

SECTION 14 GENERAL REGULATIONS

SUBDIVISION 1. GENERAL REGULATIONS

The guiding of land development into a compatible relationship of uses depends upon the maintenance of certain standards. In the various use districts, the permitted, accessory and conditional uses shall conform to the standards enumerated in this Section.

SUBDIVISION 2. OFF-STREET PARKING REGULATIONS

All parking and loading areas hereafter constructed and maintained shall conform to the provisions of this Subdivision.

1. Off-street parking General Provisions.
 - A. If, in the application of these provisions, a fractional number is obtained, one (1) parking space shall be provided for that fraction. Each space required constitutes a gross area of three hundred (300) square feet.
 - B. Existing off-street, parking spaces upon the effective date of this Ordinance shall not be reduced in number unless said number exceeds the requirements set forth herein for a similar new use.
 - C. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or for the parking of automobiles belonging to the employees, owners, tenants or customers of nearby business or manufacturing establishments.
 - D. Required off-street parking spaces shall not be utilized for open storage of goods or for the storage of vehicles, which are inoperable, or for sale or for rent.
2. Location requirements. Parking spaces may be located on a lot other than that containing the principal use upon obtaining a Conditional Use Permit as subject to the provisions of Section 22 of this Ordinance.
3. Design requirements.
 - A. Each parking stall shall be not less than ten (10) feet wide and twenty (20) feet in length, exclusive of access drives.
 - B. Parking areas shall be designed so as to provide adequate means of access to public streets. Such driveway access shall not exceed thirty (30) feet in width.
 - C. All of the area intended to be utilized for parking space and driveways shall be surfaced with a material, which controls dust and drainage. Parking areas for less than three (3) vehicles shall be exempt. Plans for surfacing and drainage shall be subject to County approval.

- D. All lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining property and right-of-ways.
 - E. All open off-street parking areas shall provide a curb or a guard to ensure that no portion of vehicle encroaches into the required setback.
 - F. All off-street parking spaces shall have access off driveways and not directly off the public street.
4. Minimum required number of off-street parking spaces. Off-street parking areas of sufficient size to provide parking for patrons, customers, suppliers, visitors and employees shall be provided on the premises of each use. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature as determined by the County Planning Commission. The minimum number of required off-street parking spaces for the following uses shall be as follows:

<u>USE</u>	<u>PARKING SPACES REQUIRED</u>
A. Single family dwelling	2 per dwelling unit
B. Multiple family dwelling	1.5 per dwelling
C. Church and School	1 per 4 seats in principal assembly room
D. Private club or lodge	1 per 4 members
E. Theater	1 per 4 seats
F. Hospital and rest homes	1 per 3 beds and 1 for each 2 employees on the maximum working shift
G. Professional offices, business services, Wholesale houses, and medical clinics	1 for every 250 sq. ft. of floor space
H. Retail business, eating and drinking places, and personal service establishments	1 for each 150 sq. ft. of floor space
I. Bowling alleys	5 for each alley
J. Funeral homes	1 for every 100 sq. ft. of floor space
K. Recreational assembly places; e.g. dance halls, night clubs	1 for every 50 sq. ft. of floor space
L. Industrial shift	1 for each 2 employees on the maximum working shift
M. Auto Service Station	4 spaces and 2 for each service stall
N. Other uses	as determined to be necessary by Murray County Planning Commission

SUBDIVISION 3. OFF-STREET LOADING REGULATIONS

One (1) off-street loading berth of not less than thirty-five (35) feet by ten (10) feet shall be provided for every business and industrial use with a floor area of more than ten thousand (10,000) square feet; with one (1) additional berth required for each additional twenty-five thousand (25,000) square feet of floor area.

SUBDIVISION 4. TEMPORARY STRUCTURES ON CONSTRUCTION SITES

1. Residential

- A. Temporary structures and trailers used in conjunction with construction work shall be permitted only during the period of construction and are allowed without a permit.

2. Non-Residential

- A. Temporary structures for non-residential purposes only may be allowed by permit by the Zoning Administrator. The permit shall specify the location of the temporary structure and the length of time of its issuance. The Zoning Administrator may renew the permit for additional 6-month periods, not to exceed two years.
- B. Construction Office: The storage of building supplies and machinery, temporary storage buildings and customary trade, contractor, or architect's identification signs in connection with a construction project may be authorized by the Zoning Administrator for a period of up to 12 months.
- C. In any event, the temporary structures and debris shall be removed within 6 months after completion or abandonment of the work. Temporary buildings for uses incidental to construction work shall be removed promptly upon completion or abandonment of work and returned to pre-construction condition.
- D. The temporary construction site shall have adequate sanitary facilities on the site.
- E. The buildings and parking spaces shall adhere to all setbacks for the zoning district and shall only utilize the permitted access driveway.
- F. The buildings shall not be used as dwelling units.

SUBDIVISION 5. ACCESSORY USES AND BUILDINGS

In addition to any standards in the individual zoning districts the following provisions shall apply to accessory uses.

1. Roadside stands for sale of agricultural products shall be permitted if:

- A. They are erected at least 100 feet back from the centerline of roadway.
- B. They are used exclusively for the sale of agricultural products.
- C. Parking space is provided off the road right-of-way.

2. Every in-ground swimming pool shall be enclosed by a fence or wall not less than four (4) feet high to prevent uncontrolled access.
3. The exterior storage of not more than five (5) motor vehicles which do not have a current license plate shall be considered an accessory use, but six (6) or more shall constitute an auto salvage business and shall not be permitted as an accessory use.

SUBDIVISION 6. HOME OCCUPATIONS

1. Home occupations may be allowed either as permitted uses or as conditionally permitted uses subject to the following provisions:
 - A. Permitted Home Occupations in the "A" AGRICULTURAL DISTRICT. The following standards shall apply to permitted home occupations in the "A" AGRICULTURAL DISTRICT.
 - 1.) No more than one (1) person other than the member of the family occupying the premises shall be employed in conjunction with a permitted home occupation.
 - 2.) The home occupation shall be incidental and/or subordinate to the use of the premises for farming and related farm activities.
 - 3.) The conduct of a home occupation may be carried on in accessory buildings not to exceed a total of two thousand (2,000) square feet in gross floor area.
 - 4.) No traffic shall be generated by the home occupation beyond that which is reasonable and normal for the area in which it is located.
 - 5.) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the premises.
 - B. Conditionally permitted home occupations in the "A" AGRICULTURAL DISTRICT. The following home occupations shall require a Conditional Use Permit when operated in an "A" AGRICULTURAL DISTRICT:
 - 1.) Home occupations employing more than one (1) non-resident employee on the premises.
 - 2.) Home occupations carried on in an accessory building greater than two thousand (2,000) square feet of gross floor area.
 - C. Standards for Conditionally Permitted Home Occupations. The following standards shall apply to conditionally permitted home occupations in the "A" AGRICULTURAL DISTRICT:
 - 1.) The number of employees employed in conjunction with a conditionally permitted home occupation shall be determined by the Planning Commission.
 - 2.) The home occupation shall be incidental and/or subordinate to the use of the premises for farming and related farm activities.
 - 3.) The conduct of a home occupation may be carried on in an accessory building the size of which shall be determined by the Planning Commission.
 - 4.) No traffic shall be generated by the home occupation beyond that which is reasonable and normal for the area in which it is located.
 - 5.) No equipment or process shall be used in such home occupation to create noise, vibration, glare, fumes, odors, or electrical interference's detectable off the premises.

D. Home Occupations in the RESIDENTIAL DISTRICTS. The following standards shall apply to home occupations when operated in the RESIDENTIAL DISTRICTS:

- 1.) No more than one (1) person other than a member of the family occupying the dwelling shall be employed in conjunction with the home occupation.
- 2.) There shall be no change in the outside appearance of the dwelling unit or the premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding twelve (12) square feet as regulated in Section 18 of this Ordinance.
- 3.) Gross square footage devoted to the conduct of any home occupation shall not exceed five per cent (5%) of the total lot area.
- 4.) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street in other than any required yard.
- 5.) No equipment or process shall be used in such home occupation, which creates noise vibration, glare, fumes, odors or electrical interference's detectable beyond the limits of the dwelling.

SUBDIVISION 7. MOBILE HOME PARKS

In districts allowing mobile home parks, the following requirements shall be met:

1. Mobile home parks shall be licensed by the Minnesota Department of Health and shall have a centralized sewage disposal facility, which meets the standards and regulations of the Minnesota Department of Health and the Pollution Control Agency.
2. Each mobile home site shall be at least 5,000 square feet in area.
3. There shall be at least 20 feet between adjacent mobile homes.
4. A recreational area, or areas, with suitable facilities shall be maintained within the mobile home park for the use of all residents. A minimum of five percent (5%) of the gross area of the park shall be provided for recreational space.
5. The mobile home park management shall maintain a current register containing the names of all park occupants, the license and number of each mobile home, and the date of arrival and departure of each mobile home. The park shall keep the register available for inspection by County law enforcement officers whose duty necessitates examining the information contained in the register.
6. The area of land to be developed is not less than five (5) acres.
7. A site plan of the proposed mobile home park shall be submitted drawn to scale and showing the following information:
 - A. Legal description and size of proposed site.
 - B. Location and size of all mobile home sites, dead storage areas, roadways, parking sites, setback dimensions (mock-up of court or park).
 - C. Location and size of all patios and sidewalks.

- D. Plans for sanitary sewage disposal, surface drainage, water systems, electrical service, heating service, telephone service.
- E. Plans for garbage and refuse collection and disposal.
- F. Location and size of all streets and/or highways in and abutting the mobile home court or park.
- G. Location and size of all means of ingress and egress from the mobile home court or park.
- H. Road or street construction plans and/or specifications.
- I. Plans for any and all structures.

SUBDIVISION 7a. TRAVEL TRAILERS

The following provisions shall apply to all travel trailers:

- 1. An individual lot owner shall be limited to the storage of one (1) travel trailer unit per lot.
- 2. A fourteen (14) day limitation to guest or visitor travel trailer units will be enforced by the Zoning Administrator. Any guest or visitor travel trailer remaining past the 14 day limitation must obtain an extension from the Zoning Administrator.
- 3. All travel trailers stored or in use must have a current registration and license.
- 4. No travel trailer shall be hooked up to water and sewer unless the travel trailer is the principal structure.

SUBDIVISION 8. INDIVIDUAL MOBILE HOME REGULATIONS

- 1. Purpose. To regulate the individual mobile home that is located outside of a mobile home park. To treat the mobile home in much the same manner as the single family home, recognizing that that the mobile home as it is now used, is similar in most but not all respects to the single family home.
- 2. The individual mobile home will be given the same privileges and will be placed under the same controls as provided in this Ordinance as applied to single family homes, except:
 - A. All mobile homes shall be skirted between the bottom of the mobile home and the ground with a fireproof material harmonious with the appearance of the mobile home within three (3) months of the placement of the mobile home. Hardboard, cardboard or baled hay or straw shall be prohibited.
 - B. Steps and stoops shall be of acceptable wood, metal, or concrete construction.
 - C. Storm entries and porches must be of durable materials harmonious in appearance with the mobile home.
 - D. Each mobile home not having a garage shall have an outside storage building of at least five foot by seven foot by six foot (5' x 7' x 6') in height.

- E. The mobile home stand shall be at such elevation, distance and angle relative to the street and driveway that placement and removal of the mobile home with a car, tow truck, or customary moving equipment is practical. The mobile home stand shall have a longitudinal grade of less than four (4) percent and traverse crown or grade to provide adequate surface drainage. The stand shall be compacted and surfaced with a material, which will prevent the growth of vegetation while supporting the maximum anticipated loads during all seasons.

SUBDIVISION 9. JUNK/SALVAGE YARDS AND AUTOMOBILE WRECKING

The following provisions shall apply to all junk/salvage yards:

1. All junk/salvage yards shall be completely screened from roads or adjacent uses by natural or manmade means. Screening shall be maintained in good condition. All existing junk/salvage yards shall comply with these requirements.
2. No junk/salvage yard shall be located closer than 1,000 feet to existing State and Federal roads, nor closer than 300 feet to any County or Township right-of-way.
3. Access to and egress from junk/salvage yards shall not be from State and Federal roads.

SUBDIVISION 9a. RECYCLING FACILITIES

The following provisions shall apply to all recycling facilities:

1. County must grant Conditional Use Permit prior to request to MPCA for permit by rule.
2. A Conditional Use Permit for a recycling facility shall be subject to review by the Planning Commission when three (3) or more documented complaints are received by the Zoning Administrator.
3. Records relating to the volume of recycled material processed at the facility must be supplied quarterly to the County Solid Waste Officer.
4. All material stored outside the building must be stored in an aesthetic and nuisance free manner.
5. The owner/operator of the recycling facility must comply with MN Rules 7035.2845 which govern facility design and operation, and subject to change with MN Rules.

SUBDIVISION 10. PERFORMANCE STANDARDS

The following regulations shall apply to all uses in all zoning districts. Determination of potential or actual non-compliance with these regulations shall be made as required by the County Board of Commissioners, which may obtain a qualified consultant to testify.

1. **Relationship to Other Laws.** Regardless of any other provision of this Ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection law or regulation.
2. **Noise.** Noise shall be measured on any property line of the tract on which the operation is located. Noise shall be muffled so as not to become objectionable due to intermittence beat frequency, shrillness or intensity, except for noise from agricultural sources. Noise generated by agricultural use shall be exempted.
3. **Vibration.** Any use creating periodic earth-shaking vibrations shall be prohibited if such vibrations are perceptible beyond the lot line of the site on which the use is located. This standard shall not apply to vibrations created during the process of construction.
4. **Glare and Heat.** Any use producing intense heat or light transmission shall be performed with the necessary shielding to prevent such heat or light from being detectable at the lot line of the site on which the use is located.
5. **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.
6. **Odors.** Any use established, enlarged, or remodeled shall be so operated as to prevent the emission of odorous matter of such quantity as to be readily detectable at any point beyond the lot line of the site on which such use is located. Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a building permit, except odors from agricultural sources unless regulated by any State or Federal Law or Regulation.
7. **Exterior Lighting.** Any lights used for exterior illumination shall direct light away from adjoining properties and roadways.
8. **Toxic or Noxious Matter.** Any use established shall be so operated as not to discharge across the boundaries of the lot or through percolation into the subsoil beyond the boundaries of the lot wherein such use is located, toxic or noxious matter in such concentration as to be detrimental to or endanger the public health, safety, comfort or welfare, or cause injury or damage to property or business.
9. **Explosives.** Any use requiring the storage, utilization or manufacturing of products, which could explode by detonation, shall be located not less than four hundred (400) feet from any residence. This section shall not apply to the storage or usage of liquefied petroleum or natural gas for normal residential or business purposes.
10. **Radiation Emission.** All activities that emit radioactivity shall comply with the minimum requirements of the Minnesota Pollution Control Agency.

11. Electrical Emission. All activities, which create electrical emissions, shall comply with the minimum requirements of the Federal Communications Commission.
12. Visual Standards.
 - A. Screening.
 - 1.) 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 area, but not on that side of a business or industry considered to be the front as determined by the Zoning Administrator.
 - 2.) The screening required herein shall consist of a solid fence or wall at least fifty (50) percent of opaque not less than five (5) feet or more than six (6) feet in height but shall not extend within fifteen (15) feet of any street or driveway. The screening shall be placed along the property lines or in case of screening along a street, fifteen (15) feet from the street right-of-way with landscaping, between the screening and the pavement.
13. Drainage Standards. No land shall be developed and no use shall be permitted that result in water run-off causing flooding, or erosion on adjacent properties. Such run-off shall be properly channeled into a storm drain, watercourse, ponding area, or other suitable facility.
14. Exterior Storage. In residential districts, all materials and equipment shall be stored within building or fully screened so as not to be visible from adjoining properties, except for the following: laundry drying and recreational equipment, construction and landscaping materials and equipment currently being used on the premises, agricultural equipment and materials if these are used or intended for use on the premises, off-street parking of passenger automobiles and pick-up trucks. Boats and unoccupied trailers, less than twenty (20) feet in length, are permissible if stored in the rear yard more than ten (10) feet from the property line. In all districts, the County may require a Conditional Use Permit for any exterior storage if it is demonstrated that such storage is a hazard to the public health and safety or has a depreciating effect upon nearby property values, or impairs scenic views, or constitutes a threat to living amenities.
15. Refuse. In all districts, all waste material, with the exception of animal manure and crop residue debris, refuse or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse. Existing uses shall comply with this provision within six months following enactment of this Ordinance.
16. Compliance. In order to insure compliance with the performance standards set forth above, the County Board of Commissioners may require investigations and tests to demonstrate adherence to the performance standards. Such investigation and tests as are required to be made shall be carried out by an independent testing organization as may be selected by the County. Should non-compliance with these standards be determined, the owner of the property shall be liable for the costs of said investigations and tests.

SUBDIVISION 11. WINERIES

Purpose. The purpose of this subdivision is to provide for the orderly development of wineries, within the “A” Agriculture, “SP” Special Protection, and “S” Shoreland Management Districts, to encourage the economic development of the local agricultural industry, provide for the sampling and sales of value-added products, to protect the agricultural character and long-term agricultural production of agricultural lands, and to ensure compatibility with adjacent land uses. All existing and future wineries in Murray County shall comply with Title 27 of the United States Code of Federal Regulations (CFR) and the Minnesota Statutes 340A.315, as amended from time to time, and this Ordinance.

Regulatory Agencies. Food safety is an important public health issue. Several government agencies are involved in ensuring the safety of production, processing, distribution and sale of food products. All Farm Wineries must adhere to the regulations of the Bureau of Alcohol, Tobacco Tax and Trade (TTB), Federal Food and Drug Administration (FDA), Environmental Protection Agency (EPA), Minnesota Department of Agriculture (MDA), and Occupational Safety (OSHA).

1. Definitions. Unless specifically defined below or in Section 4 of this Ordinance, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application. For purposes of this Subdivision, the words “must” and “shall” are mandatory and the words “may” and “should” are permissive.
 - A. **Associated Accessory Retail Sales.** The retail sale of products such as corkscrews, wine totes, wine buckets, wine glasses, decanters, small wine racks, small uncorking and preservation machines, small wine barrels, and literature. Other retail sale products may include items such as: trademark items, items which promote the region or the wine industry, other regional value-added agricultural products, art, prepackaged foods and cheese. These sales must be clearly accessory to the primary use.
 - B. **Facility Rental Events.** A type of Special Event where the property owner is or is not monetarily compensated for the use of the site and facilities, such as weddings, parties, company picnics, birthdays, reunions, private parties, or other social gatherings. Facility rental events are part of the total Special Events permitted.
 - C. **Farm Winery.** A winery operated by the owner of a Minnesota farm and producing table, sparkling wines or fortified wines from grapes, grape juice, other fruit bases or honey, with a majority of the ingredients grown or produced in Minnesota.
 - D. **Large Farm Winery.** A winery with annual production of 5,000 cases or greater.
 - E. **Public Tasting.** Wine sampling by the general public.
 - F. **Retail Winery Operations.** Associated Accessory Retail Sales, Tasting Room operations, and the processing of grapes into wine conducted in a “B-1” or “I-1” District that are not conducted at a winery.
 - G. **Small Farm Winery.** A winery with annual production less than 5,000 cases and at least 50 percent of the wine produced at the winery is sourced from grapes grown at designated vineyards within the State of Minnesota.

- H. **Special Events.** Any events such as charitable, religious or other non-profit organization, promotional, tour group, and/or facility rental events, that are above the normal tasting activities of the facilities.
- I. **Tasting Room.** A room in conjunction with a winery where a.) Tasting of wine, fruit wines, and non-alcoholic fruit juices takes place at a charge or no charge to the individual; and b.) The retail sales of winery products, associated accessory retail sales of non-food items, products by the bottle for off premises consumption, and packaged food items are allowed. Gratuitous offerings of cheese, crackers, or condiments associated with wine sampling are permitted.
- J. **Wine.** The product obtained from normal alcoholic fermentation of the juice of sound ripe grapes or other agricultural products containing natural or added sugar.
- K. **Wine Case.** A case that contains twelve (12) standard wine bottles (750 milliliters each).
- L. **Wine Grower.** Any person who has facilities and equipment for the conversion of grapes, berries or other fruit into wine, and is engaged in the production of wine. All persons producing less than 200 gallons of wine per year for personal consumption are not considered winegrowers.
- M. **Winery.** Facilities, for the purposes of this section, that are used for processing grapes into wine, including: crushing, fermenting and re-fermenting, bottling, blending, bulk and bottle storage, aging, shipping, receiving, laboratory equipment and maintenance facilities, sales, and administrative office functions, and may include tasting and promotional events. A winery must be located on the same premises as a vineyard.

2. Permit requirements.

- A. Permitted Small Farm Wineries. For a small farm winery to constitute a permitted use under this ordinance, it must meet all of the following requirements:
 - 1.) The parcel on which the winery and vineyard is proposed is 10 acres in area or greater.
 - 2.) 50% of raw materials to be processed are raised or grown on the site.
 - 3.) The total processing and/or sales facility is 2400 square feet or less in total gross floor area.
 - 4.) Any Small Farm Winery open to the general public, must operate within all of the following limitations:
 - a. Open only during the hours between 11:00 a.m. and 6:00 p.m.
 - b. Open only a maximum of three (3) days per week
 - c. Open only a maximum of nine (9) continuous months per calendar year.
 - 5.) The number of Special Events shall be limited to nine (9) events per calendar year and each event shall only occur on a single day. Special events shall not extend beyond the hour of 8:00 pm. This provision does not allow Facility Rental Events, as defined in this Subdivision.
 - 6.) All Special Events shall be limited to a capacity of 60 persons at one time, including winery staff/employees.
 - 7.) No commercial kitchen shall be allowed on the site and no food preparation shall be allowed on site.
 - 8.) The gross floor area designated for wine tasting and retail sales shall not exceed forty (40) percent of the total gross floor area of the principal building used for processing of wine products, or 800 square feet, whichever is less.

B. Conditionally Permitted Farm Wineries. Any Large Farm Winery, or a Small Farm Winery that does not meet the requirements of Subpart 2A of this Subdivision, may be allowed as a Conditionally Permitted Farm Winery that must meet all of the following requirements:

- 1.) The parcel on which the winery and vineyard is proposed is 20 acres in area or greater.
- 2.) The total processing and/or sales facility is more than 2400 square feet in gross floor area.
- 3.) All Special Events, including Facility Rental Events, shall be limited to a capacity of 200 persons at one time, including winery staff/employees.
- 4.) The gross floor area designated for wine tasting and retail sales shall not exceed forty (40) percent of the total gross floor area of the principal building used for processing of wine products, or 1,000 square feet, whichever is less.
- 5.) The County may impose, in addition to the standards and requirements set forth in this subdivision, additional conditions which the Planning Commission or County Board consider necessary to protect the public health, safety, and general welfare of the public.

3. Application Requirements for Small and Large Farm Wineries.

A. The following must be included on an application for a Permitted or Conditionally Permitted Farm Winery, to be filed with the Murray County Zoning Administrator, in accordance with the provisions of Section 26, Subdivision 4 or Section 22 of this Ordinance:

- 1.) The name and address of the operator and owner of the land.
- 2.) An accurate legal description of the property where the winery shall be located.
- 3.) A site layout of the property indicating the location of all property lines, structures, parking area, vineyard, Subsurface Sewage Treatment System (s), etc. The layout shall include distances and be drawn to scale.
- 4.) Hours of operation.
- 5.) Estimated number of Special Events, including Facility Rental Events, per year including a written description of the planned events, frequency and estimated number of guests.
- 6.) Existing and proposed structures with maximum capacity of each building where customers have access.

4. Required Setbacks for all Permitted or Conditionally Permitted Farm Winery structures, including temporary structures, must meet all of the following setbacks:

A. All Winery Structures.

- 1) Minimum of 50 feet from side and rear lot lines.
- 2) Minimum of 100 feet from public road right-of-way.
- 3) Minimum of 150 feet from the ordinary high water mark of any lake, stream, river or wetland (Type 3-8).

B. Roadside stands must follow the setbacks and provisions of Section 14, Subdivision 5.1 of this Ordinance.

C. Subsurface Sewage Treatment System (SSTS).

- 1) All buildings used in conjunction with the winery that generates or discharges domestic or business waste and greywater, must comply with the provisions of Section 12 of this Ordinance.

D. Signs shall meet the requirements of Section 18 of this Ordinance.

5. Standards for all Permitted and Conditionally Permitted Wineries, and Retail Winery Operations.
 - A. The winery, vineyard, sales facilities, and Retail Winery Operations must be operated by the owner of the parcel on which they are located.
 - B. On-site Subsurface Sewage Treatment System (SSTS) shall be designed in compliance with Section 12 of this Ordinance and sized to accommodate employee, tasting room, and commercial sewage flows. Portable toilets may be approved for temporary use during Special Events.
 - C. All solid waste must be stored in a manner that prevents the propagation, harborage, or attraction of flies, rodents, vector, or other nuisance conditions and must be removed at least once every seven days by a licensed Solid Waste Hauler. Burning of solid waste is strictly prohibited.
 - D. Plans must be submitted for how winery production waste will be disposed of or recycled.
 - E. Adequate parking for employees and customers shall be provided on site and shall meet the parking standards of Section 14, Subdivision 2 of this Ordinance. Parking area must be located a minimum of 30 feet from property lines and public road right-of-way.
 - F. Noise, fumes, dust, odors, vibration or light generated as a result of the winery processing or sales will, at the property line, be below the volume, frequency, or intensity such that they do not unreasonably interfere with the enjoyment of life, quiet, comfort or outdoor recreation of an individual of ordinary sensitivity and habits.
 - G. Outdoor storage and display areas may be allowed as an accessory use to the winery/vineyard provided they meet the structural setback for the applicable zoning district and the performance standards contained in Section 14 of this Ordinance.
 - H. All buildings used in conjunction with the winery shall meet all the accessibility requirements imposed by any applicable State or Federal Law.
 - I. The grounds and all structures shall be maintained in a clean and safe manner.
 - J. Farm wineries are allowed to sell glassware, wine literature and accessories, prepackaged food items properly labeled in accordance with the Minnesota Department of Agriculture (MDA), and other wine related food items. Sales of non-wine merchandise shall be subordinate to the wine sales.
 - K. Farm wineries may sell their products via the Internet as permitted in Minnesota Statutes, Section 340A.417.
 - L. The Vintner shall maintain a log of the events occurring at the winery including dates, group identity, times and number of guests.
 - M. Wine Tastings may be held at the winery as allowed in Minnesota Statutes, Section 340A.510. The primary focus of the tasting facilities shall be the marketing and sale of the wine and grape or fruit products produced, vented, cellared or bottled at the winery. Snack foods that are consumed during wine tasting are allowed.
 - N. The Farm Winery owner is responsible for supervising and controlling the activities of their customers within the establishment. The Farm Winery Owner shall ensure that no disorderly behavior occurs in this area, that drinks are not taken out of the designated area, and that there are not more customers occupying the establishment than what is allowed.

SUBDIVISION 12. CONFINED FEEDLOTS

Intent. An efficient and profitable livestock industry is an economic benefit to Murray County and to the State of Minnesota. It provides a value added opportunity to our crop based agriculture and creates service industries, which provide employment and further economic activity. An efficient industry also produces high quality food and fiber for consumers at reasonable prices. The wastes produced in livestock production have the potential, when improperly stored, transported or disposed, to contribute to air, surface water, and groundwater pollution. When properly utilized such wastes contribute to soil fertility and structure and enhance efficient crop production. The following ordinance has been promulgated to reduce risk of pollution of natural resources from livestock and poultry waste. Controls address production sites, storage and land application. These rules comply with the policy and purpose of the State of Minnesota regarding control of pollution as set forth in Chapters 115 and 116. The goal of this ordinance is to recognize economic and environmental needs so as to optimize the general welfare of the citizens of Murray County. All existing and future feedlots in Murray County shall comply with the minimum standards set forth within the MPCA Chapter 7020 rules as amended from time to time, and this Ordinance.

1. Feedlot Registration and Permit Requirements. The owner of a proposed or existing animal feedlot for greater than 10 animal units shall make an application to Murray County or the Minnesota Pollution Control Agency for a permit when any of the following conditions exist:
 - A. A new feedlot is proposed where a feedlot did not previously exist.
 - B. A change in operation of an existing animal feedlot is proposed.
 - C. A change of ownership.
 - D. An existing feedlot is to be restocked after being abandoned for 5 or more years.
 - E. An inspection by Minnesota Pollution Control Agency (MPCA) staff or County Feedlot Officer reveals that the feedlot is creating a potential pollution hazard.
 - F. A National Pollutant Discharge Elimination System (NPDES) permit application is required under state or federal rules and regulations.
2. Animal Units as Outlined in MPCA Chapter 7020 Rules.
3. Permitted Feedlots. Those feedlots, which do not have a potential pollution hazard and meet the minimum requirements of this ordinance, shall be registered and obtain any other permits required by the County and/or MPCA.
4. Animal Feedlot Pollution Control Requirements.
 - A. In general. No animal feedlot or manure storage area shall be constructed, located, or operated so as to create or maintain a potential pollution hazard.
 - B. Vehicles, spreaders. All vehicles used to transport animal manure on county, state, and interstate highways or through municipalities shall be leak-proof. Manure spreaders with end gates shall be in compliance with this provision provided the end gate works effectively to restrict leakage and the manure spreader is leak-proof. This shall not apply to animal manure being hauled to fields adjacent to feedlot operations or fields divided by roadways provided the animal manure is for use as domestic fertilizer.

- C. Manure storage. Animal manure, when utilized as domestic fertilizer, shall not be stored for longer than one year and shall be applied at agronomic rates as established by the State.
 - D. Animal manure. Any animal manure not utilized as domestic fertilizer shall be treated or disposed of in accordance with applicable state rules.
 - E. Owner's duties. The owner of any animal feedlot shall be responsible for the storage, transportation, and disposal of all animal manure generated in a manner consistent with the provisions herein.
 - F. If a dead livestock building is a condition of a Conditional Use Permit (CUP), and if the structure is no larger than ten (10) feet by twelve (12) feet, then a separate Zoning Certificate will not be required.
5. Required Setbacks for New Feedlots. A new feedlot is considered any feedlot constructed or re-established after May 8, 2007, and will meet the following setback requirements set forth in this ordinance:
- A. All new feedlots will be prohibited within 100 year floodplain areas.
 - B. Feedlots shall be located, as stipulated in Minnesota Rules 4725.4450; from any public or private well (this includes existing abandoned wells).
 - C. No new feedlot shall be within 1000 feet of the normal high water mark of a lake or within 300 feet of the normal high water mark of a stream or river or within 300 feet of a Wetland (Type 3-8).
 - D. No new feedlot shall be situated within 1/2 mile of a public park.
 - E. No new feedlots shall be within 300 feet of a public, county, judicial, or private drainage ditch.
 - F. All new feedlots shall meet the Shoreland Standards in Section 16, Sub-division 11.2B of this Ordinance.
 - G. Minimum Separation Distances. The Following Tables:

Animal Units	10 to 750	751 to 1500	1501 to 3000	greater than 3000
Rural Residence,	1/4 mile	1/2 mile	3/4 mile	1 mile
Commercial and Industrial Districts				

Animal Units	10 to 50	51 to 500	501 to 2000	2001 to 5000	greater than 5000
Population Center	1/2 mile	3/4 mile	1 mile	1 1/2 miles	3 miles

Population Centers Include: Avoca, Chandler, Currie, Dovray, Fulda, Hadley, Iona, Lake Wilson, Slayton, Wirock, Lime Creek; **And developed areas around:** Lake Shetek, Sarah, Bloody, Fremont, 1st Fulda, Lime, Current, and Fox.

*** Increase the distance by 1.5 time if open liquid manure storage is used.**

- H. Any open type liquid manure storage for hogs will not be allowed.
 - I. Setback from public right-of-way line. The minimum setback from the public right-of-way line shall be 100 feet. This applies to all new feedlot operations.
 - J. Feedlot Setbacks. All setbacks of this Ordinance shall apply across County lines. The setback standards of the County where the feedlot is located shall apply.
 - K. Feedlot setbacks do not apply to the applicant's own residence or a residence on the farm where the feedlot facility is located.
6. Required Setbacks for the Expansion of Existing Feedlots. For the purpose of this ordinance, any expansion taking place more than 1/8 mile, within the same section of land, from the existing feedlot, shall be considered a new feedlot and must meet the setback and other requirements of this ordinance for a new feedlot.
- A. For a site to be considered an existing feedlot, the landowner bears the burden of establishing, to the satisfaction of the Murray County Environmental Services Office, that more than 10 animal units were maintained at the proposed site at some time within the previous five years.
 - B. Minimum Separation Distances for Existing Feedlots.
 - 1.) Permitted feedlots, existing on or before May 8, 2007, plus any feedlot expansion to a total feedlot size of less than 1,500 animal units, shall be deemed conforming in their present location.
 - 2.) Expansions to feedlots existing on or before May 8, 2007, to a total feedlot size of less than 1,500 animal units shall not encroach closer to a residence or population center than the existing feedlot if less than 1/4 mile away.
 - 3.) Expansions to feedlots existing on or before May 8, 2007, over 1,500 animal units, must comply with the following setbacks:

<u>Animal Units</u>	<u>1501 to 2000</u>	<u>2001 to 5000</u>	<u>greater than 5000</u>
Rural Residence, Commercial and Industrial Districts	1/2 mile	3/4 mile	1 mile

<u>Animal Units</u>	<u>1501 to 2000</u>	<u>2001 to 5000</u>	<u>greater than 5000</u>
Population Center	1 mile	1 1/2 miles	3 miles

Population Centers Include: Avoca, Chandler, Currie, Dovray, Fulda, Hadley, Iona, Lake Wilson, Slayton, Wirock, Lime Creek; **And developed areas around:** Lake Shetek, Sarah, Bloody, Fremont, 1st Fulda, Lime, Current, and Fox.

*** Increase the distance by 1.5 time if open liquid manure storage is used.**

- C. Right-of-way. A minimum of 50 feet setback from the right-of-way.
- D. Property Line. A minimum of 30 feet from the property line.

- E. No new feedlot structures for an existing feedlot shall encroach closer to a public, county, judicial, or private drainage ditch or a Wetland (Type 3-8).
- F. All existing feedlots will comply with the feedlot standards in Section 16, Subdivision 11.2B of this Ordinance.
- G. Feedlot Setbacks. All setbacks of this Ordinance shall apply across County lines. The setback standards of the County where the feedlot is located shall apply.
- H. Feedlot setbacks do not apply to the applicant's own residence or a residence on the farm where the feedlot facility is located.

7. Conditional Use Permits

A. Required when:

- 1.) Any animal feedlot constructing a lagoon system or earthen storage basin for the storage or treatment of animal waste.
- 2.) Any new feedlot which is proposed within 1/8 mile of an adjoining property line.
- 3.) Any new feedlot with 300 animal units or more animal units.
- 4.) Any covered concrete pit.
- 5.) Any expansion to a feedlot that contains, or will contain after the expansion, 1,000 animal units or more.

B. Environmental Reviews, pursuant to Minnesota Rules, Chapter 4410.

- 1.) The MPCA is the Responsible Government Unit for mandatory environmental reviews pursuant to the Environmental Quality Board (EQB), Minnesota Rules, Chapter 4410. The EQB rules are the final source of information which activate the environmental review of feedlots.
- 2.) Discretionary Environmental Review. Any agency of government with an approval interest in the project has the authority pursuant to the EQB rules to order discretionary environmental review for any project.

C. Standards for Conditional Use Permits.

- 1.) The County may impose in addition to the standards and requirements set forth in this ordinance additional conditions which the Planning Commission or County Board consider necessary to protect the public health, safety, and welfare. This may include, but is not limited to, the planting of trees or shrubs to be used as a windbreak.
- 2.) Conditional Use Permits shall be in effect only as long as sufficient land specified for spreading purposes is available for such purposes as regulated otherwise by this Ordinance.
- 3.) All feedlots shall be operated in a manner consistent with all applicable Federal, State and Local Rules and Regulations.
- 4.) All feedlots are required to provide a Manure Management Plan and abide by MN State 7020 Regulations for manure application.
- 5.) No animals allowed in the feedlot until all permits are obtained and construction report is completed and submitted.
- 6.) A Construction Report for a new feedlot must be submitted by either the operator or the Engineer prior to start up; with no expansion of the new feedlot allowed within one year from the date of the Construction Report.

7.) Dead livestock shall be rendered or composted. If composted, all State composting guidelines must be followed. If rendered, they shall be stored in a dead animal enclosure consisting of four – 4 foot high solid walls, one of which can be opened. The enclosure shall have a fully cemented floor and may or may not be roofed. The dead livestock must be placed within the enclosure until picked up by the rendering truck. Disposal by burial will not be allowed, except in emergency situations after approval by the Murray County Environmental Services Office. The dead animal enclosure must be in place before any livestock can be housed in the barn. Notwithstanding any provision in any CUP issued on or before August 7, 2012, rendering of dead livestock done in compliance with this provision shall be deemed compliant with any condition addressing rendering of dead livestock within the Conditional Use Permit.

8. Standards for Earthen Basins and Concrete Pits.

- A. The standards for these structures shall be in compliance with MPCA requirements.
- B. The sizing capacity of any earthen basin or concrete pit for manure storage or treatment should be in accordance with MN Statute 7020 Rules, and have a minimum storage capacity of nine (9) months plus a wastewater factor.
- C. Temporary manure storage area such as daily scrape areas are not considered earthen basins or concrete pits, and shall be operated in a non-polluting manner.
- D. An inspection pipe for water sampling shall be provided on the perimeter basin or pit tile line, which may be used to take water samples. The perimeter tile line must be brought to the surface 100 feet before water from the tile line can enter a private tile intake, public tile intake or public water.
- E. All animal wastes from the liquid pits will be injected or incorporated into the soil within 48 hours of being land applied and shall be incorporated immediately within 1000' of a residence. Surface application may be allowed in emergency situations after approval by the Murray County Environmental Services Office.
- F. The permit holder shall install a warning sign at all entrances to the basin or pit. These signs shall warn the reader of the dangers of entering the basin or pit.
- G. Details of the concrete pit designs shall be submitted to the Murray County Environmental Services Office prior to construction.
- H. The Murray County Environmental Services Office shall be contacted for an on-site inspection during the construction of the pit.
- I. Normal maintenance of roads must be provided during pit construction. When construction is completed, the roads must be restored to the preconstruction condition.
- J. If the operation is abandoned, the permit holder shall be responsible for the cleanup of the manure in the facilities, within one year of abandonment.
- K. Any type of open liquid manure storage for hogs will not be allowed.

9. Variance.

- A. Any feedlot, other than ones which are prohibited, may request a variance from the rules of this ordinance where the rules may not apply or create a unique hardship due to conditions not created by the feedlot operator or owner and meet the State definition of a “hardship”.

SUBDIVISION 13. EXCEPTIONS AND MODIFICATIONS TO THE ZONING DEVELOPMENT STANDARDS

1. Height limitations set forth elsewhere in this Ordinance may be increased by one hundred (100) percent when applied to the following:
 - A. Monuments.
 - B. Flag Poles.
 - C. Cooling towers.
 - D. Elevator penthouse.
 - E. Windmills.
2. Height limitations set forth elsewhere in this Ordinance may be increased with no limitation when applied to the following:
 - A. Church spires, belfries or domes which do not contain useable space.
 - B. Water towers.
 - C. Chimneys or smokestacks.
 - D. Radio or television transmitting towers or other communications apparatus.
 - E. Essential service structures.
3. Sight triangle. The required front yard of any lot shall not contain any wall, fence or structure, tree or shrub or other growth, which may cause danger to traffic on the road by obscuring the view. Agricultural crops shall be exempt from this provision.
4. Snow hazard. To avoid the creation of snow hazards the placement of any temporary structure, fence or material, including crop residues, shall not be located within fifty (50) feet of any road right-of-way.
5. Separation Distance from Feedlots.
 - A. Dwelling units, commercial uses and/or industrial uses shall be located no closer to an existing feedlot than a new feedlot can be placed to an existing dwelling unit, commercial use, and/or industrial use. (Refer to Section 14, Subdivision 12.5 for distance separation)
 - B. All plats approved and recorded prior to the adoption of the revised Murray County Feedlot Regulation dated March 21, 1994 shall be exempt the requirements in Subdivision 13.6A of this Section.
6. Exemptions from Zoning Certificates.
 - A. Entrance steps to dwellings with a landing no larger than 25 square feet.
 - B. Agricultural Concrete Fences
 - C. Agricultural Feed Bunks