

## Chapter 10

### Particular Use Requirements

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- 10.01 Purpose.** The purpose of the requirements in this chapter is to minimize potential negative impacts from certain, specified uses and to promote compatibility between those uses and surrounding uses.
- 10.02 Junk/Salvage Yards.** Salvage and junk yards are a conditional/interim use in the A-1 zoning district. Junk/Salvage Yards shall obtain a conditional/interim use permit and satisfy the criteria for granting a conditional/interim use permit contained in this Ordinance and shall meet the following standards:
- (1) The salvage or junk yard shall be adequately screened from adjacent properties and roads. Natural vegetation and earth forms shall be the preferred method of screening, with the actual design of screening to be determined by the Planning Commission as part of their review of the Conditional Use application.
  - (2) Hours of outside operations for salvage and junk yards shall be considered as part of the Conditional/Interim Use Permit process, as may be found to be appropriate on a case by case basis.
  - (3) Any new junk and/or salvage reclamation yard site shall not border on a residential zoned area, nor shall it border on any shoreland area. In addition, any new salvage or junkyard shall be located a minimum of 1,000 feet from any existing dwelling.
  - (4) All vehicles shall remain upright unless the motor and running gear has been removed.
  - (5) No stacking of vehicles is permitted until all fluids are properly removed. All automobile bodies or chassis or major portions thereof, shall be stored in rows not more than two (2) rows deep, with a space of at least twelve (12) feet between rows for purposes of providing a fire lane.
  - (6) 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 or other salvage or junk. Additionally, all autos, salvage or junk shall be setback at least ten (10) feet from the rear and side property lines.
  - (7) No portion of the business operation of a new junk and/or salvage reclamation yard is permitted in any floodplain area, wetland, or in areas where groundwater is less than three (3) feet from the ground surface. Existing junk and/or salvage reclamation yards may not expand in any floodplain, wetland, or in areas where groundwater is less than three (3) feet from the ground surface.
  - (8) The Conditional/Interim Use Permit Application shall be accompanied by the following information:
    - (a) Site plan that includes the location of buildings and storage areas and all applicable linear dimensions.

- (b) Screening plans.
  - (c) A hazardous waste plan that conforms to MPCA guidelines and addresses the handling and storage of any or all of the following:
    - 1. Motor oil and fuel
    - 2. CFCs (chlorofluoro carbons)
    - 3. Auto or other motorized vehicle batteries,
    - 4. Antifreeze,
    - 5. Mercury Components, and any other substance as requested by the Zoning Administrator, Planning Commission or County Board.
- (9) Any other additional information as contained in the application and requested by the Planning Commission.

**10.03 Commercial Recreation Facilities (Indoor or Outdoor).**

- (1) Commercial recreation facilities which may include golf courses, driving ranges, tennis courts, skiing, swimming pools, motocross, paintball courses, recreational trails and park facilities are conditional/interim uses in the A-1, A-2, and A-3 zoning districts. Commercial recreation facilities are limited in the R-1 district to only allow for golf courses, tennis courts, basketball courts, or swimming pools open to the public. All commercial recreation facilities shall obtain a conditional use permit and satisfy the criteria for granting a conditional use permit as required in this Ordinance.
- (2) The use shall not result in the degradation of any water feature or sensitive resource area that is located on site or adjacent to the subject property.
- (3) The access driveway(s) to the commercial recreation facility shall be approved by the County Engineer.
- (4) Any existing commercial recreation facility that expands, increases in area, adds any other different use that is more intensive or not similar to the original use shall comply with this Ordinance.

**10.04 Commercial Communication Towers.** The purpose of this section is to accommodate the communication needs of residents and businesses while protecting public health, safety and general welfare of the community; facilitating the provision of wireless communication services to residents and businesses; minimizing adverse visual effects of towers through siting standards, avoiding potential damage to adjacent properties from tower failure, and maximizing the use of existing and approved towers in order to reduce the number of towers needed to serve the community. Amateur radio, television towers and antennas, and exempted satellite dishes are exempt from this section and shall not require a conditional use permit.

- (1) Applications for towers shall include the following supplemental information.
  - (a) The name and address of the operator and owner of land.
  - (b) Legal description indicating extent of property and acreage. With a survey and/or general site plan of the tower and related facilities, as determined by the Department of Environmental Services.

- (c) A narrative outlining the type of tower, life expectancy of the tower, and other pertinent information to explain the request in detail.
  - (d) A report from a qualified and licensed engineer including a description of the tower height and design, including a cross section and elevation. It must also demonstrate the tower's compliance with all applicable structural and electrical standards. Describes the towers capacity, including the number and type of antennas it can accommodate, how the applicant will take action to avoid interference with established public safety communication, and lighting to be placed on the tower if such lighting is required by the FCC or FAA.
  - (e) A map of the site and the area within five hundred (500) feet of the site showing contour lines at ten(10) foot intervals, existing vegetation, existing drainage, existing structures, and existing access.
  - (f) A map of the site that includes the location of structures to be erected and any proposed changes to landforms.
  - (g) The applicant shall submit detailed information, as required, prepared by a qualified radio frequency analysis, showing that the proposed tower site is necessary to meet the needs of the system, and that the tower cannot be located in a less restrictive district, or be accommodated by co-location on an existing tower or structure.
- (2) Applications for communications towers shall not be approved unless the County finds that the telecommunications equipment plans for the proposed tower cannot be accommodated by an existing structure within a one-half mile search radius of the proposed tower.
- (3) Any proposed commercial wireless telecommunication service tower shall be designed (structurally and electronically) in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users. The tower shall be designed to allow for future re-arrangement of antennas upon the tower and to accept antennas mounted at various heights.
- (4) The tower location shall provide full screening for the base for off-site views of the facility. Existing on-site vegetation shall be preserved to the maximum extent practicable.
- (5) All towers shall be constructed and maintained in accordance with the Electronic Industry Association Standards and all applicable building codes.
- (6) Minimum spacing between commercial tower locations is one-fourth (1/4) mile; except antennas wholly contained within a building or other structure and not visible to the general public shall be exempt from this spacing regulation.
- (7) Commercial towers shall be setback a minimum of one thousand (1,000) feet from schools or structures used as dwellings on adjacent properties. Towers may be located less than 1,000 feet to a dwelling located on the same property.
- (8) A tower shall not be illuminated except as required by the Federal Aviation Administration or other state or federal authority for a particular tower.

- (9) Abandoned, unused telecommunications towers or portions of telecommunications towers shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the County. As part of any Conditional Use approval, the applicant shall be required to post a bond or other financial guaranty in a form acceptable to the County to guarantee the removal of the tower.
- (10) The following uses shall be prohibited:
  - (a) No tower or accessory structure shall be erected in any public or private drainage easements.
  - (b) No temporary mobile cell sites are permitted except in the case of equipment failure, equipment testing, or in the case of an emergency situation as authorized by the Zoning Administrator. Use of temporary mobile cell sites for testing purposes shall be limited to twenty-four (24) hours, use of temporary mobile cell sites for equipment failure or in the case of emergency situations shall be limited to a term of thirty (30) days. These limits can be extended by the Zoning Administrator.
  - (c) Permanent platforms or structures, exclusive of antennas, other than those necessary for safety purposes or for tower maintenance are prohibited.

#### **10.05 Adult Uses.**

- (1) Adult uses may be permitted as a conditional/interim use in the A-1 zoning district provided that the adult use is not located within five hundred (500) feet of:
  - (a) Any area zoned R-1, A-2, or A-3.
  - (b) Any land that has been or is approved for development for residential purposes, which shall include farm residences, rural residences, and non-farm residences.
  - (c) Any school, as defined in Minnesota Statutes 120A.05.
  - (d) Any church or house of worship.
  - (e) Any child day care facility, as defined in this Ordinance, or any residential or nonresidential program, as defined in Minnesota Statutes 245A.02.
  - (f) Any hotel or motel.
  - (g) Any public park.

#### **10.06 Advertising Devices.** The purpose of this section is to allow Advertising Devices while protecting and maintaining the natural and scenic beauty of the roadsides throughout the County. This balance will be achieved by regulating the size, number and location of allowed signage.

- (1) No advertising device shall be allowed that is a hazard to the public health, safety, convenience, welfare, or that prevents entrance or exit from any door, window or fire escape, that tends to accumulate debris as a fire hazard, or that is attached to a stand pipe or fire escape.
- (2) No advertising device may be erected that by reason of position, shape, movement, color or any other characteristics interferes with the proper functioning of traffic signs or signals or otherwise constitute a traffic hazard. No advertising device shall be permitted that would interfere with traffic control.

- (3) Any advertising device which becomes structurally unsafe or endangers the safety of a building or premise or endangers the public safety shall be repaired or removed by the owner, agent or person having beneficial use of the building, structure or land upon which the advertising device is located.
- (4) Any advertising device that is no longer being used to advertise shall be taken down and removed by the owner or person having the beneficial use of the property on which the device is located.
- (5) Illuminated advertising devices are permitted but flashing advertising devices, except ones giving time, date, temperature, weather or similar public service information, shall be prohibited. Advertising devices giving off an intermittent or rotating beam or ray of light shall also be prohibited. Illuminated advertising devices shall be constructed and maintained so as to not direct light onto adjacent property or onto the public right-of-ways. All advertising devices and displays using electrical power shall have a cut-off switch outside of the building or structure on which the device is attached.
- (6) Private advertising devices are prohibited within the public right-of-way of any road.
- (7) The owner or lessee of any advertising device shall be required to have such device property maintained.
- (8) Advertising devices 16 square feet or less in size are permitted uses in all districts provided such devices have been properly permitted and meets the requirements of this Ordinance. Advertising devices greater than 16 square feet in size or any combination of advertising devices which total more than 16 square feet in area on a parcel shall require a conditional use permit to be issued prior to construction.
- (9) Advertising devices 16 square feet or less shall have a setback of 5' to any right-of-way, but shall meet all other setback requirements. Advertising devices greater than 16' square feet shall meet all setback requirements except for the setback to a road right-of-way which shall be established as a condition of any Conditional/Interim Use Permit issued by the County.

#### **10.07 Campgrounds and Trailer Camps.**

- (1) Each recreational vehicle site, trailer site, or campsite shall be plainly marked and surfaced with gravel, asphalt, or other material to free the site of mud.
- (2) The maximum number of recreational vehicle, trailer, or campsites shall be 10 for each dry/buildable acre.
- (3) The minimum size of a parcel to allow for the use of a recreational vehicle park, trailer park or campground shall be 5 acres.

- (4) Each recreational vehicle, trailer, or campsite shall be separated from other recreational vehicle, trailer or campsites by at least 15 feet.
- (5) All recreational vehicles, trailers, or camp sites shall meet the required setbacks from highways and from the ordinary high water mark and shall be located at least 50 feet from all exterior lot lines.
- (6) Decks or additions constructed adjacent to a camping unit shall require a setback of 15' to an adjacent camping unit and shall not be attached.
- (7) One storage shed shall be allowed per campsite. Said shed shall not exceed 80 square feet in floor area.

**10.08 Solar Energy Systems.**

- (1) Solar energy systems equal to or less than a nameplate capacity of 40 kilowatts (kW) AC are considered Accessory Solar Energy Systems provided that a majority of the energy generated by the solar energy system serves the structures and facilities permitted on the respective property.
- (2) Solar energy systems that are greater than a nameplate capacity of 40 kW AC are considered to be Commercial Solar Energy Systems and shall have a conditional/interim use permit issued by Wabasha County prior to construction.
- (3) Ground mounted solar energy systems are considered an accessory structure and are prohibited from locating within a floodplain and must meet all setback requirements for an accessory structure.