

8 Performance Standards

8.1 General Intent

The performance standards established in this chapter are designed to encourage a high standard of development. The standards are designed to prevent and eliminate those conditions that cause blight and to assure that neighboring land uses are compatible. All future development in all districts shall be required to meet these standards and the standards shall also apply to existing development where so stated.

8.2 Performance Standards for Commercial Buildings

8.2.1 Purpose and Intent. It is the purpose and intent of these performance standards to ensure commercial buildings constructed within the Township are of a high quality exterior appearance, consistent with the intent of the Township to convey a rural, small town character. The Township finds that several specific exterior surfacing materials are appropriate, and of sufficient quality, to be utilized only as accent materials in varying percentages. The variations of percentage of specific accent materials relates to a finding by the Township as to the relative quality and rural character of those respective accent materials. The standards of this subdivision shall be applicable to all structures and buildings constructed in the Township, on and after the effective date of this Section.

8.2.1.1 Architectural and Site Plan Submittals. New building proposals shall include architectural and site plans prepared by a registered architect and shall show the following as a minimum: Elevations of all sides of the buildings; Type and color of exterior building materials; typical general floor plans; Dimensions of all structures; Location of trash containers, heating, cooling, and ventilation equipment and systems.

8.2.1.2 Applicability - Structure Additions and Renovation. Additions to existing structures resulting in an increase of gross floor area of the structure of less than 100%; and/or installation of replacement exterior surfacing of any portion of an existing structure shall be exempt from the standards of this subdivision where it is found that the new or replacement exterior surfacing proposed is identical to that of the existing structure. Where additions to an existing structure result in an increase in the gross floor area of the existing structure of 100% or greater, the entire structure (existing structure and structure addition) shall be subject to the standards of this subdivision.

8.2.2 Performance Standards - Primary Exterior Surfacing. The Primary Exterior Surfacing of structures shall be limited to natural brick, stone, or glass. Artificial or veneer brick or stone shall not qualify as complying with this performance standard. Primary Exterior Surface shall be defined as not less than 70% of the sum of the area of all exterior walls of a structure nominally perpendicular to the ground. All parapet or mansard surfaces extending above the ceiling height of the structure shall be considered exterior surface for the purposes of this subdivision. Windows and glass doors shall be considered a

primary surface, but the sum area of such glass shall be deducted from the wall area for purposes of the 70% Primary / 30% Accent formulas of this Section. Doors of any type or material, except glass, shall not be considered a primary exterior surface. Each wall of the structure shall be calculated separately; and individually comply with the 70 / 30 formula.

8.2.3 Performance Standard - Exterior Surfacing Accents. Not more than 30% of the exterior wall surfacing, as defined by section 8.2.2 above, may be of the following listed Accent Materials, but no single Accent Material, except natural wood, may comprise more than 20% of the total of all Accent Materials; and no combustible materials shall be used: Wood Siding; Cement Fiber Board; Standing Seam Metal; Architectural Metal; Stucco; Poured in Place Concrete (excluding "tilt-up" panels); Architect Metal Panels or Sheets; Porcelain or Ceramic Tile.

8.2.4 Performance Standard - Accessory Structures. All accessory structures shall comply with the Exterior Surfacing requirements specified by in this section.

8.2.5 Performance Standard - HVAC Units and Exterior Appurtenances. All exterior equipment, HVAC and trash/recycling and dock areas shall be screened from view of the Public with the primary exterior materials used on the principal structure.

8.2.6 Performance Standard - Visible Roofing Materials. Any roofing materials that are visible from ground level shall be standing seam metal, fire-treated cedar shakes, ceramic tile, clay tile, concrete, asphalt shingles or slate.

8.3 Performance Standards for Exterior storage along major highways and county roads

8.3.1 Applicability. These standards are applicable in the Shoreland Overlay District, the St. Croix River Overlay District and in all Districts to all property with frontage on a major highway or county road or within 1/4 mile of the major highway or county road.

8.3.2 In all Districts, unless allowed by a permit granted under another section of the ordinances all useable personal property shall be stored within a building or fully screened so as not to be visible from major highways and county roads, except for the following: recreational equipment, construction and landscaping materials and equipment currently (within a period of twelve (12) months) being used on the premises, agricultural equipment and materials if these are used or intended for use on the premises, off street parking of licensed and operable passenger automobiles and pickup trucks.

8.3.3 In Neighborhood Commercial/Business and Highway Commercial/Business Districts, exterior storage of useable personal property along county roads may be permitted by Conditional Use Permit provided any such property is so stored for purposes relating to a use of the property permitted by this Zoning Ordinance and will not be contrary to the intent and purpose of this Zoning Ordinance.

8.4 Performance Standards for Exterior Lighting

- 8.4.1 Exemptions.** The standards of this Section shall not apply to the following: Temporary Holiday Lighting. This Zoning Ordinance does not prohibit the use of temporary outdoor lighting used during customary holiday seasons. This Zoning Ordinance does not prohibit the use of temporary outdoor lighting used for civic celebrations and promotions, airport lighting required for the safe operations of airplanes, emergency lighting by police, fire, and rescue authorities.
- 8.4.2 Nonconforming Uses.** Whenever an outdoor light fixture that existed on the effective date of this Zoning Ordinance is replaced by a new outdoor light fixture, the new fixture must meet the standards of this Zoning Ordinance.
- 8.4.3 Method of Measuring Light Intensity.** The lighting intensity produced by a light source shall be measured after dark with the light meter held horizontally 6” above ground with the meter or probe facing the light source unobstructed. A reading shall be taken with the light source on, then with the light source off. The difference between the two readings is the illumination intensity produced by the light source.
- 8.4.4 Performance Standards in “SFE” District**
- 8.4.4.1 Arrangement.** In Residential District, any lighting used to illuminate an off-street parking area or other structure or area shall be arranged as to deflect light away from the adjoining residential property or from the public street.
- 8.4.4.2 Shielding.** The light source shall be hooded or controlled so as not to light adjacent property in excess of the maximum intensity defined in Section 8.4.4.3. Bare light bulbs shall not be permitted in view of adjacent property or public right-of-way except when enclosed in decorative light fixtures.
- 8.4.4.3 Intensity.** No light source or combination thereof which cast light on a public street shall exceed one (1) foot-candle meter reading as measured from the centerline of said street nor shall any light source or combination thereof which cast light on adjacent property exceed four tenths (0.4) foot-candles as measured at the property line.
- 8.4.5 Performance Standards in Neighborhood Commercial/Business and Highway Commercial/Business Districts**
- 8.4.5.1 Arrangement.** Any lighting used to illuminate an off-street parking area or other structure or area shall be arranged as to deflect light away from any adjoining property or from the public street.
- 8.4.5.2 Shielding.** The luminaire shall contain a cutoff which directs and cuts off the light at an angle of 90 degrees or less. In order to achieve a total cutoff at ninety (90) degrees, such a luminaire will emit maximum (peak) candle power at an angle not exceeding seventy-five (75) degrees.
- 8.4.5.3 Intensity.** No light source or combination thereof which cast light on a public street shall produce more than one (1) foot-candle at the centerline of said street nor shall any light source or combination thereof which cast light on adjacent property produce more than four tenths (0.4) foot-candles as measured at the property line.

- 8.4.5.4 Height.** The maximum height above the ground grade permitted for light sources mounted on a pole is 20' except by Conditional Use Permit. A light source mounted on a building shall not exceed the height of the building and no light sources shall be located on the roof unless said light enhances the architectural features of the building and is approved by the Zoning Administrator.
- 8.4.5.5 Location.** The light source of an outdoor light fixture shall be setback a minimum of 10' from a street right-of-way and 5 feet from an interior side or rear lot line.
- 8.4.5.6 Hours.** The use of outdoor lighting for parking lots serving Neighborhood Commercial and Highway Commercial businesses is restricted according to the following: Outdoor lighting which serves businesses that do not operate after dark must be turned off one (1) hour after closing except for approved security lighting. For those businesses which offer services after dark, outdoor lighting may be utilized during the night time hours provided the business is open for service. Once the business closes, the outdoor lighting must be turned off within one (1) hour after closing except for security lighting.
- 8.4.6 Performance Standards for Outdoor Recreation**
- 8.4.6.1** Outdoor recreational uses such as, but not limited to, baseball fields, football fields, tennis courts, and soccer fields, have special requirements for night time lighting. Due to these unique circumstances, a Conditional Use Permit shall be required for all new outdoor lighting fixtures which do not meet the regulations stated above.
- 8.4.6.2** No outdoor recreation facility whether public or private shall be illuminated after 11:00 PM, unless the lighting fixtures conform to this Zoning Ordinance.
- 8.4.6.3** Off-street parking areas for outdoor recreation uses which are illuminated shall meet the requirements specified for the SFE district, stated in Section 8.4.4.3.
- 8.4.7 Prohibitions.** The following outdoor light fixtures are prohibited within West Lakeland Township: Search lights shall not be used; Flashing lights; Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding shall not be directed into any adjoining property.
- 8.4.8 Submission of Plans.** The applicant for any permit requiring outdoor lighting must submit evidence the proposed outdoor lighting will comply with this Zoning Ordinance. The submission shall contain the following in addition to other required data for the specific permit.
- 8.4.8.1** Plans indicating the location on the premises, and the type of illuminating device, fixtures, lamps, supports, reflectors, and other devices. This plan must include a photometric plan of the site showing the effect of the luminaries on surrounding properties. This plan will be prepared by a certified landscape architect, professional engineer, or lighting designer.

- 8.4.8.2 Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required).
- 8.4.8.3 Photometric data, such as that furnished by manufacturers or similar showing the candle power distribution characteristics of the luminaries.

8.5 Performance Standard for Fences

- 8.5.1 **Applicability.** These standards shall apply in the Shoreland Overlay District, St. Croix River Overlay District and on those properties which have frontage on a major highway or county road.
- 8.5.2 **General Standards.** Fences are permitted in accordance with the following regulations:
 - 8.5.2.1 Solid walls in excess of four (4) feet above adjacent ground grades shall be prohibited. . Fences which exceed six (6) feet in height are permitted provided a building permit is received.
 - 8.5.2.2 That side of the fence considered to be the face (finished side as opposed to the structural supports) shall face the abutting property.
 - 8.5.2.3 No fence shall be constructed on public rights-of-way. Fences shall not impede the vision of the roadway from a driveway providing access to the road.
 - 8.5.2.4 Where a property line is not clearly defined, a certificate of survey may be required by the Zoning Administrator to establish the location of the property line. Fences may be placed along a property line provided no physical damage of any kind results to abutting property. Fences on or within three (3) feet of the property line shall require a Certificate of Compliance.
 - 8.5.2.5 On properties located in the Shoreland Overlay District or St. Croix River District that either have lake or river frontage, fences must comply with the following standards: A Certificate of Compliance is required prior to the construction of any fence on these properties. Within the nonbuildable setback, fences shall be allowed along the side lot lines, but shall not exceed six (6) feet in height from the finished ground grade. Within the buildable area of the property, fences shall have a maximum height of six (6) feet from the finished ground grade.
 - 8.5.2.6 Fences are permitted along a property line abutting a road right-of-way in accordance with the following: On properties that are being used for agriculture, a fence may be constructed up to six (6) feet in height provided the fence is a wire strand or wood rail fence. On properties where the primary use is residential, commercial, or industrial, fences shall not exceed four (4) feet in height. Fences within the nonbuildable setback area and less than twenty (20) feet from the front property line shall not exceed four (4) feet in height.

8.6 Performance Standards for Parking

8.6.1 Surfacing and drainage. Off-street parking areas shall be improved with a durable and dustless surface. Such areas shall be so graded and drained as to dispose of all surface water accumulation within the parking area, subject to the stormwater management performance standards in Section 9 of the Township ordinances. Durable and dustless surface may include crushed rock and similar treatment for parking accessory to residential structures up to and including four (4) units; all other uses shall utilize asphalt, concrete, or a reasonable substitute surface as approved by the Township Engineer. All surfacing must be completed prior to occupancy of the structure unless other arrangements have been made with the Township.

8.6.2 General Provisions

8.6.2.1 Existing off-street parking spaces and loading spaces upon the effective date of this Zoning Ordinance shall not be reduced in number unless said number exceeds the requirements set forth herein for a similar use.

8.6.2.2 Unless allowed by a permit granted under another section of the ordinances, no motor vehicle over one (1) ton capacity bearing a commercial license and no commercially licensed trailer shall be parked or stored on residential properties or agricultural properties (with the exception of trucks/tractors directly associated with the agricultural use) except when loading, unloading, or rendering service.

8.6.2.3 A parking space shall not be less than nine (9) feet wide and eighteen (18) feet in length exclusive of an adequately designed system of access drives. Parking lots that separate vehicles based on size may be designed with parking spaces less than or greater than nine (9) feet wide and eighteen (18) feet in length depending upon the size of the vehicle, as long as adequate space is provided for easy and safe ingress and egress for the vehicle. Proposed reductions in or additions to the parking space size must be submitted in a dimensioned site plan with size of vehicle to use parking spaces indicated for review and approval. Signs specifying the vehicle size to use the parking space shall be required. Parking spaces for the handicapped shall be in accordance with the Americans with Disabilities Act (ADA).

8.6.2.4 Off-street parking facilities accessory to residential uses shall be utilized solely for the parking of passenger automobiles and trucks not to exceed twelve thousand pounds (12,000) gross capacity for each dwelling unit. 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 employees, owners, tenants, or customers of nearby businesses or manufacturing establishments.

8.6.2.5 Required off-street parking space in any District shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable, for sale or for rent.

8.6.2.6 Off-street parking spaces required shall be as follows. Parking spaces for uses outlined above may be reduced if a detailed parking analysis is provided and approved by the Zoning Administrator.

Place of Worship and Other Places of Assembly	One (1) space for each three (3) seats or for each five (5) feet of pew length. Based upon maximum design capacity.
Offices	One (1) space for each two hundred (200) square feet of gross floor space.
Hotel, Motel	One (1) space per unit, plus one (1) space per employee.
Schools, Elementary & Junior High	Three spaces for each classroom
Schools, High School through College	One (1) space for each four (4) students based on design capacity plus three (3) additional spaces for each classroom.
Community Residence	One (1) space for each bed plus one (1) space for each three (3) employees other than doctors.
Health Club	One (1) space for each 200 feet of floor area.
Motor Vehicle Service Station	Two (2) spaces plus three (3) spaces for each service stall.
Retail Store	Four (4) spaces for each one thousand (1,000) square feet of gross floor area.
Medical or Dental Clinic	Six (6) spaces per doctor or dentist.
Restaurants, Cafes, Bars, Taverns, or Night Clubs	One (1) space for each two and one half (2-1/2) seats, based on capacity design.
Funeral Homes	Eight (8) spaces for each one thousand (1,000) square feet of gross floor area.
Furniture Store, Wholesale, Auto Sales, Repair Shops	Three (3) spaces for each one thousand (1,000) square feet of gross floor area. Open sales lots shall provide two (2) spaces for each five thousand (5,000) square feet of lot area, but not less than three (3) spaces.
Uses Not Specifically Noted	As determined by the Zoning Administrator.

8.6.3 Location. All accessory off-street parking facilities required herein shall be located as follows:

8.6.3.1 Spaces accessory to dwellings shall be on the same lot as the principal use served. Spaces accessory to uses located in Neighborhood Commercial/Business District and Highway Commercial/Business District shall be on the same lot as the principal building. Parking as required by the Americans with Disabilities Act (ADA) for the handicapped shall be provided. Spaces accessory to commercial/industrial use shall be setback ten (10) feet from any street right-of-way or any property line.

- 8.6.3.2** Off-street parking facilities for a combination of mixed buildings, structures, or uses may be provided collectively in any "District" (except residential Districts) in which separate parking facilities for each separate building, structure, or use would be required, provided that the total number of spaces provided shall equal the sum of the separate requirements of each use during any peak hour parking period.
- 8.6.3.3** When required accessory off-street parking facilities are provided elsewhere than on the lot in which the principal use served is located, they shall be in the same ownership or control, either by deed or long-term lease, as the property occupied by such principal use, and the owner of the principal use shall file a recordable document with Washington County requiring the owner and his or her heirs and assigns to maintain the required number of off-street parking spaces during the existence of said principal use.
- 8.6.4 Design and maintenance of off-street parking areas in neighborhood commercial/business and highway commercial/business districts**
- 8.6.4.1** Parking areas shall be designed so as to provide adequate means of access to a public street. Such driveway access widths shall be in accordance with the State of Minnesota Highway Department Standards, but in no case shall they exceed thirty-two (32) feet in width or less than twenty-four (24) feet in width. Driveway access shall be so located so as to cause the least interference with traffic movement.
- 8.6.4.2** When the calculation of the number of off-street parking spaces required results in a fraction, such fraction shall require a full space.
- 8.6.4.3** Any lighting used to illuminate an off-street parking area shall be in accordance with Section 8.4 of this Zoning Ordinance.
- 8.6.4.4** All open off-street parking areas designed to have head-in parking along the property line shall provide a bumper curb not less than ten (10) feet from the side property line.
- 8.6.4.5** When a required off-street parking space for six (6) or more cars is located adjacent to a residential District, a fence or screening, not less than four (4) feet in height, shall be erected along the residential District property line.
- 8.6.4.6** It shall be the joint responsibility of the operator and owner of the principal use or building to reasonably maintain the parking space, accessways, landscaping and required fencing.
- 8.6.4.7** All off-street parking spaces shall have access from driveways and not directly from the public street.
- 8.6.4.8** No parking space shall be closer than ten (10) feet to any building.
- 8.6.4.9** Fire access lanes shall be provided as required by the building or fire code.

8.7 Performance Standards for Screening

- 8.7.1 Applicability.** These standards apply to Neighborhood Commercial/Business and Highway Commercial/Business uses and other non-residential uses.
- 8.7.2 Required.** Screening shall be required when:
- 8.7.2.1** Any non-residential commercial off-street parking area contains more than four (4) parking spaces and is within thirty (30) feet of a residential use.
 - 8.7.2.2** Where a driveway to a non-residential parking area of more than six (6) parking spaces is within (15) feet of a residential use.
 - 8.7.2.3** Where any commercial or business use (structure, parking, or storage) is adjacent to property zoned for residential use, that business shall provide screening along the boundary of the residential property. Screening shall also be provided where a business or parking lot is across the street from a residential zone, but not on the side of a business considered to be the front.
- 8.7.3** All exterior storage in commercial areas shall be screened. The exceptions are (1) merchandise being displayed for sale; (2) materials and equipment currently being used for construction on the premises; and (3) merchandise located on service pump islands.
- 8.7.4** The screening required in this Section shall consist of earth mounds, berms, or ground forms; fences and walls, landscaping (plant materials) or landscaped fixtures (such as timbers) used in combination or singularly so as to block direct visual access to an object.

8.8 Performance Standards for Signs

- 8.8.1 Non-Applicability.** The regulations contained herein do not apply to signs painted, attached by adhesive or otherwise attached directly to or visible through windows and glass portions of doors.
- 8.8.2 Permit required**
- 8.8.2.1** Except as otherwise provided in this ordinance, no sign shall be erected, constructed, altered, rebuilt, or relocated until a sign permit, certificate of compliance, or conditional use permit for the sign has been issued. Application for a sign permit shall be accompanied by the established fee.
 - 8.8.2.2** No permit will be required under this ordinance for the following signs: All signs under ten (10) square feet in area, except those that require a Conditional Use Permit; Real estate sale signs under nine (9) square feet in area; Political signs; and Warning signs which do not exceed nine (9) square feet in area.
 - 8.8.2.3** If the work authorized under a Sign Permit has not been completed within six (6) months after the date of issuance, the permit shall become null and void.
 - 8.8.2.4** Where a use is permitted in a zoning district by conditional use permit, the sign for that use shall require a conditional use permit unless the sign is otherwise provided for in this ordinance.

8.8.3 General Standards

- 8.8.3.1** No sign may be erected that, by reason of position, shape, movement, color, or any other characteristic, interferes with the proper functioning of a traffic sign or signal or otherwise constitutes a traffic hazard; nor shall signs be permitted which would otherwise interfere with traffic control.
- 8.8.3.2** All signs other than public utility warning signs are prohibited within the public right-of-way of any major highway, County road, or Township road. Real estate sales signs may be placed in any yard providing such signs are not closer than 10 feet to any property line.
- 8.8.3.3** Political signs are allowed in any District, on any private property, with the consent of the owner of the property. Such signs must be removed within seven (7) days following the date of the election or elections to which they apply.
- 8.8.3.4** Illuminated signs shall be diffused or indirect so as not to direct rays of lighting onto any major highway or county road. No illuminated signs or their support structure shall be located closer than twenty-five (25) feet to a major highway or county roadway surface or closer than ten (10) feet to a road right-of-way line, notwithstanding more restrictive portions of this Section.
- 8.8.3.5** Flashing signs shall be prohibited. Signs giving off intermittent, rotating, or direct light which may be confused with traffic, aviation, or emergency signaling are also prohibited.
- 8.8.3.6** Real estate sales signs may be placed in any yard providing such signs are not closer than 10 feet to any property line.
- 8.8.3.7** Real estate development project sales signs may be erected for the purpose of selling or promoting a single family residential project. The plat of the development must be recorded with the Washington County Recorder prior to the erection of a sign. Signs are subject to the following standards.
 - 8.8.3.7.1** Such signs shall not exceed thirty-two (32) square feet in area.
 - 8.8.3.7.2** Only one (1) such sign shall be erected on each County or Township road frontage with a maximum of three (3) such signs per project.
 - 8.8.3.7.3** Such signs shall be removed when the project is eighty percent (80%) completed, sold, or leased.
 - 8.8.3.7.4** Such signs over thirty-two (32) square feet shall only be permitted by a Sign Permit.
 - 8.8.3.7.5** Such signs must be located on the property which is for sale. Off-site development project signs are prohibited.
 - 8.8.3.7.6** One development identification sign shall be allowed for each street entrance to a development or municipality. The sign shall not exceed thirty-two (32) square feet per surface and no sign shall have more than two surfaces. The sign shall not exceed eight (8) feet in height.
- 8.8.3.8** Roof signs are prohibited in all Districts.
- 8.8.3.9** All signs and displays using electric power shall have a cutoff switch on the outside of the sign and on the outside wall of a building or structure to

which the sign is attached. No electrically illuminated signs shall be permitted in a residential or District.

8.8.3.10 Signs shall not be painted directly on the outside wall of a building. Signs shall not be painted on a fence, tree, stone, or other similar objects in any District.

8.8.3.11 Multi-faced signs shall not exceed two (2) times the allowed square footage of single-faced signs.

8.8.3.12 Except for more restrictive parts of this sign section, no sign that exceeds thirty-two (32) square feet in area shall be erected or maintained which would prevent any traveler on any road from obtaining a clear view of approaching vehicles on the same road for a distance of five hundred (500) feet, and which would be closer than one thousand three hundred fifty (1,350) feet to a national, state, or local park, or historic site, and which would partly or totally obstruct the view of a lake, river, rocks, wooded area, stream, or other point of natural and scenic beauty.

8.8.3.13 Any sign for which no permit has been issued shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, or land upon which the sign may be found within thirty (30) days after written notice.

8.8.3.14 Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety, shall be taken down and removed or structurally improved by the owner, agent, or person having the beneficial use of the building, structure, or land upon which the sign is located within ten (10) days after written notification.

8.8.3.15 Signs for residential construction, garage sales, estate sales or sales of privately owned vehicles or equipment are allowed without permit and shall meet the following conditions:

- Shall only be erected on property with the owner consent;
- Shall not exceed 3 feet in any dimension;
- Shall not be illuminated;
- Shall be at least 10 feet outside of the right of way;
- Shall be removed within 30 days of completion of the activity or 90 days after the sign was erected, whichever occurs first.

8.8.4 Signs in Residential district

8.8.4.1 Identification, real estate sales, development identification, and political signs are the only signs permitted in a residential district.

8.8.4.2 No sign shall be so constructed as to have more than two (2) surfaces.

8.8.4.3 One (1) of each of the permitted type signs, one (1) political sign for each candidate will be permitted.

8.8.4.4 No sign shall exceed thirty-two (32) square feet in size. The top of the display shall not exceed ten (10) feet above grade.

8.8.4.5 Any sign over two (2) square feet shall be set back at least ten (10) feet from any property line. In no case shall any part of the sign be closer than two (2) feet to a vertical line drawn at the property line.

8.8.5 Standards for Signs in Commercial Districts

- 8.8.5.1** Advertising signs are allowed only in the Neighborhood Commercial/Business and Highway Commercial/Business Districts. The maximum size of an advertising sign shall not exceed thirty-two (32) square feet. All advertising signs shall require a Conditional Use Permit (CUP).
- 8.8.5.2** Business, political, development identification and real estate sales signs are permitted. Advertising signs are allowed by Conditional Use Permit only.
- 8.8.5.3** Number of each type of sign allowed per lot frontage: One (1) advertising sign on any lot having a frontage of one hundred fifty (150) feet or more provided standard; One (1) real estate sales sign; One (1) political sign for each candidate; and One (1) freestanding business sign (either pedestal or ground sign) and one (1) business sign attached to the building.
- 8.8.5.4** No sign shall exceed thirty-two (32) square feet in area. Each real estate sales sign or political sign shall not exceed thirty-two (32) square feet in area. The top of the sign shall not exceed twenty (20) feet above the average grade. Any sign over six (6) square feet shall be set back at least ten (10) feet from any property line. In no case shall any part of a sign be closer than two (2) feet to a vertical line drawn at the property line.

8.8.6 Signs Required in Conditional Use Permits

- 8.8.6.1** Shopping Centers or buildings containing more than one (1) tenant are allowed one (1) freestanding ground or pedestal sign which may contain the names of all businesses in the project. Individual businesses may be identified by way of signs attached to the building. The total square footage of a sign area may not exceed the limits set forth in the requirement set for that District.
- 8.8.6.2** Except for marquee signs, signs shall in no case project from a building or structure to any point within two (2) feet of a line drawn perpendicularly upward from the curb line. No projecting sign shall be less than nine (9) feet above the sidewalk or the ground level. All projecting signs for which a permit is required shall be constructed entirely of fire resistant material.

8.9 Performance Standards for Driveways

- 8.9.1 Intent.** The Town Board of the Town of West Lakeland finds that due to erosion problems arising from excavation activities with new construction and erosion problems arising from non-bituminous surfaced steep driveways onto public roads, wetlands, and adjoining property, due to inadequate clearance through driveways for emergency vehicles and due to damage to public streets and easements, a public safety and nuisance problem is being created. The Town Board finds that it is in the public interest to require bituminous surfacing of private driveways where the slope of the proposed road exceeds 6% and to require erosion control measures whenever a permit for new construction or remodeling is issued.

- 8.9.2 Security deposit required.** At the time of application for a building permit within the town, the applicant shall provide a security deposit in a form approved by the town attorney to provide for bituminous surfacing of any area of a newly constructed driveway which exceeds 6% slope and to provide for repair of any damaged town roads or easements or cleaning or maintenance of town roads, easements, wetlands, or adjoining property resulting from the construction project and to ensure that the applicant complies with the requirements of section 8.9, to maintain silt fence or a substitute erosion control measure approved by the town engineer in any area where run-off from the construction site exists or will exist as a result of the construction project. The security shall be in the amount of \$3,000.00 or such greater amount as the town board may determine is needed to provide assurances set forth above.
- 8.9.3 Erosion Control Measures.** Prior to commencement of any excavation or construction activity, the property owner shall comply with the erosion, sediment control, and stormwater management regulations as set forth in Section 9 of the West Lakeland Township ordinances.
- 8.9.4 Failure to Comply.** In the event a property owner fails to pave the portions of a driveway exceeding 6% slope within 6 months of issuance of a certificate of occupancy for the new home or substantial completion of a structure or building not requiring a certificate of occupancy, the town may use the security posted by the owner to pave the portion of driveway over 6% slope but only if the owner fails to complete such paving within 30 days after receipt of a written notice from the town demanding that such paving be completed.
- 8.9.4.1** In the event a property owner fails to clean soil or sediment run-off from Town roads, easements, wetlands, or private property or in the event a property owner fails to erect a silt fence or an approved substitute in the manner described in Section 8.9.3 within 48 hours of receipt of a written notice from the Town demanding such performance, the township shall perform such cleanup as required and deduct the cost from the security posted by the Owner.
- 8.9.5 Damage to Public Roads.** When construction activity on property in the Town causes damage to Town roads, easements or wetlands the Town may perform the required repair and pay the cost of such repair from the security posted by the owner.
- 8.9.6 Replenishment of Security.** If the Town uses any portion of the security required by the owner within Section 8.9.2 of the Town Code to perform work, the owner shall replenish the security to its original level within 14 days of receipt of a written notice from the Town demanding that the owner replenish the security.
- 8.9.7 Building Inspector Fees.** The town building inspector shall be entitled to recover a fee for any inspection of an excavation or construction site for which a building permit is required which inspection is caused by run-off of soil or sediment onto town roads, easements, wetlands or adjoining property or the owner's failure to comply with requirements of section 8.9.3. The amount of the fee shall be as determined from time to time by action of the town board.

- 8.9.8 Release of Security.** The security deposit shall be released not later than sixty (60) days after a certificate of occupancy has been issued, sixty (60) days after the building inspector has determined that there is no further likelihood of run-off onto town roads, easements, wetlands or adjoining property and/or that any driveway areas exceeding 6% slope have been paved or one year after issuance of the building permit, whichever is later, except to the extent necessary to make repairs or clean up the township streets or easements from damage or erosion caused by the construction project or needed to pave portions of a driveway required to be paved by this ordinance.
- 8.9.9 Permits.** No driveway shall be constructed in the town unless a permit for such construction has been obtained from the town clerk and the driveway is being constructed to serve as the sole entrance to a single family residence for which a building permit has been obtained. Any driveway which connects to the street in more than one location shall require a permit. Prior to issuance of a permit the applicant may be required to provide information requested by the town to ensure that the proposed driveway will not create a traffic safety hazard, will meet the setback provisions of the town code and will not create an undue burden on neighboring property in terms of noise, dust or drainage. Compliance with this section will not relieve the property owner from the obligation to obtain a permit from Washington County to construct a driveway accessing a county road. The applicant shall pay a fee of \$90.00 for the permit or such other amount as may be determined from time to time by resolution of the Town Board.
- 8.9.10 Driveway Setback.** All driveways constructed within the Town shall be set back a minimum of ten (10) feet from any property line, as measured from the nearest edge of the driveway to the property line. The Town Board may, upon application from a property owner, vary this requirement in accordance with the standards set forth in section 8.9.1 of the Town Code.
- 8.9.11 Safety Specifications.** All driveways within the township which provide access to residences or other structures shall be constructed and maintained to a minimum width of 15' and shall be free from overhanging obstructions, including but not limited to tree limbs, to a minimum height of 14' above the driveway surface.
- 8.9.12 Enforcement of Safety Specifications.** The town building inspector shall not issue a certificate of occupancy for any structure unless it is served by a driveway meeting the safety specifications set forth in the code.
- 8.9.13 Reimbursement for Damage Caused by Non-Conforming Driveways.** In the event that any emergency vehicle is damaged when responding to a call within the township and such damage is caused by a property owner or property owner's agents failure to comply with the specifications set forth in section 8.9.12, the property owner shall reimburse the emergency service provider for the reasonable cost of repair of the vehicle or equipment.

8.10 Performance Standards for Roadways

- 8.10.1** Proposed streets shall conform to the state, county or local road plans or preliminary plans as have been prepared, adopted and/or filed as prescribed by-law.
- 8.10.2** Streets shall be logically related to the topography so as to produce useable lots and reasonable grades.
- 8.10.3** Access shall be given to all lots and portions of the tract in the subdivision and to adjacent un-subdivided parcels unless the topography clearly indicates that such connection are not feasible. Reserved strips and land-locked areas shall not be created.
- 8.10.4** The arrangement of streets in new subdivisions shall make provisions for the appropriate continuation of the existing streets into adjoining areas.
- 8.10.5** Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets in a new subdivision shall make provisions for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations. Streets must be rough graded or documented that grading can be accomplished within the right-of-way.
- 8.10.6** Local streets shall be laid out to discourage their use by through traffic. Thoroughfares shall be reserved for through traffic by providing marginal access streets, interior streets for serving lots, or other means.
- 8.10.7** Half or partial streets will not be permitted, except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, reasonable assurance for dedication of the remaining part of the street can be secured.
- 8.10.8** Whenever a tract to be subdivided adjoins an existing half or Partial Street, the part of the street within such tract shall be platted and dedicated if the dedication results in a reasonable subdivision design for the area.
- 8.10.9** Dead-end streets shall be prohibited except as stubs to permit future street extension into adjoining tracts or when designed as cul-de-sac streets.
- 8.10.10** Private streets and reserve strips shall be prohibited and no public improvements shall be approved for any private street. All streets shall be dedicated for public use.
- 8.10.11** Where a subdivision abuts or contains an existing or planned principal arterial highway or railroad right-of-way, a street approximately parallel with and on each side of such thoroughfare and right-of-way may be required for adequate protection of residential properties and separation of through and local traffic. Such service streets shall be located at a distance from the major thoroughfare or railroad right-of-way suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial and industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

8.10.12 The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

8.10.13 Cul-de-Sac Streets

8.10.13.1 For the purposes of this Ordinance, whether a new cul-de-sac is proposed or an existing cul-de-sac is to be extended, the beginning of the cul-de-sac road shall be measured from the point at which there is no secondary access. The end is to be measured at the center of the cul-de-sac.

8.10.13.2 Lots with frontage at the end of the cul-de-sac shall have a minimum of one hundred sixty (160) feet of road frontage and meet the lot width requirement at the building setback line for the zoning district in which the property is located.

8.10.13.3 Temporary cul-de-sacs are those in which it can be clearly shown that the road could reasonably continue and would result in a through road at some time in the foreseeable future. A plan showing how the road could be extended into neighboring property shall be submitted.

8.10.13.4 Cul-de-sac streets, permanently designed as such, shall not exceed 600 feet in length in areas where lots are less than two and one-half (2.5) acres in size.

8.10.13.5 Where lots are two and one half (2.5) acres in size or greater, cul-de-sacs permanently designed as such shall not exceed one quarter (1/4) mile in length.

8.10.13.6 In areas where lots are two and one half (2.5) acres or greater, temporary cul-de-sacs shall not exceed 2,640 feet (½ mile) nor provide access to more than 20 home sites.

8.10.13.7 In areas where lots are less than two and one-half (2.5) acres, temporary cul-de-sacs shall not exceed 800 feet nor provide access to more than 20 home sites.

8.10.13.8 Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to said property line in such a way as to permit future expansion of the street into the adjoining tract. At such time as a street is extended, the acreage covered by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owner fronting on the temporary turnaround. To assure such streets can be constructed according to these regulations, the street shall be rough graded or typical sections shall be submitted and approved by the Township Engineer to show construction can stay within the right-of-way.

8.10.14 Street Design Standards in Open Space

8.10.14.1 Minimum right-of-way widths and pavement widths (face to face of curb) for each type of public street or road shall be as follows:

URBAN DESIGN

Type of Street	Minimum Right-of-Way Width	Minimum Roadway Width (including shoulders)
Minor Arterial	120 feet (36.6m)	44 feet (13.4m)
Collector	100 feet (30.5m)	44 feet (13.4m)
Local	60 feet (18.3m)	32 feet (9.8m)

RURAL DESIGN

Type of Street	Minimum Right-of Way Width	Minimum Roadway Width	Shoulder Width
Minor Arterial	120 feet (36.6m)	24 feet (12.2m)	8 feet
Collector or Commercial - Industrial Street	100 feet (30.5m)	24 feet (12.2m)	4 feet
Local	60 feet (18.3m)	24 feet (12.2m)	4 feet

- 8.10.14.2** Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional width shall be provided to meet the above standards.
- 8.10.14.3** The minimum radius for a cul-de-sac shall be forty-five (45) feet. Islands are not permitted in the middle of roads or within cul-de-sacs.
- 8.10.14.4** Additional right-of-way and roadway widths may be required to promote public safety and convenience when special conditions require it or to provide parking space in areas of intensive use. Additional width may also be necessary due to topography in order to provide adequate earth slopes.
- 8.10.14.5** Street jogs with centerline offsets of less than one hundred fifty (150) feet shall not be allowed.
- 8.10.14.6** When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius of not less than two hundred (200) feet.
- 8.10.14.7** Centerline gradients shall be at least 0.25 percent and grades shall not exceed eight percent (8%).
- 8.10.14.8** Different connecting street gradients shall be connected with vertical curves. Minimum length of these curves shall be thirty times (30X) the algebraic difference in the percent of grade of the two adjacent slopes.
- 8.10.14.9** The angle formed by any intersection of streets shall not be less than seventy (70) degrees with ninety (90) degree intersections preferred.
- 8.10.14.10** Intersections having more than four (4) streets converging at a single intersecting point shall be prohibited.
- 8.10.14.11** Roadways of street intersections shall be rounded by a radius of not less than fifteen (15) feet. Roadways of alley-street intersections shall be rounded by a radius of not less than six (6) feet. Corners at the entrances of turn-around portions of the cul-de-sacs shall be rounded by a radius of not less than thirty (30) feet.

8.10.14.12 Trees shall be removed from the right of way.

8.10.15 Street Access Regulations

8.10.15.1 Access of streets within the subdivision to other local streets shall meet all requirements of the local township.

8.10.15.2 Access of streets within the subdivision to any public street or highway shall meet all requirements of the access spacing guidelines of the Washington County Comprehensive Plan as provided below and shall be subject to all conditions of access permitting requirements of the Washington County Department of Public Works or the Minnesota Department of Transportation. At the discretion of the County Engineer, a traffic study including trip generation figures may be required of commercial or industrial subdivisions as well as residential subdivisions of fifty (50) or more dwelling units. Commercial developments or residential developments with more than ten (10) dwelling units shall require turn or bypass lanes to be constructed on the County Road or County State Aid Highway. Such lanes shall conform to Minnesota Department of Transportation design standards and all costs shall be borne by the developer.

ACCESS SPACING GUIDELINES

Type of Access	Functional Classification of Highway				
	Principal Arterial	Minor Arterial		Collector	Local
		> 7,500 ADT	< 7,500 ADT		
Private Residential Driveways	No Direct Access	No Direct Access	(2)	(2)	(2)
Commercial Driveways or Non-continuous Commercial Streets	No Direct Access	No Direct Access	1/8 Mile	1/8 Mile	(2)
Non-continuous Residential Streets	No direct access	1/8 Mile with No Median Opening	1/8c Mile	1/8 Mile	(2)
Continuous Local Streets and Collector Streets	1/2 Mile	1/4 Mile	1/4 Mile	1/8 Mile	1/8 Mile
Minor Arterials	1/2 Mile	1/2 Mile	1/2 Mile	1/2 Mile	1/2 Mile

1. *Traffic volumes refer to 20 year forecasts.*
2. *Determination based on other criteria (sight distance, speed, traffic volume, etc.).*
3. *Distances shown are minimums.*
4. *“Non-continuous” streets refer to cul-de-sacs or short length streets (less than ½ mile) which do not cross the county Highway in question.*
5. *The type of traffic control, turn lanes and bypass lanes required will be determined based upon the projected traffic volumes on the type of access requested.*
6. *County reserves the right to increase the minimums based on other criteria (sight distance, speed, traffic volume, etc.).*
7. *ADT – Average Daily Traffic*

8.10.15.3 Access to Minnesota Trunk Highways, U.S. routes, or Interstate Highways shall be subject to all regulations and permitting procedures of the Minnesota Department of Transportation.

8.10.16 Public Utilities

8.10.16.1 Extensions of the public water supply system, when available, shall be designed to provide public water service to each lot.

8.10.16.2 Extensions of the public sanitary sewer system, when available, shall be designed to provide public sewer service to each lot.

8.10.17 Easements

8.10.17.1 Easements of at least twenty (20) feet wide, centered on rear and other lot lines as required, shall be provided for utilities where necessary. Where underground utilities are being installed, a 10 foot wide front or side yard easement may be required. These easements shall be dedicated on the final plat.

8.10.17.2 Drainage easements shall be provided along each side of the center line of any water course or drainage channel to a sufficient width to provide proper maintenance and protection and to provide for storm water runoff and installation and maintenance of drainage systems. Drainage easements shall be dedicated around wetlands and DNR designated lakes, rivers and streams up to the 100 year flood elevation or delineated boundary, whichever is greater.

8.10.17.3 Utility and drainage easements shall be dedicated for the required use.

8.10.18 Street Names and Signs

8.10.18.1 Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of or in alignment with the existing or platted street. In that event, it shall bear the same name as the existing or platted street. Street names shall conform to the Washington County Uniform Street Naming and Property Numbering system as applicable.

8.10.18.2 All street signs shall be provided and installed by the Township at the expense of the subdivider and shall comply with the “Manual of Uniform Traffic Control Devices”.

8.11 Design Standards for Streets

- 8.11.1 Gravel surfaces are prohibited.
- 8.11.2 Streets shall be graded in accordance with a plan approved by the township engineer.
- 8.11.3 An obstacle clear free zone shall be provided adjacent to the roadway in accordance with the standards of the Minnesota Department of Transportation Road Design Manual.
- 8.11.4 For rural design roadways, the in-slopes of the ditches shall be at a 1:4 (rise over run) and back slopes of the ditch shall be at 1:3 (rise over run). The ditch bottom shall be four (4) feet wide unless suitable erosion control can be provided.
- 8.11.5 The design of all pavement shall be in accordance with all applicable specifications of the Minnesota Department of Transportation at the time of construction. The designed thickness of the pavement shall be in accordance with the standards shown below, but in no case shall there be less than six (6) inches of Class 5 Aggregate Base, two (2) inches of base bituminous and one and a half (1.5) inches of wear course bituminous. More stringent design may be required by the approving engineer.

Classification	Pavement Design; Axle Load
Arterial, Commercial, Collector Street	Nine (9) tons
Local Street	Seven (7) ton minimum

- 8.11.6 To determine subgrade soil classifications, soil samples shall be collected and analyzed by a qualified testing laboratory. Reports of the soil analysis shall be submitted to the engineer with the pavement plans. Soil samples shall be taken along the center line of the proposed road at intervals not exceeding three hundred (300) feet.
- 8.11.7 Concrete curb and gutter shall be constructed on both sides of urban designed streets and in areas where the road grade exceeds four percent (4%). The construction shall be in accordance with Standard Specification for Highway Construction, MNDOT No. 2531 or 2535.
- 8.11.8 All boulevards shall have four (4) inches of top soil (black dirt) placed on them and then seeded or sodded.

8.12 Performance Standards for Walkways

All required walks shall be concrete four (4) inches thick placed on a four (4) inch gravel base. Grades shall be as approved by the township engineer. Sidewalks shall be placed in the public right-of-way. Bituminous walks or alternative paving, such as paving stones, are allowed if approved by the township engineer.

8.13 Performance Standards for Wireless Communication Antennas/Towers

- 8.13.1 Required Permits.** The construction of a new tower in excess of 35 feet or the addition of a new antenna on an existing tower or building may be allowed following the issuance of a Conditional Use Permit, if conditions contained in this Zoning Ordinance are met.
- 8.13.2 Nonconformities.** Any existing tower which becomes non-conforming as a result of this Zoning Ordinance may continue its use and additional antennas may be attached to the tower structure. If the tower needs to be replaced, it may be permitted with a Conditional Use Permit so long as it is of the same type (guyed, self-supporting, or monopole), same height, same marking (lighting and painting), and it will be located within ten (10) feet of the tower to be replaced. The only permitted reasons for replacement of an existing, non-conforming tower will be to increase the number of antennas or to preserve the structural integrity of the structure. If a tower requires replacement for any other reasons, such replacement tower would need to meet all of the standards of this Zoning Ordinance.
- 8.13.3 Exception.** In any District, a proposed tower 200 feet high or less located within the easement of overhead high voltage transmission lines with towers 75 feet in height or higher or within 50 feet of such transmission line easement on the same side of the road will not be required to meet the standards of Section 8.14.8, but will be required to meet all other standards. This exception does not apply in the St. Croix River and Shoreland Overlay Districts.
- 8.13.4 Modification.** A modification to any requirement of this Zoning Ordinance Code may be sought by the applicant in accordance with the procedures, but not the standards, set forth in the West Lakeland Township Zoning Ordinance. The criteria for granting a modification under this Section of the Zoning Ordinance shall be: presentation of engineering data demonstrates that personal wireless services cannot be provided by the applicant to a specific area of West Lakeland Township without the modification.
- 8.13.5 Terms of Permit and Revocation.** Towers are permitted with either a Conditional Use Permit or Certificate of Compliance. The Certificate of Compliance or Conditional Use Permit shall remain in effect so long as the conditions contained in the certificate or permit are met. The grounds for revocation of a Certificate of Compliance or Conditional Use Permit shall be based on finding that the permittee has failed to comply with conditions of approval imposed; or the facility has not been properly maintained; or the facility is no longer in use and has not been in use for the previous 12 months.
- 8.13.6 Other Requirements**
- 8.13.6.1** All rules and regulations of the FCC and FAA must be met and complied with.
- 8.13.6.2** In the event of revocation of a permit, the tower and all accessory structures must be removed and the site restored to its original condition within 120 days. In the event that structure is not removed and the site restored, the Township retains the authority to complete the removal and site restoration and the Township's cost shall be assessed against the property.

8.13.7 Regulation within "SFE" Single Family Estate. The following are permitted with a Certificate of Compliance: Antennas attached to an existing structure or tower and not extending more than 15 feet above the highest point of the structure or tower; a tower within the easement of a high power overhead transmission line or within 50 feet of the transmission line easement on the same side of a road to a maximum height of 200 feet. The following are permitted with a Conditional Use Permit: A free standing communication tower not exceeding 150 feet in height; Communication antenna attached to an existing structure to tower exceeding 15 feet above the highest point of the structure or tower up to 150 feet.

8.13.8 Prohibitions

- 8.13.8.1** No tower shall be over 300 feet in height or within one mile of another tower regardless of municipal boundaries.
- 8.13.8.2** A proposal for a new wireless service tower shall not be approved unless it can be shown by the applicant that the telecommunication equipment planned for the proposed tower cannot be accommodated on an existing tower; or on a tower that has been permitted by West Lakeland Township (even though it may not yet be constructed); or on a tower whose application for a Certificate of Compliance or Conditional Use Permit is currently pending before West Lakeland Township.
- 8.13.8.3** No tower over 35 feet in height shall be located within 500 feet of any residential dwelling other than the dwelling on the parcel on which the tower is to be located.
- 8.13.8.4** No tower over 35 feet in height shall be located closer than one-quarter (1/4) mile to the outside boundary of an existing or proposed park.
- 8.13.8.5** No tower over 35 feet shall be erected within one-quarter (1/4) mile from the centerline of State Highways 95 and County Roads 15 and 21, unless it can be demonstrated that the tower will be visually inconspicuous as viewed from the road on a year-round basis.
- 8.13.8.6** No tower over 35 feet shall be erected within one-quarter (1/4) mile of the St. Croix River or within one-quarter (1/4) mile of a DNR protected lake or river.
- 8.13.8.7** No tower over 35 feet shall be erected on any property platted for residential purposes.
- 8.13.8.8** 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 County Sheriff. 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.
- 8.13.8.9** Permanent platforms or structures, exclusive of antennas, other than those necessary for safety purposes or for tower maintenance are prohibited.

8.13.8.10 No antenna or tower shall have lights, reflectors, flashers, daytime strobes, steady night time red lights, or other illuminating devices affixed or attached to it unless required by the FAA or FCC.

8.13.8.11 No advertising or identification signs shall be placed on towers or antennas.

8.14.9 Performance Standards

8.14.9.1 On a vacant parcel of land zoned for agricultural or residential purposes, the minimum lot size for construction of a tower over 35 feet in height shall be five acres. On a parcel of land on which a principal use exists, a tower shall be considered an accessory use and a smaller parcel may be leased provided all standards contained in the town code can be met.

8.14.9.2 Towers located closer to a property line than a distance equal to the height of the tower shall be designed and engineered to collapse progressively within the distance between the tower and the property line. The applicant for any tower shall submit written documentation explaining tower construction and possible failure and provide assurance that blowing or falling ice can be contained on the subject property. At a minimum, the tower shall comply with the minimum setback requirement of the zone in which it is located.

8.14.9.3 A tower shall be located on a parcel of land so as to have the least impact on adjoining properties and any negative impacts of the tower shall be confined as much as possible to the property on which the tower is located.

8.14.9.4 The tower location shall provide the maximum amount of screening for off-site views of the facility. The Zoning Administrator reserves the right to require creative design measures to camouflage facilities by integrating them with existing buildings and among other existing uses or to require the tower to be of a stealth type design. Existing on-site vegetation shall be preserved to the maximum extent practical. Stealth type design may be required when the township finds that such a design would increase compatibility and protect the scenic value of a particular area.

8.14.9.5 The height of the tower shall allow for the co-location of additional antennas as follows: Structures from 100 to 125 feet - a total of two tenants; Structures from 125 to 200 feet - a total of three tenants; and Structures above 200 feet but less than 300 feet - a minimum of four (4) tenants.

8.14.9.6 Structural design, mounting, and installation of the antenna and tower shall be in compliance with manufacturers specifications. The plans shall be approved and certified by a Registered Professional Engineer.

8.14.9.7 In general, self-supporting towers (i.e. those without the use of wires, cables, beams, or other means) are preferred. The use of a guyed tower is permitted for new tower construction if there is an aesthetic and/or antenna supporting capability advantage. Anchors for the guyed wires must meet underlying setback requirements.

- 8.14.9.8** Associated base equipment must be located within a structure. The base of the tower and any accessory structures shall be landscaped where practical. Tower accessory structures shall be constructed of materials designed to minimize visibility to the neighborhood.
- 8.14.9.9** The tower shall be a color demonstrated to minimize visibility unless otherwise required by FAA regulations.
- 8.14.9.10** Metal towers shall be constructed of, or treated with, corrosive resistant material.
- 8.14.9.11** If space is available on a tower, the tower owners shall, in good faith, lease space to other users so long as there is no disruption in the existing service provided by the towers' existing users or no negative structural impact upon the tower. If a dispute arises and as a condition to any permit or Certificate of Compliance, West Lakeland Township, at its discretion, reserves the right to act as its arbiter in determining if a tower owner is acting in good faith in leasing to other tenants.
- 8.14.9.12** Generally, only one communication tower is permitted on a parcel of land. If in the opinion of the West Lakeland Township Board, a particular parcel is well suited for more than one communication tower, and the tower is proposed within 100 feet of the other tower, the additional tower may be allowed following the issuance of a Conditional Use Permit. All other standards contained in this Zoning Ordinance must be met.
- 8.14.9.13** All towers shall be reasonably protected against unauthorized climbing. The bottom of the tower from ground level to 12 feet above ground shall be designed in a manner to preclude unauthorized climbing or shall be enclosed by a six (6) foot high chain link fence with a locked gate.
- 8.14.9.14** Antenna and tower owners shall be required to conduct an annual inspection of their facilities to insure continuing compliance with this Zoning Ordinance. A copy of the annual inspection report shall be provided to the Zoning Administrator within 60 days of the inspection.
- 8.14.9.15** Township shall be notified in writing of any change in ownership of a wireless communication facility. Any such notice shall be delivered with 60 days of the event. All conditions imposed as part of the original permit approval shall not be affected by a change in ownership.
- 8.14.10 Application for New Tower Construction.** In addition to the submittal requirements required elsewhere in this Zoning Ordinance, applications for Conditional Use Permits or Certificates of Compliance for new towers and antennas shall be accompanied by the following information:
- 8.14.10.1** A report from a qualified and Licensed Professional Engineer which: describes the tower height and design including a cross section and elevation; certifies the tower's compliance with structural and electrical standards; describes the tower's capacity, including the potential number and type of antennas that it can accommodate; describes the lighting to be placed on the tower if such lighting is required by the FCC or FAA; certifies that the applicant will avoid causing destructive interference to co-located, previously established public safety communications; specifies the distance to any DNR protected lake or river, the St. Croix

River, a scenic road and any boundary of a state or county park. The name, address, and telephone number of the owner or owners of the nearest tower or towers shall be submitted along with written documentation showing the applicant has contacted these other tower owners to determine if the new antennas proposed can be added to the existing tower or towers in the area.

- 8.14.10.2** Each application shall include a five year facility plan. The Township will maintain an inventory of all existing and proposed cell site installations and all carriers shall provide the following information in each five year plan. The plan must be updated with each submittal as necessary:
 - 8.14.10.2.1** Written description of type of consumer services each company/carrier will provide to its customers over the next five years (Cellular, Personal Communication Services, Specialized Mobile Radio, Paging Private Radio, or other anticipated communication technology).
 - 8.14.10.2.2** Provide a list of all existing sites, existing sites to be upgraded or replaced, and proposed cell sites within the Township for these services by the company.
 - 8.14.10.2.3** Provide a presentation size map of the Township which shows the five year plan for cell sites, or if individual properties are not known, the geographic service areas of the cell sites.
- 8.14.10.3** Information provided as part of the five year facility plan that is a trade secret pursuant to Minnesota Statute §13.37 shall be classified as non-public data.
- 8.14.10.4** Written acknowledgement by the landowner that he/she will abide by all applicable Conditional Use Permit to Certificate of Compliance conditions.
- 8.14.10.5** The Town, at its discretion, may require visual impact demonstrations including mock-ups and/or photo montages; screening and painting plans; network maps; alternative site analysis; lists of other nearby telecommunication facilities; or facility design alternatives for the proposed tower.
- 8.14.10.6** The West Lakeland Township Board is explicitly authorized to employ on behalf of the Township, an independent technical expert to review technical materials submitted by the applicant or to prepare any technical materials required but not submitted by the applicant. The applicant shall pay the costs of said review and/or independent analysis. Any proprietary information disclosed to the Township hired expert shall remain non-public and subject to the terms and conditions of a properly executed non-disclosure agreement.
- 8.14.11 Application - existing tower/new antenna.** In the event that an application is only to add a new antenna to an existing tower or structure, the requirements as delineated under section 8.14.10 shall not apply.

8.14.12 Exemption for towers. Ham radio towers designed for personal use are exempt from the foregoing regulations if their only use is for the personal enjoyment of the owner. Any commercial use of such tower shall require it to be subject to the foregoing regulations.

8.15 Performance Standards for Wind Energy Conversion Systems

8.15.1 Purpose and Intent. The purpose of this section is to establish regulations for wind energy conversion systems. A wind energy conversion system is defined as one (1) tower with rotors and motors with one conversion generator.

8.15.2 Required Permits. A Conditional Use Permit is required for a wind energy conversion system in all zoning districts. Wind Energy Conversion Systems shall comply with all rules and regulations of Federal, State, County, and local agencies.

8.15.3 Number of Systems Allowed

8.15.3.1 If the wind energy conversion system is 20 feet or less in height, it may be located on a parcel 2.5 acres or greater in size, subject to the performance standards in this section.

8.15.3.2 A wind energy conversion system greater than 20 feet in height must be located on a parcel at least ten (10) acres in size subject to the following standards.

8.15.3.3 One wind energy conversion system is permitted on a parcel.

8.15.4 Performance Standards. Wind Energy conversion systems must comply with the following standards:

8.15.4.1 The maximum height of a wind energy conversion system shall be 100 feet. The system height shall be measured from the base of the tower to the highest possible extension of the rotor.

8.15.4.2 No lights, flashers, reflectors, or any other illuminated devices shall be affixed to the wind energy conversion system.

8.15.4.3 The wind energy conversion system shall be located so as to have the least impact on adjoining parcels.

8.15.4.4 No wind energy conversion system shall be located within any required setback and shall have a minimum setback from any property line a distance equal to the height of the tower.

8.15.4.5 Rotors shall not exceed 26 feet in diameter and shall have a clearance of 30 feet over any tree or structure. Each wind conversion system shall be equipped with both a manual and automatic breaking device capable of stopping the wind energy conversion system in high winds (40 MPH or greater).

8.15.4.6 All State, County, and local noise standards must be met. Applicable electrical permits/inspections must be obtained.

8.15.4.7 To prevent unauthorized climbing, wind energy conversion system towers must comply with one of the following provisions: Tower climbing apparatus shall not be located within 12 feet of the ground or a locked anti-climb device shall be installed on the tower or a protective fence shall be constructed at least 6 feet in height around the tower.

- 8.15.5 The color of the structure shall be either gray or off-white.
- 8.15.6 In the event of permit revocation or if the wind generator is no longer used, the wind generator must be removed and the site restored to its original condition within 120 days.

8.16 Performance Standards for Storage of Vehicles and Personal Property

- 8.16.1 **Exterior Storage Defined.** "Exterior storage" as used herein, means the storage of goods, materials, equipment, manufactured products and similar items not fully enclosed in a building.
- 8.16.2 **Prohibited Unless Enclosed.** All personal property shall be stored within a building, except for the following: Laundry drying; Recreational equipment commonly used in residential yards; Construction and landscaping materials and equipment currently (within a period of one year) being used on the premises but for no longer than one year at a time and more than ten (10) feet distant from any property line; Off-street parking of licensed operable passenger automobiles and pick-up trucks and not more than one unlicensed motor vehicle; Boats and trailers if stored in the rear and more than ten (10) feet distant from any property line; Merchandise being displayed for sale in accordance with the provisions of the Zoning Ordinance; Firewood storage for personal use; Farm Equipment, inventory and supplies on parcels exceeding five (5) acres in size where the property is being used for agricultural purposes.
- 8.16.3 **Declaration of Public Nuisance.** The accumulation and storage of used furniture, appliances, equipment, empty cans, bottles, newspapers, magazines, lumber, building materials or other refuse, and unlicensed, abandoned, wrecked, junked, partially dismantled or inoperative motor vehicles on private property, is found to invite plundering, to create fire hazards, and to constitute an attractive nuisance creating a hazard to the health and safety of minors. The accumulation and outside storage of such personal property and vehicles is further found to promote blight and deterioration in the community. It is further found that such personal property and wrecked, junked, unlicensed, abandoned or partially dismantled or inoperative motor vehicles are in the nature of rubbish, litter, and unsightly debris in violation of health and sanitation laws. Therefore, the accumulation and storage of such property and vehicles on private property, except as expressly hereinafter permitted, is hereby declared to constitute a public nuisance which may be abated as such, which remedy shall be in addition to any other remedy provided in this or any other ordinances of this town or by state law. Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty for a misdemeanor under state law.

8.17 Performance Standards for Solar Energy Systems

- 8.17.1 **Purpose and Intent.** West Lakeland Township finds that it is in the public interest to encourage the use and development of renewable energy systems (including solar energy systems) that have a positive impact on energy conservation with limited adverse impact on nearby properties. As such, the

Township supports the use of solar collection systems and the development of solar energy farms. West Lakeland Township also finds that the development of solar energy farms should be balanced with the protection of the public health, safety and welfare. The Township intends the following standards to ensure that solar energy farms can be constructed within West Lakeland Township while also protecting public safety and the natural resources of the Township. Consistent with the West Lakeland Township Comprehensive Plan, it is the intent of the Township with this Section to create standards for the reasonable capture and use, by households, businesses and property owners, of their solar energy resource and encourage the development and use of solar energy

8.17.2 Applicability. These regulations are for all solar energy systems and solar energy farms on properties and structures under the jurisdiction of the West Lakeland Township Zoning ordinance except that West Lakeland Township requires the owner or operator of solar farms that would generate more than 50 megawatts of power to get approval for such a system from the Minnesota Public Utilities Commission (PUC).

8.17.3 Definitions. The following words, terms and phrases, when used in this Article and Section, shall have the meaning provided herein, except where the context clearly indicates otherwise:

Building-Integrated Solar System. An active solar system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic or thermal solar systems that are contained within roofing materials, windows, skylights and awnings.

Community Solar Energy System (Solar Garden): A solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system.

Ground Mounted Panels. Solar panels mounted to the ground by use of stabilizers or similar apparatus.

Photovoltaic System. An active solar energy system that converts solar energy directly into electricity.

Roof or Building Mounted SES. Solar energy system (panels) that are mounted to the roof or building using brackets, stands or other apparatus.

Solar Access. A view of the sun, from any point on the solar collector surface that is not obscured by any vegetation, building, or object located on parcels of land other than the parcel upon which the solar collector is located, between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year.

Solar Collector. A device, structure or a part of a device or structure that the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

Solar Energy. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System (SES). An active solar energy system that collects and/or stores solar energy and transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, thermal or chemical means.

Solar Farm. A commercial facility that converts sunlight into electricity, whether by photovoltaic (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of selling generated electricity. A solar farm is the primary land use for the parcel on which it is located.

Solar Hot Water System. A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

8.17.4 Types of Solar Energy Systems.

8.17.4.1 Rooftop solar energy systems: accessory to the primary land use, designed to supply energy for the primary use.

8.17.4.1.1 These systems are permitted accessory uses in all districts in which buildings are permitted.

8.17.4.1.2 No Township conditional use permit is required.

8.17.4.1.3 The owner or contractor shall receive a building or mechanical permit before installing a rooftop solar energy system.

8.17.4.2 Ground-mount solar energy systems: accessory to the primary land use, designed to supply energy for the primary use.

8.17.4.2.1 Ground-mount systems are permitted accessory uses in all districts in which buildings are permitted.

8.17.4.2.2 Ground-mount systems require a Township conditional use permit and are subject to the accessory use standards for the district in which it is located, including setback, height and impervious surface coverage limits.

8.17.4.2.3 The Township does not consider the collector surface of a ground-mount system that is not in a DNR designated Shoreland District as impervious surface. Any collector surface of a ground-mount system foundation that is in a DNR designated Shoreland District and compacted soil or other component of the solar installation that rests on the ground is considered impervious surface.

8.17.4.2.4 The height of a ground-mounted system shall not exceed 10 feet.

8.17.4.2.5 No ground-mounted solar energy system shall cover or encompass more than 10 percent of the total property area or lot size.

8.17.4.3 Community solar energy systems (Solar Gardens): Roof or ground-mount solar energy systems, may be either accessory or primary use, designed to supply energy for off-site uses on the distribution grid, consistent with Minn. Statutes 216B.1641 or successor statute. A community solar energy system requires a conditional use permit. These systems shall be subject to the following conditions.

8.17.4.3.1 Rooftop community solar energy systems are permitted in all districts in which buildings are permitted.

8.17.4.3.2 Ground-mount community solar energy systems are an accessory use in all districts.

8.17.4.3.3 Prohibitions: The Township prohibits community solar energy systems within:

*Shoreland Management District and Lower St. Croix River Bluffland Management District as designated by the Department of Natural resources (DNR) and the Washington County Zoning Ordinance; Wetlands to the extent required by the Minnesota Wetland Conservation Act;
All Floodplain Districts.*

8.17.4.3.4 Foundations. The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels meets the accepted professional standards, given local soil and climate conditions.

8.17.4.3.5 An interconnection agreement must be completed with the electric utility in whose service territory the system is located.

8.17.4.3.6 All structures must meet the setback, height and coverage limitations for the district in which the system is located.

8.17.4.3.7 Ground-mount systems must meet all required standards for structures in the district in which the system is located.

8.17.4.3.8 Site Plan Required. The owner or operator shall submit to the Township a detailed site plan for both existing and proposed conditions. These plans shall show the location of all areas where solar arrays would be placed, the existing and proposed structures, property lines, access points, fencing, landscaping, surface water drainage patterns, floodplains, wetlands, the ordinary high water mark for all water bodies, any other protected resources, topography, electric equipment and all other characteristics requested by the Township.

8.17.4.3.9 Power and communication lines. Power and communication lines running between banks of solar collectors and to electric substations or interconnections with buildings shall be buried underground. The Township Board or their designee may grant exemptions to this requirement in instances where shallow bedrock, water courses or

other elements of the natural landscape interfere with the ability to bury lines.

8.17.4.3.10 Aviation Protection. For solar gardens located within 500 feet of an airport or within the A or B safety zones 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 most recent version adopted by the FAA.

8.17.4.3.11 Decommissioning Plan. The Township requires the owner or operator to submit a decommissioning plan for ground-mounted systems to ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life. The owner or operator shall decommission the solar panels in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for the removal of all structures and foundations, the removal of all electrical transmission components, the restoration of soil and vegetation and a soundly-based plan ensuring financial resources will be available to fully decommission the site. The disposal of structures and/or foundations shall meet all Township requirements and the requirements of the Washington County Solid Waste Ordinance. The Township also may require the owner or operator to post a bond, letter of credit or establish an escrow account to ensure property decommissioning.

8.17.4.4 **Solar farms:** Ground-mount solar energy arrays that are the primary use on the lot or of a property, designed for providing energy to off-site uses or export to the wholesale market. Solar farms require conditional use permits. These types of systems that are not permitted or regulated by the State of Minnesota Public Utilities Commission (PUC) shall be subject to the following conditions.

8.17.4.4.1 Solar farms are a permitted use in the Neighborhood Commercial/Business (NC-B) and Highway Commercial/Business (HC-B) zoning districts.

8.17.4.4.2 Stormwater management and erosion and sediment control shall meet the requirements of the Township and MPCA best management practices.

8.17.4.4.3 Prohibitions: The Township prohibits community solar farms within: *Shoreland Management District and Lower St. Croix River Bluffland Management District as designated by the Department of Natural resources (DNR) and the Washington County Zoning Ordinance; Wetlands to the extent required by the Minnesota Wetland Conservation Act; All Floodplain Districts.*

8.17.4.4.4 Foundations. The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar

panels meets the accepted professional standards, given local soil and climate conditions.

- 8.17.4.4.5** Other standards and codes. All solar farms shall meet all applicable local, state and federal regulatory standards, including but not by way of limitation the State of Minnesota Uniform Building Code, as amended; and the National Electric Code, as amended.
- 8.17.4.4.6** Power and communication lines. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground. The Township Board or their designee may grant exemptions to this requirement in instances where shallow bedrock, water courses or other elements of the natural landscape interfere with the ability to bury lines.
- 8.17.4.4.7** Interconnection. The owner or operator of the solar farm must complete an interconnection agreement with the electric utility in whose service territory the system is located.
- 8.17.4.4.8** Site Plan Required. The owner or operator of the solar farm must submit to the Township a detailed site plan for both existing and proposed conditions. These plans shall show the location of all areas where solar arrays would be placed, the existing and proposed structures, property lines, access points to the site, fencing, landscaping, surface water drainage patterns, floodplains, wetlands, the ordinary high water mark for all water bodies, any other protected resources, topography, electric equipment and all other characteristics requested by the Township.
- 8.17.4.4.9** The Township allows the installation of small operations, security and equipment buildings on the site of solar farms as permitted accessory uses to the solar farm.
- 8.17.4.4.10** The owner or operator shall contain all unenclosed electrical conductors located above ground within structures that control access or they must be protected from entry by a six-foot-tall fence. All electrical connections to the utility system must meet or exceed the National Electrical Safety Code.
- 8.17.4.4.11** Aviation Protection. For solar farms located within 500 feet of an airport or within the A or B safety zones 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 most recent version adopted by the FAA.
- 8.17.4.4.12** Solar farms that have panels that would cover more than 20 acres of land must meet the review and design standards of the Public Utilities Commission (PUC) for Solar Farms.
- 8.17.4.4.13** Decommissioning Plan. The Township requires the owner or operator to submit a decommissioning plan for ground-mounted systems to ensure that the owner or operator properly removes the

equipment and facilities upon the end of project life or after their useful life. The owner or operator shall decommission the solar panels in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for the removal of all structures and foundations, the removal of all electrical transmission components, the restoration of soil and vegetation and a soundly-based plan ensuring financial resources will be available to fully decommission the site. The disposal of structures and/or foundations shall meet all Township requirements and the requirements of the Washington County Solid Waste Ordinance. The Township also may require the owner or operator to post a bond, letter of credit or establish an escrow account to ensure property decommissioning.

8.17.5 Additional Standards. In addition to the standards allowed above, all solar energy systems shall meet the following standards.

- 8.17.5.1** The owners or operators of electric solar energy systems that are connected to the electric distribution or transmission system, either directly or through the existing service of the primary use on the site, shall obtain an interconnection agreement with the electric utility in whose service territory the system is located. Off-grid systems are exempt from this requirement.
- 8.17.5.2** Electric solar system components that are connected to a building electric system must have an Underwriters Laboratory (UL) listing.
- 8.17.5.3** All solar energy systems shall meet the standards of the Minnesota and National Electric Code.
- 8.17.5.4** All rooftop solar systems shall meet the standards of the Minnesota Building Code.
- 8.17.5.5** All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector that affects adjacent or nearby properties. Steps to minimize glare nuisance may include selective placement of the system, screening of the solar array, reducing use of the reflector system or other remedies that limit glare.
- 8.17.5.6** 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, except that solar energy systems shall not be required to be screened.
- 8.17.5.7** Commercial rooftop systems shall be placed to limit visibility from the public right-of-way or to blend into the roof design, provided that minimizing visibility still allows the property owner to reasonably capture solar energy.
- 8.17.5.8** Setbacks. All equipment and structures shall meet the setback and coverage limitations for the zoning district in which the system is located.

8.17.5.9 Aesthetic Conditions. The solar energy system must be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways to the maximum extent possible while still allowing the system to achieve efficient performance.