

- 6.27.08 Power and Communication Lines.** All on-site power and communication lines running between banks of solar panels and buildings, and all off-site lines running between the solar energy system to electric substations or interconnections, shall be buried underground. Exemptions may be granted in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
- 6.27.09 Waste Disposal.** Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.
- 6.27.10 Stormwater Management and Erosion Control.** Systems shall meet the requirements for stormwater management and erosion and sediment control as per the terms of this Ordinance.
- 6.27.11 Interconnection.** The owner, developer or operator of the Community Solar Energy System must submit an executed interconnection agreement with the electric utility in whose service territory the system is located prior to the Township issuing any building permits associated with the System. Off-grid systems are exempt from this requirement.
- 6.27.12 Noise.** All Community Solar Energy Systems shall comply with Minnesota Rules 7030 governing noise.
- 6.27.13 Electrical Codes and Standards.** All Community Solar Energy Systems and accessory equipment shall comply with the National Electrical Code and other applicable standards. Photovoltaic solar energy system components must have an Underwriters Laboratory (UL) listing or other third-party certification provided by an American National Standards Institute accredited organization.
- 6.27.14 Minnesota State Building Code.** All Community Solar Energy System structures shall comply with the International Building Code as adopted by the State of Minnesota Building Code.
- 6.27.15 Maximum Height.** Ground mounted systems shall not exceed fifteen (15) feet in height at maximum design tilt.
- 6.27.16 Glare.** 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, or site screening, berming, or buffering. All proposed projects shall conduct and submit a glare study to identify potential impacts and mitigation strategies. To complete this glare study, the applicant can use the Solar Glare Hazard Analysis Tool (SGHAT). Once installed, if the solar energy system creates glare onto neighboring properties and/or streets and highways and the Township determines that such glare constitutes a nuisance, the Township shall require a more detailed glare study –prepared by a third-party consultant mutually acceptable to the Township and

applicant – to identify additional actions and/or screening that may be required to substantially eliminate or block the glare from entering the neighboring property and/or street and highway.

6.27.17 Setbacks. All equipment and structures shall meet the front, side and rear yard setbacks for principal structures for the zoning district in which the system is located.

6.27.18 Security Fencing. All boundary line fencing shall be located entirely upon the property of the System. Fences shall consist of open fencing such as chain link or barbed wire. Fences shall not exceed eight (8) feet in height, which includes barbed wire toppings.

6.27.19 Screening. A berm and/or a continuous evergreen vegetative buffer shall be provided and maintained at all times around the perimeter of the fencing that faces a.) public road right-of-way, b.) an existing residence or farmstead not on the subject parcel, or c.) residentially zoned or platted property. The evergreen vegetative buffer shall be composed of evergreen trees or shrubs of a type which at time of planting shall be a minimum of four (4) feet in height and which shall be maintained at maturity at a height of eight (8) feet in height to screen the fence. The evergreen trees or shrubs shall be spaced no more than 12 feet apart.

6.27.20 Application requirements. The following information shall be provided to the zoning administrator prior to issuance of the conditional use permit:

(1) **General information** regarding the proposed project including, but not limited to, the following:

- (a) The names of project applicant.
- (b) The name of the project owner.
- (c) The legal description and address of the project.
- (d) Documentation of land ownership or legal control of the property.
- (e) A description of the project including: ownership or lease arrangement, the proposed installed maximum capacity, in kilowatts, for the site, proposed type of mounting and racking systems, along with manufacturers specifications or engineering designs for mounting and racking, the method of connecting the system to the electric load; the types of panels that will be installed.
- (f) Glare Study
- (g) A copy of the interconnection agreement with the local electric utility
- (h) Decommissioning Plan
- (i) Landscape and Screening Plan
- (j) Existing vegetation (list type and percentage of coverage) and soils information for the proposed site

(1) **A site plan drawn to scale of existing conditions** showing the following:

- (a) Existing property lines and property lines extending one hundred (100) feet from the exterior boundaries, including the names of the adjacent property owners and current use of those properties
- (b) Existing public and private roads, showing widths of the roads and any associated easements
- (c) Location and size of any abandoned wells, sewage treatment systems and dumps

- (d) Existing buildings and any impervious surface
 - (e) Topography at two (2) foot intervals and source of contour interval, unless determined otherwise by the zoning administrator. A contour map of the surrounding properties may also be required
 - (f) Existing vegetation (list type and percent of coverage; i.e. grassland, plowed field, wooded areas, etc.)
 - (g) Waterways, watercourses, lakes and public water wetlands
 - (h) Delineated wetland boundaries
 - (i) The one hundred (100)-year flood elevation and Regulatory Flood Protection Elevation, if available
 - (j) Floodway, flood fringe and/or general flood plain district boundary, if applicable
 - (k) The shoreland district boundary, if any portion of the project is in a shoreland overlay district
 - (l) In the shoreland overlay district, the ordinary high-water level and the highest known water level
 - (m) In the shoreland overlay district, the toe and top of any bluffs within the project boundaries
 - (n) Mapped soils per the Hubbard County Soil Survey
 - (o) Surface water drainage patterns
- (2) **Site Plan drawn to scale of proposed conditions** showing the following:
- (a) Location and spacing of solar panels
 - (b) Location of access roads
 - (c) Planned location of underground or overhead electric lines connecting the solar farm to the building, substation or other electric load
 - (d) New electrical equipment other than at the existing building or substation that is the connection point for the solar farm
 - (e) Proposed erosion and sediment control measures as required in *Section 6.09 of this Ordinance*.
 - (f) Sketch elevation of the premises accurately depicting the proposed solar energy conversion system and its relationship to structures on adjacent lots (if any)
 - (g) Proposed location and type of fencing
 - (f) Surface water drainage patterns
 - (h) Location of county and private tile drainage systems (if any)
 - (i) In use wells and sewage treatment systems
 - (j) Abandoned wells, sewage treatment sites and dumpsites
 - (k) All other characteristics requested by the Township
- (3) Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks;
- (4) The number of panels to be installed;
- (5) A description of the method of connecting the array to a building or substation;
- (6) A copy of the interconnection agreement with the local electric utility or a written explanation outlining why an interconnection agreement is not necessary;

(7) A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet the provisions of *Hubbard County Solid Waste Ordinance; or successor ordinance*. The Board will require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning equal to 125% of the estimated amount as determined by the Township.

(8) Aviation Analysis. If the project is within two miles of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or successor policy. The applicant must also complete the Air Space Case Analysis (Form 7460) and provide the results.

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

6.27.21 Standards for Solar Energy Systems, Accessory. Solar energy systems are a permitted accessory use in all zoning districts, subject to the *administrative requirements of Section 3* and the following standards.

6.27.22 Accessory Building Limit. Ground mounted systems shall count as an accessory building structure for the purpose of meeting limits on the number of accessory structures allowed per lot and the coverage limits, as set in this Ordinance.

6.27.23 Height. Active solar systems are subject to the following height requirements:

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

(2) Ground or pole-mounted solar systems shall not exceed twenty-five (25) feet in height when oriented at maximum tilt.

6.27.24 Location within Lot. Solar systems must meet the accessory structure setback for the zoning district.

(1) Roof-mounted Solar Systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar systems that are parallel to the roof surface shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. The collector and racking for roof-mounted systems that have a greater pitch than the roof surface shall be set back from all roof edges by at least two (2) feet.

Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.

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

6.27.25 Stormwater management shall meet the requirements of *Section 7.25 of Hubbard County Ordinance*.

6.27.26 Erosion and sediment control shall meet the requirements of Section 6.09 of this Ordinance.

6.27.27 Approved Solar Components. Electric solar system components must have documentation that the products have been independently tested by a Nationally Recognized Testing Laboratory.

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

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

6.28 Temporary Structure during Construction

6.28.01 Temporary structures are permitted with an interim use permit in all districts for the duration of the construction project with which they are associated up to one year. Temporary structures are to be removed upon completion of the project.

6.28.02 No accessory building shall be used at any time as a dwelling unit, except that an accessory building may be occupied as a temporary dwelling for a period of not more than one year (1 year) if construction of a permanent dwelling is under construction during occupancy of the accessory building and further that the accessory building is provided with garage doors.

6.29 Temporary Uses/Special Events

Except as provided in this section, the following temporary uses and special events shall be permitted in all zoning districts provided such temporary use or special event complies with the regulations of the zoning district in which the property is located and all other applicable regulations of this Ordinance are complied with:

6.29.01 **Garage sales** shall be limited to a total of ten (10) days of operation per calendar year at any residential location.

- 6.29.02** **Storage** of building materials and equipment or temporary buildings for construction purposes may be located on the site under construction for the duration of the construction or a period of one (1) year, whichever is less.
- 6.29.03** **Promotional** activities including outdoor sales and display may be allowed as a temporary use in commercial districts for a maximum of thirty (30) days per calendar year. Such sales and display may also be conducted within a tent or other temporary structure.
- 6.29.04** **Promotional** activities including outdoor sales and displays may be allowed as a temporary use in the Agricultural district for a maximum of sixty (60) days.
- 6.29.05** **In** addition to the temporary uses and special events listed above, the zoning administrator may allow in writing other temporary uses or special events for a maximum of fifteen (15) days per calendar year, if the proposed temporary use or special event is substantially similar to the temporary uses and special events listed above.

6.30 Traffic Visibility

Nothing shall be placed or allowed to grow on corner lots in such a manner as to impede vision on the intersecting roadways. A clear line of vision between two and one-half (2.5) feet and ten (10) feet above the centerline grades of the intersecting roadways shall be maintained from the intersection to fifty (50) feet along each roadway (sight triangle).

6.31 Trash Enclosures

Trash enclosures or recycling collection areas, when provided for any property other than one containing residential uses, shall be enclosed on at least three sides by a neutral colored fence or other screening material that is eighty (80) percent opaque on a year around basis to a height of at least six (6) feet. The open side of the enclosure shall not face any street or the front yard of any abutting property.

6.33 Water Pollution

All uses shall comply with the standards governing water pollution as regulated by the Minnesota Pollution Control Agency and Minnesota Department of Health.

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SPECIFIC PERFORMANCE STANDARDS

7.01. Accessory Structures Residential

- 7.01.01 Residential accessory structures may be erected as a part of the principal structure or may be connected to it by a roofed-over-porch, patio, breezeway or similar structure or it may be completely detached. If attached to the principal structure, a residential accessory building shall be structurally a part of it and shall comply in all respects with the requirements applicable to the principal structure.
- 7.01.02 No residential accessory structure shall be less than fifteen feet [15 feet] from the principal residential building on the lot.
- 7.01.03 All residential accessory structures, except those located in a Residential Manufactured Home District, shall comply with the following standards:
- A. Except as provided for in *Item B* below of this Ordinance, the maximum residential accessory building area shall be five (5) percent of the total lot area.
 - B. One garage of up to nine hundred (900) square feet, whether detached or attached to the principal residential structure, shall not be considered in the calculation of the cumulative residential accessory building area. However, an attached garage shall not exceed the square footage of the outside dimension of the principal residential structure.
 - C. All setback and building height requirements shall be met
 - D. Semi-trailers, cargo containers, railroad cars, and manufactured homes shall not be used for storage.
 - E. No residential accessory building shall be used as a residential dwelling unit. No commercial use or commercial related storage is allowed in this structure, except as otherwise allowed with the operation of a home business.
 - F. Decks are not allowed on any detached accessory structures.
 - G. Sewage treatment shall be provided for the accessory dwelling unit in accordance with Hubbard County Sanitary Ordinance rules and regulations, as amended.
 - H. An accessory dwelling unit and its supporting parking area shall be served by the same driveway and access that serves the principal single-family dwelling.
 - I. Design and Appearance:
 - a. The exterior design of an accessory dwelling unit shall incorporate a similar architectural style, roof pitch, colors, and materials as the principal single-family dwelling on the lot.
 - b. Attached accessory dwelling units shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family dwelling.
 - c. Detached accessory dwelling units shall be situated in such a way as to minimize its visibility from adjacent streets and properties.
 - d. All related aesthetic matters including architecture and landscaping shall be subject to review by the Zoning Administrator and/or the Town Board.
 - J. An accessory dwelling unit shall not be subdivided nor otherwise segregated in ownership from the principal single-family dwelling.
 - K. The accessory dwelling unit shall comply with all other local and state regulations.
 - M. Additional conditions may be imposed to ensure that the proposed use is compatible with the surrounding land uses.

- 7.01.04 In the RR (Rural Residential) land use district, the height of a residential accessory structure shall be no higher than twenty (20) feet.
- 7.01.05 Semi-trailers, cargo containers, railroad cars, playhouses, may not be used as an accessory structure for storage or habitation.

7.02. Agricultural Standards

It is the policy of Todd Township to conserve and protect its agricultural land to produce food and other agricultural products. The township recognizes the increased use of land for residential purposes in the township and finds that when non-agricultural land uses extend into agricultural areas, agricultural operations may become more difficult to perform. As a result, agricultural operations are sometimes curtailed or cease entirely, and farmers may be prevented from making investments in farm improvements. It is the purpose of this Section to reduce the loss of productive agricultural land and those resources which contribute to the township's economy by limiting the circumstances under which agricultural operations may be deemed to be a nuisance, in addition to those limitations set forth in Minnesota Statutes § 561.19, which is incorporated by reference.

- 7.02.01 Feedlots in an agricultural land use district shall comply with the Minnesota Pollution Control Agency feedlot rules, as amended from time to time.
- 7.02.02 An agricultural operation, which is part of a family farm, is not and shall not become a private or public nuisance after six years from its established date of operation unless it fails due to permitting issues or failure to meet state and federal agricultural rules and regulations.
- 7.02.03 Agricultural activities are allowed in all land use districts, but shall not be expanded or intensified in the Rural Residential and Commercial Districts.
- 7.02.04 On any Agricultural district parcel, equal to or greater than ten acres [10 acres] in size, there shall be no limit to the number of accessory buildings allowed on a parcel if the impervious coverage and setback standards are observed.
- 7.02.05 Agricultural accessory buildings shall be used for agricultural use only. No commercial use or commercial related storage is allowed in these structures, except as otherwise allowed by this ordinance.
- 7.02.06 Agricultural accessory buildings that are not classified as an agricultural property under the County's tax classification system shall be considered a residential accessory building and shall meet the performance standards of Section 7.01 of this ordinance.
- 7.02.07 Semi-trailers, cargo containers, railroad cars, manufactured homes shall not be used for storage or habitation.

7.03 Bed & Breakfast / Boarding Homes Standards

7.03.01 Standards. Bed and Breakfast Inns shall comply with the following standards:

- A. A bed and breakfast inn shall be part of an owner-occupied residential structure, except that one (1) guestroom may be located outside the owner occupied structure.
- B. The use shall comply with all applicable Federal, State, County and Township rules and regulations including, but not limited to, obtaining all required licenses and shall comply with all building and fire codes that may be applicable.
- C. The bed and breakfast inn shall be owner-operated and occupied.
- D. The exterior appearance of the structure shall not be altered from its single family character.
- E. All guestrooms shall be located within the principal residential structure except for the one guestroom in the outside owner-occupied structure.
- F. The total number of guestrooms shall be limited to five (5).
- G. Primary entrance to all guestrooms shall be from within the dwelling.
- H. A guest register shall be maintained and available for inspection.
- I. Guests are limited to a length of stay of no more than fourteen (14) consecutive days.
- J. No food preparation or cooking shall be conducted within any of the guestrooms.
- K. Food service shall be limited to breakfast. Dining and other facilities shall not be open to the public but shall be used exclusively by the registered guests and residents.
- L. No other commercial use shall occur on the property, including home occupations. Activities including luncheons, banquets, parties, weddings, meetings, fund raising events or other gatherings for direct or indirect compensation is prohibited in a bed and breakfast inn.
- M. Parking shall be accommodated on the property and parking requirements for guests are in addition to those required for the principal residential use. Additionally, parking shall meet the requirements of *Section 6.21 of this Ordinance*.
- N. Signs shall meet the requirements of *Section 9 of this Ordinance*.

7.03.02 License Required

A Bed and Breakfast Inn shall be licensed by Minnesota Department of Health as well as any other permitting agencies inclusive of Hubbard County in the Shoreland Overlay District and shall meet the requirements of the State or County rules and regulations, and *their successor ordinances*.

7.04 Cemeteries

7.04.01 Standards. A cemetery shall be subject to the following standards:

- A. The use shall comply with all applicable Federal, State and County rules and regulations.
- B. Burial plots, grave markers, monuments and building shall meet the building and

- setback requirements of any applicable zoning district.
- C. Grave sites and structures used for burial or entombment shall be setback fifty (50) feet from wells or surface water bodies.
- D. Cemeteries are prohibited below the regulatory flood protection elevation as defined by the State of Minnesota Department of Natural Resources.
- E. Crematoria are prohibited.
- F. Signs shall meet the requirements of *Section 9 of this Ordinance*.
- G. Parking shall meet the requirements of *Section 6.21 of this Ordinance*.

7.05 Churches

A church shall be subject to the following standards:

- 7.05.01 The facility shall be served by a minor collector or higher functional classification of roadway, except that the proposed use may be served by a lesser functional class of roadway if the responsible road authority grants written permission for such use at the proposed location.
- 7.05.02 The parcel shall have a lot area no less than four (4) times the area of the building footprint.
- 7.05.03 Parking shall meet the requirements of *Section 6.21 of this Ordinance*.
- 7.05.04 A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
- 7.05.05 The grounds and all structures shall be maintained in a clean and safe manner.
- 7.05.06 To the extent possible, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings and exterior materials shall be compatible with those used in the immediate neighborhood.
- 7.05.07 Signs shall meet the requirements of *Section 9 of this Ordinance*.

7.06. Contractors Yard

- 7.06.01 Standards. A contractor's yard shall comply with the following standards:
 - A. The site shall be served by a minor arterial or higher functional class of roadway, except that the proposed use may be served by a lesser functional class or roadway if the responsible road authority grants written permission for such use at the proposed location.
 - B. Buildings, parking areas, loading areas and exterior storage shall meet the setback requirements of this Ordinance.
 - C. Parking shall meet the requirements of *Section 6.21 of this Ordinance*.
 - D. Signs shall meet the requirements of *Section 9 of this Ordinance*.
 - E. Outdoor storage areas may be allowed as an accessory use provided they are located

- to the rear of the structure, fenced and adequately screened from adjacent land uses and public roadways in accordance with *Section 7.23 of this Ordinance*.
- F. Off-street parking shall be provided for any non-resident employees.
- G. The outdoor storage of goods, equipment or other materials used for the contractors' yard may be allowed, subject to *Section 7.23 of this Ordinance*.
- H. No more than four (4) employees may be engaged in the conduct of the contractors' yard at any one time on a regular basis. This does not include employees who are on-site only to pick up and drop off equipment and materials.
- I. There may be a maximum of twenty (20) commercially licensed motorized vehicles associated with the Contractors' Yard (including trucks and trailers.)
- J. Crushing and/or screening of gravel, recycled asphalt pavement or recycled concrete shall meet the requirements of *Section 7.20 of this Ordinance*.

7.07 Commercial Standards

- 7.07.01 Signing shall conform to the Sign standards in Section 9 of this ordinance.
- 7.07.02 Parking shall conform to this ordinance and will be shown on the site or plot plan when presented for review.
- 7.07.03 As required, all state and federal rules and regulations will be followed regarding stormwater and erosion control practices. If necessary, a (National Pollution Discharge Emission System, "NPDES") permit may be required.
- 7.07.04 On-site wastewater treatment system(s) (or other approved system(s)) meets with the approval of Hubbard County and sufficient land is permanently set aside for a similar wastewater treatment area.
- 7.07.05 The State Well Code's rules and regulations from the Minnesota Department of Health are followed, as amended from time to time.
- 7.07.06 The appropriate road authority authorizes access onto the public road from the parcel.
- 7.07.07 Except for the display of merchandise for sale, outside storage is required to be screened from view from public roads and abutting operations and/or residences.
- 7.07.08 No animal other than is necessary for the maintenance, operation or protection of facilities or premises shall be allowed in any commercial land uses.
- 7.07.09 Commercial accessory structures are permitted provided they are accessory to an approved commercial use and on the same parcel, and can meet all setbacks for that Land Use District. The Zoning Administrator may require additional screening from public roadways, recreational trails and other public corridors and may require exterior siding or colors that make the structure less conspicuous as viewed from adjacent properties.
- 7.07.10 Semi-trailers, cargo containers, railroad cars, and manufactured homes shall not be used for storage or habitation.

7.08 Community Centers

- 7.08.01. All Community Centers and Facilities that are operated by a public agency shall be allowed if the following standards are met:
- A. The lot is of sufficient size to meet the side and rear yard setbacks of the land use district in which the use is located.
 - B. On-site parking can be met per this ordinance in Section 9.
 - C. On-site wastewater treatment system (or other approved system) meets with the approval of Hubbard County and sufficient land is permanently set aside for a similar wastewater treatment area for the future.
 - D. The MN Department of Health State Well Code's rules and regulations are followed, as amended from time to time
 - E. Appropriate road authority authorizes access onto the public road from the parcel.
 - F. The authorization to place the use on the parcel was done at a public informational meeting where members of the public had an opportunity to know about the proposed use and comment on it.

7.09 Domestic Animals

- 7.09.01 **Domestic Animals:** For purposes of this Section, domestic animals shall be defined as house pets such as dogs, cats, traditional and typical animal pets, and birds (not including pigeons, chickens, geese, turkeys or other domestic fowl) which can be contained within a principal structure throughout the entire year, if the containment can be accomplished without special modification to the structure requiring a permit from the township. In addition, it includes rabbits normally sheltered outside the home.
- 7.09.02 The keeping of domestic animals is an allowed use in all zoning districts.
- A. The keeping of two domestic animals is allowed on properties less than two acres within all zoning districts.
 - B. The keeping of domestic animals is an allowed use on properties greater than two acres within all zoning districts.
- 7.09.03 **Farm Animals:** Cattle, hogs, bees, sheep, goats, chickens, turkeys, horses and other animals traditionally and commonly accepted as farm animals in the State of Minnesota.
- A. The keeping and maintaining of farm and domestic animals, including live stock and horses, shall be allowed within the Agricultural land use district and on sites qualifying as farms in all other zoning districts.

7.10 Drive-in Business

7.10.01 Standards. Drive-in businesses shall be subject to the administrative provisions of *Section 3.13 of this Ordinance* and the following performance standards.

- A. The drive-in function shall be accessory to a conforming restaurant or service facility.
- B. Drive-in businesses shall be served by a minor collector or higher functional classification of roadway, except that the proposed use may be served by a lesser functional class of roadway if the responsible road authority grants written permission for such use at the proposed location.
- C. A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
- D. The site shall accommodate a car stacking distance of at least six (6) cars without infringing upon the local roadways.
- E. A speaker system, if provided, shall not be audible from any residential parcel.
- F. The drive-in business shall be buffered from adjacent residential uses with landscaping, fencing or other acceptable methods of screening in accordance with *Section 6.26 of this Ordinance*.
- G. Parking shall meet the requirements of *Section 6.21 of this Ordinance*
- H. Signs shall meet the requirements of *Section 9 of this Ordinance*.

7.11 Eating and Drinking Establishments

7.11.01 Standards. Eating and drinking establishments shall be subject to the following performance standards:

- A. The parcel shall have a lot area no less than four (4) times the area of the building footprint.
- B. The use shall comply with all applicable Federal, State and County rules and regulations.
- C. A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
- D. Parking shall meet the requirements of *Section 6.21 of this Ordinance*.
- E. All parking areas and access drives to the parking areas shall be durable and dustless.
- F. The building and parking area shall be buffered from adjacent uses with landscaping, fencing or other acceptable methods in accordance with *Section 6.26 of this Ordinance*.
- G. To the extent possible, new construction or additions to existing buildings shall be complementary to and compatible with the scale and character of the surroundings and exterior materials shall be compatible with those used in the immediate neighborhood.
- H. Signs shall meet the requirements of *Section 9 of this Ordinance*.

7.11.02 License Required

Eating and drinking establishments shall be licensed by the State Department of Health and other permitting agencies.

7.12 Gasoline Stations and/or Convenience Stores

7.12.01 Performance standards. Gasoline stations and/or convenience stores shall be subject to the administrative provisions of *Section 3.13 of this Ordinance* and the following standards:

- A. The parcel shall have a lot area no less than four (4) times the area of the building footprint.
- B. The use shall comply with all applicable local, state and federal laws, rules, regulations and ordinances.
- C. Buildings, canopies and pump islands shall meet the setback requirements of the applicable zoning district.
- D. A minimum landscape buffer of twenty-five (25) feet in width shall be planted and maintained along all abutting public rights-of-way.
- E. There shall be no hazardous material runoff.
- F. Wherever fuel pumps are installed, pump islands shall be installed.
- G. A transportation management plan shall be submitted to address off-street parking, loading and unloading, traffic control and the impact of the facility on surrounding roadways.
- H. An environmental management plan, including a water and sewer management plan to address the use of water and the treatment of waste onsite and a storm water and drainage plan shall be submitted to address the impact of the facility on the environment.
- I. Only vehicles owned by employees or customers awaiting service can be parked on site. Parking shall meet the requirements of *Section 6.21 of this Ordinance*.
- J. The storage of salvage vehicles is prohibited.
- K. Any outdoor lighting system shall be designed to prevent any light from being directly visible from a public right-of-way or an adjacent use and meet the requirements of *Section 6.15 of this Ordinance*.
- L. All areas used for storage or trash disposal shall be fully screened from adjacent land uses and public roadways in accordance of *Section 7.23 and 7.28 of this Ordinance*.
- M. The storage of hazardous materials and/or motor vehicle parts shall be prohibited.
- N. The grounds and all structures shall be maintained in a clean and safe manner.
- O. Signs shall meet the requirements of *Section 9 of this Ordinance*.

7.13 Golf Courses

7.13.01 Standards. A golf course shall be subject to the following standards:

- A. Storage of pesticides and fertilizers shall follow the standards of The Minnesota Department of Agriculture. A plan shall be submitted for storage and use of pesticides and fertilizers at the facility.
- B. Accessory uses shall be limited to a driving range, putting greens, pro shop, club house and locker facilities, maintenance buildings, course shelters and cart storage facilities.
- C. Golf courses shall be designed with environmental resources in mind. Performance standards to this effect include:
 - 1. Water recycling and conservation through on-site storage and use facilities;
 - 2. Use of landscaped buffers and other best management practices (BMP's) to minimize fertilizer runoff and other chemicals from entering surface water bodies;
 - 3. Use of landscaping and careful layout of golf course to preserve and enhance wildlife habitat though preservation of existing vegetation and habitat as well as the creation of new habitat opportunities.
- D. A planted buffer may be required to screen adjacent residential and other uses with potential conflicts with golf course activities in accordance with *Section 6.26 of this Ordinance*.
- E. Parking shall meet the requirements of *Section 6.21 of this ordinance*.
- F. A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
- G. Signs shall meet the requirements of *Section 9 of this ordinance*.
- H. A caretaker residence may be allowed. The residence shall be used strictly for the caretaker and his/her family members. The caretaker residence shall be accessed via the access road to the golf course.
- I. Screening for waste disposal will be required for all waste streams.
- J. All golf course services shall also have compliant sanitary facilities and well facilities.
- K. Any outdoor lighting system shall be designed to prevent any light from being directly visible from a public right-of-way or an adjacent use and meet the requirements of *Section 6.11 of this Ordinance*.
- L. Hours of business will be approved as part of the permit.
- M. All areas used for storage or trash disposal shall be fully screened from adjacent land uses and public roadways in accordance of *Section 7.23 and 7.28 of this Ordinance*.
- N. The grounds and all structures shall be maintained in a clean and safe manner.

7.13.02 Licenses Required.

Club houses that serve food and beverages will be required to obtain and submit all other necessary licenses **prior** to a permit issued by the Township.

7.14 Grocery Stores

7.14.01 Standards. A grocery store shall be subject to the following performance standards.

- A. The site shall be served by a minor collector or higher functional classification of roadway, except that the proposed use may be served by a lesser functional class of roadway if the responsible road authority grants written permission for such use at the proposed location.
- B. The parcel shall have a lot area no less than four (4) times the area of the building footprint.
- C. A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
- D. Parking shall meet the requirements of *Section 6.21 of this Ordinance*.
- E. The building and parking areas shall be buffered from adjacent uses with landscaping, fencing or other acceptable methods of screening in accordance with *Section 6.26 of this Ordinance*.
- F. All areas used for trash disposal shall be fully screened from adjacent land uses and public roadways in accordance with *Section 6.26 of this Ordinance*.
- G. To the extent possible, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings and exterior materials shall be compatible with those used in the immediate neighborhood.
- H. Signs shall meet the requirements of *Section 9 of this Ordinance*.
- I. A grocery store shall have public sanitary and well facilities.
- J. Screening in accordance with *Section 6.26* for waste disposal will be required for all waste streams.

7.15 Guest Cottage

7.15.01 Standards. A guest cottage shall be subject to the following standards:

- A. Guest cottage will be allowed as a "permitted" use in the Agricultural and Rural Residential District if less than six-hundred square feet. (600 square feet).
- B. If the guest cottage is greater than six-hundred square feet (600 square feet), the use will require a Conditional Use Permit.
- C. A guest cottage shall not cover more than seven hundred (700) square feet of land surface and shall not exceed fifteen (15) feet in height.
- D. Guest cottages shall be an accessory to the primary structure on the same parcel and identified as such.
- E. A guest cottage shall be located or designed to reduce its visibility as viewed from public roads, public waters and adjacent wetlands by vegetation, screening, topography, increased setbacks, color or other means acceptable to the zoning administrator and township, assuming summer leaf-on conditions.
- F. A guest cottage shall also have compliant sanitary facilities and well facilities.

7.16 Home Business Standards

A use of a residential property for a non-residential commercial use by the inhabitants therein which may be conducted inside as well as outside the primary residence.

- 7.16.01 All home businesses require a conditional use permit. There shall be a primary residence on the property that is occupied by the business owner.
- 7.16.02 All waste is to be disposed in accordance with Hubbard County and State regulations.
- 7.16.03 The applicable road authority shall review the road that provides access to the parcel to determine that the road may be utilized by the home business without adversely impacting the public safety or ability of the road to support the traffic.
- 7.16.04 The MN State Well Code rules and regulations from the Minnesota Department of Health are to be followed, as amended from time to time.
- 7.16.05 The on-site wastewater treatment system (or other approved system) meets with the approval of Hubbard County and sufficient land is permanently set aside for a similar wastewater treatment area for the future. If a Class V injection well system is required, then the MPCA rules and regulations must be met and a contract with a service provider provided for the township's files.
- 7.16.06 Refer to the relevant sign language in Section 9 for each land use district in this ordinance.
- 7.16.07 There will be off-street parking for the residents and employees, and a minimum of two [2] off-street parking spaces for the business clients. All employee parking must be out of site and/or screened from view.
- 7.16.08 The outdoor storage of items shall be screened from view from public roads, abutting residences, public surface water and public recreational facilities.
- 7.16.09 The landowners must notify the Park Rapids Fire Department if there are any hazardous, toxic, or flammable materials kept on the property and a letter to be submitted, for the township files, that this has been done.
- 7.16.09 The Home Business shall not be a salvage yard, or other use that is commercial or industrial in character.
- 7.16.10 Vehicles associated with the home occupation with advertising on them shall be limited to two [2] cars, trucks or vans, which shall not be parked within public right-of-ways.
- 7.16.12 All motorized vehicle businesses or generators of hazardous waste as defined in Minnesota Statutes § 116.06, Subd. 11 must conform to State and local regulations.
- 7.16.13 All buildings used in conjunction with the home extended business shall meet the requirements of the State Building Code.
- 7.16.14 All on-site production, assembly, sales, and service shall be conducted within a building approved for the home business.

- 7.16.15 No liquid, gaseous and solid wastes resulting from the use shall be discharged into the soil, water or air until the specific methods and means of discharge have been reviewed and approved by the appropriate local, county, state or federal agency.
- 7.16.16 The operator shall provide evidence of a contract for the removal of all solid wastes by a licensed hauler to an approved site.
- 7.16.17 The use shall comply with all applicable Minnesota Statutes if the property is enrolled in the Agricultural Preserve Program.
- 7.16.18 On-site working hours may be set by the Township.
- 7.16.19 The Planning Commission may impose conditions on home businesses such as, but not limited to, hours of operation, noise pollution, parking provisions, lighting, and equipment storage in addition to the above.

7.17 Home Occupation Standards

A use of a primary residence for a non-residential commercial use by only the inhabitants therein which is clearly incidental and secondary to the primary use.

- 7.17.01 A Home Occupation is allowed with an Interim Use Permit in all designated districts except Commercial.
- 7.17.02 There shall be a primary residence on the property that is occupied by the business owner.
- 7.17.03 Refer to the relevant sign language for each Land Use District in this Ordinance.
- 7.17.04 All waste to be disposed of in accordance with Hubbard County and State Regulations.
- 7.17.05 All state well regulations for the home occupation must be met.
- 7.17.06 No outside storage of material or equipment unless screened appropriately.
- 7.17.07 County and State wastewater treatment regulations must be met for the type of home occupation.
- 7.17.08 No person shall be employed other than a member of the household residing on the premises.
- 7.17.09 The home occupation shall not generate more than three (3) client/customer vehicles at any one time and all parking shall be provided on-site.
- 7.17.10 The home occupation shall not require alterations to the exterior of the residence or change the residential character.
- 7.17.11 The home occupation shall comply with all county, state and federal regulations.