required front, side or rear yard.
- f. On double frontage lots, the required front yard shall be provided on both streets.
- g. The required front yard of a corner lot shall not contain any wall, fence or other structure, tree, shrub or other growth which may cause danger to traffic on a road or public roadway by obscuring the view.

- h. The required front yard of a corner lot shall be unobstructed above a height of three (3) feet in a triangular area, two sides of which are the lines running along the shoulder road lines between the road intersection and a point fifty (50) feet from the intersection, and the third side of which is the line between the latter two points.

5. Storage of Materials

- a. In the Business and Industrial District, open storage of materials in any required front, side or rear yard shall be prohibited. Any other outdoor storage shall be located or screened so as not to be visible from any Residential District.
- b. In all Residential Districts, all materials and equipment shall be stored within a building or structure or fully screened so as not to be visible from adjoining properties, except for the following:
 - 1) usable laundry equipment
 - 2) recreational equipment
 - 3) construction and landscaping material currently being used on the premises, provided it is kept in a neat and orderly manner and does not create a nuisance to adjoining property
 - 4) off-street parking of passenger vehicles and trucks

6. Accessory Buildings and Structures

- a. In case an accessory building is attached to the main building, it shall be made structurally a part of the main building and shall comply in all respects with the requirements of this Ordinance applicable to the main building. An accessory building shall not be closer than five (5) feet to the main building, except as otherwise provided in this Ordinance.
- b. A detached accessory building shall not be located in any required front or side yard; however, a garage is allowed in a side yard provided all other provisions of this Ordinance are met.
- c. In a Residential District, no detached accessory building shall be more than one (1) or twelve (12) feet in height and shall not occupy more than thirty percent (30%) of the area of any rear yard, providing further that no detached accessory building shall be located within ten (10) feet of any rear lot line.
- d. In a Residential District, no underground gasoline storage shall be permitted.

F. Planned Unit Development

1. *Purpose*

The purpose of this Subdivision is to provide for the groupings of land parcels for development as an integrated, coordinated unit in a manner which emphasizes flexibility of design of land under single or unified ownership, developed with community or public sewer and water systems, and through clustering of buildings and activities. It is further intended that Planned Unit Developments are to be characterized by Central Management, integrated planning and architecture, joint or common use of parking, maintenance of open space, and other similar facilities, and a harmonious selection and efficient distribution of uses. Planned Unit Developments regulated under this Subdivision may be applied to Residential, Commercial or Industrial uses when in keeping with the regulations provided within this Ordinance.

2. *General Regulations*

- a. All PUDs will be processed as a Conditional Use.
- b. The minimum area of land to be included in a Planned Unit Development shall be ten (10) acres.
- c. The Planned Unit Development will be served by public or community water and sewer systems and may be increased in density to one and one-half (1 ½) times that permitted within the respective zoning district, except in Shoreland areas. Density increases in Shoreland areas are calculated in paragraph #4 below.
- d. The parking and similar requirements of these extra units shall be observed in compliance with this Ordinance.
- e. It is the intent of this Subdivision to require subdivision of property simultaneous with an application for a conditional use permit. The subdivision of land as a Planned Unit Development shall be the same as imposed in the respective district. Lots shall be designed so as to allow at least fifteen (15) feet between structures.
- f. The front, side yard and shoreland restrictions at the periphery of the Planned Unit Development site, at a minimum, shall be the same as imposed in the respective districts. Lots shall be designed so as to allow at least fifteen (15) feet between structures.
- g. Private roadways within the project shall have an improved surface to twenty (20) feet or more in width. No portion of the required twenty (20) feet road system may be used in calculating required off-street parking space.
- h. In the shoreland area, approval of the development cannot occur until the Environmental Review Process (EAW/EIS) is complete.

3. *Administrative Procedure*

- a. The proponents of a Planned Unit Development shall submit a preliminary subdivision plat and development plan, along with an application for a conditional use permit. The preliminary plat shall conform to the provisions of this Ordinance

and the Subdivision Ordinance. The development plan shall be drawn to a scale of not more than fifty (50) feet per inch, showing the following:

- 1) the existing and proposed topography with contour intervals not greater than two (2) feet;
- 2) the entire outline, overall dimensions and area of the tract described in the application;
- 3) proposed public or community sewer and water system, including size, type and capacity;
- 4) proposed roadway, type and capacity of paving;
- 5) the proposed site and existing adjacent developments;
- 6) size and location of buildings;
- 7) landscaping;
- 8) parking areas and arrangement of stalls;
- 9) allocation and disposition of park and open space;
- 10) site and lot dimensions;
- 11) type of use and density of each building, including a relief drawing of the general building design or theme intended for all buildings other than single and two family units;
- 12) location, type and signing;
- 13) If the PUD is proposed in a shoreland area, the following information will also be required:
 - a. surface water features;
 - b. land alterations;
 - c. demonstrate that a property owners' association will be drawn up with mandatory membership;
 - d. demonstrate that deed restrictions, covenants, permanent easements, or some other legal instrument will be employed to:
 - i. properly address future vegetative and topographic alterations, construction of additional buildings, or the beaching of watercraft; and:
 - ii. ensure the long term preservation and maintenance of open space in accordance with paragraph #5 below.

14) Those additional documents as requested by the Watonwan Planning Commission or County Board.

- b. If the conditional use permit for the preliminary plat and site plan is approved, the preliminary plat and the site plan shall be attached to and become a part of the conditional use permit. Any modification to the preliminary plat or site plan will require a resubmission to, and approval by, the County Planning Commission and the County Board.

- c. If the conditional use permit is approved, the final plat shall be submitted to the County in accordance with the County Subdivision Regulations and the provisions of this Ordinance.

4. *Density Bonus for Developments in Shorelands*

Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation below.

- a. The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

Shoreland Tier Dimensions

	<u>Sewered (feet)</u>
Recreational Development Lakes	267
Natural Environment Lakes	320
All River Classes	300

The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to the residential planned unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

- b. Residential PUD “BASE” Density Evaluation. The suitable area within each tier is divided by the single residential to size standard for the appropriate district which shall then be used to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the design criteria in #5 below.
- c. Commercial PUD “Base Density Evaluation
 - 1) Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.

Select the appropriate floor area ratio from the following table:

Commercial Planned Unit Development
Floor Area Ratios *
Public Waters Classes

*Average Unit Floor Area (sq. ft.)	Agricultural and Tributary River Segments	Recreational Development Lakes	Natural Environment Lakes
200	0.040	0.020	0.010
300	0.048	0.024	0.012
400	0.056	0.028	0.014
500	0.065	0.032	0.016
600	0.072	0.038	0.019
700	0.082	0.042	0.021
800	0.091	0.046	0.023
900	0.099	0.050	0.025
1000	0.108	0.054	0.027
1100	0.116	0.058	0.029
1200	0.125	0.064	0.032
1300	0.133	0.068	0.034
1400	0.142	0.072	0.036
1500	0.150	0.075	0.038

- For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet.. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet.
- 2) Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.
 - 3) Divide the total floor area by tier computed in Item 2 above by the average inside living area size determined in Item I above. This yields a base number of dwelling units and sites for each tier.
 - 4) Proposed locations and numbers of dwelling units or sites for the commercial planned unit development are then compared with the tier, density and suitability analyses herein and the design criteria below.

d. Density Increase Multipliers

- 1) Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Section 11, C, #4 are met or exceeded and the design criteria in #5 below are satisfied. The allowable density increases in Item #2 below will only be allowed if structure setbacks from the ordinary high water level are increased to at least fifty percent (50%) greater than the minimum setback or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit

of government and the setback is at least twenty-five percent (25%) greater than the minimum setback.

2) Allowable Dwelling Unit or Dwelling Site Density Increases for Residential Planned Unit Developments:

<u>Density Evaluation Tiers</u>	<u>Maximum Density Increase Within Each Tier (percent)</u>
First	50
Second	100
Third	200
Fourth	200
Fifth	200

5. Maintenance and Administration Requirements in the Shoreland District

- a. Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.
- b. Open Space Preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:
 - 1) commercial uses prohibited (for residential PUDs);
 - 2) vegetation and topographic alterations other than routine maintenance prohibited;
 - 3) construction of additional buildings or storage of vehicles and other materials prohibited; and
 - 4) uncontrolled beaching of watercraft prohibited.
- c. Development Organization and Functioning. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners' association with the following features:
 - 1) membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;
 - 2) each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;
 - 3) assessments must be adjustable to accommodate changing conditions; and
 - 4) the association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

6. Open Space Requirements. Planned Unit Developments in shoreland areas must contain open space meeting all of the following criteria:
 - a. At least fifty percent (50%) of the total project area must be preserved as open space.
 - b. Dwelling units or sites, road rights-of-way or land covered by road surfaces, parking areas, or structures, except water oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space.
 - c. Open space must include areas with physical characteristics unsuitable for development in their natural state and areas containing significant historic sites or unplatted cemeteries.
 - d. Open space may contain water oriented accessory structures or facilities.
 - e. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.
 - f. The Shore Impact Zone, based on normal structure setbacks, must be included as open space. For residential PUDs, at least fifty percent (50%) of the shore impact zone area of existing developments or at least seventy percent (70%) of the shore impact zone area of new developments must be preserved in its natural or existing state.

7. Erosion Control and Stormwater Management. Erosion control and stormwater management plans must be developed and the PUD must:
 - a. be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and
 - b. be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed twenty-five percent (25%) of the tier area.

8. Centralization and Design of Facilities. Centralization and design of facilities and structures must be done according to the following standards:

- a. Planned unit developments must be connected to publicly owned water supply and sewer systems.
- b. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with # 4C above in this Section for developments with density increases.
- c. Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one (1) for each allowable dwelling unit or site in the first tier. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.
- d. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.
- e. Accessory structures and facilities, except water oriented accessory structures, must meet the required principle structure setback and must be centralized.
- f. Water oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 10, C. #6 of this Ordinance and are centralized.

9. Property Control in Non-Shoreland Areas

- a. In order that the purposes of this subdivision may be achieved, the property shall be in single ownership or under the management and supervision of a central authority or otherwise subject to such supervisory lease or ownership control as may be necessary to carry out the provisions of this Ordinance.
- b. Prior to the use or occupancy or sale or the execution of contracts for sale of an individual building unit, parcel, tract, townhouse, apartment or common area, a declaration of covenants, conditions and restrictions or an equivalent document shall be filed with the Zoning Administrator for approval as part of the Conditional Use Permit, prior to filing of said declaration or document with the recording officer of Watonwan County.
- c. The declaration of covenants, conditions and restrictions or equivalent documentation shall specify that deeds, leases or documents of conveyance

affecting buildings, units, apartments shall subject said properties to the terms of said declaration.

- d. The declaration of covenants, conditions and restrictions shall provide that an owners' association or corporation shall be formed and that all owners shall be members of said association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the County Attorney. The intent of this requirement is to protect the property values of the individual owner through establishing effective private control.
- e. The declaration shall additionally provide that, in the event the association or corporation fails to pay taxes or assessments on properties as they become due, then Watonwan County shall have the right to assess each property its pro rata share of said expenses. Such assessment, together with interest thereon and costs of collection, shall be a lien on each property against which each such assessment is made and, in addition, each such assessment, together with such interest thereon and such cost of collection thereon, shall also be a personal obligation of the person who was the owner of such property at the time when the assessment becomes payable.

G. Group Gatherings

1. Purpose

It is the intent of this Subdivision to provide for the regulation of group gatherings and assemblages of people and to specify the requirements and circumstances under which group gatherings may be allowed.

2. General Requirements

- a. **Permit Required.** A separate permit shall be required for each day and each location the mass gathering will be held. The fee for each permit shall be established by the County Board and shall accompany the application.
- b. Application shall be on a form furnished by the Health Authority at least thirty (30) days in advance of the proposed gathering.
- c. Each group gathering area shall be well drained and so arranged as to provide sufficient space for people assembled, vehicles, sanitary facilities, and appurtenant equipment.
- d. Illumination shall be provided at night to protect the safety of the persons at the assembly. The assembly area shall be adequately lighted but shall not unreasonably reflect beyond the assembly area boundaries, unless adjacent properties be uninhabited. Light level intensities shall be at least five (5) foot candles.

- e. If it is expected that people in attendance will stay upon the grounds overnight, the arrangements must be made as follow:
 - 1) Recreational camping vehicles must be situated such that no part of the vehicle is closer than ten (10) feet to another vehicle or structure and no vehicle is blocked from exiting the site.
 - 2) Tents must be situated such that no part of the tent is closer than ten (10) feet to another tent, vehicle, or structure.
- f. An adequate, safe supply of potable water, easily accessible and meeting the requirements of the Health Authority and the Minnesota Water Well Construction Code, shall be provided.
- g. Separate, enclosed sanitary facilities for males and females shall be provided and installed in the minimum numbers as required by the following schedule:
 - 1) Toilets at the rate of one (1) for each one hundred (100) persons or fractional part thereof. These sanitary facilities shall be conveniently accessible and well identified. Hand washing facilities, approved by the Minnesota Department of Health, shall be provided adjacent to each toilet site.
 - 2) Portable privies may be used if no permanent facilities are present. Arrangement must be made for the final disposal of the sewage into adequate facilities approved by the Health Authority.
- h. Refuse Disposal
 - 1) The storage, collection, transportation, and disposal of refuse shall be conducted as to prevent odor, insect, rodent, and other nuisance conditions.
 - 2) One fifty (50) gallon refuse container, or its equivalent, shall be provided for each one hundred (100) persons anticipated. Refuse containers shall be conveniently accessible.
 - 3) All refuse shall be collected from the assembly area at least once each day of the assembly and disposed of at a sanitary landfill.
 - 4) The grounds and immediate surrounding properties shall be cleaned of refuse within twenty-four (24) hours following the assembly.
- i. In addition to the requirements contained herein, the operator must comply with all other applicable State and/or Local regulations or ordinances.

H. Auto Salvage Regulations

It is the intent of this subsection to provide for the regulation of Salvage Yards in the County and to establish performance standards designed to meet, or exceed best management practice standards set for the Salvage Yard industry.

1. Designated storage areas shall be screened by means of berms, fencing, or landscaping to reduce direct visibility from public roads or dwellings located on adjacent lots. Screening shall be completed within ninety 90 days from receipt of such notice from the Zoning Administrator. Screening will be maintained and improved as necessary to continue to perform the function of its design.
2. The Salvage Yard site shall be setback a minimum of 100 feet from a residentially zoned area, any public water body, stream, creek, public or private ditch. Every Salvage Yard shall also be required to obtain and maintain a storm water permit from the MPCA.
3. The area upon which the business activity is located must be a contiguous area within the owner's parcel and must meet all yard setback and screening provisions herein. The owner/operator shall be restricted from converting all or part of the Salvage Yard parcel into rental property.
4. Vehicle Storage
 - a. All vehicles must remain upright unless the motor and running gear has been removed;
 - b. No new vehicle storage nor any business operation is permitted in any floodplain area, wetland, or in areas where groundwater is less than three (3) feet from the ground surface.
5. Setbacks for new structures. All structures will conform to yard setbacks as established in this Ordinance. However, no fencing is permitted in the front yard nor is the storage of any autos. Additionally, all autos must be setback at least ten (10) feet from the rear and side property lines.
6. Any parcel of property having five or more unlicensed automobiles shall be required to meet all requirements set forth in Section 12 of the Watonwan County Ordinance.
7. The Conditional Use Permit Application must be accompanied by the following information:
 - a. site plan which includes the location of buildings and auto storage area and all applicable linear dimensions;
 - b. screening plans;
 - c. signage plan which conforms to Section 13, Subdivision A;

d. a management plan which conforms to MPCA guidelines and addresses the handling and storage of any or all of the following:

- 1) motor oils and/or fuel;
- 2) CFCs and refrigerants
- 3) waste tires
- 4) catalytic converters
- 5) mercury switches
- 6) lead parts
- 7) Auto or other motorized vehicle batteries;
- 8) antifreeze and window-washing fluids
- 9) any other substance as requested by the Zoning Administrator

e. Copies of the following items must be submitted and kept up to date in the Zoning Administrators office.

- 1) EPA notification of regulated waste activity form
- 2) MPCA hazardous waste license
- 3) Storm water permit notification form

8. Compliance

- a. All existing Salvage Yards shall comply with the provisions cited herein within two (2) years of the passage of this ordinance.
- b. The Conditional Use Permit for such a business terminates with a change in ownership. The new owner must reapply for a conditional use permit addressing all of the requirements listed in this section.

I. Recreational Vehicle Campground Regulations

1. Purpose

It is the intent of this subsection to provide development standards for recreational vehicle campgrounds.

2. Conditional Use Permit

The establishment of a recreational vehicle campground as defined in section 4 requires a conditional use permit.

3. General Provisions

- a. Every person, organization or community establishing or having control of a recreational camping area shall locate such camp on an adequate site. Each camp shall be provided with satisfactory water supply and toilet and refuse disposal facilities. Fish cleaning houses shall be installed where needed.
- b. An applicant for a recreational camping area conditional use permit shall submit a general development plan for the proposed park including the following:
 - 1) the proposed site and existing development;
 - 2) proposed size, location and arrangement of buildings;
 - 3) parking areas and stall arrangements;
 - 4) entrance and exit drives;
 - 5) proposed sewer and water system; and
 - 6) recreation areas.

4. Caretaker

A responsible attendant or caretaker shall be in charge of every recreational camping area at all times 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.

5. Recreational Camping Area Location

No recreational camping area shall be so located that the drainage from the park or camp area will endanger any water supply. All such camps shall not be located in an area subject to flooding. No waste water from recreational camping vehicles shall be deposited on the surface of the ground.

6. Recreational Camping Area Spacing Requirements

In recreational camping areas, recreational camping vehicles shall be separated from each other and from other structures by at least ten (10) feet. Any accessory structure such as attached awnings, carports or individual storage facilities shall, for the purpose of this separation requirement, be considered to be part of the recreational camping vehicle. A site size appropriate to meet all spacing requirements shall be provided for each recreational camping vehicle in camping areas. All recreational camping vehicles shall be located at least one hundred (100) feet from any camping area property boundary line abutting upon a public street or highway and at least eighty (80) feet from other park property boundary lines. Recreational vehicle

campground sites must meet structure setback requirements from the ordinary high water mark of public waters.

7. Water Supply

Every recreational vehicle camp shall be provided with an adequate water supply system, the location, construction and operation of which complies with the standards referenced in this ordinance.

8. Toilets

- a. Every recreational vehicle camp shall be provided with adequate toilet facilities or privies. Water flush toilets shall be provided wherever a municipal sewage system can be operated and where water under pressure is available for the operation of water flush toilets. When a central building with water under pressure is provided, the ration of fixtures to tent sites shall be as follows:
 - 1) One wash basin for each ten (10) sites
 - 2) One lavatory for each ten (10) sites
 - 3) One shower for each fifteen (15) sites.
- b. There shall not be less than one (1) complete set of fixtures for each sex. Privies of the sealed concrete type shall be used where no municipal sewage system is available or where conditions are such that a sewage disposal system cannot be operated satisfactorily or water under pressure is not available. Such privies shall be located, constructed and operated in accordance with the standards of the State Board of Health and the MPCA. In shoreland areas, toilet facilities shall conform to setback standards cited in Section 10, subsection C, 4, d(#2). Toilet tissue shall be provided at each unit. Toilets shall be cleaned daily. All toilets and privies must be well ventilated and lighted. Artificial lighting shall be provided after daylight hours. Separate toilets or privies shall be provided for men and women. The location of all toilets shall be indicated by suitable signs. Facilities shall be identified by sign for each sex.
- c. When water flush toilets are used, a sewage disposal system acceptable to the State Board of Health and the MPCA shall be provided. Where water flush toilets are not provided, privies of the sealed concrete vault type which conform to a standard of construction acceptable to the State Board of Health and the MPCA shall be used. Toilets of the vault type hereinafter constructed shall be located at least fifty (50) feet from the nearest camp site.
- d. Whenever self-contained travel trailers, converted buses or trucks are accommodated, separate facilities for emptying the chemical toilets or reservoir tanks shall be provided in accordance with the standards of the State

Board of Health. All travel trailers, converted buses or trucks having sewage drains shall be connected to a sewage system or all drains shall be sealed for the duration of stay in the camping area. No post holes, shallow pits or buried metal drums shall be used for the disposal of liquid wastes.

9. Liquid Waste Disposal

Liquid wastes from the camp sites and other sources shall be combined with the liquid toilet waste or shall be disposed of separately by soil absorption in a manner which will not endanger the water supply, pollute any surface water, or create nuisances or otherwise constitute a hazard to public health and safety. Liquid waste disposal facilities shall be constructed for each four (4) sites to receive dishwater and other liquid wastes.

10. Garbage and Refuse Disposal

All garbage and refuse shall be stored and disposed of in a manner that will not create or tend to create a nuisance or provide a breeding place for flies. Garbage and refuse containers shall be constructed of nonabsorbent materials with tight fitting lids. All containers shall be washed at least once each week and sprayed with effective insecticides. Garbage or refuse containers shall be supplied for each four (4) campsites and shall be not more than two hundred (200) feet from the farthest site. Containers shall be emptied twice weekly or more often if required. Garbage and refuse may be disposed of by means acceptable to the County Board. Open refuse dumps are prohibited.

11. Picnic Areas

Picnic areas shall be provided with suitable toilets or privies and refuse containers consistent with the usage demands. Such facilities shall be constructed in accordance with standards of the State Board of Health and the MPCA.

12. Swimming Areas

Natural swimming areas shall be located only on lakes and streams which are relatively free from human, animal and industrial pollution and where swimming will not endanger the quality of a domestic water supply. Swimming areas shall be located at least seventy-five (75) feet (preferably one hundred fifty (150) feet) from boat docks or boat landing slips and shall be roped off by floats and cables to designate the safe limits of the swimming areas. Artificial swimming and wading pools shall be constructed in accordance with the standards of the State Board of Health.

13. Special District Provisions

Any principal structure hereafter erected, constructed, altered, moved, or substantially renovated in any manner which includes in its function the providing of services or entertainment for residents or tourists shall be equipped with indoor toilet and running water (hot and cold) facilities, an adequate heating system based on floor area and occupancy criteria, and facilities for maintaining access routes where operated on a year 'round basis. Any permanent structure shall conform to the density requirements, lot standards and setbacks established in the underlying zoning district or the district overlay, if applicable. It shall be the responsibility of the Zoning Administrator to evaluate the adequacy of utilities using standards established by the Board of County Commissioners and the State Department of Health.

J. Nuisance Standards

1. Noise

Any use established will be operated so that any accompanying noise shall be muffled so as not to become objectionable due to interference, beat frequency, shrillness, or intensity. Noise generated by agricultural use shall be exempted.

2. Vibration

Any use creating periodic earth shaking vibration shall be prohibited if undue vibrations are perceptible beyond boundaries of the property on which the use is located. The standard shall not apply to vibrations created during the process of construction.

3. Glare

Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be directed at or illuminate adjacent properties.

4. Smoke and Particulate Matter

Any use established, enlarged or remodeled after the effective date of this Ordinance shall be so operated as to meet the minimum requirements of the Minnesota Pollution Control Agency for the emission of smoke or particulate matter to the degree that it is not detrimental to or shall endanger the public safety, health, comfort or general welfare.

K. Fences and Screening

1. General Provisions

- a. In all districts where setbacks exist or are required, all developed uses shall provide a landscaped yard consisting of grass, decorative stones, shrubs, or trees along all streets or an approved fencing plan.
- b. Front yards shall be kept clear of all structures, storage and off street parking. Except for driveways, the yard shall extend along the entire frontage of the lot and along both streets in the case of a corner lot.

2. Fencing

- a. Where any business or industrial use 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 or industry is across the street from a residential zone, but not on that side of a business or industry considered to be the front, as determined by the Zoning Administrator.
- b. The screening required herein shall consist of a solid fence or wall at least seventy five percent (75%) opaque and shall not be less than five (5) feet nor more than six (6) feet in height, unless otherwise directed in this Ordinance or by the Planning Commission or County Board. The fence shall not extend to within fifteen (15) feet of any street or driveway opening onto a street. The screening shall be placed along the property lines or in case of screening along a street, twenty five (25) feet from the street right-of-way with landscaping, between the screening and the pavement.
- c. Fences over four (4) feet in height and with a security arm for barbed wire shall be permitted when needed for security reasons, as approved by the Zoning Administrator. Other fences shall require a Conditional Use Permit, unless such fencing is shown and described in a permit application for a project. Fencing shall be disregarded for the purpose of setback requirements.

3. Residential Fences

- a. Fences may be located on any lot line to a height of 3 ½ feet and a fence up to six (6) feet in height may be erected behind the nearest rear corner of the principal building.
- b. Should the rear lot line be common with the side lot line of an abutting lot, that portion of the rear lot line equal to the required front yard of the abutting lot shall not be fenced to a height of more than 3 ½ feet.

4. Vegetative Screening

- a. Required screening may consist of trees, shrubs, and berms, but shall not extend to within fifteen (15) feet of any street or driveway. The screening shall be placed along property lines, or in case of screening along a street, twenty five (25) feet from the street right-of-way with landscaping between the screening and pavement. Planting of a type approved by the County Board may also be required in addition to or in lieu of fencing.
- b. The vegetative screening area shall be maintained in an attractive condition at all times.